

Senate Bill 492

By: Senator Mullis of the 53rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 50-5-67 of the Official Code of Georgia Annotated, relating to state
2 purchasing through competitive bidding, so as to require that state contract awards for heavy
3 equipment follow certain specific procedures; to provide for related matters; to provide for
4 an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 50-5-67 of the Official Code of Georgia Annotated, relating to state purchasing
8 through competitive bidding, is amended by revising subsection (b) as follows:

9 "(b)(1) Except as otherwise provided for in this part, all contracts for the purchases of
10 supplies, materials, equipment, or services other than professional and personal
11 employment services made under this part shall, wherever possible, be based upon
12 competitive bids and shall be awarded to the lowest responsible bidder, taking into
13 consideration the quality of the articles to be supplied and conformity with the
14 specifications which have been established and prescribed, the purposes for which the
15 articles are required, the discount allowed for prompt payment, the transportation charges,
16 and the date or dates of delivery specified in the bid and any other cost affecting the total
17 cost of ownership during the life cycle of the supplies, materials, equipment, or services
18 as specified in the solicitation document. Competitive bids on such contracts shall be
19 received in accordance with rules and regulations to be adopted by the commissioner of
20 administrative services, which rules and regulations shall prescribe, among other things,
21 the manner, time, and places for proper advertisement for the bids, indicating the time
22 and place when the bids will be received; the article for which the bid shall be submitted
23 and the specification prescribed for the article; the amount or number of the articles
24 desired and for which the bids are to be made; and the amount, if any, of bonds or
25 certified checks to accompany the bids. Any and all bids so received may be rejected.

26 (2)(A) When the commissioner of administrative services determines it to be in the
 27 best interest of the state, based upon various factors, including, but not limited to, total
 28 life cycle cost of ownership, machine performance and durability, resale value, and
 29 product support capability, contracts for the purchase of heavy equipment may be
 30 awarded to one or more qualified bidders. All bidders shall be required to submit a
 31 complete bid package, be the exclusive dealer for a leading heavy equipment
 32 manufacturer, and maintain a state-wide product support system with facilities located
 33 throughout this state. All bidders may submit a bid using a guaranteed minimum
 34 discount percentage off of the manufacturer's suggested consumer list price or a fixed
 35 dollar price for the heavy equipment. In addition, bidders may add additional
 36 equipment with a guaranteed minimum discount percentage off of the manufacturer's
 37 suggested consumer list price in the bid in order to increase the options available to the
 38 state.

39 (B) As used in this paragraph, the term 'heavy equipment' means self-propelled,
 40 self-powered, or pull-type equipment and machinery, including diesel engines,
 41 weighing 5,000 pounds or more and primarily employed for construction, industrial,
 42 maritime, mining, or forestry use. The term shall not include:

- 43 (i) Motor vehicles requiring registration and a certificate of title;
 44 (ii) Farm machinery, equipment, or implements; or
 45 (iii) Equipment that is considered consumer goods, as that term is defined in Code
 46 Section 11-9-102."

47 **SECTION 2.**

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

50 **SECTION 3.**

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