

# HB120 INTRODUCED



1 HB120  
2 29V1SII-1  
3 By Representative Shaw  
4 RFD: Ways and Means Education  
5 First Read: 06-Feb-24



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SYNOPSIS:

Under existing law, competitive bidding requirements for county and city boards of education do not apply to purchases, leases, or lease/purchases for certain goods or services.

This bill would provide that goods and services exempted from competitive bid laws include the installation of those goods on property owned by a local board of education.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to competitive bidding; to amend Section 16-13B-2, Code of Alabama 1975; to exempt the installation of certain goods on property owned by a local board of education from certain competitive bidding requirements.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-13B-2, Code of Alabama 1975, is amended to read as follows:

"§16-13B-2

(a) Competitive bids shall not be required for utility services for county or city boards of education, the rates for



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29 which are fixed by law, regulation, or ordinance, and the  
30 competitive bidding requirements of this chapter shall not  
31 apply to:

32 (1) The purchase of insurance.

33 (2) Contracts for securing services of attorneys,  
34 physicians, architects, teachers, superintendents of  
35 construction, artists, appraisers, engineers, consultants,  
36 certified public accountants, public accountants, or other  
37 individuals possessing a high degree of professional skill  
38 where the personality of the individual plays a decisive part.

39 (3) Contracts of employment in the regular civil  
40 service.

41 (4) Contracts for fiscal or financial advice or  
42 services.

43 (5) Purchases of products made or manufactured by blind  
44 or visually impaired individuals under the direction or  
45 supervision of the Alabama Institute for Deaf and Blind in  
46 accordance with Sections 21-2-1 ~~to~~ through 21-2-4, ~~inclusive~~.

47 (6) Purchases of maps or photographs from any federal  
48 agency.

49 (7) Purchases of manuscripts, books, instructional  
50 materials, maps, pamphlets, or periodicals, or the electronic  
51 version thereof. The exemption for the purchase of  
52 instructional materials shall only include those purchases  
53 from a current vetted and approved list published by the State  
54 Department of Education.

55 (8) The selection of paying agents and trustees for any  
56 security issued by a public body.



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57 (9) Existing contracts up for renewal for sanitation or  
58 solid waste collection, recycling, or disposal and those  
59 providing the service.

60 (10) Purchases of computer and word processing hardware  
61 when the hardware is the only type that is compatible with  
62 hardware already owned by the entity taking bids and custom  
63 software.

64 (11) Contractual services and purchases of commodities  
65 for which there is only one vendor or supplier and contractual  
66 services and purchases of personal property which by their  
67 very nature are impossible to award by competitive bidding.

68 (12) Contractual services and purchases of products  
69 related to, or having an impact upon, security plans,  
70 procedures, assessments, measures, or systems, or the security  
71 or safety of persons, structures, facilities, or  
72 infrastructures.

73 (13) Purchases, leases, or lease/purchases of goods or  
74 services, including the installation of those goods on  
75 property owned by a local board of education, other than voice  
76 or data wireless communication services, made as a part of any  
77 purchasing cooperative sponsored by the National Association  
78 of Counties, its successor organization, or any other national  
79 or regional governmental cooperative purchasing program. The  
80 purchases, leases, or lease/purchases may only be made if all  
81 of the following occur:

82 a. The goods or services being purchased, including  
83 those purchased through a lease/purchase agreement, or leased  
84 are available as a result of a competitive bid process



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85 approved by the Department of Examiners of Public Accounts for  
86 each bid.

87 b. The goods or services are either not at the time  
88 available to local boards of education on the state purchasing  
89 program or are available at a price equal to or less than that  
90 on the state purchasing program.

91 c. The purchase, lease, or lease/purchase is made  
92 through a participating Alabama vendor holding an Alabama  
93 business license if such a vendor exists.

94 (14) Purchases of unprocessed agricultural products as  
95 defined in ~~subsection (b) of~~ Section 16-1-46 (b) and the cost  
96 of the food purchased is equal to or less than the federal  
97 simplified acquisition threshold set in 2 C.F.R. § 200.88.

98 (15) Purchase of goods or services, including the  
99 installation of those goods on property owned by a local board  
100 of education, other than voice or data wireless communication  
101 services, from vendors that have been awarded a current and  
102 valid general services administration contract. Prices paid  
103 for the goods or services may not exceed the lowest  
104 competitively bid price for these goods or services, other  
105 than voice or data wireless communication services, and may  
106 not exceed the price on an existing state purchasing program.

107 (b) This chapter shall not apply to:

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

110 (2) Purchases made by individual schools of the county  
111 or municipal public school systems from monies other than  
112 those raised by taxation or received through appropriations



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113 from state or county sources.

114 (c) The city and county boards of education shall  
115 establish and maintain the purchasing facilities and  
116 procedures as may be necessary to carry out the intent and  
117 purpose of this chapter by complying with the requirements for  
118 competitive bidding in the operation and management of each  
119 city and county board of education.

120 (d) Contracts entered into in violation of this chapter  
121 shall be void, and any person who violates this chapter shall  
122 be guilty of a Class C felony."

123 Section 2. This act shall become effective on October  
124 1, 2024.