



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Replace line 29 on page 2 with the following:

made pursuant to a cooperative purchasing agreement;
and to amend Sections 41-16-51, 16-13B-2, and 41-4-171,
Code of Alabama 1975, to provide requirements for certain
public contracts to be awarded in a manner that complies
with the applicable state or local competitive bid laws.

Replace lines 131 through 132 on page 5 with the
following:

process conducted by a governmental entity ~~which has~~
~~been~~ that complies with the Alabama competitive bid law
applicable to the awarding authority and is approved by
the Department of Examiners of Public Accounts.

Replace line 241 on page 9 with the following:

requirements of this title. The materials or
equipment being purchased pursuant to this section shall
have been awarded through a competitive bid process that
complies with the Alabama competitive bid law applicable
to that awarding authority.



25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

Replace line 249 on page 9 with the following:

Section 2. Section 41-16-51, Code of Alabama 1975, is amended to read as follows:

"§41-16-51

(a) Competitive bids for entities subject to this article shall not be required for utility services, the rates for which are fixed by law, regulation, or ordinance, and the competitive bidding requirements of this article shall not apply to any of the following:

(1) The purchase of insurance.

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

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

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

(5) Contracts for fiscal or financial advice or



49 services.

50 (6) Purchases of products made or manufactured by
51 blind or visually impaired individuals under the
52 direction or supervision of the Alabama Institute for
53 Deaf and Blind in accordance with Chapter 2 of Title 21.

54 (7) Purchases of maps or photographs from any federal
55 agency.

56 (8) Purchases of computer programs, software
57 applications, manuscripts, books, maps, pamphlets,
58 periodicals, and library or research electronic databases
59 of manuscripts, books, maps, pamphlets, or periodicals.

60 (9) The selection of paying agents and trustees for
61 any security issued by a public body.

62 (10) Existing contracts up for renewal for sanitation
63 or solid waste collection, recycling, and disposal
64 between municipalities or counties, or both, and those
65 providing the service.

66 (11) Purchases of computer and word processing
67 hardware when the hardware is the only type that is
68 compatible with hardware already owned by the entity
69 taking bids and custom software.

70 (12) Professional services contracts for codification
71 and publication of the laws and ordinances of
72 municipalities and counties.



73 (13) Contractual services and purchases of
74 commodities for which there is only one vendor or
75 supplier and contractual services and purchases of
76 personal property which by their very nature are
77 impossible to award by competitive bidding.

78 (14) Purchases of dirt, sand, or gravel by a county
79 governing body from in-county property owners in order to
80 supply a county project in which the materials will be
81 used. The material shall be delivered to the project site
82 by county employees and equipment used only on project
83 components conducted exclusively by county employees.

84 (15) Contractual services and purchases of products
85 related to, or having an impact upon, security plans,
86 procedures, assessments, measures, or systems, or the
87 security or safety of individuals, structures,
88 facilities, or infrastructures.

89 (16) Subject to the limitations in this subdivision,
90 purchases, leases, or lease/purchases of goods or
91 services, other than voice or data wireless communication
92 services, made as a part of the purchasing cooperative
93 sponsored by the National Association of Counties, its
94 successor organization, or any other national or regional
95 governmental cooperative purchasing program. The
96 purchases, leases, or lease/purchases may only be made if



97 all of the following occur:

98 a. The goods or services being purchased, including
99 those purchased through a lease/purchase agreement, or
100 leased are available as a result of a competitive bid
101 process conducted by a governmental entity whose award
102 complies with Section 41-16-50(a) and is approved by the
103 Department of Examiners of Public Accounts for each bid.

104 b. The goods or services are either not at the time
105 available to counties on the state purchasing program or
106 are available at a price equal to or less than that on
107 the state purchasing program.

108 c. The purchase, lease, or lease/purchase is made
109 through a participating Alabama vendor holding an Alabama
110 business license if such a vendor exists.

111 d. The entity purchasing, leasing, or
112 lease/purchasing goods or services under this subdivision
113 has been notified by the Department of Examiners of
114 Public Accounts that the competitive bid process utilized
115 by the cooperative program offering the goods complies
116 with this subdivision. In addition, upon request, a
117 vendor shall provide the entity purchasing, leasing, or
118 lease/purchasing goods or services equaling thirty
119 thousand dollars (\$30,000) or more which are made under
120 this subdivision during the previous 12 months a report



121 of the sales, leases, and lease/purchases. The report
122 shall include a general description of the goods or
123 services; the number of units sold, leased, and
124 leased/purchased per entity; and the price of units
125 purchased, leased, or leased/purchased.

126 (17) Purchases of goods or services, other than
127 wireless communication services, whether voice or data,
128 from vendors that have been awarded a current and valid
129 Government Services Administration contract. Any purchase
130 made pursuant to this subdivision shall be under the same
131 terms and conditions as provided in the Government
132 Services Administration contract. Prices paid for the
133 goods and services, other than wireless communication
134 services, whether voice or data, may not exceed the
135 amount provided in the Government Services Administration
136 contract.

137 (18) Purchases of goods or services from vendors that
138 have been awarded a current and valid statewide contract
139 listed on the Alabama Buys e-procurement system. Any
140 purchase made pursuant to this subdivision shall be under
141 the same terms and conditions as provided in the
142 statewide contract. Prices paid for the goods and
143 services may not exceed the amount provided in the
144 statewide contract.



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

148 (20) Purchases of goods or services between a
149 municipality and a governmental entity, as defined in
150 Section 8-38-2.

151 (b) This article shall not apply to:

152 (1) Any purchases of products where the price of the
153 products is already regulated and established by state
154 law.

155 (2) Purchases made by individual schools of the
156 county or municipal public school systems from monies
157 other than those raised by taxation or received through
158 appropriations from state or county sources.

159 (3) The purchase, lease, sale, construction,
160 installation, acquisition, improvement, enlargement, or
161 expansion of any building or structure or other facility
162 designed or intended for lease or sale by a medical
163 clinic board organized under Chapter 58 of Title 11.

164 (4) The purchase, lease, or other acquisition of
165 machinery, equipment, supplies, and other personal
166 property or services by a medical clinic board organized
167 under Chapter 58 of Title 11.

168 (5) Purchases for public hospitals and nursing homes



169 operated by the governing boards of instrumentalities of
170 the state, counties, and municipalities.

171 (6) Contracts for the purchase, lease, sale,
172 construction, installation, acquisition, improvement,
173 enlargement, or extension of any plant, building,
174 structure, or other facility or any machinery, equipment,
175 furniture, or furnishings therefor designed or intended
176 for lease or sale for industrial development, other than
177 public utilities, under Division 1 of Article 4 of
178 Chapter 54 of Title 11, or Article 2 of Chapter 54 of
179 Title 11, or any other law or amendment to the
180 Constitution of Alabama of 2022, authorizing the
181 construction of plants or other facilities for industrial
182 development or for the construction and equipment of
183 buildings for public building authorities under Chapter
184 15 of Title 11 or Chapter 56 of Title 11.

185 (7) The purchase of equipment, supplies, or materials
186 needed, used, and consumed in the normal and routine
187 operation of any waterworks system, sanitary sewer
188 system, gas system, or electric system, or any two or
189 more thereof, that are owned by municipalities, counties,
190 or public corporations, boards, or authorities that are
191 agencies, departments, or instrumentalities of
192 municipalities or counties and no part of the operating



193 expenses of which system or systems, during the then
194 current fiscal year, have been paid from revenues derived
195 from taxes or from appropriations of the state, a county,
196 or a municipality.

197 (8) Purchases made by local housing authorities,
198 organized and existing under Chapter 1 of Title 24, from
199 monies other than those raised by state, county, or city
200 taxation or received through appropriations from state,
201 county, or city sources.

202 (9) The purchase of services to aid in the prevention
203 and detection of criminal activity by law enforcement
204 agencies and community-oriented policing programs.

205 (c) The state ~~trade schools, state junior colleges,~~
206 ~~state colleges, and universities under the supervision~~
207 ~~and control of the State Board of Education, the district~~
208 ~~boards of education of independent school districts~~
209 two-year and four-year institutions of higher education,
210 the county commissions, and the governing bodies of the
211 municipalities of the state shall establish and maintain
212 purchasing facilities and procedures as may be necessary
213 to carry out the intent and purpose of this article by
214 complying with the requirements for competitive bidding
215 in the operation and management of each state ~~trade~~
216 ~~school, state junior college, state college, or~~



217 ~~university under the supervision and control of the State~~
218 ~~Board of Education, the district boards of education of~~
219 ~~independent school districts~~ two-year and four-year
220 institution of higher education, the county commissions,
221 and the governing bodies of the municipalities of the
222 state and the governing boards of instrumentalities of
223 counties and municipalities, including waterworks boards,
224 sewer boards, gas boards, and other like utility boards
225 and commissions.

226 (d) Contracts entered into in violation of this
227 article shall be void and any individual who violates
228 this article shall be guilty of a Class C felony."

229 Section 3. Section 16-13B-2, Code of Alabama 1975, is
230 amended to read as follows:

231 "§16-13B-2

232 (a) Competitive bids shall not be required for
233 utility services for county or city boards of education,
234 the rates for which are fixed by law, regulation, or
235 ordinance, and the competitive bidding requirements of
236 this chapter shall not apply to:

237 (1) The purchase of insurance.

238 (2) Contracts for securing services of attorneys,
239 physicians, architects, teachers, superintendents of
240 construction, artists, appraisers, engineers,



241 consultants, certified public accountants, public
242 accountants, or other individuals possessing a high
243 degree of professional skill where the personality of the
244 individual plays a decisive part.

245 (3) Contracts of employment in the regular civil
246 service.

247 (4) Contracts for fiscal or financial advice or
248 services.

249 (5) Purchases of products made or manufactured by
250 blind or visually impaired individuals under the
251 direction or supervision of the Alabama Institute for
252 Deaf and Blind in accordance with Sections 21-2-1 to
253 21-2-4, inclusive.

254 (6) Purchases of maps or photographs from any federal
255 agency.

256 (7) Purchases of manuscripts, books, instructional
257 materials, maps, pamphlets, or periodicals, or the
258 electronic version thereof. The exemption for the
259 purchase of instructional materials shall only include
260 those purchases from a current vetted and approved list
261 published by the State Department of Education.

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

264 (9) Existing contracts up for renewal for sanitation



265 or solid waste collection, recycling, or disposal and
266 those providing the service.

267 (10) Purchases of computer and word processing
268 hardware when the hardware is the only type that is
269 compatible with hardware already owned by the entity
270 taking bids and custom software.

271 (11) Contractual services and purchases of
272 commodities for which there is only one vendor or
273 supplier and contractual services and purchases of
274 personal property which by their very nature are
275 impossible to award by competitive bidding.

276 (12) Contractual services and purchases of products
277 related to, or having an impact upon, security plans,
278 procedures, assessments, measures, or systems, or the
279 security or safety of persons, structures, facilities, or
280 infrastructures.

281 (13) Purchases, leases, or lease/purchases of goods
282 or services, other than voice or data wireless
283 communication services, made as a part of any purchasing
284 cooperative sponsored by the National Association of
285 Counties, its successor organization, or any other
286 national or regional governmental cooperative purchasing
287 program. The purchases, leases, or lease/purchases may
288 only be made if all of the following occur:



289 a. The goods or services being purchased, including
290 those purchased through a lease/purchase agreement, or
291 leased are available as a result of a competitive bid
292 process conducted by a governmental entity whose award
293 complies with Section 16-13B-1(a) and is approved by the
294 Department of Examiners of Public Accounts for each bid.

295 b. The goods or services are either not at the time
296 available to local boards of education on the state
297 purchasing program or are available at a price equal to
298 or less than that on the state purchasing program.

299 c. The purchase, lease, or lease/purchase is made
300 through a participating Alabama vendor holding an Alabama
301 business license if such a vendor exists.

302 (14) Purchases of unprocessed agricultural products
303 as defined in subsection (b) of Section 16-1-46 and the
304 cost of the food purchased is equal to or less than the
305 federal simplified acquisition threshold set in 2 C.F.R.
306 § 200.88.

307 (15) Purchase of goods or services, other than voice
308 or data wireless communication services, from vendors
309 that have been awarded a current and valid general
310 services administration contract. Prices paid for the
311 goods or services may not exceed the lowest competitively
312 bid price for these goods or services, other than voice



313 or data wireless communication services, and may not
314 exceed the price on an existing state purchasing program.

315 (b) This chapter shall not apply to:

316 (1) Any purchases of products where the price of the
317 products is already regulated and established by state
318 law.

319 (2) Purchases made by individual schools of the
320 county or municipal public school systems from monies
321 other than those raised by taxation or received through
322 appropriations from state or county sources.

323 (c) The city and county boards of education shall
324 establish and maintain the purchasing facilities and
325 procedures as may be necessary to carry out the intent
326 and purpose of this chapter by complying with the
327 requirements for competitive bidding in the operation and
328 management of each city and county board of education.

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

332 Section 4. Section 41-4-171, Code of Alabama 1975, is
333 amended to read as follows:

334 "§41-4-171

335 (a) A public procurement unit that is governed by
336 this article may either participate in, sponsor, conduct,



337 or administer a cooperative purchasing agreement for the
338 procurement of any supplies or services with one or more
339 public procurement units in accordance with an agreement
340 entered into between the participants. The cooperative
341 purchasing agreement may include joint or multi-party
342 contracts between public procurement units and open-ended
343 public procurement unit contracts that are made available
344 to other public procurement units.

345 (b) All cooperative purchasing conducted under this
346 division shall be through contracts awarded using source
347 selection methods ~~substantially equivalent to those~~
348 specified in Division 3."

349 Section 5. This act shall become effective on October