

House Bill 1135

By: Representative Roberts of the 154<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 32-2-61 of the Official Code of Georgia Annotated, relating to  
2 contracting powers of the Department of Transportation, so as to authorize the department  
3 to enter into multiyear contracts subject to certain terms and conditions; to provide that any  
4 such contract shall terminate at the close of each fiscal year and may be renewed only by  
5 positive action of the department; to provide for related matters; to repeal conflicting laws;  
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 32-2-61 of the Official Code of Georgia Annotated, relating to contracting  
10 powers of the Department of Transportation, is amended by adding a new subsection to read  
11 as follows:

12 "(f) The department shall be authorized to enter into multiyear lease, purchase, and  
13 lease-purchase contracts of all kinds for the acquisition of goods, materials, real and  
14 personal property, services, and supplies; provided, however, that a condition precedent to  
15 the award of the contract is a competitive solicitation as may be required under applicable  
16 purchasing laws. Any such multiyear contract shall comply with the following conditions:

17 (1) The multiyear contract shall contain provisions under which:

18 (A) The contract shall terminate absolutely and without further obligation on the part  
19 of the department at the close of the fiscal year in which it was executed and at the  
20 close of each succeeding fiscal year for which it may be renewed as provided in this  
21 subsection;

22 (B) The contract may be renewed only by a positive action taken by the department;  
23 and

24 (C) The contract shall state the total obligation of the department for payment for the  
25 fiscal year of execution and shall state the total obligation for payment which will be  
26 incurred in each fiscal year renewal term, if the contract is renewed;

27 (2) In addition to the provisions enumerated in paragraph (1) of this subsection, any  
28 multiyear contract authorized by this subsection shall be deemed to obligate the  
29 department only for those sums payable during the fiscal year of execution or, in the  
30 event of renewal by the department, for those sums payable in the fiscal year renewal  
31 term;

32 (3) No multiyear contract developed and executed pursuant to this subsection shall be  
33 deemed to create a debt of the state for the payment of any sum beyond the fiscal year of  
34 execution or, in the event of renewal, beyond the fiscal year of each such renewal; and

35 (4) A multiyear contract may contain any other provisions reasonably necessary to  
36 protect the interests of the department."

37 **SECTION 2.**

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