

House Bill 1107

By: Representatives Bentley of the 139th and Beverly of the 143rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 84 of Title 36 of the Official Code of Georgia Annotated, relating to local
2 government purchasing preferences, so as to require each municipality, county, school
3 district, or other local governmental unit or political subdivision to utilize a competitive
4 bidding process for certain contracts over a certain value; to provide for procedures,
5 conditions, and limitations; to require the publication and maintenance of certain information
6 related to such contracts; to provide a definition; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Chapter 84 of Title 36 of the Official Code of Georgia Annotated, relating to local
11 government purchasing preferences, is amended by adding a new Code section to read as
12 follows:

13 "36-84-2.

14 (a) As used in this Code section, the term 'local government unit' means any municipality,
15 county, school district, local authority, or local political subdivision.

16 (b)(1) This Code section shall only apply to local government units.

17 (2) This Code section shall not apply to municipal road contracts, public works contracts,
18 intergovernmental contracts, energy savings performance contracts, contracts with the
19 state, contracts with the federal government, or public-private partnerships for water
20 reservoirs, facilities, and systems.

21 (c)(1) On and after January 1, 2017, each contract valued at over \$5,000.00 shall be
22 awarded subject to a competitive bidding process established by rules and regulations of
23 the governing authority of a local government unit.

24 (2) Such rules and regulations shall prescribe, at a minimum:

25 (A) The manner, time, and places for proper advertisement for the bids indicating the
26 time and place when the bids will be received;

- 27 (B) The manner in which bids shall be submitted;
 28 (C) How the goods or services sought by a contract shall be described;
 29 (D) The amount, if any, and under what circumstances bonds or certified checks shall
 30 accompany the bids; and
 31 (E) That the following certificate of independent price determination be included on
 32 all bids or proposals:

33 I certify that this bid, offer, or proposal is made without prior understanding,
 34 agreement, or connection with any corporation, firm, or person submitting a bid,
 35 offer, or proposal for the same materials, supplies, services, or equipment and is in all
 36 respects fair and without collusion or fraud. I understand collusive bidding is a
 37 violation of state and federal law and can result in fines, prison sentences, and civil
 38 damage awards. I agree to abide by all conditions of this bid, offer, or proposal and
 39 certify that I am authorized to sign this bid, offer, or proposal for the bidder or
 40 offeror.'

- 41 (3) Contracts shall be awarded to the best competitive bid from a responsible bidder,
 42 taking into consideration with respect to the goods or services to be supplied:

- 43 (A) Their quality;
 44 (B) Their conformity with the specifications which have been established and
 45 prescribed;
 46 (C) The purposes for which the goods or services are required;
 47 (D) The discount allowed for prompt payment;
 48 (E) The transportation charges;
 49 (F) The date or dates of delivery specified in the bid; and
 50 (G) Any other cost affecting the total cost of ownership during the life cycle of the
 51 goods or services as specified in the advertisement for bids.

- 52 (4) Prior to the award or letting of the contracts, each local government unit shall publish
 53 in print and electronically notice of its intent to award a contract to the successful bidder
 54 or offeror. Such notice shall:

- 55 (A) Contain the price or the amount for which the contract may be awarded, the goods
 56 or services to be covered by the contract which may be awarded, and the names of all
 57 persons whose bids, offers, or proposals were rejected by the department, together with
 58 a statement giving the reasons for the rejection;
 59 (B) In its printed form, be placed on public display in a conspicuous place so that it
 60 may be easily seen by the public; and
 61 (C) In its electronic form, be accessible via a hyperlink that is displayed in a
 62 conspicuous manner and placed on the local government unit's primary webpage.

63 (5) Every bid, offer, or proposal conforming to the terms of the advertisement provided
64 for in this Code section, together with the name of the bidder, shall be recorded, and all
65 such records with the name of the successful bidder or offeror indicated thereon shall,
66 within one day after the issuance of the local government unit's public notice of intent to
67 award a contract to the successful bidder or offeror, be subject to public inspection upon
68 request."

69 **SECTION 2.**

70 All laws and parts of laws in conflict with this Act are repealed.