

Senate Bill 473

By: Senators Henson of the 41st, Tate of the 38th and Stokes of the 43rd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to the organization of the executive branch, so as to provide that  
3 no state agency shall enter into a contract with a private entity for the provision of services  
4 if any such services will be performed outside the geographical boundaries of the United  
5 States; to provide for a written statement; to provide for a penalty; to provide for a  
6 continuation of contracts; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to general  
10 provisions relative to the organization of the executive branch, is amended by inserting at the  
11 end thereof the following:

12 "50-4-8.

13 No state agency shall contract with a private provider or vendor for the provision of  
14 services if any such services will be performed outside the geographical boundaries of the  
15 United States. Each contracting state agency shall require each vendor submitting a bid for  
16 such services to certify that only vendors who operate within the geographical boundaries  
17 of the United States will be performing services under the contract. Any person who  
18 submits a certification known to be false shall be guilty of a felony. If at any time during  
19 the performance of a contract the private contracting party uses any services performed  
20 outside the geographical boundaries of the United States, such private contracting party  
21 shall be liable to the contracting state agency for damages in an amount equal to the  
22 contract value of such services. Each such contract entered into on or after July 1, 2004,  
23 shall contain a provision requiring compliance with the provisions of this Code section and  
24 providing that a breach of such provision, at the election of the contracting state agency,  
25 shall constitute a breach of the contract; provided, however, that any such contract may be

1 continued in effect until an alternative contract can be arranged if the contracting state  
2 agency determines that:

3 (1) Immediate termination would result in harm to the public health or welfare; and

4 (2) The continuation of the contract is approved by the commissioner of administrative  
5 services."

6 **SECTION 2.**

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