

1 HB269
2 156655-1
3 By Representative Gaston
4 RFD: State Government
5 First Read: 16-JAN-14

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8 SYNOPSIS: This bill amends Section 41-16-21 of the
9 Code of Alabama 1975, relating to contracts for
10 which competitive bidding is not generally required
11 to increase the minimum amount of contracts let by
12 educational and eleemosynary institutions, the
13 Alabama State Port Authority, and certain other
14 state agencies subject to competitive bidding from
15 \$7,500 to \$15,000, consistent with those changes
16 made to Section 41-16-20 of the Code of Alabama
17 1975, by Act 2012-462, 2012 Regular Session, which
18 increased the minimum amount of contracts for which
19 competitive bidding is required by any state
20 department, board, bureau, commission, committee,
21 institution, corporation, authority, or office from
22 \$7,500 to \$15,000.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Section 41-16-21 of the Code of Alabama
2 1975; relating to contracts for which competitive bidding is
3 not generally required to increase the minimum amount of
4 contracts let by educational and eleemosynary institutions,
5 the Alabama State Port Authority, and certain other state
6 agencies subject to competitive bidding from \$7,500 to
7 \$15,000, consistent with those changes made to Section
8 41-16-20 of the Code of Alabama 1975, by Act 2012-462, 2012
9 Regular Session, which increased the minimum amount of
10 contracts for which competitive bidding is required for any
11 state department, board, bureau, commission, committee,
12 institution, corporation, authority, or office from \$7,500 to
13 \$15,000.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 41-16-21, Code of Alabama 1975,
16 is amended to read as follows:

17 "§41-16-21.

18 "(a) Competitive bids shall not be required for
19 utility services where no competition exists or where rates
20 are fixed by law or ordinance, and the competitive bidding
21 requirements of this article shall not apply to: The purchase
22 of insurance by the state; contracts for the securing of
23 services of attorneys, physicians, architects, teachers,
24 artists, appraisers, engineers, or other individuals
25 possessing a high degree of professional skill where the
26 personality of the individual plays a decisive part; contracts
27 of employment in the regular civil service of the state;

1 purchases of alcoholic beverages only by the Alcoholic
2 Beverage Control Board; purchases and contracts for repair of
3 equipment used in the construction and maintenance of highways
4 by the State Department of Transportation; purchases of
5 products made or manufactured by the blind or visually
6 handicapped under the direction or supervision of the Alabama
7 Institute for Deaf and Blind in accordance with Sections
8 21-2-1 through 21-2-4; purchases of maps or photographs
9 purchased from any federal agency; contractual services and
10 purchases of personal property, which by their very nature are
11 impossible of award by competitive bidding; barter
12 transactions by the Department of Corrections; and purchases,
13 contracts, or repairs by the Alabama State Port Authority when
14 it is deemed by the Director of the Alabama State Port
15 Authority and the Secretary-Treasurer of the Alabama State
16 Port Authority that the purchases, contracts, or repairs are
17 impractical of award by competitive bidding due to the
18 exigencies of time or interference with the flow of commerce.
19 The Director of the Alabama State Port Authority and the
20 Secretary-Treasurer of the Alabama State Port Authority shall
21 place a sworn statement in writing in the permanent file or
22 records setting out the emergency or exigency relied upon and
23 the necessity for negotiation instead of proceeding by
24 competitive bidding in that particular instance, and the sworn
25 statement shall be open to public inspection. A copy of the
26 sworn statement shall be furnished forthwith to the Governor
27 and Attorney General.

1 "(b) All educational and eleemosynary institutions
2 governed by a board of trustees or other similar governing
3 body and the Alabama State Port Authority shall be exempt from
4 this article which relate to the powers, duties, authority,
5 restrictions, and limitations conferred or imposed upon the
6 Department of Finance, Division of Purchasing. The educational
7 and eleemosynary institutions, the Alabama State Port
8 Authority, and the other state agencies exempted from this
9 article shall let by free and open competitive bidding on
10 sealed bids to the lowest responsible bidder all contracts of
11 whatever nature for labor, services or work or for the
12 purchase or lease of materials, equipment, supplies, or other
13 personal property involving ~~seven thousand five hundred~~
14 ~~dollars (\$7,500)~~ fifteen thousand dollars (\$15,000) or more.
15 The institutions, departments, and agencies shall establish
16 and maintain purchasing facilities as may be necessary to
17 carry out the intent and purpose of this article by complying
18 with the requirements for competitive bidding in the operation
19 and management of each institution, department, or agency.

20 "(c) Contracts entered into in violation of this
21 article shall be void.

22 "(d) Nothing in this section shall be construed as
23 repealing Sections 9-2-106 and 9-2-107."

24 Section 2. The foregoing amendment to Section
25 41-16-21 of the Code of Alabama 1975, is remedial and curative
26 and is retroactive to the effective date of Act 2012-462, 2012
27 Regular Session.

1 Section 3. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.