

1 HB152
2 179219-2
3 By Representative Boyd
4 RFD: State Government
5 First Read: 07-FEB-17

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8 SYNOPSIS: Existing law does not specifically exempt
9 the purchase of library/research electronic data
10 bases of manuscripts, books, maps, pamphlets, or
11 periodicals from the competitive bid law.

12 This bill would exempt the purchase of
13 library/research electronic data bases of
14 manuscripts, books, maps, pamphlets, or periodicals
15 from the competitive bid law.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

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21 To amend Section 41-16-51, Code of Alabama 1975, as
22 amended by Act 2016-298, 2016 Regular Session, relating to the
23 competitive bid law; to exempt the purchase of
24 library/research electronic data bases of manuscripts, books,
25 maps, pamphlets, or periodicals from the competitive bid law.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 41-16-51, Code of Alabama 1975,
2 as amended by Act 2016-298, 2016 Regular Session, is amended
3 to read as follows:

4 "§41-16-51.

5 "(a) Competitive bids for entities subject to this
6 article shall not be required for utility services, the rates
7 for which are fixed by law, regulation, or ordinance, and the
8 competitive bidding requirements of this article shall not
9 apply to:

10 "(1) The purchase of insurance.

11 "(2) The purchase of ballots and supplies for
12 conducting any primary, general, special, or municipal
13 election.

14 "(3) Contracts for securing services of attorneys,
15 physicians, architects, teachers, superintendents of
16 construction, artists, appraisers, engineers, consultants,
17 certified public accountants, public accountants, or other
18 individuals possessing a high degree of professional skill
19 where the personality of the individual plays a decisive part.

20 "(4) Contracts of employment in the regular civil
21 service.

22 "(5) Contracts for fiscal or financial advice or
23 services.

24 "(6) Purchases of products made or manufactured by
25 the blind or visually handicapped under the direction or
26 supervision of the Alabama Institute for Deaf and Blind in
27 accordance with Sections 21-2-1 to 21-2-4, inclusive.

1 "(7) Purchases of maps or photographs from any
2 federal agency.

3 "(8) Purchases of manuscripts, books, maps,
4 pamphlets, ~~or~~ periodicals, and library/research electronic
5 data bases of manuscripts, books, maps, pamphlets, or
6 periodicals.

7 "(9) The selection of paying agents and trustees for
8 any security issued by a public body.

9 "(10) Existing contracts up for renewal for
10 sanitation or solid waste collection, recycling, and disposal
11 between municipalities or counties, or both, and those
12 providing the service.

13 "(11) Purchases of computer and word processing
14 hardware when the hardware is the only type that is compatible
15 with hardware already owned by the entity taking bids and
16 custom software.

17 "(12) Professional services contracts for
18 codification and publication of the laws and ordinances of
19 municipalities and counties.

20 "(13) Contractual services and purchases of
21 commodities for which there is only one vendor or supplier and
22 contractual services and purchases of personal property which
23 by their very nature are impossible to award by competitive
24 bidding.

25 "(14) Purchases of dirt, sand, or gravel by a county
26 governing body from in-county property owners in order to
27 supply a county road or bridge project in which the materials

1 will be used. The material shall be delivered to the project
2 site by county employees and equipment used only on projects
3 conducted exclusively by county employees.

4 "(15) Contractual services and purchases of products
5 related to, or having an impact upon, security plans,
6 procedures, assessments, measures, or systems, or the security
7 or safety of persons, structures, facilities, or
8 infrastructures.

9 "(16) Subject to the limitations in this
10 subdivision, purchases of goods or services, other than voice
11 or data wireless communication services, made as a part of the
12 purchasing cooperative sponsored by the National Association
13 of Counties, its successor organization, or any other national
14 or regional governmental cooperative purchasing program. Such
15 purchases may only be made if all of the following occur:

16 "a. The goods or services being purchased are
17 available as a result of a competitive bid process conducted
18 by a governmental entity and approved by the Alabama
19 Department of Examiners of Public Accounts for each bid.

20 "b. The goods or services are either not at the time
21 available to counties on the state purchasing program or are
22 available at a price equal to or less than that on the state
23 purchasing program.

24 "c. The purchase is made through a participating
25 Alabama vendor holding an Alabama business license if such a
26 vendor exists.

1 "d. The entity purchasing goods or services under
2 this subdivision has been notified by the Department of
3 Examiners of Public Accounts that the competitive bid process
4 utilized by the cooperative program offering the goods
5 complies with this subdivision.

6 "(17) Purchase of goods or services, other than
7 wireless communication services, whether voice or data, from
8 vendors that have been awarded a current and valid Government
9 Services Administration contract. Any purchase made pursuant
10 to this subdivision shall be under the same terms and
11 conditions as provided in the Government Services
12 Administration contract. Prices paid for such goods and
13 services, other than wireless communication services, whether
14 voice or data, may not exceed the amount provided in the
15 Government Services Administration contract.

16 "(b) This article shall not apply to:

17 "(1) Any purchases of products where the price of
18 the products is already regulated and established by state
19 law.

20 "(2) Purchases made by individual schools of the
21 county or municipal public school systems from moneys other
22 than those raised by taxation or received through
23 appropriations from state or county sources.

24 "(3) The purchase, lease, sale, construction,
25 installation, acquisition, improvement, enlargement, or
26 expansion of any building or structure or other facility

1 designed or intended for lease or sale by a medical clinic
2 board organized under Sections 11-58-1 to 11-58-14, inclusive.

3 "(4) The purchase, lease, or other acquisition of
4 machinery, equipment, supplies, and other personal property or
5 services by a medical clinic board organized under Sections
6 11-58-1 to 11-58-14, inclusive.

7 "(5) Purchases for public hospitals and nursing
8 homes operated by the governing boards of instrumentalities of
9 the state, counties, and municipalities.

10 "(6) Contracts for the purchase, lease, sale,
11 construction, installation, acquisition, improvement,
12 enlargement, or extension of any plant, building, structure,
13 or other facility or any machinery, equipment, furniture, or
14 furnishings therefor designed or intended for lease or sale
15 for industrial development, other than public utilities, under
16 Sections 11-54-80 to 11-54-99, inclusive, or Sections 11-54-20
17 to 11-54-28, inclusive, or any other statute or amendment to
18 the Constitution of Alabama authorizing the construction of
19 plants or other facilities for industrial development or for
20 the construction and equipment of buildings for public
21 building authorities under Sections 11-56-1 to 11-56-22,
22 inclusive.

23 "(7) The purchase of equipment, supplies, or
24 materials needed, used, and consumed in the normal and routine
25 operation of any waterworks system, sanitary sewer system, gas
26 system, or electric system, or any two or more thereof, that
27 are owned by municipalities, counties, or public corporations,

1 boards, or authorities that are agencies, departments, or
2 instrumentalities of municipalities or counties and no part of
3 the operating expenses of which system or systems have, during
4 the then current fiscal year, been paid from revenues derived
5 from taxes or from appropriations of the state, a county, or a
6 municipality.

7 "(8) Purchases made by local housing authorities,
8 organized and existing under Chapter 1 of Title 24, from
9 moneys other than those raised by state, county, or city
10 taxation or received through appropriations from state,
11 county, or city sources.

12 "(c) The state trade schools, state junior colleges,
13 state colleges, and universities under the supervision and
14 control of the State Board of Education, the district boards
15 of education of independent school districts, the county
16 commissions, and the governing bodies of the municipalities of
17 the state shall establish and maintain such purchasing
18 facilities and procedures as may be necessary to carry out the
19 intent and purpose of this article by complying with the
20 requirements for competitive bidding in the operation and
21 management of each state trade school, state junior college,
22 state college, or university under the supervision and control
23 of the State Board of Education, the district boards of
24 education of independent school districts, the county
25 commissions, and the governing bodies of the municipalities of
26 the state and the governing boards of instrumentalities of
27 counties and municipalities, including waterworks boards,

1 sewer boards, gas boards, and other like utility boards and
2 commissions.

3 "(d) Contracts entered into in violation of this
4 article shall be void and anyone who violates the provisions
5 of this article shall be guilty of a Class C felony."

6 Section 2. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.