

1 SB34
2 115128-1
3 By Senator Means
4 RFD: Fiscal Responsibility and Accountability
5 First Read: 12-JAN-10
6 PFD: 11/17/2010

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8 SYNOPSIS: Currently, there is no provision in state
9 law which absolutely prohibits no-bid contracts.

10 This bill would prohibit no-bid contracts,
11 but provide an exception for personal service
12 contracts less than \$100,000, and provide an
13 exception for emergency situations.

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15 A BILL
16 TO BE ENTITLED
17 AN ACT

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19 Relating to no-bid contracts, to prohibit no-bid
20 contracts, and to make exceptions for declared emergencies and
21 for personal service contracts.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) Except as provided in subsection (b),
24 all contracts with the State of Alabama shall be competitively
25 bid and open to the general public after a reasonable and
26 prudent period of advertising on a central electronic site
27 maintained by the state. Contracts shall be awarded to the

1 lowest responsible bidder. Any contract entered into by the
2 executive branch without complying with the lowest responsible
3 competitively bid contract shall be null and void, and the
4 state shall not be obligated to honor any no-bid contract
5 which fails to comply with this section.

6 (b) The following exceptions to subsection (a) shall
7 apply:

8 (1) Personal service contracts of less than one
9 hundred thousand dollars (\$100,000).

10 (2) Emergency contracts necessary to protect the
11 general welfare and safety of the public; however, such
12 contracts shall be designated as emergency contracts and
13 proclaimed as such by the Governor. Notification of emergency
14 contracts shall be given to the public and the news media
15 whenever executed and shall also be posted on a central
16 electronic site so as to give the public and the news media
17 additional access to all emergency contract information and a
18 detailed explanation as to the specific cause of the
19 emergency.

20 (c) Failure to follow the provisions of this section
21 shall cause the non-compliant person or persons to be removed
22 from his or her position or positions in state government upon
23 conviction in a court of competent jurisdiction, including the
24 appellate courts of the state.

25 Section 2. This act shall be construed in pari
26 materia with other laws, but shall supersede any law in
27 conflict herewith.

1 Section 3. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.