

1 HB125
2 156200-1
3 By Representative Hubbard (J) (Constitutional Amendment)
4 RFD: State Government
5 First Read: 14-JAN-14
6 PFD: 01/10/2014

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8 SYNOPSIS: Existing law provides that in the letting of
9 public contracts in which any state, county, or
10 municipal funds are utilized, preference shall be
11 given to resident contractors, and a nonresident
12 bidder domiciled in a state having laws granting
13 preference to local contractors shall be awarded
14 Alabama public contracts only on the same basis as
15 the nonresident bidder's state awards contracts to
16 Alabama contractors bidding under similar
17 circumstances.

18 This bill would propose an amendment to the
19 Constitution of Alabama of 1901 to require each
20 awarding authority of certain public works
21 contracts to give preference to a bidder that
22 submits a bid no more than five percent greater
23 than the bid of the lowest responsible bidder, if
24 the bidder has a workforce that consists of at
25 least 50 percent of all workers to be employed on
26 the public works project who hold an Alabama
27 driver's license or an identification card issued

1 by the Alabama Department of Public Safety, has a
2 valid Alabama business license, and uses vehicles
3 which are used primarily for the public works
4 projects that are registered and partially
5 apportioned in Alabama.

6 This proposed amendment would further
7 provide that if a bidder employs professionals for
8 public work, at least 50 percent of the
9 professionals shall have a valid Alabama driver's
10 license or an identification card issued by the
11 Alabama Department of Public Safety, and at least
12 25 percent of the suppliers of materials used for
13 the public work shall be located in the State of
14 Alabama.

15 This proposed amendment would require each
16 bidder who is awarded a public works contract
17 pursuant to this amendment to maintain and make
18 available for inspection records concerning
19 payrolls related to the public works project.

20 This proposed amendment would allow the
21 Governor, in times of emergencies, to waive the
22 provisions of this amendment.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To propose an amendment to the Constitution of
2 Alabama of 1901 to require each awarding authority of certain
3 public works contracts to give a five percent preference to a
4 bidder who has a workforce that consists of at least 50
5 percent of all workers to be employed on the public works
6 project who hold an Alabama driver's license or an
7 identification card issued by the Alabama Department of Public
8 Safety, has a valid Alabama business license, and uses
9 vehicles which are used primarily for the public works
10 projects that are registered and partially apportioned in
11 Alabama; to provide that if a bidder employs professionals for
12 public work, at least 50 percent of the professionals shall
13 have a valid Alabama driver's license or an identification
14 card issued by the Alabama Department of Public Safety, and at
15 least 25 percent of the suppliers of materials used for the
16 public work shall be located in the State of Alabama; to
17 require each bidder who is awarded a public works contract
18 pursuant to this amendment to maintain and make available for
19 inspection records concerning payrolls related to the public
20 works project, and to allow the Governor, in times of
21 emergencies, to waive the provisions of this amendment.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. The following amendment to the
24 Constitution of Alabama of 1901, as amended, is proposed and
25 shall become valid as a part thereof when approved by a
26 majority of the qualified electors voting thereon and in

1 accordance with Sections 284, 285, and 287 of the Constitution
2 of Alabama of 1901, as amended:

3 PROPOSED AMENDMENT

4 (a) An awarding authority of a public works contract
5 in which any state, county, or municipal funds are used,
6 except those contracts funded in whole or in part with funds
7 received from a federal agency, shall give preference to a
8 bidder who is deemed to be a responsible bidder if the bid is
9 no more than five percent greater than the bid of the lowest
10 responsible bidder, and the bidder meets all of the following:

11 (1) Has a workforce that consists of at least 50
12 percent of all workers to be employed on the public works
13 project who hold an Alabama driver's license or an
14 identification card issued by the Alabama Department of Public
15 Safety.

16 (2) Has a valid Alabama business license.

17 (3) Uses vehicles which are used primarily for the
18 public works project that are registered and partially
19 apportioned in Alabama.

20 (4) If employing professionals for the contract, at
21 least 50 percent of the professionals have a valid Alabama
22 driver's license or an identification card issued by the
23 Alabama Department of Public Safety.

24 (5) Uses the service of at least 25 percent of the
25 suppliers of materials used for the contract who are located
26 in the State of Alabama.

1 (b) Each bidder who is awarded a public works
2 contract pursuant to this section shall maintain and make
3 available for inspection records concerning payrolls related
4 to the public works project.

5 (c) The Governor, or his or her designee, may waive
6 any requirement of this amendment if he or she finds that
7 there exists an emergency that threatens the public health,
8 safety, or welfare and the waiver is necessary to meet the
9 emergency. The Governor, or his or her designee, shall require
10 the award of each contract to be made with such competition as
11 is practicable under the circumstances. The Governor, or his
12 or her designee, shall file with the Secretary of State a
13 statement of facts constituting the emergency for each waiver
14 issued under this section, and a statement of the basis for
15 selection of each contractor under the emergency procedure.

16 Section 2. An election upon the proposed amendment
17 shall be held in accordance with Sections 284 and 285 of the
18 Constitution of Alabama of 1901, now appearing as Sections 284
19 and 285 of the Official Recompilation of the Constitution of
20 Alabama of 1901, as amended, and the election laws of this
21 state.

22 Section 3. The appropriate election official shall
23 assign a ballot number for the proposed constitutional
24 amendment on the election ballot and shall set forth the
25 following description of the substance or subject matter of
26 the proposed constitutional amendment:

1 "Proposing an amendment to the Constitution of
2 Alabama of 1901, to require each awarding authority of certain
3 public works contracts to give a five percent preference to a
4 bidder that has a workforce that consists of at least 50
5 percent of all workers to be employed on the public works
6 project who hold an Alabama driver's license or an
7 identification card issued by the Alabama Department of Public
8 Safety, has a valid Alabama business license, and uses
9 vehicles which are used primarily for the public works
10 projects that are registered and partially apportioned in
11 Alabama; to provide that if a bidder employs professionals for
12 public work, at least 50 percent of the professionals shall
13 have a valid Alabama driver's license or an identification
14 card issued by the Alabama Department of Public Safety, and at
15 least 25 percent of the suppliers of materials used for the
16 public work shall be located in the State of Alabama; and to
17 allow the Governor, in times of emergencies, to waive the
18 provisions of this amendment.

19 "Proposed by Act _____."

20 This description shall be followed by the following
21 language:

22 "Yes () No ()."