

House Bill 1090

By: Representatives Harbin of the 118th, Fleming of the 117th, Burmeister of the 119th, and Rogers of the 26th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to
2 contracts for public works, and Article 4 of Chapter 2 of Title 32 of the Official Code of
3 Georgia Annotated, relating to exercise of power to contract by the Department of
4 Transportation generally, so as to provide that a contractor that is more than 30 days behind
5 in the performance of a state public works construction contract or a construction or
6 maintenance contract with the Department of Transportation due to the fault of such
7 contractor shall not be eligible to bid on any additional state public works construction
8 contracts or Department of Transportation construction or maintenance contracts until such
9 time as the performance of such contract is brought current or is completed; to provide for
10 related matters; to provide an effective date; to repeal conflicting laws; and for other
11 purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to contracts for
15 public works, is amended by adding a new Article 3 to read as follows:

16 **"ARTICLE 3**

17 13-10-100.

18 A contractor that is more than 30 days behind in the performance of a state public works
19 construction contract due to the fault of such contractor shall not be eligible to bid on any
20 additional state public works construction contracts or Department of Transportation
21 construction or maintenance contracts until such time as the performance of such contract
22 is brought current or is completed. The determination of whether such contractor is behind
23 in its performance and the cause of such delay shall be made by the agency that let the
24 contract and shall be conclusive."

SECTION 2.

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2 Article 4 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to
3 exercise of power to contract by the Department of Transportation generally, is amended by
4 adding a new Code Section 32-2-66.1 to read as follows:

5 "32-2-66.1.

6 A contractor that is more than 30 days behind in the performance of a Department of
7 Transportation construction or maintenance contract due to the fault of such contractor
8 shall not be eligible to bid on any additional state public works construction contracts or
9 Department of Transportation construction or maintenance contracts until such time as the
10 performance of such contract is brought current or is completed. The determination of
11 whether such contractor is behind in its performance and the cause of such delay shall be
12 made by the Department of Transportation and shall be conclusive."

SECTION 3.

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

SECTION 4.

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