

1 SB213
2 156518-2
3 By Senator Waggoner
4 RFD: Fiscal Responsibility and Accountability
5 First Read: 16-JAN-14

1 SB213

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4 ENROLLED, An Act,

5 To amend Section 41-16-21 of the Code of Alabama
6 1975; relating to contracts for which competitive bidding is
7 not generally required to increase the minimum amount of
8 contracts let by educational and eleemosynary institutions,
9 the Alabama State Port Authority, and certain other state
10 agencies subject to competitive bidding from \$7,500 to
11 \$15,000, consistent with those changes made to Section
12 41-16-20 of the Code of Alabama 1975, by Act 2012-462, 2012
13 Regular Session, which increased the minimum amount of
14 contracts for which competitive bidding is required for any
15 state department, board, bureau, commission, committee,
16 institution, corporation, authority, or office from \$7,500 to
17 \$15,000.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 41-16-21, Code of Alabama 1975,
20 is amended to read as follows:

21 "§41-16-21.

22 "(a) Competitive bids shall not be required for
23 utility services where no competition exists or where rates
24 are fixed by law or ordinance, and the competitive bidding
25 requirements of this article shall not apply to: The purchase

1 of insurance by the state; contracts for the securing of
2 services of attorneys, physicians, architects, teachers,
3 artists, appraisers, engineers, or other individuals
4 possessing a high degree of professional skill where the
5 personality of the individual plays a decisive part; contracts
6 of employment in the regular civil service of the state;
7 purchases of alcoholic beverages only by the Alcoholic
8 Beverage Control Board; purchases and contracts for repair of
9 equipment used in the construction and maintenance of highways
10 by the State Department of Transportation; purchases of
11 products made or manufactured by the blind or visually
12 handicapped under the direction or supervision of the Alabama
13 Institute for Deaf and Blind in accordance with Sections
14 21-2-1 through 21-2-4; purchases of maps or photographs
15 purchased from any federal agency; contractual services and
16 purchases of personal property, which by their very nature are
17 impossible of award by competitive bidding; barter
18 transactions by the Department of Corrections; and purchases,
19 contracts, or repairs by the Alabama State Port Authority when
20 it is deemed by the Director of the Alabama State Port
21 Authority and the Secretary-Treasurer of the Alabama State
22 Port Authority that the purchases, contracts, or repairs are
23 impractical of award by competitive bidding due to the
24 exigencies of time or interference with the flow of commerce.
25 The Director of the Alabama State Port Authority and the

1 Secretary-Treasurer of the Alabama State Port Authority shall
2 place a sworn statement in writing in the permanent file or
3 records setting out the emergency or exigency relied upon and
4 the necessity for negotiation instead of proceeding by
5 competitive bidding in that particular instance, and the sworn
6 statement shall be open to public inspection. A copy of the
7 sworn statement shall be furnished forthwith to the Governor
8 and Attorney General.

9 "(b) All educational and eleemosynary institutions
10 governed by a board of trustees or other similar governing
11 body and the Alabama State Port Authority shall be exempt from
12 this article which relate to the powers, duties, authority,
13 restrictions, and limitations conferred or imposed upon the
14 Department of Finance, Division of Purchasing. The educational
15 and eleemosynary institutions, the Alabama State Port
16 Authority, and the other state agencies exempted from this
17 article shall let by free and open competitive bidding on
18 sealed bids to the lowest responsible bidder all contracts of
19 whatever nature for labor, services or work or for the
20 purchase or lease of materials, equipment, supplies, or other
21 personal property involving ~~seven thousand five hundred~~
22 ~~dollars (\$7,500)~~ fifteen thousand dollars (\$15,000) or more.
23 The institutions, departments, and agencies shall establish
24 and maintain purchasing facilities as may be necessary to
25 carry out the intent and purpose of this article by complying

1 with the requirements for competitive bidding in the operation
2 and management of each institution, department, or agency.

3 "(c) Contracts entered into in violation of this
4 article shall be void.

5 "(d) Nothing in this section shall be construed as
6 repealing Sections 9-2-106 and 9-2-107."

7 Section 2. The foregoing amendment to Section
8 41-16-21 of the Code of Alabama 1975, is remedial and curative
9 and is retroactive to the effective date of Act 2012-462, 2012
10 Regular Session.

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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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB213

Senate 12-FEB-14

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 11-MAR-14

By: Senator Waggoner