SB184

189824-1

By Senator Orr

RFD: Governmental Affairs

First Read: 16-JAN-18
SYNOPSIS: This bill would require an entity entering into a public-private agreement of $50,000 or more for development or construction, or both, to occur on public property or public right-of-way to be subjected to certain requirements for public works contracts regardless of the origination of the financing or funds for the work or improvements to be accomplished in the agreement.

A BILL
TO BE ENTITLED
AN ACT

Relating to public-private agreements; to add Section 8-29-9 to the Code of Alabama 1975, to provide that an entity that enters into certain public-private agreements is subjected to certain requirements for public works contracts.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 8-29-9 is added to the Code of Alabama 1975, to read as follows:
§8-29-9.

(a) For purposes of this section the following terms shall have the following meanings:

(1) PRIVATE CONTRIBUTION. The supply by a private entity of resources to accomplish all or any part of the work to be performed under a public-private agreement, including, but not limited to, funds, financing, supplies, materials, or engineering or construction services.

(2) PUBLIC BENEFIT. A grant by the owner of a right or interest in or concerning the construction project and may include, but not necessarily be limited to, receipts or revenue arising out of, or in connection with, the grant of a right or interest in the construction project.

(3) PUBLIC-PRIVATE AGREEMENT. An agreement for construction involving a nontraditional arrangement between the property owner and one or more private entities that provides for acceptance by the owner of a private contribution to the construction project occurring on publicly held property in exchange for a public benefit concerning the public construction or a money payment such as a lease.

(b) Any entity entering into a public-private agreement of fifty thousand dollars ($50,000) or more for development or construction, or both, to occur on public property or public right-of-way shall be subject to the requirements of Section 39-1-1, regardless of the origination of the financing or funds for the work or improvements to be accomplished as a part of the agreement. Failure to comply
with Section 39-1-1 does not extinguish any resulting damaged
party from seeking recovery as prescribed in Section 39-1-1 or
any other means as provided by law.

Section 2. This act shall become effective on the
first day of the third month following its passage and
approval by the Governor, or its otherwise becoming law.