HB504

136644-1

By Representative Carns

RFD: County and Municipal Government

First Read: 08-MAR-12
SYNOPSIS: Under existing law, purchases of goods by city and county boards of education made as a part of a purchasing cooperative sponsored by the National Association of Counties, are not subject to the state competitive bid law.

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

A BILL

TO BE ENTITLED

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.

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

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

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

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

"a. The goods being purchased 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 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 is made through a participating Alabama vendor holding an Alabama business license if such a vendor exists.

(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 moneys 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 such 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 anyone who violates this chapter shall be guilty of a Class C felony."

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