

HB194 INTRODUCED



1 HB194
2 UYFIGDX-1
3 By Representatives Pettus, Treadaway
4 RFD: State Government
5 First Read: 20-Feb-24



SYNOPSIS:

Under existing law, the state procurement code governs all purchases made by government entities. An exception within the procurement code is made for district attorneys and sheriffs, whose purchases are governed by local competitive bidding laws.

This bill would provide that purchases made by volunteer fire departments and rescue squads are excepted from the requirements of the state procurement code and are instead subject to the local competitive bid law requirements.

A BILL
TO BE ENTITLED
AN ACT

Relating to the state procurement code; to amend Section 41-4-124, Code of Alabama 1975, as last amended by Act 2023-542, 2023 Regular Session, to further provide exceptions relating to volunteer fire departments and rescue squads.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-4-124, Code of Alabama 1975, as last amended by Act 2023-542, 2023 Regular Session, is amended to read as follows:



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"§41-4-124

(a) Except as otherwise provided in this article, all rights, powers, duties, and authority relating to the procurement of supplies and services now vested in, or exercised by, any governmental body under existing law are transferred to the Chief Procurement Officer.

(b) The following governmental bodies are subject to this article except as it relates to the purchase of professional services and the oversight and authority of the Chief Procurement Officer, and shall establish and maintain procurement offices and personnel and adopt rules as may be necessary to comply with this article:

(1) All educational and eleemosynary institutions governed by a board of trustees or other similar governing body.

(2) The Retirement Systems of Alabama.

(3) The Department of Mental Health.

(c) The Alabama Department of Transportation is subject to this article except as it relates to the purchase of professional services and shall adopt rules governing the purchase of professional services by the department which are consistent with the principles contained in this article and promote fairness, competition, transparency, integrity, and value in the procurement process.

(d) The procurement of any supplies, services, or professional services by a district attorney, volunteer fire department, rescue squad, or sheriff shall be solely governed by Article 3, commencing with Section 41-16-50 of Chapter 16.



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(e) The procurement of any supplies or services by a legislative agency or judicial agency shall be solely governed by procedures adopted by the Legislative Council for all legislative agencies and by rules adopted by the Supreme Court of Alabama for all judicial agencies. The procedures adopted shall be consistent with any applicable requirements of the Constitution of Alabama of 2022, and shall be established in accordance with the underlying purposes and policies of promoting responsible and efficient use of public funds dedicated and appropriated to the agencies for their use, providing consistency of application of rules and requirements across all agencies within the applicable branch of state government, and promoting fairness, competition, transparency, integrity, and value in the procurement process. In no case may the legislative and judicial departments of the state adopt procedures that conflict with the laws of this state regarding the public disclosure of the use of public funds and the transparency of public expenditures, or that otherwise conflict with state law regarding public records and public access to those records. Except for the requirement to act in good faith, no other provision of this article shall apply to legislative or judicial agencies; provided, that the legislative and judicial departments may adopt all or any part of this article and its accompanying rules.

(f) The procurement of any supplies or services by the Alabama State Port Authority shall be solely governed by procedures adopted by the Board of Directors of the Alabama State Port Authority. The procedures adopted shall be



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consistent with any applicable requirements of the Constitution of Alabama of 2022, and shall be established in accordance with the underlying purposes and policies of promoting responsible and efficient use of the funds of the Alabama State Port Authority, providing consistency of application of rules and requirements across all agencies within the applicable branch of state government, and promoting fairness, competition, transparency, integrity, and value in the procurement process. Except for the protection of information otherwise legally considered commercially confidential, sensitive, or of a nature that upon release would harm the competitive advantage of itself or its customers, concessionaires, lessees, or suppliers, the Alabama State Port Authority may not adopt procedures that conflict with the laws of this state regarding the public disclosure of the use of its funds and the transparency of its expenditures, or that otherwise conflict with state law regarding public records and public access to those records. Except as provided in this subsection and the requirement to act in good faith, no other provision of this article shall apply to the Alabama State Port Authority; provided, however, that the Alabama State Port Authority may adopt all or any part of this article and its accompanying rules."

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