

The Senate State and Local Governmental Operations Committee offered the following substitute to SB 168:

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 or  
5 denied prequalification based upon a lack of previous experience with a job of the size for  
6 which the bid or proposal is being sought if the bid or proposal is not more than 30 percent  
7 greater in scope or cost from the bidder's previous experience in jobs, the bidder has a  
8 reasonable amount of experience in performing the work for which bids or proposals are  
9 sought, and the bidder is capable of being bonded for a bid bond, a performance bond, and  
10 a payment bond as required for the scope of the work for which the bid or proposal is being  
11 sought; to provide for related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

17 "13-10-4.

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

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

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

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

29 **SECTION 2.**

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

33 "36-91-23.

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

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

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

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

45 **SECTION 3.**

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