

House Bill 529

By: Representatives Waites of the 60th, Fludd of the 64th, Thomas of the 56th, and Gordon of the 163rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to the
2 Department of Administrative Services, so as to require the commissioning of a disparity
3 study to determine the level of participation of women and minority businesses in state
4 contracting; to require establishment of programs and goals based on the results of such
5 study; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to the Department
9 of Administrative Services, is amended by adding a new article to read as follows:

10 "ARTICLE 5

11 50-5-160.

12 (a) As used in this Code section, the term:

13 (1) 'Department' means the Department of Administrative Services.

14 (2) 'Minority' means an individual who is a member of a race which comprises less than
15 50 percent of the total population of this state.

16 (3) 'Minority-owned business enterprise' means a business concern which is authorized
17 to do and is doing business under the laws of this state, paying all taxes duly assessed,
18 and domiciled within this state and which is:

19 (A) At least 51 percent owned by one or more minorities or, in the case of a publicly
20 owned business, at least 51 percent of all classes or types of the stock is owned by one
21 or more minorities; and

22 (B) Controlled in its management and daily business operations by one or more
23 minorities.

24 (4) 'Woman-owned business enterprise' means a business concern which is authorized
25 to do and is doing business under the laws of this state, paying all taxes duly assessed,
26 and domiciled within this state and which is:

27 (A) At least 51 percent owned by one or more women or, in the case of a publicly
28 owned business, at least 51 percent of all classes or types of the stock is owned by one
29 or more women; and

30 (B) Controlled in its management and daily business operations by one or more
31 women.

32 (b) The department shall commission a state-wide disparity study regarding the
33 participation of minority-owned business enterprises and woman-owned business
34 enterprises in state contracts to be delivered to the Governor and the General Assembly no
35 later than January 1, 2016. The study shall be prepared by an independent entity and
36 selected through a request for proposal process. The study shall determine:

37 (1) Whether there is a disparity between the number of qualified minority-owned
38 business enterprises and woman-owned business enterprises ready, willing, and able to
39 perform state contracts and the number of such contractors actually engaged to perform
40 such contracts; and

41 (2) What changes, if any, should be made to state policies affecting minority-owned
42 business enterprises and woman-owned business enterprises.

43 (c) Upon its completion, the department shall post such study on the website of the
44 Department of Economic Development.

45 (d) Within one year of the completion of the state-wide disparity study commissioned
46 pursuant to subsection (b) of this Code section, the department shall:

47 (1) Provide goals for equitable participation of minority-owned business enterprises and
48 woman-owned business enterprises in the performance of state contracts to the extent that
49 any disparity is revealed by such study;

50 (2) Establish procedures to ensure that minority-owned business enterprises and
51 woman-owned business enterprises shall be given the opportunity for equitable
52 participation in the performance of state contracts and to assist in identifying those state
53 contracts for which minority-owned business enterprises and woman-owned business
54 enterprises may best bid to achieve the goals set forth pursuant to paragraph (1) of this
55 subsection;

56 (3) Provide for the certification and decertification of minority-owned business
57 enterprises and woman-owned business enterprises as such and the maintenance by the
58 department of a current list of certified minority-owned business enterprises and
59 woman-owned business enterprises; and

- 60 (4) Collect statistical data concerning actual participation of minority-owned business
61 enterprises and woman-owned business enterprises in state contracting.
- 62 (e) All contracting agencies, where practicable, feasible, and appropriate, shall assess the
63 diversity practices of contractors submitting bids or proposals in connection with the award
64 of a state contract and promote the achievement of goals set forth by the department
65 pursuant to paragraph (1) of subsection (d) of this Code section.
- 66 (f) The department shall promulgate rules and regulations necessary to accomplish the
67 purposes of this Code section."

68 **SECTION 2.**

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