

1 SB34  
2 181193-2  
3 By Senator Beasley  
4 RFD: Governmental Affairs  
5 First Read: 07-FEB-17  
6 PFD: 01/31/2017

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, any expenditures for  
9 labor or services or the purchase of materials,  
10 equipment, or supplies by certain governmental  
11 entities, including, a county or municipality or an  
12 instrumentality of a county or municipality such as  
13 a waterworks board, are subject to the competitive  
14 bid law if the amount of the expenditures is  
15 \$15,000 or more.

16 Under existing law, notwithstanding the  
17 competitive bid requirements, Section 41-16-52,  
18 Code of Alabama 1975, authorizes an exclusion from  
19 the competitive bid law for repair parts and repair  
20 of heavy duty off-highway construction equipment  
21 and all vehicles with a gross vehicle weight rating  
22 of 25,000 pounds or greater for expenditures of not  
23 more than \$15,000 for each incident of repair by a  
24 county or municipality or instrumentalities of a  
25 county or municipality such as a water works board.

26 This bill would add an exemption from the  
27 competitive bid law for the expenditure of funds

1 for repair parts or repair of heavy duty equipment  
2 or vehicles exceeding a gross weight of 25,000  
3 pounds for parts or repairs obtained from a dealer  
4 or service center authorized by the manufacturer to  
5 sell the parts or make the repairs.

6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To amend Section 41-16-52, Code of Alabama 1975,  
12 providing an exemption from the competitive bid process for  
13 the expenditure of funds by a county or municipality or  
14 certain instrumentalities of a county or municipality for  
15 repair parts or repair of heavy duty off-highway construction  
16 equipment or vehicles exceeding a gross weight of 25,000  
17 pounds; to provide an additional exemption for expenditures  
18 paid to a dealer or service center authorized by the  
19 manufacturer to sell the parts or make the repairs.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 41-16-52, Code of Alabama 1975,  
22 is amended to read as follows:

23 "§41-16-52.

24 "(a) All expenditures of funds of whatever nature  
25 for repair parts and the repair of heavy duty off-highway  
26 construction equipment ~~and of all~~ or of any vehicles with a  
27 gross vehicle weight rating of 25,000 pounds or greater,

1 including machinery used for grading, drainage, road  
2 construction, and compaction for the exclusive use of county  
3 and municipal, highway, street, and sanitation departments,  
4 involving not more than \$15,000 or expenditures to a dealer or  
5 service center authorized by the manufacturer of the equipment  
6 or vehicle to sell the parts or make the repairs, made by or  
7 on behalf of any county commissions and the governing bodies  
8 of the municipalities of the state, and the governing bodies  
9 of instrumentalities, including waterworks boards, sewer  
10 boards, gas boards, and other like utility boards and  
11 commissions, shall be made, at the option of ~~said the~~ the  
12 governing boards, bodies, instrumentalities, and commissions,  
13 without regard to ~~the provisions of~~ this article. ~~The~~  
14 ~~foregoing~~ This exemption from ~~the provisions of~~ this article  
15 shall apply to each incident of repair as to any ~~such~~ repair  
16 parts, equipment, vehicles, or machinery. The amount of ~~such~~  
17 the exempted expenditure shall not be construed to be an  
18 aggregate of all ~~such the~~ expenditures per fiscal year as to  
19 any individual vehicle or piece of equipment or machinery.

20 "(b) The ~~option~~ options provided by subsection (a)  
21 ~~of this section~~ may be exercised by ~~said the~~ the governing boards,  
22 bodies, instrumentalities, and commissions by specific  
23 reference to this section on any and all purchase orders and  
24 purchase commitments executed by ~~said the~~ the governing boards,  
25 bodies, instrumentalities, and commissions; provided, however  
26 ~~said the~~ the option shall not be exercised by any employee, agent,  
27 or servant unless done so after having received official prior

1 approval of the respective governing board, body,  
2 instrumentality, or commission or unless exercised pursuant to  
3 a formal policy adopted by ~~such~~ the governing board, body,  
4 instrumentality, or commission setting out conditions and  
5 restrictions under which ~~such~~ the option shall be exercised.

6 "(c) All expenditures of funds of whatever nature  
7 for the leasing of heavy duty off-highway construction  
8 equipment and all vehicles with a gross vehicle weight rating  
9 of 25,000 pounds or greater, including machinery for grading,  
10 drainage, road construction, and compaction for exclusive use  
11 of county and municipalities, highway, street, and sanitation  
12 departments, involving a monthly rental of not more than  
13 ~~\$5,000.00~~ five thousand dollars (\$5,000) per month per vehicle  
14 or piece of equipment or machinery but not to exceed  
15 ~~\$15,000.00~~ fifteen thousand dollars (\$15,000) per month for  
16 all such vehicles and pieces of equipment made by or on behalf  
17 of any county commissions and the governing boards of  
18 municipalities of the state and the governing bodies of  
19 instrumentalities, including waterworks boards, sewer boards,  
20 gas boards, and other like utility boards and commissions  
21 shall be made, at the option of the ~~said~~ the governing boards,  
22 bodies, instrumentalities, and commissions, without regard to  
23 the provisions of this article."

24 Section 2. This act shall become effective  
25 immediately following its passage and approval by the  
26 Governor, or its otherwise becoming law.