

Senate Bill 180

By: Senators Streat of the 19th, Cheeks of the 23rd and Butler of the 55th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 13-10-1 of the Official Code of Georgia Annotated, relating to bid
2 bonds or other securities, bonds or securities requirements for public works contracts, bids
3 by affiliated corporations, and approval of bonds as to form and solvency, so as to change
4 certain provisions relating to applicability; to amend Article 4 of Chapter 2 of Title 32,
5 relating to exercise of the Department of Transportation's power to contract generally, so as
6 to change certain provisions relating to bonds of successful bidders; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 13-10-1 of the Official Code of Georgia Annotated, relating to bid bonds or
11 other securities, bonds or securities requirements for public works contracts, bids by
12 affiliated corporations, and approval of bonds as to form and solvency, is amended by
13 striking subsection (c) and inserting in lieu thereof the following:

14 "(c) This Code section shall not apply where the total contract price does not exceed
15 ~~\$40,000.00~~ \$50,000.00; provided, however, that the state or any department or agency
16 thereof may in its discretion require performance and payment bonds or bid bonds or other
17 security for any public works contract."

18 **SECTION 2.**

19 Article 4 of Chapter 2 of Title 32, relating to exercise of the Department of Transportation's
20 power to contract generally, is amended by striking Code Section 32-2-70, relating to bonds
21 of successful bidders, and inserting in lieu thereof the following:

22 "32-2-70.

23 Where the contract price exceeds ~~\$5,000.00~~ \$50,000.00, no department construction
24 contract shall be valid unless the contractor first shall give:

- 1 (1) The performance and payment bonds required by Code Section ~~36-82-101~~ 13-10-1
2 as applicable; and
3 (2) Such other bonds or insurance policies required by the department in its proposal
4 forms, including but not limited to public liability and property damage insurance bonds
5 or policies."

6 **SECTION 3.**

7 All laws and parts of laws in conflict with this Act are repealed.