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Rachel Laurie Riddle
Chief Examiner

MEMORANDUM

DATE: May 18, 2026

TO: State Departments, Boards, and Commissions
Alabama County Commissions
Alabama Municipalities
City and County Boards of Education
Other Entities Subject to Sections, 16-13B-1, *et seq.*, 41-16-50, *et seq.*, and 41-4-110 through 179, *Ala. Code* 1975

RE: Act 2026-254

During the 2026 regular legislative session, the Alabama Legislature passed Act 2026-254, which provided an exemption to the Alabama Public Works Law for “playground equipment.” This memo is to serve as notice to affected governmental entities of this exemption.

Act 2026-254 defines “playground equipment” as “any structure or apparatus intended for children’s recreational use and play in a public area, including a public park, public school, or other public property. The term includes slides, swings, climbing equipment, seesaws, and splash pads. The term also includes purchases ancillary to the use of a playground, including safety surfacing, fencing, signage, and shade structures.”

Act 2026-254 provides that contracts for the purchase, design, and installation of playground equipment are excluded from the operation of Title 39, otherwise known as the Alabama Public Works Law. Act 2026-254 further provides that contracts for the purchase, design, and installation of playground equipment are to be procured in accordance with the applicable provisions of the State’s Competitive Bid Laws.

Alabama’s Competitive Bid Laws provide for the use of national or regional purchasing cooperatives and require the Department of Examiners of Public Accounts to review the competitive bidding process utilized by such cooperative programs for use by Alabama local governmental entities. The Department annually conducts reviews of certain purchasing cooperatives with a high volume of requests and publishes approval letters for the use of approved purchasing cooperatives on the Department’s website. Those purchasing cooperatives listed on the Department’s website may now be utilized for the purchase, design, and installation of playground

equipment as provided by Act 2026-254. Additional purchasing cooperatives may be approved for use by local governmental entities by submitting a written request to the Chief Examiner. Upon receipt of an approval request for a purchasing cooperative not listed on the Department's website, the Department will conduct a review of the requested purchasing cooperative and provide a response to the Alabama governmental entity submitting the request. Cooperative use by State governmental entities will continue to be governed in accordance with Section 41-4-170 through 41-4-176, *Ala. Code* 1975.

Prior to utilizing an approved purchasing cooperative, each governmental entity must verify that the goods or services to be purchased are either not at the time available on the state purchasing program or are available at a price equal to or less than that on the state purchase program. See Sections 41-16-51(a)(16) and 16-13B-2(a)(13), *Ala Code* 1975. Any such purchases must be made through a participating Alabama vendor holding an Alabama business license if such a vendor exists. *Id.* Any such vendor shall also comply with Section 41-16-51(a)(16)d when applicable. Further, all purchases must comply with the requirements of *Uniform Guidance*.

If the Department can be of further assistance, please let us know.

Sincerely,



Rachel Laurie Riddle
CHIEF EXAMINER

RLR/lbm