

The House Committee on State Planning and Community Affairs offers the following substitute to HB 1218:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,  
2 so as to require local governmental entities to publish or advertise contracts and bids for  
3 services and goods via the Georgia Procurement Registry; to amend Code Section 50-5-69,  
4 relating to purchases without competitive bidding, so as to change provisions relating to  
5 advertising bid opportunities; to provide for related matters; to repeal conflicting laws; and  
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

8 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
9 by striking subsection (b) of Code Section 36-91-20, relating to contracting requirements for  
10 public works construction contracts, and inserting in lieu thereof a new subsection (b) to read  
11 as follows:  
12

13 "(b)(1) Prior to entering into a public works construction contract other than those  
14 exempted by Code Section 36-91-22, a governmental entity shall publicly advertise the  
15 contract opportunity. Such notice shall be posted conspicuously in the governing  
16 authority's office and shall comply with one of the following:

17 (A) The notice shall be advertised published in the legal organ of the county or by  
18 electronic means on an Internet website of the governmental entity or an Internet  
19 website identified by the governmental entity. Contract opportunities shall be  
20 advertised a minimum of two times, with the first advertisement occurring at least four  
21 weeks prior to the opening of the sealed bids or proposals. The second advertisement  
22 shall follow no earlier than two weeks from the first advertisement; or

23 (B) The notice shall be submitted to the Department of Administrative Services for  
24 advertisement in the Georgia Procurement Registry at least four weeks prior to the  
25 opening of the sealed bids or proposals in accordance with Code Section 50-5-69. Such

1 notice shall be input directly by the governmental entity in an electronic format  
 2 prescribed by the Department of Administrative Services.

3 (2) Plans and specifications shall be available on the first day of the advertisement and  
 4 shall be open to inspection by the public. The advertisement shall include such details  
 5 and specifications as will enable the public to know the extent and character of the work  
 6 to be done. All required notices of advertisement shall also advise of any mandatory  
 7 prequalification requirements or pre-bid conferences as well as any federal requirements  
 8 pursuant to subsection (d) of Code Section 36-91-22."

## 9 SECTION 2.

10 Code Section 50-5-69, relating to purchases without competitive bidding, is amended by  
 11 striking said Code section in its entirety and inserting in lieu thereof the following:

12 "50-5-69.

13 (a) If the needed supplies, materials, or equipment can reasonably be expected to be  
 14 acquired for less than \$5,000.00 and is not available on state contracts or through  
 15 statutorily required sources, the purchase may be effectuated without competitive bidding.  
 16 The commissioner of administrative services may by rule and regulation authorize the  
 17 various state departments, agencies, and instrumentalities to make purchases in their behalf  
 18 which do not exceed \$100,000.00 and may provide the circumstances and conditions under  
 19 which such purchases may be effected.

20 (b) The department shall establish a central bid registry to advertise the various  
 21 procurement and bid opportunities of state government and those governmental entities,  
 22 as defined by Code Section 36-91-2 that elect to advertise through the central bid registry;  
 23 provided, however, that the department is prohibited from charging any fees to such  
 24 governmental entities. Such central bid registry shall be entitled the Georgia Procurement  
 25 Registry and shall operate in accordance with appropriate rules and regulations applicable  
 26 to the department's responsibility to manage the state's procurement system. It shall be the  
 27 responsibility of each agency, department, board, commission, authority, and council to  
 28 report to the department its bid opportunities in a manner prescribed by the Department of  
 29 Administrative Services. The commissioner of administrative services is authorized and  
 30 directed to promulgate rules and regulations to carry out this responsibility and shall  
 31 determine the most economical method to conduct public notification of such bid  
 32 opportunities.

33 (c) The Department of Administrative Services is authorized to permit departments,  
 34 institutions, and agencies of state government to utilize a procurement card that will  
 35 electronically pay and monitor payments by state institutions pursuant to subsection (a) of  
 36 this Code section subject to approval of the State Depository Board pursuant to the State

1 Depository Board's authority to prescribe cash management policies and procedures for  
2 state agencies under Code Section 50-17-51. All purchases made through procurement  
3 card shall be included on a monthly summary report to be prepared by each state  
4 department, institution, and agency in a form to be approved by the Department of  
5 Administrative Services.

6 (d) The commissioner of administrative services shall promulgate rules and regulations  
7 necessary to carry out the intent of this Code section.

8 (e) Nothing in this Code section shall apply to or affect the laws, rules, and regulations  
9 governing emergency purchases.

10 (f) A governmental entity as defined by Code Section 36-91-2 may elect to utilize the  
11 Georgia Procurement Registry pursuant to subsection (b) of this Code section to advertise  
12 any other procurement or bid opportunity in lieu of any other advertising requirement  
13 imposed by law or ordinance. If the governmental entity provides procurement and bid  
14 information to the Department of Administrative Services in a timely manner, no contract  
15 award, bid, or proposal opening shall be required to be delayed if the procurement or bid  
16 opportunity was not published on the Georgia Procurement Registry, nor shall the  
17 Department of Administrative Services be liable to the governmental entity or vendor."

### 18 SECTION 3.

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