

Senate Bill 168

By: Senators Tippins of the 37th, Mullis of the 53rd, Williams of the 19th, Tolleson of the 20th, Chance of the 16th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 1 of Chapter 10 of Title 13 of the Official Code of Georgia  
2 Annotated, relating to bonds relating to contracts for public works, and Article 2 of Chapter  
3 91 of Title 36 of the Official Code of Georgia Annotated, relating to contracting and bidding  
4 requirements, so as to provide that no bidder shall be disqualified from a bid or proposal,  
5 denied prequalification, or receive lower ranking in the evaluation of a bid or proposal based  
6 upon a lack of previous experience with a job of the size for which the bid or proposal is  
7 being sought if the bid or proposal is not more than 30 percent greater in scope or cost from  
8 the bidder's previous experience in jobs, the bidder has a reasonable amount of experience  
9 in performing the work for which bids or proposals are sought, and the bidder is capable of  
10 being bonded for a bid bond, a performance bond, and a payment bond as required for the  
11 scope of the work for which the bid or proposal is being sought; to provide for related  
12 matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Part 1 of Article 1 of Chapter 10 of Title 13 of the Official Code of Georgia Annotated,  
16 relating to bonds relating to contracts for public works, is amended by adding a new Code  
17 section to read as follows:

18 "13-10-4.

19 In awarding contracts based upon sealed competitive bids or sealed competitive proposals,  
20 no bidder shall be disqualified from a bid or proposal, denied prequalification, or receive  
21 lower ranking in the evaluation of a bid or proposal based upon a lack of previous  
22 experience with a job of the size for which the bid or proposal is being sought if:

23 (1) The bid or proposal is not more than 30 percent greater in scope or cost from the  
24 bidder's previous experience in jobs;

25 (2) The bidder has a reasonable amount of experience in performing the work for which  
26 bids or proposals are sought; and

27 (3) The bidder is capable of being bonded by a surety which meets the qualifications of  
28 the bid documents for a bid bond, a performance bond, and a payment bond as required  
29 for the scope of the work for which the bid or proposal is being sought."

30

**SECTION 2.**

31 Article 2 of Chapter 91 of Title 36 of the Official Code of Georgia Annotated, relating to  
32 contracting and bidding requirements, is amended by adding a new Code section to read as  
33 follows:

34 "36-91-23.

35 In awarding contracts based upon sealed competitive bids or sealed competitive proposals,  
36 no bidder shall be disqualified from a bid or proposal, denied prequalification, or receive  
37 lower ranking in the evaluation of a bid or proposal based upon a lack of previous  
38 experience with a job of the size for which the bid or proposal is being sought if:

39 (1) The bid or proposal is not more than 30 percent greater in scope or cost from the  
40 bidder's previous experience in jobs;

41 (2) The bidder has a reasonable amount of experience in performing the work for which  
42 bids or proposals are sought; and

43 (3) The bidder is capable of being bonded by a surety which meets the qualifications of  
44 the bid documents for a bid bond, a performance bond, and a payment bond as required  
45 for the scope of the work for which the bid or proposal is being sought."

46

**SECTION 3.**

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