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Honorable Jerry Batts
Attorney, Limestone County Water
Authority
120 South Jefferson Street
Athens, Alabama 35611

Water & Sewage Board - Utilities -
Competitive Bid Law - Contracts

Limestone County Water Authority
must comply with the competitive
bid provisions of the Code of
Alabama in seeking a contract for
construction work if amount of
contract exceeds \$3,000.00.

Dear Mr. Batts:

The Office of the Attorney General has received your
opinion request. Your question is as follows:

Whether the Limestone County Water Authority
as a public corporation under Alabama Law, is
exempt from provisions of the Alabama Compet-
itive Bid Law contained in Sections 41-16-50
through 41-16-63, Code of Alabama 1975.

Code of Alabama 1975, Section 41-16-50(a)(1) states in part:

All expenditure of funds of whatever nature
for labor, services or work...involving
\$3,000.00 or more, made by or on behalf
of...the governing body of instrumentalities
of counties and municipalities, including
waterworks boards...shall be made under con-
tractual agreement entered into by free and
open competitive bidding, on sealed bids, to
the lowest responsible bidder;...

Mr. Jerry Batts
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The State Legislature recently enacted S.68 (Act 85-281) which raised the minimum amount for which bids must be taken from \$2,000.00 to \$3,000.00.

Code of Alabama 1975, Section 41-16-51, specifically sets forth certain contracts for which competitive bidding is not required. There is no provision in Section 41-16-51 which would exempt a contract for construction work. Code of Alabama 1975, §11-88-7 provides for an authority to make a contract, agreement, etc. However, this Code section must be read in conjunction with Code of Alabama 1975, §41-16-50, the Competitive Bid Law.

Therefore, it is the opinion of this office that the Limestone County Water Authority must comply with the Competitive Bid Law in awarding a contract for construction work if the amount of such contract exceeds \$3,000.00

I hope this response sufficiently answers your question. If this office may be of further assistance, please do not hesitate to contact us.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By:



ALICE ANN BOSWELL
Assistant Attorney General

CAG:AAB:mth