



Remove lines 13 through 15 on page 1

Replace line 41 on page 2 with the following:

Sections 41-29-282 and 41-4-126, Code of Alabama
1975, to provide that the

Replace lines 45 through 46 on page 2 with the following:

Legislative Oversight Committee.

Replace lines 48 through 49 on page 2 with the following:

Section 1. Sections 41-29-282 and 41-4-126, Code of
Alabama 1975, are amended to read as follows:

Replace lines 66 through 69 on page 3 with the following:

[Chapter 2 of Title 29, relating to Permanent](#)

Replace lines 78 through 79 on page 3 with the following:

proposal is consistent with the Strategic Workforce
Plan.



Replace line 85 on page 4 with the following:

approved by the Secretary of Commerce."

"§41-4-126

(a) Unless otherwise ordered by rule, with approval of the Governor, the following supplies and services need not be procured through the Division of Procurement and are exempt from the competitive requirements of this article:

(1) Works of art for museum and public display.

(2) Published books in any format such as digital, audio, or hardcopy; maps; periodicals; and technical pamphlets.

(3) Utility services where no competition exists or where rates are fixed by law.

(4) Purchases of alcoholic beverages by the Alcoholic Beverage Control Board.

(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 Chapter 2 of Title 21.

(6) Photographs purchased from a federal agency.

(7) Barter transactions by the Department of Corrections.

(8) The purchase of insurance and supplies or



services related to the purchase of insurance.

(9) Supplies and services that by their very nature are impossible to award by competitive process, as determined by the Chief Procurement Officer.

(10) The procurement of goods, services, training, and other related resources that are directly related to or for the benefit of a company with which the Department of Commerce or the Alabama Industrial Development Training Institute (AIDT) has executed an economic development project agreement. The Chief Procurement Officer, on request, may determine in writing whether a procurement is eligible for this exemption. AIDT shall make annual written reports to the Chief Procurement Officer of all procurements performed under this subdivision. In addition, the Chief Procurement Officer may request periodic reports on all procurements performed under this subdivision at any time.

(b) Any state department or agency whose principal business is honorariums is exempted from this chapter on purchases and contracts for services made by that department or agency.

(c) Nothing in this article is intended to repeal or limit any provision of Section 23-1-40 or Article 5 or Article 6 of Chapter 2 of Title 23, commencing with



OFFERED BY SENATOR BELL

Section 23-2-140, relating to the procurement authority of the State Department of Transportation and the Alabama Toll Road, Bridge and Tunnel Authority. To the extent any provision contained in this article conflicts with Section 23-1-40 or Article 5 or Article 6 of Chapter 2 of Title 23, the latter governs.

(d) Nothing in this article repeals or limits any provision of Section 41-4-400, relating to the procurement authority of the Division of Construction Management. To the extent any provision contained in this article conflicts with Section 41-4-400, the latter governs.

(e) Nothing in this article repeals or limits any provision of Section 14-7-8, relating to the procurement authority of Alabama Correctional Industries. To the extent any provision contained in this article conflicts with Section 14-7-8, the latter governs.

(f) This article does not apply to any state authority, board, or other entity with respect to contracts relating to the issuance of debt that is required to be repaid from sources other than state funds.

(g) This article does not apply to direct health care services provided by the Alabama Department of Public



Health.

(h) Nothing in this article applies to the administration of health benefit plans by a governmental body and supplies or services related thereto.

(i) Except for capital equipment, this article does not apply to the purchase by a public hospital of medical products, medical supplies, medical devices, services, implants, pharmaceuticals, fluids, gases, or any other medical products which are used in the course of treating patients, or to support the treatment of patients.

(j)(1) Except as provided in subdivision (2), the purchase of supplies or services negotiated on behalf of two-year and four-year colleges and universities may be awarded without competitive bidding, provided that no state revenues, appropriations, or other state funds are expended or committed and when it is determined by the respective board that financial benefits will accrue to the institution.

(2) When an Alabama business entity organized under the laws of this state is available to supply the product or service purchased or negotiated under subdivision (1), the Alabama business entity shall have preference unless the product or service supplied by a foreign corporation is substantially different or superior to the product or



OFFERED BY SENATOR BELL

121 service supplied by the Alabama business entity.

122 (3) Public notice shall be provided by the purchasing
123 agency within 10 days of the execution of a contract
124 under this subsection. The public notice shall include,
125 at a minimum, the terms and conditions of any of the
126 supplies or services that are contracted through
127 negotiation without being competitively bid and the name
128 and address of the recipient of the contract.

129 (k) This article does not apply to purchases and
130 contracts for the repair of equipment used in the
131 construction and maintenance of highways by the
132 Department of Transportation.

133 (l) This article does not apply to public works
134 projects governed by Title 39.

135 (m) This article does not apply to the purchase by
136 the Department of Transportation of road building
137 materials for transportation infrastructure in the state.
138 Road building materials may be purchased from private
139 land owners or commercial providers from the nearest or
140 most cost-effective source available for the particular
141 application. Road building materials include dirt,
142 gravel, stone, slag, or borrow materials, in natural
143 state or processed by crushing, grading, or screening
144 processes.



(n) This article does not apply to purchases of supplies and services for the maintenance and operation of highway infrastructure and right-of-way by the Department of Transportation.

(o) Nothing in this article is intended to repeal or limit any provision of Article 2, Chapter 1, Title 23, relating to the powers and authority of the Department of Transportation. To the extent any provision contained in this article conflicts with Article 2, Chapter 1, Title 23, the latter governs.

(p) Governmental bodies may purchase supplies from any vendor that offers the item at a price at least ten percent below the price established on a statewide contract by the Division of Procurement for the same item, provided that each purchase, whether for a single item or multiple items, does not exceed an amount established by rules of the Chief Procurement Officer. The Division of Procurement shall confirm that the terms and conditions of the purchases are substantially similar to those of the statewide contract for the same item prior to the approval of any purchase under this subsection. Any purchase that would be directly connected to any information technology network used by the state shall require prior approval by the Secretary of



OFFERED BY SENATOR BELL

Information Technology. If the purchaser is to take possession of the purchased supplies at the vendor's physical location, any acquisition of supplies under this subsection may be purchased only from vendors physically located within the state. The price of any supplies purchased under this subsection shall be the market price readily available to the public at large. The acquisition of supplies under this subsection is subject to the supervision and administration of the Division of Procurement.

(q) Nothing in this article is intended to repeal or limit any provision of Chapter 61E of Title 16, relating to the powers and authority of the Department of Education to enter into joint purchasing agreements on behalf of educational institutions. To the extent any provision contained in this article conflicts with Chapter 61E of Title 16, the latter governs.

(r) Nothing in this article shall be construed as repealing Section 9-2-106 or Section 9-2-107.

(s) This article does not apply to purchases by the Alabama Department of Rehabilitation Services of supplies and services for the Alabama Department of Rehabilitation Services consumers.

(t) This article does not apply to the Alabama



OFFERED BY SENATOR BELL

193 Medicaid Agency for purposes of the selection of
194 professional service providers for contracts with
195 physicians, pharmacists, dentists, optometrists,
196 opticians, nurses, and other health professionals which
197 involve only service on agency task forces, boards, or
198 committees."