

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

AS PASSED SENATE

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:**

13 **SECTION 1.**

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

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.