

1 SB72
2 216290-1
3 By Senators Williams, Elliott, Givhan, Sessions, Chesteen,
4 Price, Melson, Chambliss, Marsh, Allen, Reed, Scofield,
5 Stutts, Livingston, Butler, Waggoner, Smitherman,
6 Sanders-Fortier, Beasley, Jones, Weaver, Singleton,
7 Coleman-Madison and Figures
8 RFD: Governmental Affairs
9 First Read: 13-JAN-22

8 SYNOPSIS: Under existing law, all expenditures of
9 funds of whatever nature for labor, services, or
10 work, or for the purchase or lease of materials,
11 equipment, supplies, or other personal property
12 involving \$15,000 or more, made by or on behalf of
13 any local board of education, the Alabama Institute
14 for Deaf and Blind, or district boards of education
15 of independent school districts, must be made under
16 contractual agreement entered into by free and open
17 competitive bidding, on sealed bids, to the lowest
18 responsible bidder.

19 Also, under existing law, in cases of an
20 emergency affecting public health, safety, or
21 convenience, these contracts may be let, to the
22 extent necessary, to meet the emergency without
23 public advertisement.

24 This bill would allow local boards of
25 education and any other public educational entity
26 that provide meals under the Child Nutrition
27 Program of the Alabama State Department of

1 Education, during an emergency or unanticipated
2 event affecting public health or safety or causing
3 supply chain disruptions, to purchase goods or
4 services related to the program without
5 advertisement or bidding if recommended by the
6 State Superintendent of Education and approved by
7 the Department of Examiners of Public Accounts.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 To add Sections 16-13B-2.1 and 41-16-51.2 to the
14 Code of Alabama 1975, to authorize local boards of education
15 and other public educational entities to purchase goods or
16 services related to the Child Nutrition Program without
17 advertising or bidding under existing competitive bidding laws
18 under certain conditions.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 16-13B-2.1 is added to the Code
21 of Alabama 1975, to read as follows:

22 §16-13B-2.1.

23 (a) (1) During an emergency or unanticipated event
24 affecting public health or safety or causing supply chain
25 disruptions, and upon the recommendation of the State
26 Superintendent of Education and the approval of the Department
27 of Examiners of Public Accounts, any city or county board of

1 education that provides meals under the Child Nutrition
2 Program of the Alabama State Department of Education may
3 purchase goods or services related to the program without
4 advertising or bidding as set forth in this chapter.

5 (2) The recommendation by the State Superintendent
6 of Education submitted for consideration under subdivision (1)
7 shall contain a statement setting forth the specific facts
8 regarding the basis and nature of the emergency or
9 unanticipated event affecting public health or safety or
10 causing supply chain disruptions necessitating the action and
11 the geographical region or area to which the emergency or
12 unanticipated event should be limited. Any approval to
13 purchase goods or services under this section shall be limited
14 to 60 days, during which time a contractual agreement for such
15 purchases shall be entered into in compliance with the
16 competitive bid law in this chapter.

17 (b) Notwithstanding subsection (a), a city or county
18 board of education described in subsection (a), when
19 practicable and to the extent possible, should comply with the
20 advertising and bidding requirements provided in this chapter.

21 (c) A city or county board of education shall
22 maintain accurate and fully itemized records of all
23 expenditures made pursuant to this section.

24 Section 2. Section 41-16-51.2 is added to Article 3
25 of Chapter 16 of Title 41, Code of Alabama 1975, to read as
26 follows:

27 §41-16-51.2.

1 (a) (1) During an emergency or unanticipated event
2 affecting public health or safety or causing supply chain
3 disruptions, and upon the recommendation of the State
4 Superintendent of Education and the approval of the Department
5 of Examiners of Public Accounts, any public educational entity
6 that provides meals under the Child Nutrition Program of the
7 Alabama State Department of Education and subject to this
8 article may purchase goods or services related to the programs
9 without advertising or bidding.

10 (2) The recommendation submitted for consideration
11 by the State Superintendent of Education under subdivision (1)
12 shall contain a statement setting forth the specific facts
13 regarding the basis and nature of the emergency or
14 unanticipated event affecting public health or safety or
15 causing supply chain disruptions necessitating the action and
16 the geographical region or area to which the emergency or
17 unanticipated event should be limited. Any approval to
18 purchase goods or services under this section shall be limited
19 to 60 days, during which time a contractual agreement for such
20 purchases shall be entered into in compliance with the
21 competitive bid law in this article.

22 (b) Notwithstanding subsection (a), a public
23 educational entity described in subsection (a), when
24 practicable and to the extent possible, should comply with the
25 advertising and bidding requirements provided in this article.

1 (c) A public educational entity shall maintain
2 accurate and fully itemized records of all expenditures made
3 pursuant to this section.

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