

House Bill 315

By: Representatives Newton of the 123<sup>rd</sup>, Rynders of the 152<sup>nd</sup>, Burns of the 159<sup>th</sup>, Jones of the 47<sup>th</sup>, and Hatchett of the 150<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 80 of Title 36 of the Official Code of Georgia Annotated,  
2 relating to general provisions applicable to counties, municipal corporations, and other  
3 governmental entities, so as to provide for certain agreements from consultants who enter  
4 into contracts or arrangements with counties, municipalities, and other local governmental  
5 entities to prepare or develop specifications or requirements for bids, requests for proposals,  
6 procurement orders, or purchasing orders; to provide a definition; to provide for related  
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Article 1 of Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to  
11 general provisions applicable to counties, municipal corporations, and other governmental  
12 entities, is amended by adding a new Code section to read as follows:

13 "36-80-28.

14 (a) As used in this Code section, the term 'consultant' means an individual or company that  
15 develops or drafts specifications or requirements for a solicitation or that serves in a  
16 consultative role during the bid or proposal evaluation or negotiation process and is paid  
17 for such services.

18 (b) Consultants who enter into contracts or arrangements with counties, municipalities,  
19 school boards, and other local governmental entities to prepare or develop specifications  
20 or requirements for bids, requests for proposals, procurement orders, or purchasing orders  
21 for such county, municipality, school board, or other local governmental entity shall, at the  
22 time of entering into such contract or arrangement, execute an agreement which provides  
23 that:

24 (1) The consultant shall avoid any appearance of impropriety and shall follow all policies  
25 and procedures of the county, municipality, school board, or other local governmental  
26 entity with whom the consultant is entering into contract or arrangement;

27 (2) The consultant shall immediately disclose to such county, municipality, school board,  
28 or other local governmental entity any material transaction or relationship, including, but  
29 not limited to, that of the consultant, the consultant's employees, or the consultant's agents  
30 or subsidiaries, that reasonably could be expected to give rise to a conflict of interest,  
31 including, but not limited to, past, present, or prospective engagements, involvement in  
32 litigation or other dispute, client relationships, or other business or financial interest, and  
33 shall immediately disclose any material transaction or relationship subsequently  
34 discovered during the pendency of the contract or arrangement; and  
35 (3) An acknowledgment that any violation or threatened violation of the agreement may  
36 cause irreparable injury to the county, municipality, school board, or other local  
37 governmental entity, entitling such county, municipality, school board, or other local  
38 governmental entity to seek injunctive relief in addition to all other legal remedies.  
39 (c) This Code section shall not apply to economic development authorities and attorneys  
40 who provide legal services to the county, municipality, school board, or other local  
41 government entity.  
42 (d) Any violation or threatened violation of the agreement may cause irreparable injury to  
43 the county, municipality, or other local governmental entity, entitling such county,  
44 municipality, or other local governmental entity to seek injunctive relief in addition to all  
45 other legal remedies."

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**SECTION 2.**

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