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Remove lines 13 through 15 on page 1

Replace line 41 on page 2 with the following:

Sections 41-29-282 and 41-4-126, Code of Alabama
1975, to provide that the

Replace lines 45 through 46 on page 2 with the following:

Legislative Oversight Committee.

Replace lines 48 through 49 on page 2 with the following:

Section 1. Sections 41-29-282 and 41-4-126, Code of
Alabama 1975, are amended to read as follows:

Replace lines 66 through 69 on page 3 with the following:

[Chapter 2 of Title 29, relating to Permanent](#)

Replace lines 78 through 79 on page 3 with the following:

proposal is consistent with the Strategic Workforce
Plan.



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25 Replace line 85 on page 4 with the following:

26 approved by the Secretary of Commerce."

27 "§41-4-126

28 (a) Unless otherwise ordered by rule, with approval
29 of the Governor, the following supplies and services need
30 not be procured through the Division of Procurement and
31 are exempt from the competitive requirements of this
32 article:

33 (1) Works of art for museum and public display.

34 (2) Published books in any format such as digital,
35 audio, or hardcopy; maps; periodicals; and technical
36 pamphlets.

37 (3) Utility services where no competition exists or
38 where rates are fixed by law.

39 (4) Purchases of alcoholic beverages by the Alcoholic
40 Beverage Control Board.

41 (5) Purchases of products made or manufactured by the
42 blind or visually handicapped under the direction or
43 supervision of the Alabama Institute for Deaf and Blind
44 in accordance with Chapter 2 of Title 21.

45 (6) Photographs purchased from a federal agency.

46 (7) Barter transactions by the Department of
47 Corrections.

48 (8) The purchase of insurance and supplies or



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49 services related to the purchase of insurance.

50 (9) Supplies and services that by their very nature
51 are impossible to award by competitive process, as
52 determined by the Chief Procurement Officer.

53 (10) The procurement of goods, services, training,
54 and other related resources that are directly related to
55 or for the benefit of a company with which the Department
56 of Commerce or the Alabama Industrial Development
57 Training Institute (AIDT) has executed an economic
58 development project agreement. The Chief Procurement
59 Officer, on request, may determine in writing whether a
60 procurement is eligible for this exemption. AIDT shall
61 make annual written reports to the Chief Procurement
62 Officer of all procurements performed under this
63 subdivision. In addition, the Chief Procurement Officer
64 may request periodic reports on all procurements
65 performed under this subdivision at any time.

66 (b) Any state department or agency whose principal
67 business is honorariums is exempted from this chapter on
68 purchases and contracts for services made by that
69 department or agency.

70 (c) Nothing in this article is intended to repeal or
71 limit any provision of Section 23-1-40 or Article 5 or
72 Article 6 of Chapter 2 of Title 23, commencing with



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73 Section 23-2-140, relating to the procurement authority
74 of the State Department of Transportation and the Alabama
75 Toll Road, Bridge and Tunnel Authority. To the extent any
76 provision contained in this article conflicts with
77 Section 23-1-40 or Article 5 or Article 6 of Chapter 2 of
78 Title 23, the latter governs.

79 (d) Nothing in this article repeals or limits any
80 provision of Section 41-4-400, relating to the
81 procurement authority of the Division of Construction
82 Management. To the extent any provision contained in this
83 article conflicts with Section 41-4-400, the latter
84 governs.

85 (e) Nothing in this article repeals or limits any
86 provision of Section 14-7-8, relating to the procurement
87 authority of Alabama Correctional Industries. To the
88 extent any provision contained in this article conflicts
89 with Section 14-7-8, the latter governs.

90 (f) This article does not apply to any state
91 authority, board, or other entity with respect to
92 contracts relating to the issuance of debt that is
93 required to be repaid from sources other than state
94 funds.

95 (g) This article does not apply to direct health care
96 services provided by the Alabama Department of Public



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97 Health.

98 (h) Nothing in this article applies to the
99 administration of health benefit plans by a governmental
100 body and supplies or services related thereto.

101 (i) Except for capital equipment, this article does
102 not apply to the purchase by a public hospital of medical
103 products, medical supplies, medical devices, services,
104 implants, pharmaceuticals, fluids, gases, or any other
105 medical products which are used in the course of treating
106 patients, or to support the treatment of patients.

107 (j) (1) Except as provided in subdivision (2), the
108 purchase of supplies or services negotiated on behalf of
109 two-year and four-year colleges and universities may be
110 awarded without competitive bidding, provided that no
111 state revenues, appropriations, or other state funds are
112 expended or committed and when it is determined by the
113 respective board that financial benefits will accrue to
114 the institution.

115 (2) When an Alabama business entity organized under
116 the laws of this state is available to supply the product
117 or service purchased or negotiated under subdivision (1),
118 the Alabama business entity shall have preference unless
119 the product or service supplied by a foreign corporation
120 is substantially different or superior to the product or



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121 service supplied by the Alabama business entity.

122 (3) Public notice shall be provided by the purchasing
123 agency within 10 days of the execution of a contract
124 under this subsection. The public notice shall include,
125 at a minimum, the terms and conditions of any of the
126 supplies or services that are contracted through
127 negotiation without being competitively bid and the name
128 and address of the recipient of the contract.

129 (k) This article does not apply to purchases and
130 contracts for the repair of equipment used in the
131 construction and maintenance of highways by the
132 Department of Transportation.

133 (l) This article does not apply to public works
134 projects governed by Title 39.

135 (m) This article does not apply to the purchase by
136 the Department of Transportation of road building
137 materials for transportation infrastructure in the state.
138 Road building materials may be purchased from private
139 land owners or commercial providers from the nearest or
140 most cost-effective source available for the particular
141 application. Road building materials include dirt,
142 gravel, stone, slag, or borrow materials, in natural
143 state or processed by crushing, grading, or screening
144 processes.



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145 (n) This article does not apply to purchases of
146 supplies and services for the maintenance and operation
147 of highway infrastructure and right-of-way by the
148 Department of Transportation.

149 (o) Nothing in this article is intended to repeal or
150 limit any provision of Article 2, Chapter 1, Title 23,
151 relating to the powers and authority of the Department of
152 Transportation. To the extent any provision contained in
153 this article conflicts with Article 2, Chapter 1, Title
154 23, the latter governs.

155 (p) Governmental bodies may purchase supplies from
156 any vendor that offers the item at a price at least ten
157 percent below the price established on a statewide
158 contract by the Division of Procurement for the same
159 item, provided that each purchase, whether for a single
160 item or multiple items, does not exceed an amount
161 established by rules of the Chief Procurement Officer.
162 The Division of Procurement shall confirm that the terms
163 and conditions of the purchases are substantially similar
164 to those of the statewide contract for the same item
165 prior to the approval of any purchase under this
166 subsection. Any purchase that would be directly connected
167 to any information technology network used by the state
168 shall require prior approval by the Secretary of



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169 Information Technology. If the purchaser is to take
170 possession of the purchased supplies at the vendor's
171 physical location, any acquisition of supplies under this
172 subsection may be purchased only from vendors physically
173 located within the state. The price of any supplies
174 purchased under this subsection shall be the market price
175 readily available to the public at large. The acquisition
176 of supplies under this subsection is subject to the
177 supervision and administration of the Division of
178 Procurement.

179 (q) Nothing in this article is intended to repeal or
180 limit any provision of Chapter 61E of Title 16, relating
181 to the powers and authority of the Department of
182 Education to enter into joint purchasing agreements on
183 behalf of educational institutions. To the extent any
184 provision contained in this article conflicts with
185 Chapter 61E of Title 16, the latter governs.

186 (r) Nothing in this article shall be construed as
187 repealing Section 9-2-106 or Section 9-2-107.

188 (s) This article does not apply to purchases by the
189 Alabama Department of Rehabilitation Services of supplies
190 and services for the Alabama Department of Rehabilitation
191 Services consumers.

192 (t) This article does not apply to the Alabama



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193 Medicaid Agency for purposes of the selection of
194 professional service providers for contracts with
195 physicians, pharmacists, dentists, optometrists,
196 opticians, nurses, and other health professionals which
197 involve only service on agency task forces, boards, or
198 committees."