

1 SB184  
2 189824-1  
3 By Senator Orr  
4 RFD: Governmental Affairs  
5 First Read: 16-JAN-18

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8 SYNOPSIS: This bill would require an entity entering  
9 into a public-private agreement of \$50,000 or more  
10 for development or construction, or both, to occur  
11 on public property or public right-of-way to be  
12 subjected to certain requirements for public works  
13 contracts regardless of the origination of the  
14 financing or funds for the work or improvements to  
15 be accomplished in the agreement.

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT

20  
21 Relating to public-private agreements; to add  
22 Section 8-29-9 to the Code of Alabama 1975, to provide that an  
23 entity that enters into certain public-private agreements is  
24 subjected to certain requirements for public works contracts.  
25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 8-29-9 is added to the Code of  
27 Alabama 1975, to read as follows:

1 §8-29-9.

2 (a) For purposes of this section the following terms  
3 shall have the following meanings:

4 (1) PRIVATE CONTRIBUTION. The supply by a private  
5 entity of resources to accomplish all or any part of the work  
6 to be performed under a public-private agreement, including,  
7 but not limited to, funds, financing, supplies, materials, or  
8 engineering or construction services.

9 (2) PUBLIC BENEFIT. A grant by the owner of a right  
10 or interest in or concerning the construction project and may  
11 include, but not necessarily be limited to, receipts or  
12 revenue arising out of, or in connection with, the grant of a  
13 right or interest in the construction project.

14 (3) PUBLIC-PRIVATE AGREEMENT. An agreement for  
15 construction involving a nontraditional arrangement between  
16 the property owner and one or more private entities that  
17 provides for acceptance by the owner of a private contribution  
18 to the construction project occurring on publicly held  
19 property in exchange for a public benefit concerning the  
20 public construction or a money payment such as a lease.

21 (b) Any entity entering into a public-private  
22 agreement of fifty thousand dollars (\$50,000) or more for  
23 development or construction, or both, to occur on public  
24 property or public right-of-way shall be subject to the  
25 requirements of Section 39-1-1, regardless of the origination  
26 of the financing or funds for the work or improvements to be  
27 accomplished as a part of the agreement. Failure to comply

1 with Section 39-1-1 does not extinguish any resulting damaged  
2 party from seeking recovery as prescribed in Section 39-1-1 or  
3 any other means as provided by law.

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