

House Bill 382

By: Representatives Lunsford of the 110<sup>th</sup>, Levitas of the 82<sup>nd</sup>, Smith of the 113<sup>th</sup>, Hill of the 21<sup>st</sup>, Wilkinson of the 52<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia  
2 Annotated, relating to general authority, duties, and procedure for state purchasing, so as to  
3 provide for free market competition with regard to state purchasing; to change certain  
4 provisions relating to the Department of Administrative Services purchasing supplies,  
5 materials, equipment, and services for and on behalf of state government; to repeal  
6 provisions relating to goods and services to be obtained from the Georgia Correctional  
7 Industries Administration; to provide for an effective date; to provide for related matters; to  
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,  
12 relating to general authority, duties, and procedure for state purchasing, is amend by revising  
13 paragraph (2) of Code Section 50-5-51, relating to the power, authority, and duty of the  
14 Department of Administrative Services, as follows:

15 "(2) To establish and enforce standard specifications which shall apply to all supplies,  
16 materials, equipment, and services other than professional and personal employment  
17 services purchased or to be purchased for the use of the state government for any of its  
18 offices, agencies, departments, boards, bureaus, commissions, institutions, or other  
19 entities of the state; provided, however, that the department shall not establish or enforce  
20 any rule or regulation, or provision of any rule or regulation, that gives any preferential  
21 treatment to any goods, wares, or merchandise produced wholly or in part by the Georgia  
22 Correctional Industries Administration, the state, or any state agency, department, board,  
23 bureau, commission, or other entity of the state. Any rule or regulation, or provision of  
24 any rule or regulation, which is contrary to the policy expressed in this paragraph and  
25 which existed prior to the effective date of this paragraph, shall be deemed unenforceable,

26 and the department shall undertake steps to repeal such rules or regulations, or applicable  
 27 provisions of such rules or regulations."

28 **SECTION 2.**

29 Said part is further amended by revising Code Section 50-5-73, relating to goods and services  
 30 to be obtained from correctional industries when certified as available, as follows:

31 "50-5-73.

32 ~~(a) All services provided or goods, wares, or merchandise produced wholly or in part by~~  
 33 ~~the Georgia Correctional Industries Administration and needed by the departments,~~  
 34 ~~institutions, and agencies of the state and its political subdivisions supported wholly or in~~  
 35 ~~part by public funds shall be obtained from the Georgia Correctional Industries~~  
 36 ~~Administration where such services, goods, wares, or merchandise have been certified in~~  
 37 ~~writing by the commissioner of corrections as available and of competitive quality and~~  
 38 ~~price. Where not certified as available from the Georgia Correctional Industries~~  
 39 ~~Administration, services, goods, wares, or merchandise shall be obtained from other~~  
 40 ~~agencies or activities of the state which are legally authorized to engage in the provision~~  
 41 ~~of such and have certified the availability with the advice and consent of the Department~~  
 42 ~~of Administrative Services.~~

43 ~~(b) The Georgia Correctional Industries Administration and the commissioner of~~  
 44 ~~corrections shall report to the Department of Administrative Services the certification~~  
 45 ~~criteria, including but not limited to cost, delivery schedules, and availability within 15~~  
 46 ~~days of notice of certification.~~

47 ~~(c) The Georgia Correctional Industries Administration shall notify the Department of~~  
 48 ~~Administrative Services of any changes to certified products or services available pursuant~~  
 49 ~~to this Code section within 15 days of any such changes. Reserved."~~

50 **SECTION 3.**

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

53 **SECTION 4.**

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