

Senate Bill 115

By: Senators Hill of the 4th, Seay of the 34th and Stokes of the 43rd

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 50-5-132 of the Official Code of Georgia Annotated, relating to
2 eligibility and procedures for certification of minority business enterprises, so as to change
3 and simplify certain procedures for certification of minority business enterprises; to change
4 certain information required for certification; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 50-5-132 of the Official Code of Georgia Annotated, relating to eligibility and
9 procedures for certification of minority business enterprises, is amended by striking the Code
10 section in its entirety and inserting in lieu thereof a new Code Section 50-5-132 to read as
11 follows:

12 "50-5-132.

13 (a) Any minority business enterprise that desires to claim such status under any law of this
14 state or any regulation promulgated pursuant thereto shall first apply for certification, ~~in~~
15 ~~addition to any other certification required by the provisions of 49 C.F.R. 23,~~ to the
16 Department of Administrative Services. The certification procedures used by the
17 Department of Administrative Services for a minority business enterprise, as defined in
18 Code Section 50-5-131, shall be consistent with the Code of Federal Regulations outlining
19 federal Department of Transportation certification procedures for minority business
20 enterprises as defined in federal law.

21 (b) The Department of Administrative Services shall certify a business which meets the
22 eligibility requirement of this part to qualify as a minority business enterprise. To qualify
23 as a minority business enterprise, the business shall:

24 (1) Be a minority business enterprise;

25 (2) Submit ~~any~~ documentary evidence required by the Department of Administrative
26 Services to support its status as a minority business enterprise;

- 1 (3) Sign an affidavit stating that it is a minority business enterprise; and
- 2 (4) Be qualified to bid pursuant to the provisions of the Department of Administrative
- 3 Services and other state agencies; ~~and~~
- 4 (5) ~~Present:~~
- 5 ~~(A) An application, including the entire business history of the operation;~~
- 6 ~~(B) Birth certificates for all minority principals;~~
- 7 ~~(C) If Native American, a tribal registration card or certificate;~~
- 8 ~~(D) Current resumes on all principals, key managers, and other key personnel;~~
- 9 ~~(E) A current financial statement;~~
- 10 ~~(F) Proof of investment by principals;~~
- 11 ~~(G) Loan agreements;~~
- 12 ~~(H) Lease or rental agreement for space and equipment;~~
- 13 ~~(I) Evidence of latest bond;~~
- 14 ~~(J) If the applicant is a sole proprietor, a copy of a blank signature card;~~
- 15 ~~(K) If the applicant is a partnership, a copy of the partnership agreement; and~~
- 16 ~~(L) If the applicant is a corporation, articles of organization, corporation bylaws, copies~~
- 17 ~~of all stock certificates, minutes of the first corporate organizational meeting, bank~~
- 18 ~~resolution on all company accounts, and a copy of the latest United States corporate tax~~
- 19 ~~return.~~
- 20 (c) The Department of Administrative Services shall prepare and maintain a list of
- 21 certified minority business enterprises.
- 22 (d) The Department of Administrative Services may deny certification to any minority
- 23 business enterprise which does not qualify as such under the provisions of this part. Any
- 24 person adversely affected by an order of the Department of Administrative Services
- 25 denying certification as a minority business enterprise may appeal as provided in the
- 26 regulations of the Department of Administrative Services."

27 **SECTION 2.**

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