

House Bill 833

By: Representatives Lunsford of the 110th, Knight of the 126th, Yates of the 73rd, Talton of the 145th, Loudermilk of the 14th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to provide that the Georgia Procurement Registry shall be the official legal organ for
3 advertisement of certain bid opportunities for goods and services and public works
4 construction contracts by a municipal corporation, county, or local board of education; to
5 require advertisement of certain bid opportunities by local government entities via the
6 Georgia Procurement Registry; to provide that advertisement via the Georgia Procurement
7 Registry shall be at no cost to local government entities; to provide for other matters relative
8 to the foregoing; to provide an effective date; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
13 in Chapter 80, relating to general provisions applicable to counties, municipal corporations,
14 and other government entities, by inserting at the end thereof a new Code Section 36-80-21
15 to read as follows:

16 "36-80-21.

17 Each bid opportunity of a municipal corporation, county, or local board of education for
18 goods and services valued at \$40,000.00 or more and each bid opportunity for public works
19 construction contracts valued at \$100,000.00 or more shall be advertised by such respective
20 local government entity by means of the Georgia Procurement Registry as established in
21 Code Section 50-5-69, which for purposes of advertisement of such bid opportunities
22 pursuant to this Code section shall be the official legal organ of the municipal corporation,
23 county, or local board of education; provided, however, that each such government entity
24 may also advertise such bid opportunities by any other means identified by the government
25 entity. Advertisement by means of the Georgia Procurement Registry shall be at no cost
26 to the municipal corporation, county, or local board of education. Each advertisement shall

1 include such details and specifications as will enable the public to know the extent and
 2 character of the bid opportunity."

3 **SECTION 2.**

4 Said title is further amended in Code Section 36-91-20, relating to contracting and bidding
 5 requirements for public works construction contracts, by striking subsection (b) and inserting
 6 in lieu thereof a new subsection (b) to read as follows:

7 "(b) Prior to entering into a public works construction contract other than those exempted
 8 by Code Section 36-91-22, a governmental entity shall publicly advertise the contract
 9 opportunity. Such notice shall be posted conspicuously in the governing authority's office
 10 and shall be advertised via the Georgia Procurement Registry established under subsection
 11 (b) of Code Section 50-5-69 which shall be the official legal organ of the county for
 12 advertisement of such contract opportunities. In addition, such contract opportunity may
 13 be advertised in the legal organ of the county any newspaper or by electronic means on an
 14 Internet website of the governmental entity or an Internet website identified by the
 15 governmental entity. Contract opportunities shall be advertised in the Georgia Procurement
 16 Registry a minimum of two times, with the first advertisement occurring at least four weeks
 17 prior to the opening of the sealed bids or proposals. The second advertisement shall follow
 18 no earlier than two weeks from the first advertisement. Plans and specifications shall be
 19 available on the first day of the advertisement and shall be open to inspection by the public.
 20 The advertisement shall include such details and specifications as will enable the public to
 21 know the extent and character of the work to be done. All required notices of advertisement
 22 shall also advise of any mandatory prequalification requirements or pre-bid conferences
 23 as well as any federal requirements pursuant to subsection (d) of Code Section 36-91-22."

24 **SECTION 3.**

25 This Act shall become effective on January 1, 2006.

26 **SECTION 4.**

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