

The Senate Government Oversight Committee offered the following substitute to SB 320:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to the organization of the executive branch, so as to provide that
3 no state agency shall enter into a contract with a private entity for the provision of services
4 if any such services will be performed outside the geographical boundaries of the United
5 States; to provide for a certain contract provision; to provide for sanctions; to provide an
6 exception; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

8 Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to general
9 provisions relative to the organization of the executive branch, is amended by adding a new
10 Code section to read as follows:

11 "50-4-8.

12 No contract between a state agency and a private provider or vendor for the provision of
13 all or part of any governmental services provided by the agency or for the provision of any
14 services to the agency shall be entered into if any such services will be performed outside
15 the boundaries of the United States except for those limited circumstances where the nature
16 of the service being performed is unique to that location and cannot be performed within
17 the boundaries of the United States. If at any time during the performance of a contract the
18 private contracting party uses any services which are performed outside the boundaries of
19 the United States, such private contracting party shall be liable to the state agency for
20 damages in an amount equal to the contract value of such services. Each such contract
21 entered into on or after July 1, 2012, shall contain a provision requiring compliance with
22 the provisions of this Code section and providing that a breach of such provision, at the
23 election of the agency, shall constitute a breach of the contract. In the event an agency
24 brings an action in any court to enforce such provisions, it shall be entitled to a reasonable
25 attorney's fee in addition to any other damages."
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SECTION 2.

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Nothing in this Act shall be construed to impair the contractual rights of any party to a contract with the state where the contract was entered into prior to the effective date of this Act.

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SECTION 3.

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