

HB 2 Rebuild Alabama Gas Tax Funds

1. Begin receiving distributed funds no later than January 2020.
2. Monies received by this act shall be deposited into a separate fund maintained by the municipality and expended only for one or more of the following:
 - a. The maintenance, improvement, replacement, and construction of roads and bridges maintained by a qualified county and municipality.
 - b. As matching funds for federal road or bridge projects.
 - c. The payment of any debt associated with the road or bridge project.
 - d. For a joint road or bridge project with one or more adjoin counties and or municipality pursuant to any agreement executed under the authority of state law.
 - e. The municipality **shall not** use any monies form the fund for any of the following purposes:
 - i. Salaries, benefits, or any other form of compensation for municipal, or contract employees or municipal officials except as included as project costs and subject to audit by the Examiners of Public Accounts.
 - ii. The purchase, lease, or maintenance of equipment, other than equipment purchased and permanently installed as a part of a road or bridge project.
 - iii. The maintenance or construction of public buildings or other structures that are not integral to the system of roads or bridges.
 - f. All fund records shall be audited by the Examiners of Public Accounts in the same manner as all other municipal funds.
 - g. The municipality shall adopt an annual Transportation plan not later than August 31 for the next fiscal year, which plan shall be approved by affirmative vote of a majority of the members of the municipal governing body:
 - i. The plan shall provide a detailed list of projects for which expenditures are intended to be made in the next fiscal year and shall be based upon and estimate of the revenues anticipated from the fund during the fiscal year.
 - ii. Once adopted, the annual plan shall at all times be posted in conspicuous places at the municipal hall, the Mayor's office, the municipal highway department, and other places deemed appropriate by the municipal governing body.

Additionally, the plan shall be posted on their respective official government website, if available.

- h. At the first meeting in January of each year following the creation of the fund, the municipal engineer or other designated person by the municipal governing body, shall present to the municipal governing body an annual written report detailing expenditures made from the fund during the previous fiscal year, which report shall include the status of each project included in the previous fiscal year's transportation plan. The report shall be entered into the Municipal governing body meeting and shall be made available to the public for inspection, including posting on the municipality's website, if available.
3. October 1, 2020 and every year thereafter, all municipal road projects let to contract shall utilize contractors and material suppliers listed on the ALDOT's list of approved contractors and suppliers.
4. October 1, 2020 and October 1, every year thereafter, all municipal road projects which have been awarded under this section shall provide a list of all contractors who have been awarded projects to the Senate President Pro Tempore, the Speaker of the House, and the Chair of the Joint Transportation Committee.
5. All projects plans and bid opening date shall be published in electronic form no later than the tenth (10) day of the month preceding the bid opening on a website maintained for that purpose by the Alabama League of Municipalities.
6. Contracts awarded under this second shall be awarded in accordance with 39-2-6, Code of Alabama, as amended,
(Award of contract; additional competitive bids; work done by force account; availability of plans, etc.; use of convict labor; assignment of contract; agreements, etc., among bidders; advance disclosure; life cycle costs.)
during a regularly – scheduled meeting of the City.
7. Immediately after the completion of each project, the publication notifications required by section 39-1-1 (f), Code of Alabama 1975, as amended,
(The contractor shall, immediately after the completion of the contract, give notice of the completion by an advertisement in a newspaper of general circulation published within the city or county in which the work has been done, for a period of four successive weeks. A final settlement shall not be made upon the contract until the expiration of 30 days after the completion of the notice. Proof of publication of the notice shall be made by the contractor to the authority by whom the contract was made by affidavit of the publisher and a printed copy of the notice published. If no newspaper is published in the county in which the work is done, the notice may be given by posting at the courthouse for 30 days, and proof of same shall be made by the judge of probate, sheriff, and the contractor.)
shall be satisfied by the posting on the same website utilized for the posting of specifications and notice of bid openings.

39-2-6 - Award of contract; additional competitive bids; work done by force account; availability of

plans, etc.; use of convict labor; assignment of contract; agreements, etc., among bidders; advance disclosure; life cycle costs.

(a) The contract shall be awarded to the lowest responsible and responsive bidder, unless the awarding authority finds that all the bids are unreasonable or that it is not to the interest of the awarding authority to accept any of the bids. A responsible bidder is one who, among other qualities determined necessary for performance, is competent, experienced, and financially able to perform the contract. A responsive bidder is one who submits a bid that complies with the terms and conditions of the invitation for bids. Minor irregularities in the bid shall not defeat responsiveness. The bidder to whom the award is made shall be notified by telegram, confirmed facsimile, or letter at the earliest possible date. If the successful bidder fails or refuses to sign the contract, to make bond as provided in this chapter or to provide evidence of insurance as required by the bid documents, the awarding authority may award the contract to the second lowest responsible and responsive bidder. If the second lowest bidder fails or refuses to sign the contract, make bond as provided in this chapter or to provide evidence of insurance as required by the bid documents, the awarding authority may award the contract to the third lowest responsible and responsive bidder.

(b) If no bids or only one bid is received at the time stated in the advertisement for bids, the awarding authority may advertise for and seek other competitive bids, or the awarding authority may direct that the work shall be done by force account under its direction and control or, with the exception of the Department of Transportation, the awarding authority may negotiate for the work through the receipt of informal bids not subject to the requirements of this section. Where only one responsible and responsive bid has been received, any negotiation for the work shall be for a price lower than that bid.

(c) If the awarding authority finds that all bids received are unreasonable or that it is not to the interest of the awarding authority to accept any of the bids, the awarding authority may direct that the work shall be done by force account under its direction and control.

(d) On any construction project on which the awarding authority has prepared plans and specifications, received bids, and has determined to do by force account or by negotiation, the awarding authority shall make available the plans and specifications, an itemized estimate of cost and any informal bids for review by the Department of Examiners of Public Accounts and, upon completion of the project by an awarding authority, the final total costs together with an itemized list of cost of any and all changes made in the original plans and specifications shall also be made available for review by the Department of Examiners of Public Accounts. Furthermore, the above described information shall be made public by the awarding authority upon request. Upon the approval of the awarding authority, its duly authorized officer or officers may, when proceeding upon the basis of force account, let any subdivision or unit of work by contract on informal bids.

(e) No provision of this section shall be interpreted as precluding the use of convict labor by the awarding authority. This section shall not apply to routine maintenance and repair jobs done by maintenance personnel who are regular employees of the awarding authority, nor shall it apply to road or bridge construction work performed by an awarding authority's regular employees and own equipment.

(f) No contract awarded to the lowest responsible and responsive bidder shall be assignable by the successful bidder without written consent of the awarding authority, and in no event shall a contract be assigned to an unsuccessful bidder whose bid was rejected because he or she was not a responsible or responsive bidder.

(g) Any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition to bid at a fixed price or to refrain from bidding or otherwise shall render the bids void and shall cause the bidders or prospective bidders to be disqualified from submitting further bids to the awarding authority on future lettings. Any bidder or prospective bidder who willfully participates in any agreement or collusion in restraint of freedom of competition shall be guilty of a felony and, on conviction thereof, shall be fined not less than five thousand dollars (\$5,000) nor more than fifty thousand dollars (\$50,000) or, at the discretion of the jury, shall be imprisoned in the penitentiary for not less than one nor more than three years.

(h) Any disclosure in advance of the terms of a bid submitted in response to an advertisement for bids shall render the proceedings void and require advertisement and award anew.

(i) The lowest responsible and responsive bidder on a public works project may be determined to be the bidder offering the lowest life cycle costs. The lowest responsible and responsive bidder shall otherwise meet all of the conditions and specifications contained in the invitation to bid, except that a bidder may still be considered responsive if he or she responds with a bid using different construction materials than those specified in the invitation to bid if the materials' use would result in lower lifecycle costs for the public works project. To utilize this provision to determine the lowest responsible and responsive bidder, the awarding authority must include a notice in the invitation to bid that the lowest responsible and responsive bidder may be determined by using life cycle costs, and must also include in the invitation to bid the criteria under which it shall evaluate the life cycle costs.

Municipality	2010 Census	% of Municipal Population	RAA 6 cent Amount (1st Year)	RAA 8 cent Amount (2nd Year)	RAA 10 cent Amount (3rd Year +)
Falkville	1,279	0.04%	\$ 13,592	\$ 18,123	\$ 22,653
Faunsdale	98	0.00%	\$ 8,819	\$ 11,759	\$ 14,699
Fayette (Fayette)	4,619	0.16%	\$ 27,090	\$ 36,120	\$ 45,150
Five Points	141	0.00%	\$ 8,993	\$ 11,991	\$ 14,988
Flomaton	1,440	0.05%	\$ 14,243	\$ 18,990	\$ 23,738
Floralá	1,980	0.07%	\$ 16,425	\$ 21,900	\$ 27,375
Florence (Lauderdale)	39,319	1.36%	\$ 167,324	\$ 223,099	\$ 278,873
Foley	14,618	0.51%	\$ 67,499	\$ 89,999	\$ 112,499
Forkland	649	0.02%	\$ 11,046	\$ 14,728	\$ 18,410
Fort Deposit	1,344	0.05%	\$ 13,855	\$ 18,473	\$ 23,091
Fort Payne (DeKalb)	14,012	0.49%	\$ 65,050	\$ 86,734	\$ 108,417
Franklin	149	0.01%	\$ 9,025	\$ 12,034	\$ 15,042
Fredonia	199	0.01%	\$ 9,227	\$ 12,303	\$ 15,379
Frisco	1,309	0.05%	\$ 13,713	\$ 18,284	\$ 22,855
Fruithurst	284	0.01%	\$ 9,571	\$ 12,761	\$ 15,951
Fulton	272	0.01%	\$ 9,522	\$ 12,696	\$ 15,870
Fultondale	8,380	0.29%	\$ 42,289	\$ 56,386	\$ 70,482
Fyffe	1,018	0.04%	\$ 12,537	\$ 16,716	\$ 20,895
Gadsden (Etowah)	36,856	1.28%	\$ 157,370	\$ 209,827	\$ 262,284
Gainesville	208	0.01%	\$ 9,264	\$ 12,352	\$ 15,439
Gantt	222	0.01%	\$ 9,320	\$ 12,427	\$ 15,534
Garden	492	0.02%	\$ 10,411	\$ 13,882	\$ 17,352
Gardendale	13,893	0.48%	\$ 64,569	\$ 86,092	\$ 107,615
Gaylesville	144	0.00%	\$ 9,005	\$ 12,007	\$ 15,008
Geiger	170	0.01%	\$ 9,110	\$ 12,147	\$ 15,183
Geneva (Geneva)	4,452	0.15%	\$ 26,415	\$ 35,220	\$ 44,025
Georgiana	1,738	0.06%	\$ 15,447	\$ 20,596	\$ 25,745
Geraldine	896	0.03%	\$ 12,044	\$ 16,059	\$ 20,073
Gilber	215	0.01%	\$ 9,292	\$ 12,389	\$ 15,487
Glen Allen	510	0.02%	\$ 10,484	\$ 13,979	\$ 17,474
Glencoe	5,160	0.18%	\$ 29,276	\$ 39,035	\$ 48,794
Glenwood	187	0.01%	\$ 9,179	\$ 12,238	\$ 15,298
Goldville	55	0.00%	\$ 8,645	\$ 11,527	\$ 14,409
Good Hope	2,264	0.08%	\$ 17,573	\$ 23,430	\$ 29,288
Goodwater	1,475	0.05%	\$ 14,384	\$ 19,179	\$ 23,973