

Senate Bill 447

By: Senators Bulloch of the 11th, Tolleson of the 20th, Rogers of the 21st, Williams of the 19th, Hill of the 4th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 50-17-22 of the Official Code of Georgia Annotated, relating to the
2 State Financing and Investment Commission, so as to provide that the construction division
3 of the commission shall give preference to in-state materialmen, contractors, builders,
4 architects, and laborers when such preference does not impair quality and cost
5 considerations; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 style="text-align:center">**SECTION 1.**

9 Code Section 50-17-22 of the Official Code of Georgia Annotated, relating to the State
10 Financing and Investment Commission, is amended by revising paragraph (2) of subsection
11 (b) as follows:

12 "(2)(A) There shall be a construction division of the commission administered by a
13 director who shall not be a member of the commission and who shall also serve as the
14 executive secretary for the commission. The director and the staff of the construction
15 division shall be appointed by and serve at the pleasure of the commission, shall provide
16 administrative support for all personnel of the commission, and shall account for and
17 keep all records pertaining to the operation and administration of the commission and its
18 staff. The director, as executive secretary, shall prepare ~~agenda~~ agendas and keep
19 minutes of all meetings of the commission. In construction and construction related
20 matters, the construction division shall act in accordance with the policies, resolutions,
21 and directives of the Georgia Education Authority (Schools) and the Georgia Education
22 Authority (University) until such time as such policies, resolutions, or directives are
23 changed or modified by the commission. In carrying out its responsibilities in connection
24 with the application of any funds under its control, including the proceeds of any debt or
25 any appropriation made directly to it for construction purposes, the commission is
26 specifically authorized to acquire and construct projects for the benefit of any department

27 or agency of the state or to contract with any such department or agency for the
28 acquisition or construction of projects under policies, standards, and operating procedures
29 to be established by the commission; provided, however, that the commission shall
30 contract with the Department of Transportation or the Georgia Highway Authority or the
31 State Road and Tollway Authority or any combination of the foregoing for the
32 supervision of and contracting for design, planning, building, rebuilding, constructing,
33 reconstructing, surfacing, resurfacing, laying out, grading, repairing, improving,
34 widening, straightening, operating, owning, maintaining, leasing, and managing any
35 public roads and bridges for which general obligation debt has been authorized. The
36 construction division also shall perform such construction related services and grant
37 administration services for state agencies and instrumentalities and for local governments,
38 instrumentalities of local governments, and other political subdivisions as may be
39 assigned to the commission or to the construction division by executive order of the
40 Governor.

41 (B) The construction division shall give preference in the purchase of materials and in
42 letting contracts to materialmen, contractors, builders, architects, and laborers who reside
43 within this state whenever such material can be purchased or the services of such
44 materialmen, contractors, builders, architects, and laborers can be employed at no greater
45 expense than that which the division would obtain if such purchase was made from,
46 contract let to, or employment given to a person residing beyond the limits of this state.
47 For the purpose of determining residency under this subparagraph, a corporation, limited
48 liability company, partnership, or other business entity shall be deemed to reside in the
49 State of Georgia if its principal place of business is within the State of Georgia; and for
50 this purpose the principal place of business shall be where the governing powers of the
51 corporation, limited liability company, partnership, or other business entity are exercised
52 and where a substantial amount of the corporation's, limited liability company's,
53 partnership's, or other business entity's business activities are regularly conducted.
54 However, these requirements shall in no way impair the ability of the construction
55 division to compare the quality of materials proposed for purchase and to compare the
56 qualifications, character, responsibility, and fitness of materialmen, contractors, builders,
57 architects, and laborers proposed for employment in its consideration of the purchase of
58 materials or employment of persons. The construction division shall not specify the use
59 of materials or systems by a sole source, unless:

60 (1) The construction division, after a comparison of all available alternative materials
61 and systems, determines that the specification of a sole material or system is justifiable
62 based upon its cost or interchangeability;

63 (2) The sole source specification has been recommended by the architect or engineer
64 of record; and
65 (3) The consideration by, and the justifications of, the construction division are
66 documented, in writing, in the project file."

67 **SECTION 2.**
68 All laws and parts of laws in conflict with this Act are repealed.