



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

---

**Meeting Type:** City Council Regular Meeting **Meeting Date:** 3/14/2024

**File ID:** TMP-3925

---

**Department:** Finance

**Subject:**

**Type of Action:** Approval/Action

Introduction of an Ordinance amending Chapter 2 Article IV Division 2 Section 2-184 of Ordinance 96-864 to establish a formal policy to exempt contracts for repair parts and the repair of heavy duty off-highway construction equipment and vehicles with a gross vehicle weight of 25,000 pounds or greater from the competitive bidding process.

Ordinance No.

**Finance Information:**

**Account Number:** N/A

**City Cost Amount:** \$ N/A

**Total Cost:** \$ N/A

**Special Circumstances:**

**Grant Funded:** \$ N/A

**Grant Title - CFDA or granting Agency:** N/A

**Resolution #:** N/A

**Location: (list below)**

**Address:** N/A

**District:** District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

**Additional Comments:**

Title 41 Chapter 16 Article 3 Section 41-16-52 provides that expenditures for repair parts and the repair of heavy duty off-highway construction equipment and vehicles with a gross vehicle weight of 25,000 pounds or greater may be exempt from the competitive bid process. This provision includes machinery used for grading, drainage, road construction, and compaction for the exclusive use of county and municipal highway, street, and sanitation departments.

## **ORDINANCE NO.**

**BE IT ORDAINED**, by the City Council of the City of Huntsville, Alabama (“the Council”) that Chapter 2 Article IV Division 2 Section 2-184 of the Code of Ordinances, City of Huntsville, is hereby amended to read as follows:

**Section 1.** Section 2-184 is amended to add subsection (i) which shall read as follows:

(i) Heavy Duty Off-Highway Construction Equipment and Large Vehicles

- (1) Generally. Title 41 Chapter 16 Article 3 Section 41-16-52 of the Code of Alabama 1975 as amended provides that all expenditures of funds for repair parts and the repair of heavy duty off-highway construction equipment or of any vehicles with a gross vehicle weight rating of 25,000 pounds or greater, including machinery used for grading, drainage, road construction, and compaction for the exclusive use of county and municipal highway, street, and sanitation departments, involving not more than forty thousand dollars (\$40,000) made by the governing bodies of the municipalities of the state and instrumentalities may be made without subjection to the competitive bidding process.

State Code requires prior approval of the governing body or the adoption of a formal policy by the governing body to utilize the exemption provision as outlined in State Code.

- (2) Policy. The following policy is hereby adopted by the Council to set out conditions and restrictions under which the option to make expenditures under the provisions of Section 41-16-52(a) may be exercised:

Prior to entering a requisition for disbursement of funds, departments desiring to expend funds under the provisions of Section 41-16-52(a) shall complete “Exempt from Competitive Bid/Quote Requirement Request Form”.

The exemption request form shall be reviewed and approved by the Procurement Services Division of the Finance Department and the Legal Department prior to any such expenditure.

The requesting department shall set out on such form sufficient information from which a determination may be made by Finance and Legal that the requested expenditure would be exempt under Section 41-16-52(a). The requesting department requisitioner shall certify the accuracy of the information submitted by signing the form. Should sufficient information not be provided or if it is determined by Finance or Legal that the expenditure would not comply with the requirements of 41-16-52(a), then such expenditure shall not be approved for payment under the policy described here. Additional information may be provided by the requesting department as a supplement.

It is the Council’s intent that any expenditure allowable under Section 41-16-52(a) may be approved by these provisions without the necessity of presentation of the same to the

Council. Any expenditure that would otherwise be approvable under the provisions of this policy may be referred to the Council.

All purchase orders issued utilizing this exemption provision shall reference Section 41-16-52 of the Code of Alabama 1975 as amended as required under State Code.

**Section 2.** With the exception of the amendments made herein, all other provisions of Chapter 2, Article IV, Division 2 of the Code of Ordinances, City of Huntsville, Alabama shall remain unchanged in full force and effect.

**Section 3.** The guidelines, requirements, and provision of this section shall adhere to and agree with any amendments made to Title 41 Chapter 16 Article 3 Section 41-16-52 of the Code of Alabama 1975, as amended without further action by the City Council.

**Section 4.** This Ordinance shall become effective upon its adoption and approval.

**ADOPTED** this the       day of       , 2024.

---

President of the City Council of the  
City of Huntsville, Alabama

**APPROVED** this the       day of       , 2024.

---

Mayor of the City of Huntsville,  
Alabama