

1 SB5
2 215401-3
3 By Senators Williams, Elliott, Sessions, Price, Gudger,
4 Roberts, Weaver, Beasley, Singleton, Albritton, Chesteen,
5 Scofield, Melson, Sanders-Fortier, Figures, Smitherman, Butler
6 and Chambliss
7 RFD: Finance and Taxation General Fund
8 First Read: 28-OCT-21

1
2
3
4
5
6
7
8 SYNOPSIS: Under existing law, all expenditures of
9 funds of whatever nature for labor, services, or
10 work, or for the purchase or lease of materials,
11 equipment, supplies, or other personal property
12 involving \$15,000 or more, made by or on behalf of
13 any local board of education, the Alabama Institute
14 for Deaf and Blind, or district boards of education
15 of independent school districts, must be made under
16 contractual agreement entered into by free and open
17 competitive bidding, on sealed bids, to the lowest
18 responsible bidder.

19 Also, under existing law, in cases of an
20 emergency affecting public health, safety, or
21 convenience, these contracts may be let, to the
22 extent necessary, to meet the emergency without
23 public advertisement.

24 This bill would allow local boards of
25 education and any other public educational entity
26 that provide meals under the Child Nutrition
27 Program of the Alabama State Department of

1 Education, during an emergency affecting public
2 health or safety, to purchase goods or services
3 related to the program without advertisement or
4 bidding if recommended by the State Superintendent
5 of Education and approved by the Department of
6 Examiners of Public Accounts.

7
8 A BILL
9 TO BE ENTITLED
10 AN ACT
11

12 To add Sections 16-13B-2.1 and 41-16-51.2 to the
13 Code of Alabama 1975, to authorize local boards of education
14 and other public educational entities to purchase goods of
15 services related to the Child Nutrition Program without
16 advertising or bidding under existing competitive bidding laws
17 under certain conditions.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 16-13B-2.1 is added to the Code
20 of Alabama 1975, to read as follows:

21 §16-13B-2.1.

22 (a) (1) During an emergency affecting public health
23 or safety, and upon the recommendation of the State
24 Superintendent of Education and the approval of the Department
25 of Examiners of Public Accounts, any city or county board of
26 education that provides meals under the Child Nutrition
27 Program of the Alabama State Department of Education may

1 purchase goods or services related to the program without
2 advertising or bidding as set forth in this chapter.

3 (2) The recommendation by the State Superintendent
4 of Education submitted for consideration under subdivision (1)
5 shall contain a statement setting forth the specific facts
6 regarding the basis and nature of the emergency necessitating
7 the action and the geographical region or area to which the
8 emergency should be limited. Any approval to purchase goods or
9 services under this section shall be limited to 60 days,
10 during which time a contractual agreement for such purchases
11 shall be entered into in compliance with the competitive bid
12 law in this chapter.

13 (b) Notwithstanding subsection (a), a city or county
14 board of education described in subsection (a), when
15 practicable and to the extent possible, should comply with the
16 advertising and bidding requirements provided in this chapter.

17 (c) A city or county board of education shall
18 maintain accurate and fully itemized records of all
19 expenditures made pursuant to this section.

20 Section 2. Section 41-16-51.2 is added to Article 3
21 of Chapter 16 of Title 41, Code of Alabama 1975, to read as
22 follows:

23 §41-16-51.2.

24 (a) (1) During an emergency affecting public health
25 or safety, and upon the recommendation of the State
26 Superintendent of Education and the approval of the Department
27 of Examiners of Public Accounts, any public educational entity

1 that provides meals under the Child Nutrition Program of the
2 Alabama State Department of Education and subject to this
3 article may purchase goods or services related to the programs
4 without advertising or bidding.

5 (2) The recommendation submitted for consideration
6 by the State Superintendent of Education under subdivision (1)
7 shall contain a statement setting forth the specific facts
8 regarding the basis and nature of the emergency necessitating
9 the action and the geographical region or area to which the
10 emergency should be limited. Any approval to purchase goods or
11 services under this section shall be limited to 60 days,
12 during which time a contractual agreement for such purchases
13 shall be entered into in compliance with the competitive bid
14 law in this article.

15 (b) Notwithstanding subsection (a), a public
16 educational entity described in subsection (a), when
17 practicable and to the extent possible, should comply with the
18 advertising and bidding requirements provided in this article.

19 (c) A public educational entity shall maintain
20 accurate and fully itemized records of all expenditures made
21 pursuant to this section.

22 Section 3. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.