

The House Committee on State Institutions and Property offers the following substitute to HB 863:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,  
2 relating to state purchasing, so as to change certain provisions relating to purchases without  
3 competitive bidding, central bid registry, procurement cards, rules and regulations,  
4 applicability to emergency purchases, and the Purchasing Advisory Council; to change a  
5 short title; to change certain provisions relating to definitions relative to small business  
6 assistance; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to state  
10 purchasing, is amended by revising subsection (a) of Code Section 50-5-69, relating to  
11 purchases without competitive bidding, central bid registry, procurement cards, rules and  
12 regulations, applicability to emergency purchases, and the Purchasing Advisory Council, as  
13 follows:

14 "(a) If the needed supplies, materials, equipment, or service can reasonably be expected  
15 to be acquired for less than ~~\$5,000.00~~ \$25,000.00 and is not available on state contracts or  
16 through statutorily required sources, the purchase may be effectuated without competitive  
17 bidding. The commissioner of administrative services may by rule and regulation authorize  
18 the various offices, agencies, departments, boards, bureaus, commissions, institutions,  
19 authorities, or other entities of the state to make purchases in their own behalf and may  
20 provide the circumstances and conditions under which such purchases may be effected.  
21 In order to assist and advise the commissioner of administrative services in making  
22 determinations to allow offices, agencies, departments, boards, bureaus, commissions,  
23 institutions, authorities, or other entities of the state to make purchases in their own behalf,  
24 there is created a Purchasing Advisory Council consisting of the executive director of the  
25 Georgia Technology Authority or his or her designee; the director of the Office of Planning  
26 and Budget or his or her designee; the chancellor of the University System of Georgia or

27 his or her designee; the commissioner of ~~technical and adult education~~ the Technical  
 28 College System of Georgia or his or her designee; the commissioner of transportation or  
 29 his or her designee; the Secretary of State or his or her designee; the commissioner of  
 30 human services or his or her designee; the commissioner of community health or his or her  
 31 designee; the commissioner of public health or his or her designee; the commissioner of  
 32 behavioral health and developmental disabilities or his or her designee; and one member  
 33 to be appointed by the Governor. The commissioner of administrative services shall  
 34 promulgate the necessary rules and regulations governing meetings of such council and the  
 35 method and manner in which such council will assist and advise the commissioner of  
 36 administrative services."

37 **SECTION 2.**

38 Said article is further amended by revising Code Section 50-5-120, relating to a short title,  
 39 as follows:

40 "50-5-120.

41 This part shall be known and may be cited as "The Small Business Assistance Act of ~~1975~~  
 42 2012."

43 **SECTION 3.**

44 Said article is further amended by revising Code Section 50-5-121, relating to definitions  
 45 relative to small business assistance, as follows:

46 "50-5-121.

47 For the purposes of this part, the term:

48 (1) 'Department' means the Department of Administrative Services.

49 (2) 'Georgia resident business' means any business that regularly maintains a place from  
 50 which business is physically conducted in Georgia for at least one year prior to any bid  
 51 or proposal to the state or a new business that is domiciled in Georgia and which  
 52 regularly maintains a place from which business is physically conducted in Georgia;  
 53 provided, however, that a place from which business is conducted shall not include a post  
 54 office box, a leased private mailbox, site trailer, or temporary structure.

55 ~~(2)~~(3) 'Small business' means a Georgia resident business which is independently owned  
 56 and operated. In addition, such business must have either fewer than ~~100~~ 500 employees  
 57 or less than ~~\$1 million~~ \$50 million in gross receipts per year."

58 **SECTION 4.**

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