

House Bill 816

By: Representatives Fludd of the 66th, Hudson of the 124th, Mosby of the 90th, Hugley of the 133rd, Abrams of the 84th, 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 relative to state purchasing,
3 so as to provide a short title; to define certain terms; to provide for a preference for the
4 purchase of products made in or assembled in the United States; to provide for exceptions;
5 to provide for penalties; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Georgia Buy American Act."

9 **SECTION 2.**

10 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,
11 relating to general authority, duties, and procedure relative to state purchasing, is amended
12 by revising Code Section 50-5-60.1 as follows:

13 "50-5-60.1.

14 (a) As used in this Code section, the term:

15 (1) 'Made in the United States' means that at least 51 percent of the components of a
16 product were manufactured, created, grown, mined, or otherwise produced within the
17 boundaries of the United States.

18 (2) 'Procured products' means assembled articles, materials, goods, equipment, or
19 supplies purchased by a state agency.

20 (3) 'Purchasing agency' means a state agency.

21 (b) A preference of 15 percent in all competitive procurements made by this state shall be
22 provided to products made in the United States.

23 (c) Each purchasing agency making purchases of procured products shall promote the
24 purchase of and give preference to manufactured articles, materials, and supplies that have
25 been manufactured in the United States. Procured products manufactured in the United

26 States shall be specified and purchased unless the purchasing agency determines that the
27 procured products are not manufactured in the United States in reasonably available
28 quantities. Such finding shall be made public and reported to the relevant state agencies
29 and posted publicly for a 30 day comment period. Any agency making such a finding
30 shall, in conjunction with other relevant state agencies, create a plan to ensure the domestic
31 supply will be available in the future.

32 (d)(1) Each contract awarded by a purchasing agency on or after July 1, 2012, through
33 application of such preference shall contain the contractor's certification that procured
34 products provided pursuant to such contract or a subcontract shall be manufactured in the
35 United States.

36 (2) Each purchasing agency shall promulgate rules for prequalification of suppliers and
37 contractors under this Code section.

38 (e)(1) Nothing in this Code section is intended to contravene any existing treaty, law,
39 agreement, or regulation of the United States. Contracts entered into in accordance with
40 any treaty, law, agreement, or regulation of the United States shall not be in violation of
41 this Code section to the extent of that accordance. No preference shall be granted under
42 this Code section if such preference would contravene any treaty, law, agreement, or
43 regulation of the United States.

44 (2) The preference required by this Code section is in addition to any other preference
45 afforded by state law.

46 (f) If a contractor awarded a contract through the use of a preference under this Code
47 section knowingly supplies procured products under that contract that are not manufactured
48 in the United States, then:

49 (1) The contractor shall be barred from obtaining any state contract for a period of five
50 years after the violation is discovered by the purchasing agency;

51 (2) The purchasing agency may void the contract; and

52 (3) The purchasing agency may recover damages in a civil action in an amount three
53 times the value of the preference. Reserved."

54 **SECTION 3.**

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