

## HOUSE SUBSTITUTE TO SENATE BILL 492

## A BILL TO BE ENTITLED

## AN ACT

1 To amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia  
 2 Annotated, relating to general authority, duties, and procedure relative to state purchasing,  
 3 so as to provide for certain multiple award schedule contracts for the purchase of equipment  
 4 for commercial use applications; to provide for related matters; to repeal conflicting laws;  
 5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,  
 9 relating to general authority, duties, and procedure relative to state purchasing, is amended  
 10 by revising subsection (b) of Code Section 50-5-67, relating to state purchasing through  
 11 competitive bidding, as follows:

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

27 desired and for which the bids are to be made; and the amount, if any, of bonds or  
28 certified checks to accompany the bids. Any and all bids so received may be rejected.

29 (2)(A) As used in this paragraph, the term:

30 (i) 'Commercial use applications' means self-propelled, self-powered, or pull-type  
31 equipment and machinery including diesel engines. The term shall not include motor  
32 vehicles requiring registration and certificate of title or equipment that is considered  
33 consumer goods, as that term is defined in Code Section 11-9-102.

34 (ii) 'Multiple award schedule contract' means a contract that allows multiple vendors  
35 to be awarded a state contract for goods or services by providing catalogues of  
36 equipment and attachments to eligible purchasers including state agencies,  
37 departments, institutions, public school districts, and political subdivisions. Multiple  
38 award schedule contract bids shall be evaluated based upon a variety of factors,  
39 including but not limited to discounts, total life costs, service, warranty, machine  
40 performance and durability, resale value, product support, and past vendor  
41 performance. Multiple award schedule contracts shall allow multiple vendors to bid  
42 and be awarded a contract based upon the value of their products and demonstrated  
43 results in competitive pricing, product updates, transparency, administrative savings,  
44 expedited procurement, and flexibility for state purchasers.

45 (B) When the commissioner of administrative services determines it to be in the best  
46 interest of the state, a multiple award schedule contract may be let for the purchase of  
47 equipment used for commercial use applications. All bidders for contracts for the  
48 purchase of equipment for commercial use applications shall be required to submit a  
49 complete bid package and be the authorized dealer or vendor for a leading manufacturer  
50 of equipment used for commercial use applications. Bidders may add additional  
51 equipment with a guaranteed minimum discount off the manufacturer's suggested  
52 consumer list price in the bid in order to increase the options available to the state.

53 (C) Nothing in this paragraph shall limit multiple award schedule contracts to  
54 commercial use applications."

55 **SECTION 2.**

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