

1 SB47
2 115554-1
3 By Senator Barron
4 RFD: Finance and Taxation General Fund
5 First Read: 12-JAN-10
6 PFD: 12/09/2009

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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 in
11 amounts in excess of \$7,500, but provide an
12 exception for emergency situations.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to no-bid contracts, to prohibit no-bid
19 contracts in amounts in excess of \$7,500, and to make
20 exceptions for declared emergencies.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) Except as provided in subsection (b),
23 any contract with the State of Alabama in an amount in excess
24 of seven thousand five hundred dollars (\$7,500) shall be
25 competitively bid and open to the general public after a
26 reasonable and prudent period of advertising on a central
27 electronic site maintained by the state. Such contracts shall

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

7 (b) The following exception to subsection (a) shall
8 apply:

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

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

23 Section 2. This act shall be construed in pari
24 materia with other laws, but shall supersede any law in
25 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.