

SB108 ENROLLED



1 1HT13L-2

2 By Senators Coleman-Madison, Coleman, Elliott, Waggoner,

3 Figures, Stewart, Hatcher, Jones

4 RFD: State Governmental Affairs

5 First Read: 21-Mar-23

6

7 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to public contracts; to amend Sections
5 41-16-50, 41-16-51, 41-16-52, 41-16-53, 41-16-54, and
6 41-16-55, Code of Alabama 1975, to increase the threshold
7 dollar amount for which competitive bidding is generally
8 required for certain state and local public awarding
9 authorities, with exceptions; to provide a legislative method
10 for the increase of the threshold dollar amount; and in
11 connection therewith would have as its purpose or effect the
12 requirement of a new or increased expenditure of local funds
13 within the meaning of Section 111.05 of the Constitution of
14 Alabama of 2022.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 41-16-50, 41-16-51, 41-16-52,
17 41-16-53, 41-16-54, and 41-16-55, Code of Alabama 1975, are
18 amended to read as follows:

19 "§41-16-50

20 (a) With the exception of contracts for public works
21 whose competitive bidding requirements are governed
22 exclusively by Title 39, all expenditure of funds ~~of whatever~~
23 ~~nature~~ for labor, services, work, or for the purchase of
24 materials, equipment, supplies, or other personal property
25 involving ~~fifteen thousand dollars (\$15,000)~~ thirty thousand
26 dollars (\$30,000) or more, and the lease of materials,
27 equipment, supplies, or other personal property where the
28 lessee is ~~r~~ or becomes legally and contractually ~~r~~ bound under



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29 the terms of the lease, to pay a total amount of ~~fifteen~~
30 ~~thousand dollars (\$15,000)~~ thirty thousand dollars (\$30,000)
31 or more, made by or on behalf of the Alabama Fire College, the
32 district boards of education of independent school districts,
33 the county commissions, the governing bodies of the
34 municipalities of the state, and the governing boards of
35 instrumentalities of counties and municipalities, including
36 waterworks boards, sewer boards, gas boards, and other like
37 utility boards and commissions, except as ~~hereinafter~~
38 otherwise provided in this article, shall be made under
39 contractual agreement entered into by free and open
40 competitive bidding, on sealed bids, to the lowest responsible
41 and responsive bidder.

42 (b) (1) Prior to advertising for bids for an item of
43 personal property or services, where a county, a municipality,
44 or an instrumentality thereof is the awarding authority, the
45 awarding authority may establish a local preference zone
46 consisting of ~~either~~ any of the following:

47 a. The ~~the~~ legal boundaries or jurisdiction of the
48 awarding authority, ~~or the~~.

49 b. The boundaries of the county in which the awarding
50 authority is located, ~~or the~~.

51 c. The boundaries of the Core Based Statistical Area in
52 which the awarding authority is located.

53 (2) If no ~~such~~ action is taken by the awarding authority
54 under subdivision (1), the boundaries of the local preference
55 zone shall be deemed to be the same as the legal boundaries or
56 jurisdiction of the awarding authority.



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57 (3) In the event a bid is received for an item of
58 personal property or services to be purchased or contracted
59 for from a person, firm, or corporation deemed to be a
60 responsible bidder, having a place of business within the
61 local preference zone where the county, a municipality, or an
62 instrumentality thereof is the awarding authority, and the bid
63 is no more than five percent greater than the bid of the
64 lowest responsible bidder, the awarding authority may award
65 the contract to the resident responsible bidder.

66 (4) If no bids or only one bid is received at the time
67 stated in the advertisement for bids, the awarding authority
68 may advertise for and seek other competitive bids, or the
69 awarding authority may negotiate through the receipt of
70 informal bids not subject to the requirements of this article.
71 Where only one responsible and responsive bid has been
72 received, any negotiation for the work shall be for a price
73 lower than that bid.~~In the event only one bidder responds to~~
74 ~~the invitation to bid, the awarding authority may reject the~~
75 ~~bid and negotiate the purchase or contract, providing the~~
76 ~~negotiated price is lower than the bid price.~~

77 (5) In the event both or all bids exceed the awarding
78 authority's anticipated budget, the awarding authority may
79 negotiate with the lowest responsible and responsive bidder,
80 provided the negotiated price is lower than the bid price.

81 ~~(b)~~ (c) The governing bodies of two or more contracting
82 agencies, as enumerated in subsection (a), or the governing
83 bodies of two or more counties, or the governing bodies of two
84 or more city or county boards of education, may provide, by



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85 joint agreement, for the purchase of labor, services, or work,
86 or for the purchase or lease of materials, equipment,
87 supplies, or other personal property for use by their
88 respective agencies. The agreement shall be entered into by
89 similar ordinances, in the case of municipalities, or
90 resolutions, in the case of other contracting agencies,
91 adopted by each of the participating governing bodies, which
92 shall set forth the categories of labor, services, or work, or
93 for the purchase or lease of materials, equipment, supplies,
94 or other personal property to be purchased, the manner of
95 advertising for bids and the awarding of contracts, the method
96 of payment by each participating contracting agency, and other
97 matters deemed necessary to carry out the purposes of the
98 agreement. Each contracting agency's share of expenditures for
99 purchases under any agreement shall be appropriated and paid
100 in the manner set forth in the agreement and in the same
101 manner as for other expenses of the contracting agency. The
102 contracting agencies entering into a joint agreement, as
103 ~~herein~~ permitted by this section, may designate a joint
104 purchasing or bidding agent, and the agent shall comply with
105 this article. Purchases, contracts, or agreements made
106 pursuant to a joint purchasing or bidding agreement shall be
107 subject to all terms and conditions of this article. _

108 In the event that utility services are no longer exempt
109 from competitive bidding under this article, non-adjointing
110 counties may not purchase utility services by joint agreement
111 under authority granted by this subsection.

112 ~~(e)~~ (d) The awarding authority may require bidders to



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113 furnish a bid bond for a particular bid solicitation if the
114 bonding requirement applies to all bidders, is included in the
115 written bid specifications, and if bonding is available for
116 the services, equipment, or materials.

117 ~~(d)~~ (e) Notwithstanding subsection (a), in the event the
118 lowest bid for an item of personal property or services to be
119 purchased or contracted for is received from a foreign entity,
120 where the county, a municipality, or an instrumentality
121 thereof is the awarding authority, the awarding authority may
122 award the contract to a responsible bidder whose bid is no
123 more than 10 percent greater than the foreign entity if the
124 bidder has a place of business within the local preference
125 zone or is a responsible bidder from a business within the
126 state that is a woman-owned enterprise, an enterprise of small
127 business, as defined in Section 25-10-3, a minority-owned
128 business enterprise, a veteran-owned business enterprise, or a
129 disadvantaged-owned business enterprise. For the purposes of
130 this subsection, foreign entity means a business entity that
131 does not have a place of business within the state.

132 (f) (1) No expenditure involving thirty thousand dollars
133 (\$30,000) or more may be split into parts involving sums of
134 less than thirty thousand dollars (\$30,000) for the purpose of
135 evading the requirements of this article.

136 (2) If an awarding authority documents its reasonable
137 belief, based on expenditures in previous years, that an
138 expenditure will not meet the dollar threshold and, based upon
139 that reasonable belief, makes the expenditure without bidding,
140 but then circumstances arise that necessitate making a



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141 subsequent expenditure of like items or services that would
142 increase the total to or above the dollar threshold, then the
143 subsequent expenditure shall be bid pursuant to this article.
144 The awarding authority shall not be deemed to have violated
145 this article for the prior expenditure that was not bid,
146 provided that the awarding authority documented its reasonable
147 belief, based on expenditures in previous years, that the
148 total amount would be below the dollar threshold and that the
149 subsequent expenditure was bid.

150 (g) Beginning October 1, 2027, and every three years
151 thereafter, all dollar amounts used in this article shall be
152 subject to a cost adjustment based on the following procedure:
153 The Chief Examiner of the Department of Examiners of Public
154 Accounts may submit to the Chair of the Legislative Council a
155 recommendation that the amount be increased based on the
156 percentage increase in the Consumer Price Index for the
157 immediately preceding three-year period, rounded to the
158 nearest thousand dollars. The recommendation shall be subject
159 to the approval of the Legislative Council. In the event the
160 recommendation is not disapproved by the Legislative Council
161 by the end of April following the submission of the
162 recommendation, the recommendation shall be deemed to be
163 approved. Upon approval, the Department of Examiners of Public
164 Accounts shall notify the public of the adjusted dollar
165 amounts by July 1 before the fiscal year in which the changes
166 will take effect."

167 "§41-16-51

168 (a) Competitive bids for entities subject to this



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169 article shall not be required for utility services, the rates
170 for which are fixed by law, regulation, or ordinance, and the
171 competitive bidding requirements of this article shall not
172 apply to [any of the following](#):

173 (1) The purchase of insurance.

174 (2) The purchase of ballots and supplies for conducting
175 any primary, general, special, or municipal election.

176 (3) Contracts for securing services of attorneys,
177 physicians, architects, teachers, superintendents of
178 construction, artists, appraisers, engineers, consultants,
179 certified public accountants, public accountants, or other
180 individuals possessing a high degree of professional skill
181 where the personality of the individual plays a decisive part.

182 (4) Contracts of employment in the regular civil
183 service.

184 (5) Contracts for fiscal or financial advice or
185 services.

186 (6) Purchases of products made or manufactured by blind
187 or visually impaired individuals under the direction or
188 supervision of the Alabama Institute for Deaf and Blind in
189 accordance with ~~Sections 21-2-1 to 21-2-4, inclusive~~ [Chapter 2](#)
190 [of Title 21](#).

191 (7) Purchases of maps or photographs from any federal
192 agency.

193 (8) Purchases of manuscripts, books, maps, pamphlets,
194 periodicals, and library/research electronic data bases of
195 manuscripts, books, maps, pamphlets, or periodicals.

196 (9) The selection of paying agents and trustees for any



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197 security issued by a public body.

198 (10) Existing contracts up for renewal for sanitation or
199 solid waste collection, recycling, and disposal between
200 municipalities or counties, or both, and those providing the
201 service.

202 (11) Purchases of computer and word processing hardware
203 when the hardware is the only type that is compatible with
204 hardware already owned by the entity taking bids and custom
205 software.

206 (12) Professional services contracts for codification
207 and publication of the laws and ordinances of municipalities
208 and counties.

209 (13) Contractual services and purchases of commodities
210 for which there is only one vendor or supplier and contractual
211 services and purchases of personal property which by their
212 very nature are impossible to award by competitive bidding.

213 (14) Purchases of dirt, sand, or gravel by a county
214 governing body from in-county property owners in order to
215 supply a county ~~road or bridge~~ project in which the materials
216 will be used. The material shall be delivered to the project
217 site by county employees and equipment used only on ~~projects~~
218 project components conducted exclusively by county employees.

219 (15) Contractual services and purchases of products
220 related to, or having an impact upon, security plans,
221 procedures, assessments, measures, or systems, or the security
222 or safety of persons, structures, facilities, or
223 infrastructures.

224 (16) Subject to the limitations in this subdivision,



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225 purchases, leases, or lease/purchases of goods or services,
226 other than voice or data wireless communication services, made
227 as a part of the purchasing cooperative sponsored by the
228 National Association of Counties, its successor organization,
229 or any other national or regional governmental cooperative
230 purchasing program. The purchases, leases, or lease/purchases
231 may only be made if all of the following occur:

232 a. The goods or services being purchased, including
233 those purchased through a lease/purchase agreement, or leased
234 are available as a result of a competitive bid process
235 conducted by a governmental entity and approved by the Alabama
236 Department of Examiners of Public Accounts for each bid.

237 b. The goods or services are either not at the time
238 available to counties on the state purchasing program or are
239 available at a price equal to or less than that on the state
240 purchasing program.

241 c. The purchase, lease, or lease/purchase is made
242 through a participating Alabama vendor holding an Alabama
243 business license if such a vendor exists.

244 d. The entity purchasing, leasing, or lease/purchasing
245 goods or services under this subdivision has been notified by
246 the Department of Examiners of Public Accounts that the
247 competitive bid process utilized by the cooperative program
248 offering the goods complies with this subdivision. In
249 addition, upon request, a vendor shall provide the entity
250 purchasing, leasing, or lease/purchasing ~~items that exceed~~
251 ~~fifteen thousand dollars (\$15,000)~~ goods or services equaling
252 thirty thousand dollars (\$30,000) or more which are made under



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253 this ~~exception~~ subdivision during the previous 12 months a
254 report of the sales, leases, and lease/purchases. ~~which~~
255 ~~includes~~ The report shall include a general description of the
256 goods or services; the number of units sold, leased, and
257 leased/purchased per entity; and the price of units purchased,
258 leased, or leased/purchased.

259 (17) ~~Purchase~~ Purchases of goods or services, other than
260 wireless communication services, whether voice or data, from
261 vendors that have been awarded a current and valid Government
262 Services Administration contract. Any purchase made pursuant
263 to this subdivision shall be under the same terms and
264 conditions as provided in the Government Services
265 Administration contract. Prices paid for such goods and
266 services, other than wireless communication services, whether
267 voice or data, may not exceed the amount provided in the
268 Government Services Administration contract.

269 (18) Purchases of goods or services from vendors that
270 have been awarded a current and valid statewide contract
271 listed on the Alabama Buys e-procurement system. Any purchase
272 made pursuant to this subdivision shall be under the same
273 terms and conditions as provided in the statewide contract.
274 Prices paid for such goods and services may not exceed the
275 amount provided in the statewide contract.

276 (19) Purchases of goods or services between governmental
277 entities of the state, as authorized by Section 11-1-10.

278 (b) This article shall not apply to:

279 (1) Any purchases of products where the price of the
280 products is already regulated and established by state law.



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281 (2) Purchases made by individual schools of the county
282 or municipal public school systems from monies other than
283 those raised by taxation or received through appropriations
284 from state or county sources.

285 (3) The purchase, lease, sale, construction,
286 installation, acquisition, improvement, enlargement, or
287 expansion of any building or structure or other facility
288 designed or intended for lease or sale by a medical clinic
289 board organized under ~~Sections 11-58-1 to 11-58-14, inclusive~~
290 Chapter 58 of Title 11.

291 (4) The purchase, lease, or other acquisition of
292 machinery, equipment, supplies, and other personal property or
293 services by a medical clinic board organized under ~~Sections~~
294 ~~11-58-1 to 11-58-14, inclusive~~ Chapter 58 of Title 11.

295 (5) Purchases for public hospitals and nursing homes
296 operated by the governing boards of instrumentalities of the
297 state, counties, and municipalities.

298 (6) Contracts for the purchase, lease, sale,
299 construction, installation, acquisition, improvement,
300 enlargement, or extension of any plant, building, structure,
301 or other facility or any machinery, equipment, furniture, or
302 furnishings therefor designed or intended for lease or sale
303 for industrial development, other than public utilities, under
304 ~~Sections 11-54-80 to 11-54-99, inclusive~~ Division 1 of Article
305 4 of Chapter 54 of Title 11, or ~~Sections 11-54-20 to 11-54-28,~~
306 ~~inclusive~~ Article 2 of Chapter 54 of Title 11, or any other
307 law or amendment to the Constitution of Alabama of 2022
308 authorizing the construction of plants or other facilities for



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309 industrial development or for the construction and equipment
310 of buildings for public building authorities under ~~Sections~~
311 ~~11-56-1 to 11-56-22, inclusive~~ Chapter 56 of Title 11.

312 (7) The purchase of equipment, supplies, or materials
313 needed, used, and consumed in the normal and routine operation
314 of any waterworks system, sanitary sewer system, gas system,
315 or electric system, or any two or more thereof, that are owned
316 by municipalities, counties, or public corporations, boards,
317 or authorities that are agencies, departments, or
318 instrumentalities of municipalities or counties and no part of
319 the operating expenses of which system or systems, during the
320 then current fiscal year, have been paid from revenues derived
321 from taxes or from appropriations of the state, a county, or a
322 municipality.

323 (8) Purchases made by local housing authorities,
324 organized and existing under Chapter 1 of Title 24, from
325 monies other than those raised by state, county, or city
326 taxation or received through appropriations from state,
327 county, or city sources.

328 (c) The state trade schools, state junior colleges,
329 state colleges, and universities under the supervision and
330 control of the State Board of Education, the district boards
331 of education of independent school districts, the county
332 commissions, and the governing bodies of the municipalities of
333 the state shall establish and maintain such purchasing
334 facilities and procedures as may be necessary to carry out the
335 intent and purpose of this article by complying with the
336 requirements for competitive bidding in the operation and



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337 management of each state trade school, state junior college,
338 state college, or university under the supervision and control
339 of the State Board of Education, the district boards of
340 education of independent school districts, the county
341 commissions, and the governing bodies of the municipalities of
342 the state and the governing boards of instrumentalities of
343 counties and municipalities, including waterworks boards,
344 sewer boards, gas boards, and other like utility boards and
345 commissions.

346 (d) Contracts entered into in violation of this article
347 shall be void and any person who violates the provisions of
348 this article shall be guilty of a Class C felony."

349 "§41-16-52

350 (a) All expenditures of funds ~~of whatever nature~~ for
351 repair parts and the repair of heavy duty off-highway
352 construction equipment or of any vehicles with a gross vehicle
353 weight rating of 25,000 pounds or greater, including machinery
354 used for grading, drainage, road construction, and compaction
355 for the exclusive use of county and municipal highway, street,
356 and sanitation departments, involving not more than ~~twenty-two~~
357 ~~thousand five hundred dollars (\$22,500)~~ forty thousand dollars
358 (\$40,000) made by or on behalf of any county commissions and
359 the governing bodies of the municipalities of the state, and
360 the governing bodies of instrumentalities, including
361 waterworks boards, sewer boards, gas boards, and other like
362 utility boards and commissions, shall be made, at the option
363 of the governing boards, bodies, instrumentalities, and
364 commissions, without regard to this article. The foregoing



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365 exemption from this article shall apply to each incident of
366 repair as to any repair parts, equipment, vehicles, or
367 machinery. The amount of the exempted expenditure shall not be
368 construed to be an aggregate of all the expenditures per
369 fiscal year as to any individual vehicle or piece of equipment
370 or machinery.

371 (b) The option provided by subsection (a) may be
372 exercised by the governing boards, bodies, instrumentalities,
373 and commissions by specific reference to this section on any
374 ~~and all~~ purchase orders and purchase commitments executed by
375 the governing boards, bodies, instrumentalities, and
376 commissions; ~~provided, however.~~ However, the option shall not
377 be exercised by any employee, agent, or servant unless done so
378 after having received official prior approval of the
379 respective governing board, body, instrumentality, or
380 commission or unless exercised pursuant to a formal policy
381 adopted by the governing board, body, instrumentality, or
382 commission setting out conditions and restrictions under which
383 the option shall be exercised.

384 (c) All expenditures of funds ~~of whatever nature~~ for the
385 leasing of heavy duty off-highway construction equipment and
386 all vehicles with a gross vehicle weight rating of 25,000
387 pounds or greater, including machinery for grading, drainage,
388 road construction, and compaction for exclusive use of county
389 and municipal highway, street, and sanitation departments,
390 involving a monthly rental of not more than ~~five thousand~~
391 ~~dollars (\$5,000)~~ ten thousand dollars (\$10,000) per month per
392 vehicle or piece of equipment or machinery but not to exceed



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393 ~~fifteen thousand dollars (\$15,000)~~ thirty thousand dollars
394 (\$30,000) per month for all such vehicles and pieces of
395 equipment made by or on behalf of any county commissions and
396 the governing boards of municipalities of the state and the
397 governing bodies of instrumentalities, including waterworks
398 boards, sewer boards, gas boards, and other like utility
399 boards and commissions shall be made, at the option of the
400 governing boards, bodies, instrumentalities, and commissions,
401 without regard to ~~the provisions of~~ this article."

402 "§41-16-53

403 ~~In case of emergency affecting public health, safety or~~
404 ~~convenience, so declared in writing by the awarding authority,~~
405 ~~setting forth the nature of the danger to public health,~~
406 ~~safety or convenience involved in delay, contracts may be let~~
407 ~~to the extent necessary to meet the emergency without public~~
408 ~~advertisement. Such action and the reasons therefor shall~~
409 ~~immediately be made public by the awarding~~
410 ~~authority.~~ Notwithstanding any law to the contrary, in the
411 event circumstances arise for which a delay in remedying or
412 otherwise addressing would likely cause harm to an individual
413 or public property, a contract may be let to the extent
414 necessary to mitigate the harm without regard to the
415 requirements of this article, provided the awarding authority
416 does both of the following:

417 (1) Documents two or more price quotations or price
418 estimates before letting the contract.

419 (2) Adopts a resolution declaring the nature of the
420 circumstances, the action to be taken, and the reasons for



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421 taking the action."

422 "§41-16-54

423 (a) (1) All proposed purchases in excess of ~~fifteen~~
424 ~~thousand dollars (\$15,000)~~ thirty thousand dollars (\$30,000)
425 shall be advertised by posting notice thereof on a bulletin
426 board maintained outside the purchasing office and in any
427 other manner and for any length of time as may be determined.
428 Sealed bids or bids to be submitted by a reverse auction
429 procedure shall also be solicited by sending notice by mail or
430 other electronic means to all persons, firms, or corporations
431 who have filed a request in writing that they be listed for
432 solicitation on bids for the particular items that are set
433 forth in the request. If any person, firm, or corporation
434 whose name is listed fails to respond to any solicitation for
435 bids after the receipt of three solicitations, the listing may
436 be cancelled.

437 (2) If a governing body mandates that advertisement for
438 bids shall be published in a newspaper, the contract for
439 purchase shall be awarded if the newspaper to which the
440 advertisement was submitted did not publish the advertisement
441 if the governing body can provide proof that it in good faith
442 submitted the advertisement to the newspaper with instructions
443 to publish the notice in accordance with this section.

444 (b) Except as provided in subsection (d), all bids shall
445 be sealed when received and shall be opened in public at the
446 hour stated in the notice.

447 (c) If the purchase or contract will involve an amount
448 of ~~fifteen thousand dollars (\$15,000) or less~~ less than thirty



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449 thousand dollars (\$30,000), the purchases or contracts may be
450 made upon the basis of sealed bids, a joint purchasing
451 agreement, a reverse auction procedure, or in the open market.

452 (d) Beginning January 1, 2009, the awarding authority
453 may make purchases or contracts involving an amount of ~~fifteen~~
454 ~~thousand dollars (\$15,000)~~ thirty thousand dollars (\$30,000)
455 or more through a reverse auction procedure; ~~provided,~~
456 ~~however, that.~~ However, a reverse auction shall only be
457 allowed where the item to be purchased at a reverse auction is
458 either not at the time available on the state purchasing
459 program under the same terms and conditions or, if available,
460 the lowest price offered in the reverse auction is equal to or
461 less than the price for which the item is available on the
462 state purchasing program under the same terms and conditions.
463 All of the purchases shall be subject to audit by the
464 Examiners of Public Accounts. For purposes of this article, a
465 reverse auction procedure includes either of the following:

466 (1) A real-time bidding process usually lasting less
467 than one hour and taking place at a previously scheduled time
468 and Internet location, in which multiple anonymous suppliers
469 submit bids to provide the designated goods or services.

470 (2) a. A bidding process usually lasting less than two
471 weeks and taking place during a previously scheduled period
472 and at a previously scheduled Internet location, in which
473 multiple anonymous suppliers submit bids to provide the
474 designated goods or services.

475 b. No later than November 30, 2008, the Department of
476 Examiners of Public Accounts shall establish procedures for



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477 the use of reverse auction, which shall be distributed to all
478 contracting agencies and shall be used in conducting any
479 audits of the purchasing agency.

480 (e) All original bids together with all documents
481 pertaining to the award of the contract shall be retained in
482 accordance with a retention period of at least seven years
483 established by the Local Government Records Commission and
484 shall be open to public inspection.

485 (f) No purchase or contract involving professional
486 services shall be subject to the requirements of this article
487 ~~and no purchase or contract involving an amount in excess of~~
488 ~~fifteen thousand dollars (\$15,000) shall be divided into parts~~
489 ~~involving amounts of fifteen thousand dollars (\$15,000) or~~
490 ~~less for the purpose of avoiding the requirements of this~~
491 ~~article. All such partial contracts involving fifteen thousand~~
492 ~~dollars (\$15,000) or less shall be void.~~

493 (g) This section shall be applicable to education
494 purchases made pursuant to Chapter 13B of Title 16."

495 "§41-16-55

496 (a) Any agreement or collusion among bidders or
497 prospective bidders in restraint of freedom of competition, by
498 agreement, to bid at a fixed price or to refrain from bidding
499 or otherwise shall render the bids of ~~such~~ the bidders void
500 and shall cause ~~such~~ the bidders to be disqualified from
501 submitting further bids to the awarding authority on future
502 purchases.

503 (b) Whoever knowingly participates in a collusive
504 agreement in violation of this section involving a bid or bids



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505 of ~~fifteen thousand dollars (\$15,000)~~ less than thirty
506 thousand dollars (\$30,000) ~~and under~~ shall be guilty of a
507 Class A misdemeanor and, upon conviction, shall be punished as
508 prescribed by law.

509 (c) Whoever knowingly and intentionally participates in
510 a collusive agreement in violation of this section involving a
511 bid or bids of ~~over fifteen thousand dollars (\$15,000)~~ thirty
512 thousand dollars (\$30,000) or more shall be guilty of a Class
513 C felony, and upon conviction shall be punished as prescribed
514 by law."

515 Section 2. Although this bill would have as its purpose
516 or effect the requirement of a new or increased expenditure of
517 local funds, the bill is excluded from further requirements
518 and application under Section 111.05 of the Constitution of
519 Alabama of 2022, because the bill defines a new crime or
520 amends the definition of an existing crime.

521 Section 3. This act shall become effective on the first
522 day of the third month following its passage and approval by
523 the Governor, or its otherwise becoming law.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB108
Senate 06-Apr-23
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 27-Apr-23

By: Senator Coleman-Madison