

ALABAMA DEPARTMENT OF TRANSPORTATION

General Application Special Provision

DATE: November 15, 2021

GASP No. 22-GA0001

EFFECTIVE DATE: January 1, 2022

SUBJECT: Award and Execution of Contract (State Projects Only).

Alabama Standard Specifications, 2022 Edition, SECTION 103 shall be amended as follows:

SECTION 103 AWARD AND EXECUTION OF CONTRACT

103.02 Award of Contract.

(a) General.

This Subarticle shall be amended to include the following:

In the letting of public contracts in which any state, county or municipal funds are utilized, except those contracts funded in whole or in part with funds received from a federal agency, preference shall be given to resident contractors, and a nonresident bidder domiciled in a state having laws granting preference to local contractors shall be awarded Alabama public contracts only on the same basis as the nonresident bidder's state awards contracts to Alabama contractors bidding under similar circumstances; and resident contractors in Alabama, as defined in Section 39-2-12, Code of Alabama 1975, be they corporate, individuals or partnerships, are to be granted preference over nonresidents in awarding of contracts in the same manner and to the same extent as provided by the laws of the state of domicile of the nonresident."

Nonresident bidders must accompany any written bid documents with a written opinion of an attorney at law licensed to practice law in such nonresidents bidders' state of domicile, as to the preferences, if any or none, granted by the law of that state to its own business entities whose principal places of business are in that state in the letting of any or all public contracts."

A non-resident contractor shall provide a letter as noted above attached to each bid submitted. This letter shall be addressed to the Transportation Director and be dated no earlier than four (4) weeks prior to the date of bid opening. At least one original shall be provided for each letting; machine copies will be acceptable if more than one bid is submitted. Failure to comply with the provisions of this Special Provision shall cause the bid to be rejected.