

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

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8 SYNOPSIS: Under existing law, purchases of goods by  
9 city and county boards of education made as a part  
10 of a purchasing cooperative sponsored by the  
11 National Association of Counties, are not subject  
12 to the state competitive bid law.

13 This bill would expand the exemption to  
14 other competitive bid nationwide cooperative  
15 purchasing programs or national or regional  
16 governmental cooperative purchasing programs.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT  
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22 To amend Section 16-13B-2, Code of Alabama 1975,  
23 relating to exemptions from competitive bidding requirements  
24 by local boards of education; to expand the exemption to  
25 additional cooperative purchasing programs.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3           "§16-13B-2.

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

9           "(1) The purchase of insurance.

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

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

18           "(4) Contracts for fiscal or financial advice or  
19 services.

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

24           "(6) Purchases of maps or photographs from any  
25 federal agency.

26           "(7) Purchases of manuscripts, books, maps,  
27 pamphlets, or periodicals.

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

3           "(9) Existing contracts up for renewal for  
4 sanitation or solid waste collection, recycling, or disposal  
5 and those providing the service.

6           "(10) Purchases of computer and word processing  
7 hardware when the hardware is the only type that is compatible  
8 with hardware already owned by the entity taking bids and  
9 custom software.

10           "(11) Contractual services and purchases of  
11 commodities for which there is only one vendor or supplier and  
12 contractual services and purchases of personal property which  
13 by their very nature are impossible to award by competitive  
14 bidding.

15           "(12) Contractual services and purchases of products  
16 related to, or having an impact upon, security plans,  
17 procedures, assessments, measures, or systems, or the security  
18 or safety of persons, structures, facilities, or  
19 infrastructures.

20           "(13) Purchases of goods made as a part of any  
21 purchasing cooperative sponsored by the National Association  
22 of Counties, ~~or~~ its successor organization, or any other  
23 competitive bid nationwide cooperative purchasing program, or  
24 other national or regional governmental cooperative purchasing  
25 program. This subdivision shall not apply to goods for which a  
26 service or service contract, whether subject to competitive  
27 bidding under this chapter or not, is necessary to utilize the

1 goods. Such purchases may only be made if all of the following  
2 occur:

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

6 "b. The goods are either not at the time available  
7 to local boards of education on the state purchasing program  
8 or are available at a price equal to or less than that on the  
9 state purchasing program.

10 "c. The purchase is made through a participating  
11 Alabama vendor holding an Alabama business license if such a  
12 vendor exists.

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

14 "(1) Any purchases of products where the price of  
15 the products is already regulated and established by state  
16 law.

17 "(2) Purchases made by individual schools of the  
18 county or municipal public school systems from moneys other  
19 than those raised by taxation or received through  
20 appropriations from state or county sources.

21 "(c) The city and county boards of education shall  
22 establish and maintain such purchasing facilities and  
23 procedures as may be necessary to carry out the intent and  
24 purpose of this chapter by complying with the requirements for  
25 competitive bidding in the operation and management of each  
26 city and county board of education.

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

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