

1 HB504
2 136644-2
3 By Representative Carns
4 RFD: County and Municipal Government
5 First Read: 08-MAR-12

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ENROLLED, An Act,

To amend Section 16-13B-2, Code of Alabama 1975, relating to exemptions from competitive bidding requirements by local boards of education; to expand the exemption to additional cooperative purchasing programs.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-13B-2 of the Code of Alabama 1975, is amended to read as follows:

"§16-13B-2.

"(a) Competitive bids shall not be required for utility services for county or city boards of education, the rates for which are fixed by law, regulation, or ordinance, and the competitive bidding requirements of this chapter shall not apply to:

"(1) The purchase of insurance.

"(2) Contracts for securing services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers, consultants, certified public accountants, public accountants, or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part.

"(3) Contracts of employment in the regular civil service.

1 "(4) Contracts for fiscal or financial advice or
2 services.

3 "(5) Purchases of products made or manufactured by
4 the blind or visually handicapped under the direction or
5 supervision of the Alabama Institute for Deaf and Blind in
6 accordance with Sections 21-2-1 to 21-2-4, inclusive.

7 "(6) Purchases of maps or photographs from any
8 federal agency.

9 "(7) Purchases of manuscripts, books, maps,
10 pamphlets, or periodicals.

11 "(8) The selection of paying agents and trustees for
12 any security issued by a public body.

13 "(9) Existing contracts up for renewal for
14 sanitation or solid waste collection, recycling, or disposal
15 and those providing the service.

16 "(10) Purchases of computer and word processing
17 hardware when the hardware is the only type that is compatible
18 with hardware already owned by the entity taking bids and
19 custom software.

20 "(11) Contractual services and purchases of
21 commodities for which there is only one vendor or supplier and
22 contractual services and purchases of personal property which
23 by their very nature are impossible to award by competitive
24 bidding.

1 "(12) Contractual services and purchases of products
2 related to, or having an impact upon, security plans,
3 procedures, assessments, measures, or systems, or the security
4 or safety of persons, structures, facilities, or
5 infrastructures.

6 "(13) Purchases of goods made as a part of any
7 purchasing cooperative sponsored by the National Association
8 of Counties, ~~or~~ its successor organization, or any other
9 competitive bid nationwide cooperative purchasing program, or
10 other national or regional governmental cooperative purchasing
11 program. This subdivision shall not apply to goods for which a
12 service or service contract, whether subject to competitive
13 bidding under this chapter or not, is necessary to utilize the
14 goods. Such purchases may only be made if all of the following
15 occur:

16 "a. The goods being purchased are available as a
17 result of a competitive bid process approved by the Department
18 of Examiners of Public Accounts for each bid.

19 "b. The goods are either not at the time available
20 to local boards of education on the state purchasing program
21 or are available at a price equal to or less than that on the
22 state purchasing program.

23 "c. The purchase is made through a participating
24 Alabama vendor holding an Alabama business license if such a
25 vendor exists.

1 "(b) This chapter shall not apply to:

2 "(1) Any purchases of products where the price of
3 the products is already regulated and established by state
4 law.

5 "(2) Purchases made by individual schools of the
6 county or municipal public school systems from moneys other
7 than those raised by taxation or received through
8 appropriations from state or county sources.

9 "(c) The city and county boards of education shall
10 establish and maintain such purchasing facilities and
11 procedures as may be necessary to carry out the intent and
12 purpose of this chapter by complying with the requirements for
13 competitive bidding in the operation and management of each
14 city and county board of education.

15 "(d) Contracts entered into in violation of this
16 chapter shall be void, and anyone who violates this chapter
17 shall be guilty of a Class C felony."

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 24-APR-12.

Greg Pappas
Clerk

Senate

16-MAY-12

Passed