

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 355 Department or Agency: Department of Finance
Rule No. 355-4-2
Rule Title: Purchasing Card; Delegation
 New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? N/A

Is there another, less restrictive method of regulation available that could adequately protect the public? N/A

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? No

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer *David Harper*

Date 3/21/22

REC'D & FILED

MAR 21 2022

LEGISLATIVE SVC AGENCY

Department of Finance

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Finance

RULE NO. & TITLE: 355-4-2 Purchasing Card; Delegation


INTENDED ACTION: To propose a new rule.

SUBSTANCE OF PROPOSED ACTION: The new rule implements the new Alabama procurement law, enacted Act 2021-296. The rule allows the Chief Procurement Officer to establish a Purchasing/Credit Card Program and to delegate certain authority as provided in the State Procurement Code.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held only if requested by an interested party. A written request shall be submitted to the agency contact person listed below. Interested persons may present their view in writing to the contact person listed below.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: The Department of Finance, Legal Division will accept comments or requests for a hearing no later than May 5, 2022 at 5 p.m.

CONTACT PERSON AT AGENCY: Jacob Harper, Department of Finance, Legal Division, 600 Dexter Avenue, Suite E-309, Montgomery, AL 36130, Phone 334-242-4520 or Jacob.Harper@finance.alabama.gov.



Jacob Harper

**State of Alabama
Department of Finance
Administrative Code**

**Chapter 355-4-2
Purchasing Card; Delegation**

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355-4-2-.01	<u>State of Alabama Purchasing/Credit Card Program.</u>

The Office of the Chief Procurement Officer will establish a Purchasing/Credit Card program through a competitive solicitation process. The resulting contract or contracts will be on such terms and conditions as determined by the Chief Procurement Officer to be in the best interests of the State.

Author: Department of Finance Legal Division

Statutory Authority: Code of Ala. 1975, §§41-4-35, 41-4-110(c).

History: New Rule: Filed March 21, 2022; effective October 1, 2022.

355-4-2-.02 Delegation of Authority by the Chief Procurement Officer.

(1) Authority to Delegate.

(a) Rule of Interpretation. Authority may not be delegated by the Chief Procurement Officer or by the head of a Purchasing Agency unless so provided in the State Procurement Code or these Rules.

(b) General. Except as otherwise provided in these Rules, any authority conferred on the Chief Procurement

Officer by the State Procurement Code may be delegated by that officer to any employee in any Governmental Body; and any authority conferred on the head of a Purchasing Agency by the State Procurement Code may be delegated by that officer to any employee in that Purchasing Agency. Such delegations shall remain in effect unless modified or until revoked in writing.

(c) Statutory Exceptions to Delegation. The authority conferred on the Chief Procurement Officer or the head of a Purchasing Agency in the following Sections of the State Procurement Code shall not be delegated:

1. Code of Ala. 1975, § 41-4-155(c) (Contract Clauses and Their Administration, Modification of Clauses);
2. Code of Ala. 1975, § 41-4-161(f) (Authority to Resolve Protested Solicitations and Awards, Stay of Procurements During Protests); and
3. Code of Ala. 1975, § 41-4-162(a) (Authority to Debar or Suspend, Authority).

(2) General Policy.

Any designee of the Chief Procurement Officer, or of the head of a Purchasing Agency, shall exercise delegated authority in accordance with the delegation, the State Procurement Code, and these Rules.

Author: Department of Finance Legal Division

Statutory Authority: Code of Ala. 1975, § 41-4-123

History: New Rule: Filed March 21, 2022; effective October 1, 2022.