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3 ORR AMENDMENT TO SB182  
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8 On page 1, line 24, after "Finance;" insert the  
9 following:

10 to repeal Article 2 (commencing with Section  
11 41-16-20) and Article 3A (commencing with Section 41-16-70) of  
12 Chapter 16 of Title 41, Code of Alabama 1975;  
13

14 On page 2, line 11, after "repealed." insert the  
15 following:

16 Article 2 (commencing with Section 41-16-20) and  
17 Article 3A (commencing with Section 41-16-70) of Chapter 16 of  
18 Title 41, Code of Alabama 1975, are repealed.  
19

20 On page 2, line 4, delete "Section 41-4-66" and  
21 insert in lieu thereof the following:

22 Sections 41-4-66 and 41-16-50  
23

24 On page 2, line 7, after "contract" insert the  
25 following:

26 and to delete state trade schools, junior colleges,  
27 colleges, and universities under the supervision and control

1 of the Alabama Community College System from coverage under  
2 the public bid law in Article 3 of Chapter 16, Title 40, Code  
3 of Alabama 1975

4  
5 On page 4, delete lines 12 through 14 in their  
6 entirety and insert in lieu thereof the following:

7 b. All expenditures of funds of whatever nature made  
8 by or on behalf of the county commissions and the governing  
9 boards of instrumentalities of counties, including waterworks  
10 boards, sewer boards, gas boards, and other like utility  
11 boards, and commissions for which

12  
13 On page 6, line 21, after "agency" insert the  
14 following:

15 , the Alabama State Port Authority, or the county  
16 commission and governing boards of instrumentalities of  
17 counties including waterworks boards, sewer boards, gas  
18 boards, and other like utility boards and commissions

19  
20 On page 10, delete lines 5 and 6 in their entirety  
21 and renumber the remaining subdivisions accordingly.

22  
23 On page 10, line 7, delete "Bids" and insert in lieu  
24 thereof the following:

25 Evaluative documents, bids,

1           On page 14, line 16, delete "goods" and insert in  
2 lieu thereof the following:

3           supplies

4  
5           On page 15, delete line 23 in its entirety and  
6 renumber the remaining subdivisions accordingly.

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8           On page 17, after line 2, insert the following:

9           (e) The procurement of any supplies or services by  
10 the Alabama State Port Authority shall be solely governed by  
11 procedures adopted by the Board of Directors of the Alabama  
12 State Port Authority. The procedures adopted shall be  
13 consistent with any applicable requirements of the  
14 Constitution of Alabama of 1901 and shall be established in  
15 accordance with the underlying purposes and policies of  
16 promoting responsible and efficient use of the funds of the  
17 Alabama State Port Authority, providing consistency of  
18 application of rules and requirements across all agencies  
19 within the applicable branch of state government, and  
20 promoting fairness, competition, transparency, integrity, and  
21 value in the procurement process. Except for the protection of  
22 information otherwise legally considered commercially  
23 confidential, sensitive, or of a nature that upon release  
24 would harm the competitive advantage of itself or its  
25 customers, concessionaires, lessees, or suppliers, the Alabama  
26 State Port Authority may not adopt procedures that conflict  
27 with the laws of this state regarding the public disclosure of

1 the use of its funds and the transparency of its expenditures,  
2 or that otherwise conflict with state law regrading public  
3 records and public access to those records. Except as provided  
4 in this subsection and the requirement to act in good faith,  
5 no other provision of this chapter shall apply to the Alabama  
6 State Port Authority; provided, however, that the Alabama  
7 State Port Authority may adopt all or any part of this chapter  
8 and its accompanying rules.

9  
10 On page 24, delete lines 1 through 15 in their  
11 entirety and renumber the remaining subdivision accordingly.

12  
13 On page 27, line 9, delete "materials, goods," and  
14 insert in lieu thereof the following:

15 supplies

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17 On page 28, line 5, delete "goods" and insert in  
18 lieu thereof the following:

19 supplies

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21 On page 34, line 26, delete "personal property" and  
22 insert in lieu thereof the following:

23 supplies

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25 On page 42, line 21, after "sales" delete ", use,"  
26 and insert in lieu thereof the following:

27 and use tax, or simplified sellers use tax,

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On page 42, line 22, after "Articles" delete "1 and 2" and insert in lieu thereof the following:

1, 2, and 4

On page 43, line 1, delete ", use," and insert in lieu thereof the following:

and use tax, or simplified sellers use tax,

On page 43, line 16, delete ", use," and insert in lieu thereof the following:

and use tax, or simplified sellers use tax,

On page 50, line 3, delete "41-4-121A" and insert in lieu thereof the following:

41-4-124A

On page 50, line 7, delete "41-4-121A" and insert in lieu thereof the following:

41-4-124A

On page 62, after line 5, insert the following new Section 4 and renumber the remaining section accordingly:

Section 4. Section 41-16-50, Code of Alabama 1975, is amended to read as follows:

"§41-16-50.

1           "(a) With the exception of contracts for public  
2 works whose competitive bidding requirements are governed  
3 exclusively by Title 39, all expenditure of funds of whatever  
4 nature for labor, services, work, or for the purchase of  
5 materials, equipment, supplies, or other personal property  
6 involving fifteen thousand dollars (\$15,000) or more, and the  
7 lease of materials, equipment, supplies, or other personal  
8 property where the lessee is, or becomes legally and  
9 contractually, bound under the terms of the lease, to pay a  
10 total amount of fifteen thousand dollars (\$15,000) or more,  
11 made by or on behalf of ~~any state trade school, state junior~~  
12 ~~college, state college, or university under the supervision~~  
13 ~~and control of the Alabama Community College System, the~~  
14 Alabama Fire College, the district boards of education of  
15 independent school districts, the county commissions, the  
16 governing bodies of the municipalities of the state, and the  
17 governing boards of instrumentalities of counties and  
18 municipalities, including waterworks boards, sewer boards, gas  
19 boards, and other like utility boards and commissions, except  
20 as hereinafter provided, shall be made under contractual  
21 agreement entered into by free and open competitive bidding,  
22 on sealed bids, to the lowest responsible bidder. Prior to  
23 advertising for bids for an item of personal property or  
24 services, where a county, a municipality, or an  
25 instrumentality thereof is the awarding authority, the  
26 awarding authority may establish a local preference zone  
27 consisting of either the legal boundaries or jurisdiction of

1 the awarding authority, or the boundaries of the county in  
2 which the awarding authority is located, or the boundaries of  
3 the Core Based Statistical Area in which the awarding  
4 authority is located. If no such action is taken by the  
5 awarding authority, the boundaries of the local preference  
6 zone shall be deemed to be the same as the legal boundaries or  
7 jurisdiction of the awarding authority. In the event a bid is  
8 received for an item of personal property or services to be  
9 purchased or contracted for from a person, firm, or  
10 corporation deemed to be a responsible bidder, having a place  
11 of business within the local preference zone where the county,  
12 a municipality, or an instrumentality thereof is the awarding  
13 authority, and the bid is no more than five percent greater  
14 than the bid of the lowest responsible bidder, the awarding  
15 authority may award the contract to the resident responsible  
16 bidder. In the event only one bidder responds to the  
17 invitation to bid, the awarding authority may reject the bid  
18 and negotiate the purchase or contract, providing the  
19 negotiated price is lower than the bid price.

20 "(b) The governing bodies of two or more contracting  
21 agencies, as enumerated in subsection (a), or the governing  
22 bodies of two or more counties, or the governing bodies of two  
23 or more city or county boards of education, may provide, by  
24 joint agreement, for the purchase of labor, services, or work,  
25 or for the purchase or lease of materials, equipment,  
26 supplies, or other personal property for use by their  
27 respective agencies. The agreement shall be entered into by

1 similar ordinances, in the case of municipalities, or  
2 resolutions, in the case of other contracting agencies,  
3 adopted by each of the participating governing bodies, which  
4 shall set forth the categories of labor, services, or work, or  
5 for the purchase or lease of materials, equipment, supplies,  
6 or other personal property to be purchased, the manner of  
7 advertising for bids and the awarding of contracts, the method  
8 of payment by each participating contracting agency, and other  
9 matters deemed necessary to carry out the purposes of the  
10 agreement. Each contracting agency's share of expenditures for  
11 purchases under any agreement shall be appropriated and paid  
12 in the manner set forth in the agreement and in the same  
13 manner as for other expenses of the contracting agency. The  
14 contracting agencies entering into a joint agreement, as  
15 herein permitted, may designate a joint purchasing or bidding  
16 agent, and the agent shall comply with this article.

17 Purchases, contracts, or agreements made pursuant to a joint  
18 purchasing or bidding agreement shall be subject to all terms  
19 and conditions of this article.

20 "In the event that utility services are no longer  
21 exempt from competitive bidding under this article,  
22 non-adjointing counties may not purchase utility services by  
23 joint agreement under authority granted by this subsection.

24 "(c) The awarding authority may require bidders to  
25 furnish a bid bond for a particular bid solicitation if the  
26 bonding requirement applies to all bidders, is included in the



1 written bid specifications, and if bonding is available for  
2 the services, equipment, or materials.

3 "(d) Notwithstanding subsection (a), in the event  
4 the lowest bid for an item of personal property or services to  
5 be purchased or contracted for is received from a foreign  
6 entity, where the county, a municipality, or an  
7 instrumentality thereof is the awarding authority, the  
8 awarding authority may award the contract to a responsible  
9 bidder whose bid is no more than 10 percent greater than the  
10 foreign entity if the bidder has a place of business within  
11 the local preference zone or is a responsible bidder from a  
12 business within the state that is a woman-owned enterprise, an  
13 enterprise of small business, as defined in Section 25-10-3, a  
14 minority-owned business enterprise, a veteran-owned business  
15 enterprise, or a disadvantaged-owned business enterprise. For  
16 the purposes of this subsection, foreign entity means a  
17 business entity that does not have a place of business within  
18 the state."