

OFFICE OF THE ATTORNEY GENERAL



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Honorable Sonny Hornsby
Chief Justice
Supreme Court of Alabama
Judicial Building - 445 Dexter Avenue
Montgomery, Alabama 36130

State Agencies - Competitive
Bid Law - Antiquities -
Exemptions

Contracts for construction of
judicial museum exhibits,
panels and customized display
cases and contracts for pur-
chase, restoration and conser-
vation of museum artifacts
such as antique furniture,
portraits and other articles
of historical significance
are not subject to the bid
law under exemptions provided
by Section 41-16-21(a), Code,
for professional services and
sole-source items.

Dear Chief Justice Hornsby:

This opinion is issued in response to your request for
an opinion from the Attorney General.

To preclude repetition, I will combine your three ques-
tions for research, analysis and conclusions.

QUESTIONS

1. Does the restoration and conservation of portraits and other historical artifacts to be displayed in the judicial history museum in the new judicial building fall within any exemptions to Alabama's competitive bid law?
2. Do contracts for the construction of museum exhibits, panels, and customized display cases requiring special knowledge and expertise fall within any exemption to Alabama's competitive bid law?
3. Does the purchase of artifacts such as antique furniture, portraits, and other articles of historical significance to be displayed in the judicial history museum fall within any exemption to Alabama's competitive bid law?

FACTS AND ANALYSIS

Your questions are posed relative to your broad judicial history project for the new judicial building, which will include the establishment of a museum and the conservation of many of the valued Supreme Court artifacts. You are particularly concerned with the cleaning and restoration of a large number of historic portraits, similar to the major conservation of all the Governor's portraits for the restored Capitol. You will also be using the services of artists and display designers in your museum installations. Before you proceed, you wish to know if the Alabama Competitive Bid Law is applicable to the subjects posed in your three questions.

Code of Alabama 1975, Section 41-16-20, requires that:

"All contracts of whatever nature for labor, services or work or for the purchase or lease of materials, equipment, supplies or other personal property, involving \$5,000.00 or more made on behalf of any state department, board, bureau, commission, committee, institution, corporation, authority or office shall, except as otherwise provided in this

article, be let by free and open competitive bidding, on sealed bids, to the lowest responsible bidder." (Emphasis supplied.)

Section 41-16-21, Code, provides for certain exemptions from the bid law and states:

"(a) Competitive bids shall not be required for . . . contracts for the securing of services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part . . . contractual services and purchases of commodities for which there is only one vendor or supplier . . . contractual services and purchases of personal property, which by their very nature are impossible of award by competitive bidding. . . ."

Numerous opinions from this office have addressed the provisions of Section 41-16-21, Code. A sampling, pertinent to your questions, is as follows:

Purchase of restored and reproduced antique furnishings and fixtures and contracts for the services of artists to provide such services as specialized painting and stenciling, customized finishes, reworking of chandeliers, reupholstering and refinishing of antique furniture, are exempt from the provisions of the competitive bid law. See A.G. Opinion No. 88-00366, dated July 14, 1988, to Honorable F. Lawrence Oaks, Alabama Historical Commission.

Contract for rebuilding and restoration of organ is exempt from competitive bids. See A.G. Opinion dated November 19, 1975, to Dr. Kermit A. Johnson, President, University of Montevallo.

Installation of channel markers, buoys, and other aids to navigation requires the services of highly specialized personnel and the use of highly specialized equipment and is therefore exempt from competitive bidding. See A.G. Opinion dated July 5, 1972, to Honorable Claude D. Kelley, Commissioner, Department of Conservation and Natural Resources.

Contracts for artists and interior designers are within the exemption to the bid law. See A.G. Opinion dated September 25, 1973, to Honorable Claude D. Kelley, Commissioner, Department of Conservation and Natural Resources.

Restoration/reconstruction of a historic museum having architectural significance should be conducted with persons of recognized skill in that field. Historians are professional personnel exempted from the bid law. See A.G. Opinion dated August 21, 1975, to Mr. W. Warner Floyd, Executive Director, Alabama Historical Commission.

CONCLUSION

A contract for the restoration and conservation of portraits and other historical artifacts to be displayed in the judicial museum is exempt from the provisions of the competitive bid law under the professional exemption of Section 41-16-21(a), Code.

A contract for the construction of museum exhibits, panels, and customized display cases requiring special knowledge and expertise is exempt from the provisions of the competitive bid law under the professional exemption of Section 41-16-21(a), Code.

A contract for the purchase of artifacts such as antique furniture, portraits, and other articles of historic significance to be displayed in the judicial history museum is exempt from the provisions of the competitive bid law under the sole vendor or unique exemption of Section 41-16-21(a), Code.

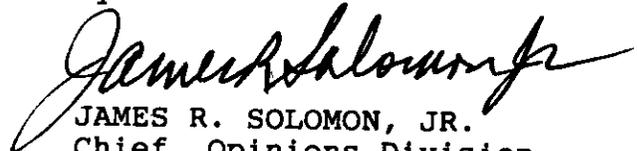
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I hope this sufficiently answers your questions. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General

By:



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