

House Bill 934

By: Representatives Levitas of the 82nd, England of the 108th, Collins of the 27th, Kaiser of the 59th, Bearden of the 68th, 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 the general authority, duties, and procedure of the Department of
3 Administrative Services, so as to provide that the Department of Administrative Services
4 shall not have the power or authority to make certain agreements mandatory when making
5 certain purchases through the department; to provide for related matters; to provide for an
6 effective date and applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,
10 relating to the general authority, duties, and procedure of the Department of Administrative
11 Services, is amended by revising Code Section 50-5-58, relating to cases where purchases
12 through the department are not mandatory, as follows:

13 "50-5-58.

14 (a) Except as provided in Code Section 50-5-71, the Department of Administrative
15 Services shall not have the power or authority to make any agreements for the purchase of
16 supplies, materials, equipment, and services through the department mandatory unless such
17 agreements are awarded by competitive sealed bidding or competitive sealed proposals
18 conducted by the Department of Administrative Services.

19 (b) Unless otherwise ordered by the Department of Administrative Services, the purchase
20 of supplies, materials, equipment, and services, other than professional and personal
21 employment services, through the Department of Administrative Services shall not be
22 mandatory in the following cases:

23 (1) Technical instruments and supplies and technical books and other printed matter on
24 technical subjects; also manuscripts, maps, books, pamphlets, and periodicals for the use
25 of any library in ~~the~~ this state supported by state funds; also services;

26 (2) Livestock for slaughter and perishable articles such as fresh vegetables, fresh meat,
27 fish and oysters, butter, eggs, poultry, and milk. No other article shall be considered
28 perishable within the meaning of this ~~clause~~ paragraph unless so classified by the
29 Department of Administrative Services; and

30 (3) Emergency supplies of drugs, chemicals and sundries, dental supplies, and
31 equipment.

32 ~~(b)~~(c) In the purchasing of emergency supplies under paragraph (3) of subsection ~~(a)~~(b)
33 of this Code section, it shall be the duty of the department making such purchases to report
34 the same to the Department of Administrative Services, giving the circumstances
35 necessitating the purchases.

36 ~~(e)~~(d) Nothing in this part shall be construed to give the Department of Administrative
37 Services any supervision over the selection or purchase of school textbooks, which is
38 vested by law in the Department of Education."

39 **SECTION 2.**

40 This Act shall become effective on July 1, 2010, shall apply to agreements entered into by
41 the Department of Administrative Services on or after that date, and shall not be applied to
42 impair an obligation of any contract entered into prior to that date.

43 **SECTION 3.**

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