

House Bill 1721

By: Representative Murphy of the 18th

A BILL TO BE ENTITLED
AN ACT

1 To amend the "Haralson County Water Authority Act," approved April 10, 1971 (Ga. L.
2 1971, p. 3258), as amended, particularly by an Act approved April 6, 1981 (Ga. L. 1981, p.
3 4247), an Act approved March 25, 1986 (Ga. L. 1986, p. 4657), and an Act approved April
4 4, 1997 (Ga. L. 1997, p. 3950), so as to change provisions relating to purchasing and sales
5 by the authority; to specify procedures for such purchases and sales; to remove the limit on
6 the principal amount of revenue bonds which can be issued; to provide for related matters;
7 to provide an effective date; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 The "Haralson County Water Authority Act," approved April 10, 1971 (Ga. L. 1971, p.
11 3258), as amended, particularly by an Act approved April 6, 1981 (Ga. L. 1981, p. 4247), an
12 Act approved March 25, 1986 (Ga. L. 1986, p. 4657), and an Act approved April 4, 1997
13 (Ga. L. 1997, p. 3950), is amended by striking Section 7 in its entirety and inserting in lieu
14 thereof the following:

15 **"SECTION 7.**

16 **Procedures for purchasing and selling.**

17 (a) 'Georgia Local Government Public Works Construction Law': Except as provided in
18 this section, the Authority shall at all times comply with the provisions of the 'Georgia
19 Local Government Public Works Construction Law' codified as Chapter 91 of Title 36 of
20 the O.C.G.A., which sets forth requirements for contracting and bidding, bid bonds,
21 performance bonds, and payment bonds.

22 (b) Other purchases and selling: For contracts not subject to subsection (a) of this section
23 and, except as provided in this section, competitive bids shall be secured before sale by
24 contract or otherwise is made by the Authority or before any contract is awarded for

1 construction, alterations, equipment, repairs or maintenance, or for rendering any services
 2 to the Authority other than professional services; and the sale shall be made to the highest
 3 responsible bidder, and the purchase shall be made from or the contract shall be awarded
 4 to the lowest responsible bidder. All sales of \$50,000.00 or more shall be awarded after
 5 advertising in the legal organ of Haralson County at least two weeks prior to bid opening.
 6 Bids shall be publicly opened and read aloud at a date, time, and place designated in the
 7 invitation to bid. Invitations to bid shall be sent at least one week prior to the bid opening
 8 to at least three potential bidders who are qualified technically and financially to submit
 9 bids, or, in lieu thereof, the Authority shall keep on file a memorandum showing that fewer
 10 than three potential bidders so qualified exist in the market area within which it is
 11 practicable to obtain bids. Sales under \$50,000.00 may be negotiated with or without
 12 competitive bidding under sound procedures promulgated and established by the Authority.
 13 The Authority shall have the right to reject any or all bids, whenever in the opinion of the
 14 Authority such rejection is necessary for the protection of the interest of the Authority. In
 15 such cases, the Authority shall readvertise for new bids on the same or different terms.
 16 Contracts where the total price is under \$50,000.00 for construction, alterations, equipment,
 17 repairs or maintenance, or for rendering any services to the Authority may be negotiated
 18 with or without competitive bidding under sound procedures as promulgated and
 19 established by the Authority.
 20 (c) Emergency purchases: Procurement of written price quotations and competitive
 21 bidding may be waived if it is determined by the Authority that an emergency directly and
 22 immediately affecting customer service or public health, safety, or welfare requires
 23 immediate delivery of supplies, materials, equipment, or services; provided, however, that
 24 a record explaining the emergency shall be submitted to the governing authority of
 25 Haralson County."

26 **SECTION 2.**

27 Said Act is further amended by striking Section 10 in its entirety and inserting in lieu thereof
 28 a new Section 10 to read as follows:

29 "SECTION 10.
 30 Revenue bonds.

31 The Authority, or any authority or body which had or which may in the future succeed to
 32 the powers, duties, and liabilities vested in the Authority created by this Act, shall have
 33 power and is authorized at one time, or from time to time, to provide by resolution for the
 34 issuance of negotiable revenue bonds of the Authority for the purpose of paying all or any

1 part of the cost as herein defined of any one or more projects. The principal and interest
2 of such revenue bonds shall be payable solely from the special fund herein provided for
3 such payment. The bonds of each issue shall be dated, shall bear interest at such rate or
4 rates not exceeding the interest allowed by Article 3 of Chapter 82 of Title 36 of the
5 O.C.G.A., the 'Revenue Bond Law,' as now or hereafter amended, payable semiannually,
6 shall mature at such time or times not exceeding 40 years from their date or dates, shall be
7 payable in such medium of payment as to both principal and interest as may be determined
8 by the Authority, and may be made redeemable before maturity, at the option of the
9 Authority, at such price or prices and under such terms and conditions as may be fixed by
10 the Authority in the resolution providing for the issuance of the bonds."

11 **SECTION 3.**

12 This Act shall become effective upon its approval by the Governor or upon its becoming law
13 without such approval.

14 **SECTION 4.**

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