

House Bill 145

By: Representatives Beverly of the 143rd and Douglas of the 78th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 10 of Chapter 2 of Title 20, Title 36, and Part 1 of Article 3 of Chapter 5
2 of Title 50 of the Official Code of Georgia Annotated, relating to contracts and purchases by
3 public schools, local government, and general authority, duties, and procedure relative to
4 government purchasing, respectively, so as to modify provisions relating to contractual and
5 purchasing preferences for Georgia service providers and certain supplies, materials,
6 equipment, and agricultural products grown, manufactured, or produced in this state; to
7 provide for a short title; to provide for related matters; to provide for an effective date and
8 applicability; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Georgia Jobs Matter Act."

12 **SECTION 2.**

13 Article 10 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
14 contracts and purchases by public schools, is amended by revising Code Section 20-2-500,
15 relating to promulgation of rules and regulations by the State Board of Education for
16 contracts or purchases over \$100.00, as follows:

17 "20-2-500.

18 (a)(1) Local boards of education shall provide that contracts for services or for purchases
19 of supplies, materials, equipment, or agricultural products, including but not limited to
20 school buses but not including instructional materials or beverages for immediate
21 consumption, for public elementary and secondary schools supported in whole or in part
22 from public funds shall give preference ~~as far as may be reasonable and practicable~~ to
23 such providers of services located in this state or employing Georgia residents and
24 preference to supplies, materials, equipment, and agricultural products as may be

25 available, manufactured, or produced in this state. Such preference shall not sacrifice
 26 quality.

27 ~~(2) Local boards of education shall provide that, in determining whether such a~~
 28 ~~preference is reasonable in any case where the value of a contract for or purchase of such~~
 29 ~~supplies, materials, equipment, or agricultural products exceeds \$100,000.00, the local~~
 30 ~~school district shall consider, among other factors, information submitted by the bidder~~
 31 ~~which may include the bidder's estimate of the multiplier effect on gross state domestic~~
 32 ~~product and the effect on public revenues of the state and the effect on public revenues~~
 33 ~~of political subdivisions resulting from acceptance of a bid or offer to sell Georgia~~
 34 ~~manufactured or produced goods as opposed to out-of-state manufactured or produced~~
 35 ~~goods. Any such estimates shall be in writing. No local school district shall divide a~~
 36 ~~contract or purchase which exceeds \$100,000.00 for the purpose of avoiding the~~
 37 ~~requirements of this paragraph. Local school boards shall require that a local school or~~
 38 ~~school district, when issuing a request for a competitive bid, shall state in such bid~~
 39 ~~request and place the bidding contractors on notice that the school or school district shall~~
 40 ~~consider information relating to the effects on employment within this state. No bid shall~~
 41 ~~be considered unless accompanied by an employment impact statement which shall~~
 42 ~~include:~~

43 (A) The number of jobs expected to be created in this state or the number of jobs
 44 expected to be retained that might otherwise be lost if the contract is awarded to another
 45 contractor;

46 (B) The number of jobs expected to be created in this state or the number of jobs
 47 expected to be retained that might otherwise be lost if the contract is awarded to another
 48 contractor by the subcontractors expected to be used by the contractor in the
 49 performance of the contract; and

50 (C) A guarantee from the contractor that, as a condition of such contract, the jobs
 51 created or retained in this state shall not be moved outside of this state during the
 52 duration of the contract.

53 (3) The school or school district considering bid proposals shall require from the bidder
 54 such information as needed to substantiate any claim by a bidder that jobs will be created
 55 or retained in this state.

56 ~~(b) Vendors resident in the State of Georgia are to be granted the same preference over~~
 57 ~~vendors resident in another state in the same manner, on the same basis, and to the same~~
 58 ~~extent that preference is granted in awarding bids for the same goods or services by such~~
 59 ~~other state to vendors resident therein over vendors resident in the State of Georgia.~~

60 ~~(c) Nothing in this Code section shall negate the requirements of Code Section 50-5-73."~~

61 **SECTION 3.**

62 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
 63 by revising in its entirety Chapter 84, relating to purchasing preferences relative to provisions
 64 applicable to counties, municipal corporations, and other governmental entities, as follows:

65 "CHAPTER 84

66 36-84-1.

67 (a) As used in this Code section, the term 'local government' means a county, municipality,
 68 or consolidated government.

69 (b) Local governments, when contracting for services or purchasing supplies, materials,
 70 equipment, or agricultural products, excluding beverages for immediate consumption, shall
 71 give preference as far as ~~may be reasonable and practicable~~ to providers of services located
 72 in this state or employing Georgia residents and preference to such supplies, materials,
 73 equipment, and agricultural products as may be available, manufactured, or produced in
 74 this state. Such preference shall not sacrifice quality.

75 (c) ~~In determining whether such a preference is reasonable in any case where the value of~~
 76 ~~a contract for or purchase of such supplies, materials, equipment, or agricultural products~~
 77 ~~exceeds \$100,000.00, the local government shall consider, among other factors,~~
 78 ~~information submitted by the bidder which may include the bidder's estimate of the~~
 79 ~~multiplier effect on gross state domestic product and the effect on public revenues of the~~
 80 ~~state and the effect on public revenues of political subdivisions resulting from acceptance~~
 81 ~~of a bid or offer to sell Georgia manufactured or produced goods as opposed to out-of-state~~
 82 ~~manufactured or produced goods. Any such estimates shall be in writing. No local~~
 83 ~~government shall divide a contract or purchase which exceeds \$100,000.00 for the purpose~~
 84 ~~of avoiding the requirements of this subsection. When issuing a request for a competitive~~
 85 bid, a local government shall state in such bid request and place the bidding contractors on
 86 notice that the local government receiving such bid shall consider information relating to
 87 the effects on employment within this state. No bid shall be considered unless
 88 accompanied by an employment impact statement which shall include:

89 (1) The number of jobs expected to be created in this state should the bid be awarded to
 90 the contractor and the number of jobs expected to be retained that might otherwise be lost
 91 if the contract is awarded to another contractor;

92 (2) The number of jobs expected to be created in this state should the bid be awarded to
 93 the contractor or the number of jobs expected to be retained that might otherwise be lost
 94 if the contract is awarded to another contractor by the subcontractors expected to be used
 95 by the contractor in the performance of the contract; and

96 (3) A guarantee from the contractor that, as a condition of such contract, the jobs created
 97 or retained in this state shall not be moved outside of this state during the duration of the
 98 contract.

99 (d) The local government considering bid proposals shall require from the bidder such
 100 information as needed to substantiate any claim by a bidder that jobs will be created or
 101 retained in this state.

102 ~~(d)~~(e) Nothing in this Code section shall negate the requirements of Code Section
 103 50-5-73."

104 **SECTION 4.**

105 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,
 106 relating to general authority, duties, and procedure relative to government purchasing, is
 107 amended by revising Code Section 50-5-60, relating to preference to supplies, equipment,
 108 materials, and printing produced in Georgia generally, as follows:

109 "50-5-60.

110 (a) The state and any department, agency, or commission thereof, when contracting for
 111 services or purchasing supplies, materials, equipment, or agricultural products, excluding
 112 beverages for immediate consumption, shall give preference ~~as far as may be reasonable~~
 113 ~~and practicable~~ to such providers of services located in this state or employing Georgia
 114 residents and preference to supplies, materials, equipment, and agricultural products as may
 115 be available, manufactured, or produced in this state. Such preference shall not sacrifice
 116 quality.

117 ~~(b) Vendors resident in the State of Georgia are to be granted the same preference over~~
 118 ~~vendors resident in another state in the same manner, on the same basis, and to the same~~
 119 ~~extent that preference is granted in awarding bids for the same goods or services by such~~
 120 ~~other state, or by any local government of such state, to vendors resident therein over~~
 121 ~~vendors resident in the State of Georgia.~~

122 ~~(c) In determining whether such a preference is reasonable in any case where the value of~~
 123 ~~a contract for or purchase of such supplies, materials, equipment, or agricultural products~~
 124 ~~exceeds \$100,000.00, the state or its department, agency, or commission shall consider,~~
 125 ~~among other factors, information submitted by the bidder which may include the bidder's~~
 126 ~~estimate of the multiplier effect on gross state domestic product and the effect on public~~
 127 ~~revenues of the state and the effect on public revenues of political subdivisions resulting~~
 128 ~~from acceptance of a bid or offer to sell Georgia manufactured or produced goods as~~
 129 ~~opposed to out-of-state manufactured or produced goods. Any such estimates shall be in~~
 130 ~~writing. The state or its department, agency, or commission shall not divide a contract or~~
 131 ~~purchase which exceeds \$100,000.00 for the purpose of avoiding the requirements of this~~

132 ~~subsection.~~ The state and any department, agency, or commission thereof, when issuing
 133 a request for a competitive bid, shall state in such bid request and place the bidding
 134 contractors on notice that such state, department, agency, or commission shall consider
 135 information relating to the effects on employment within this state. No bid shall be
 136 considered unless accompanied by an employment impact statement which shall include:
 137 (1) The number of jobs expected to be created in this state should the bid be awarded to
 138 the contractor and the number of jobs expected to be retained that might otherwise be lost
 139 if the contract is awarded to another contractor;
 140 (2) The number of jobs expected to be created in this state should the bid be awarded to
 141 the contractor or the number of jobs expected to be retained that might otherwise be lost
 142 if the contract is awarded to another contractor by the subcontractors expected to be used
 143 by the contractor in the performance of the contract; and
 144 (3) A guarantee from the contractor that, as a condition of such contract, the jobs created
 145 or retained in this state shall not be moved outside of this state during the duration of the
 146 contract.
 147 (c) The state and any department, agency, or commission thereof considering bid proposals
 148 shall require from the bidder such information as needed to substantiate any claim by a
 149 bidder that jobs will be created or retained in this state.
 150 (d) Nothing in this Code section shall negate the requirements of Code Section 50-5-7."

151 **SECTION 5.**

152 Said part is further amended by revising Code Section 50-5-61, relating to state and local
 153 authority preferences for supplies, materials, equipment, and agricultural products produced
 154 in Georgia, as follows:

155 "50-5-61.

156 (a) State and local authorities created by law, ~~in the purchase of and~~ when contracting for
 157 ~~any~~ services or purchasing supplies, materials, equipment, ~~and or~~ agricultural products,
 158 excluding beverages for immediate consumption, shall give preference ~~as far as may be~~
 159 ~~reasonable and practicable~~ to such providers of services located in this state or employing
 160 Georgia residents and preference to supplies, materials, equipment, and agricultural
 161 products as may be available, manufactured, or produced in this state. Such preference
 162 shall not sacrifice quality.

163 (b) ~~In determining whether such a preference is reasonable in any case where the value of~~
 164 ~~a contract for or purchase of such supplies, materials, equipment, or agricultural products~~
 165 ~~exceeds \$100,000.00, the state or local authority shall consider, among other factors,~~
 166 ~~information submitted by the bidder which may include the bidder's estimate of the~~
 167 ~~multiplier effect on gross state domestic product and the effect on public revenues of the~~

168 ~~state and the effect on public revenues of political subdivisions resulting from acceptance~~
 169 ~~of a bid or offer to sell Georgia manufactured or produced goods as opposed to out-of-state~~
 170 ~~manufactured or produced goods. Any such estimates shall be in writing. No state or local~~
 171 ~~authority shall divide a contract or purchase which exceeds \$100,000.00 for the purpose~~
 172 ~~of avoiding the requirements of this subsection. Any state or local authority, when issuing~~
 173 ~~a request for a competitive bid, shall state in such bid request and place the bidding~~
 174 ~~contractors on notice that the state or local authority shall consider information relating to~~
 175 ~~the effects on employment within this state. No bid shall be considered unless~~
 176 ~~accompanied by an employment impact statement which shall include:~~

177 (1) The number of jobs expected to be created in this state should the bid be awarded to
 178 the contractor and the number of jobs expected to be retained that might otherwise be lost
 179 if the contract is awarded to another contractor;

180 (2) The number of jobs expected to be created in this state should the bid be awarded to
 181 the contractor or the number of jobs expected to be retained that might otherwise be lost
 182 if the contract is awarded to another contractor by the subcontractors expected to be used
 183 by the contractor in the performance of the contract; and

184 (3) A guarantee from the contractor that, as a condition of such contract, the jobs created
 185 or retained in this state will not be moved outside of this state during the duration of the
 186 contract.

187 (c) The state or local authority considering bid proposals shall require from the bidder such
 188 information as needed to substantiate any claim by a bidder that jobs will be created or
 189 retained in this state.

190 ~~(e)~~(d) Nothing in this Code section shall negate the requirements of Code Section
 191 50-5-73."

192 **SECTION 6.**

193 Said part is further amended by revising Code Section 50-5-62, which is reserved, as follows:
 194 "50-5-62.

195 The Department of Administrative Services, in awarding all contracts, shall give preference
 196 to:

197 (1) Sellers of products produced, grown, or manufactured in Georgia;

198 (2) Sellers who maintain a business located in Georgia;

199 (3) Providers of services who are located in this state, maintain a business license in this
 200 state, and promise as a condition of any such contract to continue to remain so located
 201 and licensed during the duration of the contract;

202 (4) Any business that promises to employ residents of Georgia for the purpose of
203 satisfying the terms of any such contract and that promises to continue such employment
204 throughout the duration of the contract as a condition of the contract; and
205 (5) Any person or entity that pays income taxes to the state. Reserved."

206 **SECTION 7.**

207 This Act shall become effective on July 1, 2015, and shall apply to contracts entered into on
208 or after such date.

209 **SECTION 8.**

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