

House Bill 863 (AS PASSED HOUSE AND SENATE)

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

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Part 1

SECTION 1-1.

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

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

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

SECTION 1-2.

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

"50-5-120.

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

SECTION 1-3.

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

"50-5-121.

For the purposes of this part, the term:

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

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

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

Part 2

SECTION 2-1.

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

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

SECTION 2-2.

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

"50-5-120.

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

SECTION 2-3.

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

"50-5-121.

For the purposes of this part, the term:

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

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

Part 3**SECTION 3-1.**

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

SECTION 3-2.

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