

Senate Bill 80

By: Senators Orrock of the 36th, Henson of the 41st, Tate of the 38th, Fort of the 39th, Seay of the 34th and others

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"50-4-8.

No contract between a state agency and a private provider or vendor for the provision of all or part of any governmental services provided by the agency or for the provision of any services to the agency shall be entered into if any such services will be performed outside the boundaries of the United States except for those limited circumstances where the nature of the service being performed is unique to that location and cannot be performed within the boundaries of the United States. If at any time during the performance of a contract the private contracting party uses any services which are performed outside the boundaries of the United States, such private contracting party shall be liable to the state agency for damages in an amount equal to the contract value of such services. Each such contract entered into on or after July 1, 2013, shall contain a provision requiring compliance with the provisions of this Code section and providing that a breach of such provision, at the election of the agency, shall constitute a breach of the contract. In the event an agency brings an action in any court to enforce such provisions, it shall be entitled to a reasonable attorney's fee in addition to any other damages."

27 **SECTION 2.**

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

31 **SECTION 3.**

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