

1 HB216  
2 135108-1  
3 By Representative Hubbard (J)  
4 RFD: State Government  
5 First Read: 07-FEB-12

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8 SYNOPSIS: Existing law provides that in the letting of  
9 public contracts in which any state, county, or  
10 municipal funds are utilized, preference shall be  
11 given to resident contractors, and a nonresident  
12 bidder domiciled in a state having laws granting  
13 preference to local contractors shall be awarded  
14 Alabama public contracts only on the same basis as  
15 the nonresident bidder's state awards contracts to  
16 Alabama contractors bidding under similar  
17 circumstances.

18 This bill would require each awarding  
19 authority of certain public works contracts to give  
20 preference to a bidder who has a workforce that  
21 consists of at least 50 percent of all workers to  
22 be employed on the public works project who hold an  
23 Alabama driver's license or an identification card  
24 issued by the Alabama Department of Public Safety,  
25 has a valid Alabama business license, and uses  
26 vehicles which are used primarily for the public  
27 works projects that are registered and partially

1 apporportioned in Alabama. If employing design  
2 professionals for the public work, at least 50  
3 percent of the design professionals shall have a  
4 valid Alabama driver's license or an identification  
5 card issued by the Alabama Department of Public  
6 Safety, and at least 25 percent of the suppliers of  
7 materials used for the public work shall be located  
8 in the State of Alabama.

9 This bill would require each bidder who is  
10 awarded a public works contract pursuant to this  
11 section to maintain and make available for  
12 inspection records concerning payrolls related to  
13 the public works project.

14 This bill would allow the Governor, in times  
15 of emergencies, to waive the provisions of this  
16 act.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 Relating to the awarding of public contracts; to  
23 require each awarding authority of certain public works  
24 contracts to give preference to a bidder who has a workforce  
25 that consists of at least 50 percent of all workers to be  
26 employed on the public works project who hold an Alabama  
27 driver's license or an identification card issued by the

1 Alabama Department of Public Safety, has a valid Alabama  
2 business license, and uses vehicles which are used primarily  
3 for the public works projects that are registered and  
4 partially apportioned in Alabama; to provide that at least 50  
5 percent of design professionals shall have a valid Alabama  
6 driver's license or an identification card issued by the  
7 Alabama Department of Public Safety; to provide that the  
8 service of at least 25 percent of the suppliers of materials  
9 used for the public work be located in the State of Alabama;  
10 to require each bidder who is awarded a public works contract  
11 to maintain and make available for inspection records  
12 concerning payroll related to the public works project; and to  
13 allow the Governor, in times of emergencies, to waive the  
14 provisions of this act.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. (a) The awarding authority of a public  
17 works contract in which any state, county, or municipal funds  
18 are used, except those contracts funded in whole or in part  
19 with funds received from a federal agency, shall give  
20 preference to a bidder who:

21 (1) Has a workforce that consists of at least 50  
22 percent of all workers to be employed on the public works  
23 project who hold an Alabama driver's license or an  
24 identification card issued by the Alabama Department of Public  
25 Safety.

26 (2) Has a valid Alabama business license.

1           (3) Uses vehicles which are used primarily for the  
2 public works project that are registered and partially  
3 apportioned in Alabama.

4           (4) If employing design professionals for the public  
5 work, at least 50 percent of the design professionals shall  
6 have a valid Alabama driver's license or an identification  
7 card issued by the Alabama Department of Public Safety.

8           (5) Uses the service of at least 25 percent of the  
9 suppliers of materials used for the public work who are  
10 located in the State of Alabama.

11           (b) Each bidder who is awarded a public works  
12 contract pursuant to this section shall maintain and make  
13 available for inspection records concerning payrolls related  
14 to the public works project.

15           (c) The Governor, or his or her designee, may waive  
16 any requirement of this act if he or she finds that there  
17 exists an emergency which threatens the public health, safety,  
18 or welfare and the waiver is necessary to meet the emergency.  
19 The Governor, or his or her designee, shall require the award  
20 of each contract to be made with such competition as is  
21 practicable under the circumstances. The Governor, or his or  
22 her designee, shall file with the Secretary of State a  
23 statement of facts constituting the emergency for each waiver  
24 issued under this section, and a statement of the basis for  
25 selection of each contractor under the emergency procedure.

1                   Section 2. This act shall become effective on the  
2           first day of the third month following its passage and  
3           approval by the Governor, or its otherwise becoming law.