

HB194 INTRODUCED



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



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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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29 "§41-4-124

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

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

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

44 (2) The Retirement Systems of Alabama.

45 (3) The Department of Mental Health.

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

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



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

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



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

108 Section 2. This act shall become effective on October
109 1, 2024.