

1 SB52  
2 115678-3  
3 By Senator Barron  
4 RFD: Finance and Taxation General Fund  
5 First Read: 12-JAN-10  
6 PFD: 12/16/2009

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to no-bid contracts, to prohibit no-bid  
12 contracts in amounts in excess of \$7,500 and to provide for a  
13 certain retroactive effect, and to make an exception for  
14 declared emergencies.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. (a) Except as provided in subsection (b)  
17 or otherwise exempt by law, any contract with the State of  
18 Alabama, including any contract with the Alabama House of  
19 Representatives or the Alabama Senate or any member thereof,  
20 in an amount in excess of seven thousand five hundred dollars  
21 (\$7,500) shall be competitively bid and open to the general  
22 public after a reasonable and prudent period of advertising on  
23 a central electronic site maintained by the state. Such  
24 contracts shall be awarded to the lowest responsible bidder.  
25 Any contract entered into without complying with the lowest  
26 competitively bid requirement shall be null and void, and the

1 state may not honor any no-bid contract which fails to comply  
2 with this section.

3 If the terms of any contract exceeding two hundred  
4 fifty thousand dollars (\$250,000) have not been at least 50  
5 percent or more completed, the provisions of this section  
6 shall be retroactively applicable to the date such contract  
7 was entered into.

8 (b) Subsection (a) shall not apply to emergency  
9 contracts necessary to protect the safety of the public during  
10 a state of emergency declared pursuant to Section 31-9-8, Code  
11 of Alabama 1975; however, such contracts shall be designated  
12 as emergency contracts and proclaimed as such by the Governor.  
13 Notification of emergency contracts shall be given to the  
14 public and the news media whenever executed and shall also be  
15 posted on a central electronic site so as to give the public  
16 and the news media additional access to all emergency contract  
17 information and a detailed explanation as to the specific  
18 cause of the emergency.

19 Subsection (a) shall also not apply to contracts  
20 involving or related to utility services where no competition  
21 exists or where rates are fixed by law or ordinance.

22 Subsection (a) shall not apply unless the contract  
23 is paid out of appropriated funds, federal or state, on a  
24 state warrant.

25 (c) Failure to follow the provisions of this section  
26 shall cause the non-compliant person or persons to be removed

1 from his or her position or positions in state government upon  
2 final conviction in a court of competent jurisdiction.

3 (d) This section shall not apply to contracts for  
4 the procurement of professional services required to manage,  
5 administer and operate a state veterans' home, as provided in  
6 §31-5A-4, and the procurement of professional services  
7 required for the establishment of a state veterans' cemetery.

8 Section 2. This act shall be construed in pari  
9 materia with other laws, but shall supersede any law in  
10 conflict herewith.

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

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Senate

Read for the first time and referred to the Senate  
committee on Finance and Taxation General Fund .. 12-JAN-10

Read for the second time and placed on the calen-  
dar ..... 14-JAN-10

Read for the third time and passed as amended ... 04-FEB-10

Yeas 30  
Nays 0

McDowell Lee  
Secretary