

1 HB670
2 136768-3
3 By Representatives Beech, Wallace, Jones, Sessions, Gaston,
4 Hurst, Johnson (R), Jackson, Baker, Drake, Faust, Brown,
5 Williams (P), Mask, Vance, Bridges, Barton and Boothe
6 RFD: Education Policy
7 First Read: 10-APR-12

1 refrigerating, freezing; size adjustment through size
2 reduction made by peeling, slicing, dicing, cutting, chopping,
3 shucking, and grinding; drying or dehydration, or both;
4 washing; the application of high water pressure or cold
5 pasteurization; packaging, such as placing eggs in cartons,
6 and vacuum packing and bagging, such as placing vegetables in
7 bags; butchering livestock, fish, and poultry; and the
8 pasteurization of milk.

9 (c) (1) The Alabama Department of Agriculture and
10 Industries and the State Department of Education shall
11 collaborate and cooperate by means of a memorandum of
12 understanding executed between the departments in order to
13 implement this section.

14 (2) As part of the collaboration, the State
15 Department of Education shall do all of the following:

16 a. Investigate the potential of various procurement
17 procedures and tools for school food authorities to purchase
18 local farm products and abide by federal regulations
19 including, but not limited to, the small purchase threshold.

20 b. Educate food service directors on the small
21 purchase threshold and tools to promote their use for
22 farm-to-school initiatives.

23 c. Implement food preparation training for food
24 service staff to accommodate sourcing fresh and local foods.

25 d. Encourage school food service directors to
26 include local farmers, processors, and suppliers when

1 procuring farm products that fall under the small purchase
2 threshold.

3 e. Encourage all new school construction projects to
4 consider kitchen facilities capable of producing fresh and
5 healthy school meals and opportunities for hands-on learning.

6 (3) As part of the collaboration, the Alabama
7 Department of Agriculture and Industries shall do all of the
8 following:

9 a. House a farm-to-school point person to coordinate
10 efforts between the Alabama Department of Agriculture and
11 Industries, the State Department of Education, and the Alabama
12 Department of Public Health, who shall be responsible for
13 identifying local farmers, processors, and suppliers and shall
14 work with the State Department of Education to make that
15 information available to school food service directors and for
16 creating and disseminating information on the school food
17 procurement process to help farmers, processors, and suppliers
18 learn more about the process.

19 b. Identify, target, and promote job creation around
20 farm-to-school initiatives.

21 c. In cooperation with commodity groups and growers'
22 associations, utilize existing web-based market development
23 tools or adopt a voluntary web-based directory of farmers
24 searchable by location. The directory shall be routinely
25 updated and consistently maintained and usable by anyone
26 interested in locating farmers and Alabama farm products.

1 d. Investigate opportunities for farmers to supply
2 their products to commercial distributors.

3 (d) The State Department of Education and the
4 Alabama Department of Agriculture and Industries may accept
5 funds from any federal, state, or private source to implement
6 this section.

7 (e) At least 10 percent of the local farmers,
8 processors, and suppliers utilized in providing unprocessed
9 agricultural products pursuant to this section may be minority
10 producers.

11 Section 2. Section 16-13B-2 of the Code of Alabama
12 1975, is amended to read as follows:

13 "§16-13B-2.

14 "(a) Competitive bids shall not be required for
15 utility services for county or city boards of education, the
16 rates for which are fixed by law, regulation, or ordinance,
17 and the competitive bidding requirements of this chapter shall
18 not apply to:

19 "(1) The purchase of insurance.

20 "(2) Contracts for securing services of attorneys,
21 physicians, architects, teachers, superintendents of
22 construction, artists, appraisers, engineers, consultants,
23 certified public accountants, public accountants, or other
24 individuals possessing a high degree of professional skill
25 where the personality of the individual plays a decisive part.

26 "(3) Contracts of employment in the regular civil
27 service.

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

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

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

9 "(7) Purchases of manuscripts, books, maps,
10 pamphlets, or periodicals.

11 "(8) The selection of paying agents and trustees for
12 any security issued by a public body.

13 "(9) Existing contracts up for renewal for
14 sanitation or solid waste collection, recycling, or disposal
15 and those providing the service.

16 "(10) Purchases of computer and word processing
17 hardware when the hardware is the only type that is compatible
18 with hardware already owned by the entity taking bids and
19 custom software.

20 "(11) Contractual services and purchases of
21 commodities for which there is only one vendor or supplier and
22 contractual services and purchases of personal property which
23 by their very nature are impossible to award by competitive
24 bidding.

25 "(12) Contractual services and purchases of products
26 related to, or having an impact upon, security plans,
27 procedures, assessments, measures, or systems, or the security

1 or safety of persons, structures, facilities, or
2 infrastructures.

3 "(13) Purchases of goods made as a part of any
4 purchasing cooperative sponsored by the National Association
5 of Counties, or its successor organization. This subdivision
6 shall not apply to goods for which a service or service
7 contract, whether subject to competitive bidding under this
8 chapter or not, is necessary to utilize the goods. Such
9 purchases may only be made if all of the following occur:

10 "a. The goods being purchased are available as a
11 result of a competitive bid process approved by the Department
12 of Examiners of Public Accounts for each bid.

13 "b. The goods are either not at the time available
14 to local boards of education on the state purchasing program
15 or are available at a price equal to or less than that on the
16 state purchasing program.

17 "c. The purchase is made through a participating
18 Alabama vendor holding an Alabama business license if such a
19 vendor exists.

20 "(14) Purchases of ~~fresh~~ unprocessed agricultural
21 products as defined in subsection (b) of Section 1 of the act
22 adding this subdivision and the food is purchased with a cost
23 of one hundred thousand dollars (\$100,000) or less.

24 "(b) This chapter shall not apply to:

25 "(1) Any purchases of products where the price of
26 the products is already regulated and established by state
27 law.

1 "(2) Purchases made by individual schools of the
2 county or municipal public school systems from moneys other
3 than those raised by taxation or received through
4 appropriations from state or county sources.

5 "(c) The city and county boards of education shall
6 establish and maintain such purchasing facilities and
7 procedures as may be necessary to carry out the intent and
8 purpose of this chapter by complying with the requirements for
9 competitive bidding in the operation and management of each
10 city and county board of education.

11 "(d) Contracts entered into in violation of this
12 chapter shall be void, and anyone who violates this chapter
13 shall be guilty of a Class C felony."

14 Section 3. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Education Policy
..... 10-APR-12

Read for the second time and placed
on the calendar 2 amendments 19-APR-12

Read for the third time and passed
as amended..... 26-APR-12

Yeas 95, Nays 0, Abstains 0

Greg Pappas
Clerk