HB120

29V1SII-1

By Representative Shaw

RFD: Ways and Means Education

First Read: 06-Feb-24

SYNOPSIS:

Under existing law, competitive bidding requirements for county and city boards of education do not apply to purchases, leases, or lease/purchases for certain goods or services.

This bill would provide that goods and services exempted from competitive bid laws include the installation of those goods on property owned by a local board of education.

A BILL

TO BE ENTITLED

AN ACT

Relating to competitive bidding; to amend Section 16-13B-2, Code of Alabama 1975; to exempt the installation of certain goods on property owned by a local board of education from certain competitive bidding requirements.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-13B-2, 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.

(4) Contracts for fiscal or financial advice or services.

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

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

(7) Purchases of manuscripts, books, instructional materials, maps, pamphlets, or periodicals, or the electronic version thereof. The exemption for the purchase of instructional materials shall only include those purchases from a current vetted and approved list published by the State Department of Education.

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

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

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

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

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

(13) Purchases, leases, or lease/purchases of goods or services, including the installation of those goods on property owned by a local board of education, other than voice or data wireless communication services, made as a part of any purchasing cooperative sponsored by the National Association of Counties, its successor organization, or any other national or regional governmental cooperative purchasing program. The purchases, leases, or lease/purchases may only be made if all of the following occur:

a. The goods or services being purchased, including those purchased through a lease/purchase agreement, or leased are available as a result of a competitive bid process

approved by the Department of Examiners of Public Accounts for each bid.

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

c. The purchase, lease, or lease/purchase is made through a participating Alabama vendor holding an Alabama business license if such a vendor exists.

(14) Purchases of unprocessed agricultural products as defined in ~~subsection (b) of~~ Section 16-1-46(b) and the cost of the food purchased is equal to or less than the federal simplified acquisition threshold set in 2 C.F.R. § 200.88.

(15) Purchase of goods or services, including the installation of those goods on property owned by a local board of education, other than voice or data wireless communication services, from vendors that have been awarded a current and valid general services administration contract. Prices paid for the goods or services may not exceed the lowest competitively bid price for these goods or services, other than voice or data wireless communication services, and may not exceed the price on an existing state purchasing program.

(b) This chapter shall not apply to:

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

(2) Purchases made by individual schools of the county or municipal public school systems from monies other than those raised by taxation or received through appropriations

from state or county sources.

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

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

Section 2. This act shall become effective on October 1, 2024.