

House Bill 899

By: Representatives LaRiccia of the 169th, Harden of the 148th, Nimmer of the 178th, Morris of the 156th, Dunahoo of the 30th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 13 and Chapter 91 of Title 36 of the Official Code of Georgia
2 Annotated, relating to contracts for public works and public works bidding, respectively, so
3 as to change the limitation on disqualification of bidders; to prohibit the disqualification of
4 bidders based upon lack of previous experience with the delivery method; to provide for
5 related matters; to provide for an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to contracts for
10 public works, is amended by revising Code Section 13-10-4, relating to limitation on
11 disqualifications of bidders upon lack of previous experience, as follows:
12 "13-10-4.

13 In awarding contracts based upon sealed competitive bids or sealed competitive proposals,
14 no bidder shall be disqualified from a bid or proposal or denied prequalification based
15 upon:

16 (1) A a lack of previous experience with a job of the size for which the bid or proposal
17 is being sought if:

18 ~~(1)(A)~~ (A) The bid or proposal is not more than 30 percent greater in ~~scope or cost from~~
19 than that of the bidder's previous ~~experience in jobs; and~~

20 ~~(2) The bidder has experience in performing the work for which bids or proposals are~~
21 ~~sought; and~~

22 ~~(3)(B)~~ (B) The bidder is capable of being bonded by a surety which meets the
23 qualifications of the bid documents for a bid bond, a performance bond, and a payment
24 bond as required for the scope of the work for which the bid or proposal is being
25 sought; or

26 (2) A lack of previous experience with the construction delivery method to be used for
 27 the job for which the bid or proposal is being sought."

28 **SECTION 2.**

29 Chapter 91 of Title 36 of the Official Code of Georgia, relating to public works bidding, is
 30 amended by revising Code Section 36-91-23, relating to disqualification of otherwise
 31 qualified bidder from bid or proposal or prequalification based upon lack of previous
 32 experience with job of that size prohibited and conditions, as follows:

33 "36-91-23.

34 In awarding contracts based upon sealed competitive bids or sealed competitive proposals,
 35 no responsible bidder shall be disqualified from a bid or proposal or denied prequalification
 36 based upon:

37 (1) A a lack of previous experience with a job of the size for which the bid or proposal
 38 is being sought if:

39 ~~(1)(A)~~ (A) The bid or proposal is not more than 30 percent greater in ~~scope or cost from~~
 40 than that of the responsible bidder's previous ~~experience in jobs; and~~

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

43 ~~(3)(B)~~ (B) 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
 46 sought; or

47 (2) A lack of previous experience with the construction delivery method to be used for
 48 the job for which the bid or proposal is being sought."

49 **SECTION 3.**

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

52 **SECTION 4.**

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