

## HB597 INTRODUCED



1 HB597  
2 7BTI5E2-1  
3 By Representative Clouse  
4 RFD: Transportation, Utilities and Infrastructure  
5 First Read: 17-Apr-25



## SYNOPSIS:

In existing law public owners are authorized to let public works projects through the design-bid-build project delivery method.

This bill would provide for new alternative means for procuring design and construction services for public contracts by authorizing the use of Construction Manager at Risk (CMAR), Design-Build, Design-Build-Finance-Operate-Maintain, Design-Build-Operate-Maintain, and Progressive Design-Build, project delivery methods and establish the criteria for project approval.

This bill would provide for the adoption of administrative rules to administer this law and establish a process to protest a contract award, and establish reporting requirements.

This bill would further provide for the establishment of a Public Works Advisory Council.

A BILL

TO BE ENTITLED

AN ACT

Relating to public works projects; to amend Sections



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39-1-1, 39-2-1, 39-5-4, and 39-5-6, Code of Alabama 1975; to provide for alternative delivery methods for public work projects; to further provide for who can file a protest; to clarify how these provisions will be construed by the court; to add Section 39-2-1.1; to designate Sections 39-2-1 through 39-2-14, Code of Alabama as Article 1; to add Article 2 to Chapter 2 of Title 39, Code of Alabama 1975, commencing with Section 39-2-40; to authorize the use of alternative delivery methods for public works projects; to provide for the adoption of administrative rules to administer this chapter; to provide for reporting requirements; and to create a public works advisory council.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 39-1-1, 39-2-1, 39-5-4, and 39-5-6, Code of Alabama 1975, are amended to read as follows:

"§39-1-1

(a) Any person entering into a contract with an awarding authority in this state for the prosecution of any public works, before commencing the work, shall execute and deliver to the awarding authority the following bonds:

(1) For Design-Bid-Build Contracts issued under Section 39-2-2:

a. A ~~a~~ performance bond, with penalty equal to 100 percent of the amount of the contract price. ~~In addition,~~  
~~another bond,~~

b. A payment bond, ~~payable to the awarding authority letting the contract, shall be executed~~ in an amount not less than 50 percent of the contract price, with the obligation



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that the contractor or contractors shall promptly make payments to all persons supplying labor, materials, or supplies for or in the prosecution of the work provided in the contract and for the payment of reasonable attorney fees incurred by successful claimants or plaintiffs in civil actions on the bond.

(2) For alternative delivery methods awarded under this chapter:

a. A performance bond in an amount equal to 100 percent of the cost of the construction work. The amount of the bond does not include the portion of the contract for the cost of design, operation, maintenance, finance, costs of management or administration, planning, performance of preliminary studies, the acquisition of real property, professional preconstruction services, and other nonconstruction work costs.

b. A payment bond, in an amount equal to 100 percent of the cost of the construction work, with the obligation that the contractor or contractors shall promptly make payments to all persons supplying labor, materials, or supplies for or in the prosecution of the work provided in the contract and for the payment of reasonable attorney fees incurred by successful claimants or plaintiffs in civil actions on the bond. The amount of the bond does not include that portion of the contract for the cost of design, operation, maintenance, finance, costs of management or administration, planning, performance of preliminary studies, the acquisition of real property, or professional preconstruction services, and other



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85 nonconstruction work costs.

86 (b) Notwithstanding subsection (a), if the awarding  
87 authority determines the cost of construction work of the  
88 public work exceeds one hundred million dollars (\$100,000,000)  
89 and that the amounts established in subsection (a) are  
90 impractical, or that it is less costly or more advantageous to  
91 the awarding authority to reduce the amounts of the payment  
92 and performance bonds to amounts that are adequate for the  
93 protection of the state and persons supplying labor and  
94 material to the contractor or its subcontractors, but less  
95 than amounts of the performance and payment bonds established  
96 in subsection (a), the awarding authority may reduce the  
97 performance and payments bonds to such lower amounts. However,  
98 in no event shall the awarding authority reduce the amount of  
99 the performance and payment bonds to less than 50 percent of  
100 the amounts established in subsection (a).

101 (c) Nothing in this section shall be construed to limit  
102 the authority of an awarding authority to require a  
103 performance bond or other security in addition to such bonds,  
104 or in circumstances other than specified in this section.

105 ~~(b)~~ (d) Any person that has furnished labor, materials,  
106 or supplies for or in the prosecution of a public work and  
107 payment has not been made may institute a civil action upon  
108 the payment bond and have their rights and claims adjudicated  
109 in a civil action and judgment entered thereon.  
110 Notwithstanding the foregoing, a civil action shall not be  
111 instituted on the bond until 45 days after written notice to  
112 the surety of the amount claimed to be due and the nature of



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the claim. The civil action shall be commenced not later than one year from the date of final settlement of the contract. The giving of notice by registered or certified mail, postage prepaid, addressed to the surety at any of its places of business or offices shall be deemed sufficient under this section. In the event the surety or contractor fails to pay the claim in full within 45 days from the mailing of the notice, then the person or persons may recover from the contractor and surety, in addition to the amount of the claim, a reasonable attorney fee based on the result, together with interest on the claim from the date of the notice.

~~(e)~~ (e) Every person having a right of action on the last described bond as provided in this section, upon written application to the authority under the direction of whom the work has been prosecuted, indicating that labor, material, foodstuffs, or supplies for the work have been supplied and that payment has not been made, shall be promptly furnished a certified copy of the additional bond and contract. The claimant may bring a civil action in the claimant's name on the bond against the contractor and the surety, or either of them, in the county in which the work is to be or has been performed or in any other county where venue is otherwise allowed by law.

~~(d)~~ (f) In the event a civil action is instituted on the payment bond, at any time more than 15 days before the trial begins, any party may serve upon the adverse party an offer to accept judgment in favor of the offeror or to allow judgment to be entered in favor of the offeree for the money or as



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otherwise specified in the offer. If within 10 days after the service of the offer, the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service and the clerk of the court shall enter judgment. An offer not accepted shall be deemed withdrawn and evidence of the offer shall not be admissible. If the judgment finally obtained by the offeree is less favorable than the offer, the offeree shall pay the reasonable attorney fees and costs incurred by the offeror after the making of the offer. An offer that is made but not accepted does not preclude a subsequent offer. When the liability of one party to another party has been determined by verdict, order, or judgment, but the amount or extent of the liability remains to be determined by further proceedings, any party may make an offer of judgment, which shall have the same effect as an offer made before trial if the offer is made no less than 10 days prior to the commencement of hearings to determine the amount or extent of liability.

~~(e)~~ (g) This section shall not require the taking of a bond to secure contracts in an amount less than one hundred thousand dollars (\$100,000).

~~(f)~~ (h) (1) The contractor, immediately after the completion of the contract, shall give notice of the completion by publishing the notice for a minimum of three weeks using one or more of the following methods:

a. In a newspaper of general circulation in the county or counties in which the work, or some portion thereof, has



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169 been done.

170 b. On a website that is maintained by a newspaper of  
171 general circulation in the county or counties in which the  
172 work, or some portion thereof, has been done.

173 c. On a website used by the awarding authority for  
174 publishing notices.

175 (2) If no newspaper is published in the county in which  
176 the work was done, and if the awarding authority does not  
177 ~~utilize~~use a website for the purpose of publishing notices,  
178 the notice may be given by posting at the courthouse for 30  
179 days, and proof of the posting of the notice shall be given by  
180 the awarding authority and the contractor.

181 (3) A final settlement shall not be made upon the  
182 contract until the expiration of 30 days after the completion  
183 of the notice. Proof of publication of the notice shall be  
184 made by the contractor to the authority by whom the contract  
185 was made by affidavit of the publisher or website owner and a  
186 printed copy of the notice published.

187 (4) For contracts for road resurfacing materials that  
188 are awarded on an annual basis, where the bid specifications  
189 include options such as a unit price for materials, a unit  
190 price for the delivery of materials, or a unit price for  
191 materials to be laid in place by the bidder, notice of  
192 completion pursuant to this subsection may be given on an  
193 annual basis upon completion of the project as a whole, rather  
194 than at the completion of each proceed order.

195 ~~(g)~~ (i) Subsection ~~(f)~~ (h) shall not apply to contractors  
196 performing contracts of less than one hundred thousand dollars





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197 (\$100,000) ~~in amount.~~"

198 "§39-2-1

199 As used in this title, the following ~~word~~terms have  
200 the following meanings ~~ascribed to them as follows~~:

201 (1) ALTERNATIVE DELIVERY METHODS (ADM). Any of the  
202 following project delivery methods: Construction Manager at  
203 Risk; Design-Build; Design-Build-Finance-Operate-Maintain;  
204 Design-Build-Operate-Maintain; and Progressive Design-Build.

205 ~~(1)~~ (2) AWARDING AUTHORITY. Any governmental board,  
206 commission, agency, body, authority, instrumentality,  
207 department, or subdivision of the state, its counties and  
208 municipalities. This term includes, but ~~shall~~is not ~~be~~-limited  
209 to, the Department of Transportation, the Division of Real  
210 Property Management of the Department of Finance, the State  
211 Board of Education, and any other entity contracting for  
212 public works. This term shall exclude the ~~State Docks~~  
213 ~~Department~~Alabama State Port Authority and any entity exempted  
214 from the competitive bid laws of the state by statute.

215 (3) BEST VALUE. A competitive selection process, in  
216 which proposals contain both pricing and qualitative  
217 components and award, which is based upon a combination of  
218 pricing and qualitative considerations to determine the offer  
219 deemed most advantageous and of the greatest value to the  
220 awarding authority.

221 (4) CONSTRUCTION MANAGER AT RISK (CMAR). A delivery  
222 method which entails a commitment by the construction manager  
223 to perform certain preconstruction services during the design  
224 phase and then to construct the public works for an agreed



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upon lump-sum amount or for certain allowable costs within an agreed-upon guaranteed maximum price (GMP).

(5) DEPARTMENT. The Alabama Department of Finance.

(6) DESIGN-BID-BUILD. A project delivery method in which the awarding authority sequentially awards separate contracts, the first for architectural or engineering services to design the project and the second for construction of the public works project according to the design as provided in Section 39-2-2.

(7) DESIGN-BUILD. A project delivery method in which the awarding authority enters into a single contract for design and construction of a public works project.

(8) DESIGN-BUILD-FINANCE-OPERATE-MAINTAIN. A project delivery method in which the awarding authority enters into a single contract for design, construction, finance, maintenance, and operation of a public work over a contractually defined period.

(9) DESIGN-BUILD-OPERATE-MAINTAIN. A project delivery method in which the awarding authority enters into a single contract for design, construction, maintenance, and operation of a public work over a contractually defined period.

(10) DESIGN REQUIREMENTS. The written description of the public work or service to be procured under this article, including required features, functions, characteristics, qualities, and properties that are required by the awarding authority; the anticipated schedule, including the preferred completion date; and estimated budgets, as applicable to the specific procurement, for design, construction, operation, and



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253 maintenance.

254 ~~(2)~~ (11) FORCE ACCOUNT WORK. Work paid for by  
255 reimbursing for the actual costs for labor, materials, and  
256 equipment usage incurred in the performance of the work, as  
257 directed, including a percentage for overhead and profit,  
258 where appropriate.

259 ~~(3)~~ (12) LIFE CYCLE COSTS. The total cost of ownership  
260 over the extended life of a public works project, taking into  
261 consideration the costs of construction, operation, and  
262 maintenance, less any value obtained from salvage and  
263 quantifiable environmental benefits, or the sum of all  
264 recurring and one-time, nonrecurring ~~(non-recurring)~~ costs  
265 over the full life span or a specified period of a good,  
266 service, structure, or system, including purchase price,  
267 installation costs, operating costs, maintenance and upgrade  
268 costs, and remaining ~~residual or salvage~~ value at the end of  
269 ownership or its useful life.

270 ~~(4)~~ (13) PERSON. Natural persons, partnerships, limited  
271 liability companies, corporations, and other legal entities.

272 (14) PROGRESSIVE DESIGN-BUILD. A project delivery  
273 method in which the awarding authority enters into a single  
274 contract for design and construction of the public works via  
275 qualifications-based selection.

276 ~~(5)~~ (15) PUBLIC PROPERTY. Real property that the state,  
277 county, municipality, or awarding authority thereof owns or  
278 has a contractual right to own or purchase, including  
279 easements, rights-of-way, or otherwise.

280 ~~(6)~~ (16) PUBLIC WORKS. The construction, installation,



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repair, renovation, or maintenance of public buildings, structures, sewers, waterworks, roads, curbs, gutters, side walls, bridges, docks, underpasses, and viaducts, as well as any other improvement to be constructed, installed, repaired, renovated, or maintained on public property and to be paid, in whole or in part, with public funds or with financing to be retired with public funds in the form of lease payments or otherwise.

(17) PUBLIC WORKS ADVISORY COUNCIL. The advisory body established in this chapter."

"§39-5-4

(a) The Attorney General, a bona fide unsuccessful or disqualified bidder or offeror, or any interested citizen may maintain an action to enjoin the letting or execution of any public works contract in violation of or contrary to the provisions of this title or any other statute and may enjoin payment of any public funds under any such contract. In the case of a successful action brought by a bidder or offeror, reasonable bid or proposal preparation costs shall be recoverable by that bidder or offeror. The action shall be commenced within 45 days of the contract award.

(b) Nothing in this section shall be construed to limit, enlarge, or in any way alter the procedures for protesting the approval of an alternative delivery method as provided in this section."

"§39-5-6

The provisions of this title are mandatory, and shall be strictly construed ~~to require strict competitive bidding on~~



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~~contracts for public works~~. The courts shall not invoke or apply any principle of quantum meruit, estoppel, or any other legal or equitable principle which would allow recovery for work and labor done or materials furnished under any contract let in violation of ~~competitive bidding requirements as prescribed by law~~ this title or any other provision of law."

Section 2. Sections 39-2-1 through 39-2-14 are designated as Article 1 of Chapter 2 of Title 39, Code of Alabama 1972.

Section 3. Article 2 is added to Chapter 2 of Title 39, Code of Alabama 1975 commencing with Section 39-2-40, to read as follows:

### ~~§39-2-40~~

(a) The Design-Bid-Build project delivery method authorized in Section 39-2-2 is the traditional and primary method of contracting for public works in the state. Subject to the limitations in this section, an awarding authority may use an alternative project delivery method for public works projects of a complex, time sensitive, specialized, or technical nature when it determines that the delivery method is in the best interest of the state.

(b) In addition to Design-Bid-Build authorized in Section 39-2-2, all of the following alternative project delivery methods are authorized for public works projects in this state:

(1) Construction Manager at Risk projects which base the agreed upon lump-sum amount and Guaranteed Maximum Price (GMP) on the construction documents and specifications. The



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GMP shall include all items and tasks necessary to deliver the public works.

(2) Design-Build.

(3) Design-Build-Finance-Operate-Maintain.

(4) Design-Build-Operate-Maintain projects which include a 70 percent complete set of construction documents for the design in accordance with the awarding authority's program requirements.

(5) Progressive Design-Build projects which include a 70 percent complete set of construction documents for the design in accordance with the awarding authority's program requirements.

(c)(1) An awarding authority must receive prior approval from the department in order to execute a project via alternative delivery methods. No such approval shall be required for an awarding authority to execute a project via Design-Bid-Build as provided in Section 39-2-2.

(2) An awarding authority seeking approval must notify the department of each project using alternative delivery methods no less than 30 days prior to release of the solicitation. The request for approval must include, but is not limited to, the following:

a. A written statement setting forth the facts that led to the selection of a particular alternative delivery method for the project.

b. Any procedures the awarding authority has developed pursuant to this chapter.

(3) Prior to approving a project for which an



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alternative delivery method will be used, the department shall publicly post the proposed project for no less than five calendar days. The posted project shall be subject to the protest procedures in this chapter.

(d) An awarding authority, educational institution, or state educational institution as defined by Section 41-4-400(d) may enter into a contract using alternative delivery methods as follows:

(1) If the awarding authority or institution undertakes five or fewer public works projects above the bid threshold listed in Section 39-2-2(a)(1) during a fiscal year, it may enter into no more than one contract per fiscal year using alternative delivery methods.

(2) If the awarding authority or institution undertakes more than five public works projects above the bid threshold in Section 39-2-2(a)(1) during a fiscal year, it may only enter into a contract using alternative delivery methods for not more than two of its public works projects each fiscal year, or 10 percent of the total number of its public works projects each fiscal year, whichever is greater.

(e) The head of an awarding authority shall require offerors to provide errors and omissions insurance in an amount and duration consistent with rules adopted under this chapter to cover architectural and engineering services for alternative delivery method projects.

(f) For projects using construction manager at risk, the general contractor or the general contractor's affiliated entities shall not self-perform more than 25 percent of the



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393 work.

394 (g) (1) No more than 30 days following the final  
395 completion of a public works project using an alternative  
396 delivery method, the awarding authority shall submit a report  
397 to the department. The report shall include, but not be  
398 limited to, the following:

399 a. A description of the project.

400 b. The contractor that was awarded the project.

401 c. The estimated and actual cost of the project.

402 d. The estimated and actual schedule for project  
403 completion.

404 e. A description of any changes to the project scope  
405 and how the changes impacted the schedule and costs.

406 f. An assessment of the prequalification process and  
407 criteria used.

408 g. A description of the method used to evaluate the bid  
409 or proposal, including the weighting of each factor and an  
410 assessment of the effectiveness of the selected methodology.

411 At the discretion of the awarding authority, estimated budgets  
412 may be excluded from the proposal documents but the awarding  
413 authority must account for it in writing on internal  
414 documents. The design requirements may include the drawings  
415 and other documents illustrating the scale and relationship of  
416 the features, functions, and characteristics of the project.

417 h. A description of any written protests concerning any  
418 aspect of the solicitation, bid, proposal, or award of the  
419 project.

420 i. A description of any challenges or unexpected





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problems that arose during the project and the solutions that were considered, and ultimately implemented, to address those challenges and problems.

j. Recommendations to improve the alternative delivery method used for the project.

(2) The information gathered through the reporting process shall be used by the Public Works Advisory Council to formulate summary findings on, and recommendations for future changes to, alternative delivery methods in the state. Such findings and recommendations shall be reported to the Legislature.

(3) Failure to complete a report as required under this section shall preclude an awarding authority from using alternative delivery methods during the next fiscal year.

(4) An awarding authority utilizing alternative delivery methods shall also file a report for any similar project for which it used Design-Bid-Build.

(h) This section is repealed on October 1, 2031.

§39-2-41

(a) For the purposes of implementing the terms of this chapter, the department shall adopt administrative rules for public works projects in the state using alternative delivery methods. In adopting the administrative rules, the department shall consult with the Public Works Advisory Council. The administrative rules shall include, but are not limited to, the following:

(1) Criteria for all alternative delivery methods authorized by law to aid awarding authorities in determining



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which alternative delivery method should be used for a particular public works project.

(2) Authorization for an awarding authority within his or her discretion, to select an appropriate alternative delivery method for a particular public works project consistent with this chapter.

(3) Descriptions of the bond, insurance, and other security provisions that apply to each alternative delivery method.

(4) Descriptions of the appropriate solicitation provisions, required content of requests for proposals, evaluation factors, contract clauses, and fiscal responsibility requirements that apply to each alternative delivery method.

(5) A requirement that the awarding authority, or designee, shall execute and include in the contract file a written statement setting forth the facts that led to the selection of a particular alternative delivery method for each public works project.

(6) Descriptions of how an awarding authority shall evaluate proposals using the qualifications of participants, best value, or both, pursuant to this chapter.

(7) Timelines to which the department must adhere in returning an approval to the awarding authority under this chapter.

(8) The process awarding authorities must use to determine whether stipend payments may be paid to finalists submitting responsive proposals for an alternative delivery



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methods contract, and under what terms and conditions such payments may be made.

(9) Protest procedures required under this chapter and for bona fide prospective bidders who are aggrieved by the solicitation or award of a contract.

(b) Consistent with the administrative rules adopted under subsection (a), an awarding authority, except for a county commission or an instrumentality of a county commission, may develop procedures for the procurement of alternative delivery method contracts.

(c) The Association of County Commissions of Alabama shall develop the procedures that county commissions and their instrumentalities shall follow for the procurement of alternative delivery method contracts. The procedures shall be consistent with the rules adopted under subsection (a).

(d) Notwithstanding any provision of law to the contrary, proposals to perform work submitted under this chapter through alternative delivery methods may be evaluated and awarded by the awarding authority based on the qualifications of participants, best value, or both, and consideration of the best interest of the awarding authority.

(e) This section is repealed on October 1, 2031.

§39-2-42

(a) The awarding authority may include in a request for proposals one or more of the following forms of security to assure the timely, faithful, and uninterrupted provision of operations and maintenance services procured separately, or as one element of design-build-operate-maintain or



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design-build-finance-operate-maintain services:

(1) Operations period surety bonds that secure the performance of the contractor's operations and maintenance obligations.

(2) Letters of credit in an amount appropriate to cover the cost to the awarding authority preventing infrastructure service interruptions for a period up to 12 months.

(3) Appropriate written guarantees from the contractor, or depending upon the circumstances, from parent corporations to secure the recovery of the awarding authorities' reprocurement cost in the event of a default in performance by the contractor.

(b) This section is repealed on October 1, 2031.

§39-2-43

(a)(1) During the time period that notice of a proposed project is posted publicly pursuant to this chapter, a bona fide prospective bidder or offeror may protest the approval of an alternative delivery method. The protest shall be filed with the Division of Construction Management, in writing, and set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided. Grounds for a protest are limited to noncompliance with law, the rules authorized by this chapter, or a perceived substantial cost differential between the proposed project utilizing an alternative delivery method versus traditional Design-Bid-Build.

(2) The Director of the department's Division of Construction Management shall review the protest and issue a



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533 decision on the protest, in writing, within five calendar  
534 days. The response shall include a decision to deny or sustain  
535 the protest, and if sustained, the actions the awarding  
536 authority must take to modify or cancel the proposed project.  
537 A copy of the response shall be furnished immediately to the  
538 protester and awarding authority.

539 (3) The Director of the Division of Construction  
540 Management's decision regarding a protest shall be final and  
541 conclusive, unless fraudulent, or a party adversely affected  
542 by the decision appeals administratively to the Director of  
543 Finance as provided herein.

544 (b) (1) A party that receives an adverse decision from  
545 the Director of the Division of Construction Management under  
546 subsection (a) may appeal the decision to the Director of  
547 Finance. An appeal to the Director of Finance shall be made in  
548 writing within five calendar days of receipt of the adverse  
549 decision from the Director of the Division of Construction  
550 Management.

551 (2) Before making a decision on a protest, the Director  
552 of Finance shall consult with and consider any advice provided  
553 by the Public Works Advisory Council, but a final decision on  
554 a protest is within the sole discretion of the Director of  
555 Finance. The Director of Finance shall hold unlawful and set  
556 aside any decision issued by the Director of the Division of  
557 Construction Management that the Director of Finance finds to  
558 be arbitrary, capricious, an abuse of discretion, or otherwise  
559 not in accordance with law.

560 (3) The Director of Finance shall issue a written



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561 decision within five calendar days of receipt of the appeal  
562 and immediately provide a copy to the protester and awarding  
563 authority.

564 (4) A decision under this section shall be final and  
565 conclusive unless fraudulent.

566 (c) The protest procedures and remedies provided in  
567 this chapter shall not be construed as a contested case under  
568 the Alabama Administrative Procedure Act.

569 (d) This section is repealed on October 1, 2031.

570 §39-2-44

571 (a) There is established the State Public Works  
572 Advisory Council. The Public Works Advisory Council shall be  
573 appointed by the director of the department and at a minimum,  
574 must include the following individuals:

575 (1) A representative of the county commissions,  
576 selected in consultation with the Association of County  
577 Commissions of Alabama.

578 (2) A representative of municipalities, selected in  
579 consultation with the Alabama League of Municipalities.

580 (3) Two representatives of public K-12 schools,  
581 selected in consultation with School Superintendents of  
582 Alabama and the Alabama Association of School Boards.

583 (4) A representative of the Alabama Community College  
584 System, selected in consultation with the Chancellor of the  
585 Alabama Community College System.

586 (5) A representative of a public four-year institution  
587 of higher education, selected in consultation with the Alabama  
588 Higher Education Partnership, Inc.



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(6) A representative from each of the following public entities:

- a. The Alabama Department of Examiners of Public Accounts.
- b. The Alabama Department of Finance.
- c. The Alabama Department of Transportation.
- d. Additional state or local governmental entities with frequent construction projects.

(7) A representative from each of the following private entities:

- a. The Alabama Associated General Contractors.
- b. The Associated Builders and Contractors of Alabama.
- c. The Alabama Contractors Association.
- d. The Alabama Council of the American Institute of Architects.
- e. The American Council of Engineering Companies of Alabama.
- f. The Alabama Road Builders Association.
- g. The Subcontractors Association of Alabama.
- h. The Design-Build Institute of America, Alabama Chapter.
- i. The Alabama Surety Association.

(b) Members of the advisory council shall serve without compensation but may be reimbursed for necessary expenses associated with attending meetings of the advisory council pursuant to the policies of their respective appointing authority.

(c) The State Public Works Advisory Council, upon



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adequate public notice, shall meet at least once a year to discuss issues and recommendations for improvements to the public works process. When requested by the Department of Finance, the council shall conduct studies, research, analyses, and make reports and recommendations regarding public works. The council may conduct hearings and request records in order to further its purposes.

(d) The State Public Works Advisory Council shall be administered by the Alabama Department of Finance.

(e) This section is repealed on October 1, 2031.

§39-2-45

(a) Any person may request and obtain from the awarding authority a certified copy of a bond furnished under this chapter, upon payment of the cost of reproduction of the bond and postage, if any. A certified copy of a bond shall be prima facie evidence of the contents, execution, and delivery of the original bond.

(b) This section is repealed on October 1, 2031.

§39-2-1.1

(a) Nothing in this chapter is intended to repeal, modify, expand, define, add, amend, change, or limit any provision of Section 23-1-40 and Sections 23-2-140 through 23-2-175, Code of Alabama 1975. The Alabama Department of Transportation, Alabama Toll Road, Bridge and Tunnel Authority is not subject to this chapter. Further, Article 2 is not intended to add any new obligations, duties, or responsibilities not set out in Section 23-1-40 and Sections 23-2-140 through 23-2-175.





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645           (b) Nothing in this chapter is intended to repeal,  
646   modify, amend, change, or limit Sections 41-4-353 and  
647   41-4-400, with respect to the powers, authority, and  
648   jurisdiction granted to the governing boards of educational  
649   institutions.

650           (c) This section is repealed on October 1, 2031.  
651           Section 4. This act shall become effective on October  
652   1, 2025.