

House Bill 1834

By: Representatives Stephens of the 124th, Post 2, Williams of the 128th, Jackson of the 124th, Post 1, and Bordeaux of the 125th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 36-91-21 of the Official Code of Georgia Annotated, relating to
2 competitive award requirements, so as to provide for an optional bidding preference for local
3 businesses with respect to local government contracts that are subject to competitive bidding
4 procedures; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 36-91-21 of the Official Code of Georgia Annotated, relating to competitive
8 award requirements, is amended by striking subsection (b) and inserting in lieu thereof the
9 following:

10 "(b) Any competitive sealed bidding process shall comply with the following requirements:

- 11 (1) The governmental entity shall publicly advertise an invitation for bids;
- 12 (2) Bidders shall submit sealed bids based on the criteria set forth in such invitation;
- 13 (3) The governmental entity shall open the bids publicly and evaluate such bids without
14 discussions with the bidders; and
- 15 (4) The contract shall be awarded to the lowest responsible and responsive bidder whose
16 bid meets the requirements and criteria set forth in the invitation for bids; provided,
17 however, that the contract may be awarded to the lowest responsible and responsive
18 bidder whose principle business location lies within the boundaries or jurisdiction of the
19 governmental entity and whose bid is not more than 1 percent higher than the bid of the
20 lowest responsible and responsive bidder whose principle business location is outside the
21 boundaries or jurisdiction of the governmental entity; and provided, further, that if the bid
22 from the lowest responsible and responsive bidder exceeds the funds budgeted for the
23 public works construction contract, the governmental entity may negotiate with such
24 apparent low bidder to obtain a contract price within the budgeted amount. Such
25 negotiations may include changes in the scope of work and other bid requirements."

1 **SECTION 2.**

2 All laws and parts of laws in conflict with this Act are repealed.