

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

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, respectively, so as to provide that no bidder shall be disqualified from a bid
 5 or proposal or denied prequalification based upon a lack of previous experience with a job
 6 of the size for which the bid or proposal is being sought if the bid or proposal is not more
 7 than 30 percent greater in scope or cost from the bidder's previous experience in jobs, the
 8 bidder has experience in performing the work for which bids or proposals are sought, and the
 9 bidder is capable of being bonded for a bid bond, a performance bond, and a payment bond
 10 as required for the scope of the work for which the bid or proposal is being sought; to provide
 11 for an effective date; to provide for related matters; to repeal conflicting laws; and for other
 12 purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **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 or denied prequalification based upon
 21 a lack of previous experience with a job of the size for which the bid or proposal is being
 22 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 experience in performing the work for which bids or proposals are
 26 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 responsible bidder shall be disqualified from a bid or proposal or denied prequalification
37 based upon a lack of previous experience with a job of the size for which the bid or
38 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 responsible bidder's previous experience in jobs;

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

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

46 **SECTION 3.**

47 This Act shall become effective upon its approval by the Governor or upon its becoming law
48 without such approval.

49 **SECTION 4.**

50 All laws and parts of laws in conflict with this Act are repealed.