

1 SB72  
2 216290-2  
3 By Senators Williams, Elliott, Givhan, Sessions, Chesteen,  
4 Price, Melson, Chambliss, Marsh, Allen, Reed, Scofield,  
5 Stutts, Livingston, Butler, Waggoner, Smitherman,  
6 Sanders-Fortier, Beasley, Jones, Weaver, Singleton,  
7 Coleman-Madison and Figures  
8 RFD: Governmental Affairs  
9 First Read: 13-JAN-22

1 SB72

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4 ENROLLED, An Act,

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

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 §16-13B-2.1.

15 (a) (1) During an emergency or unanticipated event  
16 affecting public health or safety or causing supply chain  
17 disruptions, and upon the recommendation of the State  
18 Superintendent of Education and the approval of the Department  
19 of Examiners of Public Accounts, any city or county board of  
20 education that provides meals under the Child Nutrition  
21 Program of the Alabama State Department of Education may  
22 purchase goods or services related to the program without  
23 advertising or bidding as set forth in this chapter. To the  
24 extent possible, purchases made under this section shall be

1       executed to include representation of minority-owned business  
2       enterprises.

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 or  
7       unanticipated event affecting public health or safety or  
8       causing supply chain disruptions necessitating the action and  
9       the geographical region or area to which the emergency or  
10      unanticipated event should be limited. Any approval to  
11      purchase goods or services under this section shall be limited  
12      to 60 days, during which time a contractual agreement for such  
13      purchases shall be entered into in compliance with the  
14      competitive bid law in this chapter.

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

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

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

25              §41-16-51.2.

1           (a) (1) During an emergency or unanticipated event  
2 affecting public health or safety or causing supply chain  
3 disruptions, and upon the recommendation of the State  
4 Superintendent of Education and the approval of the Department  
5 of Examiners of Public Accounts, any public educational entity  
6 that provides meals under the Child Nutrition Program of the  
7 Alabama State Department of Education and subject to this  
8 article may purchase goods or services related to the programs  
9 without advertising or bidding. To the extent possible,  
10 purchases made under this section shall be executed to include  
11 representation of minority-owned business enterprises.

12           (2) The recommendation submitted for consideration  
13 by the State Superintendent of Education under subdivision (1)  
14 shall contain a statement setting forth the specific facts  
15 regarding the basis and nature of the emergency or  
16 unanticipated event affecting public health or safety or  
17 causing supply chain disruptions necessitating the action and  
18 the geographical region or area to which the emergency or  
19 unanticipated event should be limited. Any approval to  
20 purchase goods or services under this section shall be limited  
21 to 60 days, during which time a contractual agreement for such  
22 purchases shall be entered into in compliance with the  
23 competitive bid law in this article.

24           (b) Notwithstanding subsection (a), a public  
25 educational entity described in subsection (a), when

1       practicable and to the extent possible, should comply with the  
2       advertising and bidding requirements provided in this article.

3               (c) A public educational entity shall maintain  
4       accurate and fully itemized records of all expenditures made  
5       pursuant to this section.

6               Section 3. This act shall become effective  
7       immediately following its passage and approval by the  
8       Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB72

Senate 01-FEB-22

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Amended and passed 17-MAR-22

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Senate concurred in House amendment 29-MAR-22

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By: Senator Williams