

House Bill 863 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Hatchett of the 143rd, Hamilton of the 23rd, Stephens of the 164th, Roberts of the 154th, Carter of the 175th, and others

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 provide for automatic repeal; to provide effective dates; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 Part 1

10 SECTION 1-1.

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

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

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

39 **SECTION 1-2.**

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

42 "50-5-120.

43 This part shall be known and may be cited as "The Small Business Assistance Act of ~~1975~~
 44 2012."

45 **SECTION 1-3.**

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

48 "50-5-121.

49 For the purposes of this part, the term:

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

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

57 ~~(2)~~(3) 'Small business' means a Georgia resident business which is independently owned
 58 and operated. In addition, such business must have either fewer than ~~100~~ 300 employees
 59 or less than ~~\$1 million~~ \$30 million in gross receipts per year."

Part 2

SECTION 2-1.

60
61
62 Said article is further amended by revising subsection (a) of Code Section 50-5-69, relating
63 to purchases without competitive bidding, central bid registry, procurement cards, rules and
64 regulations, applicability to emergency purchases, and the Purchasing Advisory Council, as
65 follows:

66 "(a) If the needed supplies, materials, equipment, or service can reasonably be expected
67 to be acquired for less than \$5,000.00 and is not available on state contracts or through
68 statutorily required sources, the purchase may be effectuated without competitive bidding.
69 The commissioner of administrative services may by rule and regulation authorize the
70 various offices, agencies, departments, boards, bureaus, commissions, institutions,
71 authorities, or other entities of the state to make purchases in their own behalf and may
72 provide the circumstances and conditions under which such purchases may be effected.
73 In order to assist and advise the commissioner of administrative services in making
74 determinations to allow offices, agencies, departments, boards, bureaus, commissions,
75 institutions, authorities, or other entities of the state to make purchases in their own behalf,
76 there is created a Purchasing Advisory Council consisting of the executive director of the
77 Georgia Technology Authority or his or her designee; the director of the Office of Planning
78 and Budget or his or her designee; the chancellor of the University System of Georgia or
79 his or her designee; the commissioner of ~~technical and adult education~~ the Technical
80 College System of Georgia or his or her designee; the commissioner of transportation or
81 his or her designee; the Secretary of State or his or her designee; the commissioner of
82 human services or his or her designee; the commissioner of community health or his or her
83 designee; the commissioner of public health or his or her designee; the commissioner of
84 behavioral health and developmental disabilities or his or her designee; and one member
85 to be appointed by the Governor. The commissioner of administrative services shall
86 promulgate the necessary rules and regulations governing meetings of such council and the
87 method and manner in which such council will assist and advise the commissioner of
88 administrative services."

SECTION 2-2.

89
90 Said article is further amended by revising Code Section 50-5-120, relating to a short title,
91 as follows:

92 "50-5-120.

93 This part shall be known and may be cited as "The Small Business Assistance Act of 1975."

94 **SECTION 2-3.**

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

97 "50-5-121.

98 For the purposes of this part, the term:

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

100 (2) 'Small business' means a business which is independently owned and operated. In
101 addition, such business must have either fewer than 100 employees or less than \$1
102 million in gross receipts per year."

103 **Part 3**104 **SECTION 3-1.**

105 This part and Part 1 of this Act shall become effective on July 1, 2012. The amendments
106 made by Part 1 of this Act shall stand repealed on July 1, 2015, on which date Part 2 of this
107 Act shall become effective.

108 **SECTION 3-2.**

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