

House Bill 899 (COMMITTEE SUBSTITUTE)

By: Representatives LaRiccia of the 169<sup>th</sup>, Harden of the 148<sup>th</sup>, Nimmer of the 178<sup>th</sup>, Morris of the 156<sup>th</sup>, Dunahoo of the 30<sup>th</sup>, 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 prohibit the disqualification of bidders based upon lack of previous experience with the  
4 delivery method; to provide for related matters; to provide for an effective date; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

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

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

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

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

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

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

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27

**SECTION 2.**

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

32 "36-91-23.

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

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

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

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

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

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

48

**SECTION 3.**

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

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**SECTION 4.**

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