

Senate Bill 388

By: Senators McKoon of the 29th, Albers of the 56th, Crane of the 28th, Hufstetler of the 52nd and Ramsey, Sr. of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 10 of Chapter 2 of Title 20 and Article 4 of Chapter 91 of Title 36 of the
2 Official Code of Georgia Annotated, relating to contracts and purchases by public schools
3 and bidding for government works projects, respectively, so as impose requirements on
4 certain contracts and purchases by local boards of education; to require that professional
5 services contracts exceeding \$50,000.00 be competitively bid; to require that the guaranteed
6 maximum price submitted by a construction manager at risk to a local board of education not
7 be changed after execution of a contract; to provide for related matters; to provide for
8 applicability and an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Article 10 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
12 contracts and purchases by public schools, is amended by revising Code Section 20-2-501,
13 which is reserved, as follows:

14 "20-2-501.

15 (a) Except as otherwise provided in subsection (b) of this Code section, local boards of
16 education shall provide that all contracts for professional services exceeding \$50,000.00
17 over a 12 month period shall be awarded by competitive sealed bidding.

18 (b) A local board of education shall not be required to comply with subsection (a) of this
19 Code section if such local board deems, by majority vote, that the professional services to
20 be procured are unique and can only be obtained from a single source. Such determination
21 by the local board shall be subject to judicial review by filing an appeal in the superior
22 court of the county in which the local board of education is located.

23 (c) The State Board of Education shall be authorized to establish regulations and
24 procedures to implement the provisions of this Code section.

25 Reserved."

26 **SECTION 2.**

27 Article 4 of Chapter 91 of Title 36 of the Official Code of Georgia Annotated, relating to
28 bidding for government works projects, is amended by adding a new Code section to read
29 as follows:

30 "36-91-103.

31 (a) As used in this Code section, the term 'construction manager at risk' means a
32 construction delivery method that allows the owner to:

33 (1) Hire a construction manager at any time during the project predesign phase where the
34 construction manager works with the architect and engineer to develop and estimate costs
35 for the design and a guaranteed maximum price is provided by the construction manager
36 at risk who then receives proposals and awards contracts to subcontractors; or

37 (2) Hire a general contractor after the completion of the design phase.

38 (b) A local board of education that selects a construction manager at risk pursuant to a
39 competitive procurement process in accordance with this article shall require that the
40 guaranteed maximum price provided by such construction manager at risk shall not be
41 subject to change after the contract between the local board of education and the
42 construction manager at risk is executed."

43 **SECTION 3.**

44 This Act shall become effective on July 1, 2014, and shall apply to all procurements and
45 competitive sealed bids and sealed proposals submitted by a bidder or offeror for a public
46 works construction project by a local board of education on and after such date.

47 **SECTION 4.**

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