

House Bill 1240

By: Representatives Royal of the 140th, O`Neal of the 117th, Sims of the 130th, and Borders of the 142nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia
2 Annotated, relating to general authority, duties, and procedures regarding state purchasing,
3 so as to provide for additional vendor requirements; to provide for a definition; to provide
4 for powers, duties, and authority of the Department of Revenue and the Department of
5 Administrative Services; to provide an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,
10 relating to general authority, duties, and procedures regarding state purchasing, is amended
11 by adding a new Code section at the end thereof, to be designated Code Section 50-5-82, to
12 read as follows:

13 "50-5-82.

14 (a) As used in this Code section, the term 'state agency' means any authority, board,
15 department, instrumentality, institution, agency, or other unit of state government. 'State
16 agency' shall not include any public institution of higher education or any county,
17 municipality, or any local or regional governmental authority.

18 (b) On or after the effective date of this Code section, the Department of Administrative
19 Services and any other state agency to which this article applies shall not enter into a
20 contract for goods or services, or both, with a nongovernmental vendor if the vendor or an
21 affiliate of the vendor is a dealer as defined in paragraph (3) of Code Section 48-8-2, or
22 meets one or more of the conditions thereunder, but fails or refuses to collect sales or use
23 taxes levied under Chapter 8 of Title 48 on its sales delivered to Georgia.

24 (c) The Department of Administrative Services and any other state agency may contract
25 for goods or services, or both, with a source prohibited under subsection (b) in the event

1 of an emergency or where the nongovernmental vendor is the sole source of such goods or
2 services or both.

3 (d) The determination of whether a vendor is a prohibited source shall be made by the
4 Department of Revenue, which shall notify the Department of Administrative Services and
5 any other state agency of its determination.

6 (e) Upon awarding a contract, the Department of Administrative Services and any other
7 state agency to which this article applies shall provide the Department of Revenue the
8 name of the nongovernmental vendor awarded the contract, the name of the vendor's
9 affiliate, and the certificate of registration number as provided for under Code Section
10 48-8-59 for the vendor and affiliate of the vendor."

11 **SECTION 2.**

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

14 **SECTION 3.**

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