

House Bill 771

By: Representative Knight of the 126th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-7-7.1 of the Official Code of Georgia Annotated, relating to the
2 preparation and implementation of an erosion and sediment control plan, so as to require the
3 plan be implemented through a separate contract with a qualified person as defined herein;
4 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 12-7-7.1 of the Official Code of Georgia Annotated, relating to the preparation
9 and implementation of an erosion and sediment control plan, is amended by revising
10 subsection (d) as follows:

11 "(d)(1) All bidders for any construction, ~~or maintenance, or erosion and sediment control~~
12 project subject to this Code section shall review and submit with their bid proposal a cost
13 estimate as a separate bid for the implementation of the ~~erosion and sediment control~~
14 plan, it being understood that the contractor ~~may~~ shall utilize ~~either its own personnel and~~
15 resources, ~~qualified subcontractors, or both~~ only qualified personnel as defined in
16 paragraph (12) of Code Section 12-7-3 for implementation of the plan. ~~The contract for~~
17 the design and implementation of the erosion and sediment control plan shall be awarded
18 separately and shall not be combined with any other construction or maintenance project
19 contract. All contractors and subcontractors for such project shall be prequalified by the
20 Department of Transportation as ~~a responsible bidder~~ qualified personnel as defined in
21 paragraph (12) of Code Section 12-7-3 for the installation of erosion and sediment control
22 devices in accordance with a plan. The division shall assist the Department of
23 Transportation in developing the prequalification approval process for purposes of this
24 subsection.

25 (2) The contractor for a construction, ~~or maintenance, or erosion and sediment control~~
26 project subject to this Code section shall be responsible for implementing the plan on the

27 awarded project. Payment to any contractor under any contract for implementing any
28 part or all of any plan shall not be on a lump sum basis; rather, such payment shall be
29 based upon unit prices for specific quantities of work performed pursuant to the approved
30 erosion and sediment control plan plus any additional quantities of completed work
31 necessitated by project conditions affecting erosion and sediment control, including
32 without limitation soil types and weather conditions. Charges for all maintenance and
33 cleaning of erosion and sediment control devices shall likewise be paid on a unit price
34 basis."

35 **SECTION 2.**

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

38 **SECTION 3.**

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