

House Bill 1493 (FLOOR SUBSTITUTE)

By: Representatives Yates of the 106th, Jamieson of the 22nd and Jenkins of the 110th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to require the promulgation of rules and
3 regulations to regulate in the public interest certain contracts and purchases on behalf of
4 students in public elementary and secondary schools; to provide for the contents of such rules
5 and regulations; to require bidding, limitation of consideration to bids meeting specifications,
6 award to the lowest responsible bidder, and monitoring of compliance with the contract or
7 bid; to require a standard or formula for determining the price in certain circumstances; to
8 provide that such rules and regulations shall authorize examination or audit in certain
9 circumstances; to provide for an exception to the prohibition against sales to a county school
10 board by a member; to provide for related matters; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
15 secondary education, is amended by striking Code Sections 20-2-500, relating to rules and
16 regulations for contracts or purchases, and 20-2-501, relating to contracts not in compliance
17 with rules and regulations, and inserting in lieu thereof the following:

18 "20-2-500.

19 The State Board of Education is ~~authorized to~~ shall promulgate rules and regulations to
20 regulate in the public interest contracts for the purchase of goods or purchases of goods
21 which involve the aggregate sum of ~~\$100.00~~ \$5,000.00 or more for or on behalf of students
22 of any public elementary or secondary school supported in whole or in part from public
23 funds. Such rules and regulations shall require a fair and impartial bidding process,
24 consideration limited to bids that meet the specifications set out in the request for bids,
25 award of contracts or purchases to the lowest responsible bidder, and monitoring of vendor
26 compliance with the contract or bid by employees of the local board of education or other

1 purchasing entity. Such rules and regulations shall require that a contract or bid for items
 2 to be supplied periodically at variable prices shall state clearly a standard or formula for
 3 determining such prices. Such rules and regulations shall authorize an examination and
 4 audit by the Department of Education of any contract for the purchase of goods or purchase
 5 of goods which is funded in whole or in part by state moneys.

6 20-2-501.

7 No person shall enter into any contract for the purchase of goods or make any purchase of
 8 goods which involves the aggregate sum of ~~\$100.00~~ \$5,000.00 or more for or on behalf of
 9 students of any public elementary or secondary school supported in whole or in part from
 10 public funds unless such person has complied, prior to entering into such contract or
 11 purchase, with such rules and regulations as promulgated by the State Board of Education
 12 for making purchases for the students in such schools."

13 SECTION 2.

14 Said chapter is further amended by striking Code Section 20-2-505, relating to the
 15 prohibition of a school board member from selling school supplies or equipment to county
 16 board and a penalty, and inserting in lieu thereof the following:

17 "20-2-505.

18 (a) No member of any county board of education in this state shall sell to any county board
 19 any supplies or equipment used, consumed, or necessary in the operation of any public
 20 school in this state.

21 (b) Any member of any county board violating subsection (a) of this Code section shall
 22 be guilty of a misdemeanor.

23 (c) This Code section shall not apply to purchases of supplies or equipment that do not
 24 exceed \$5,000.00 if there are fewer than three sources for such supplies or equipment
 25 within the county."

26 SECTION 3.

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