

House Bill 322 (AS PASSED HOUSE AND SENATE)

By: Representatives McCall of the 33rd, Powell of the 32nd, Fleming of the 121st, Gravley of the 67th, and Trammell of the 132nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to change provisions relating to the advertisement of certain bid or proposal
3 opportunities; to change notice provisions relating to public works construction contracts;
4 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
9 by revising Code Section 36-80-27, relating to advertisement of bid or proposal
10 opportunities, as follows:

11 "36-80-27.

12 If a bid or proposal opportunity is extended by a county, municipal corporation, or local
13 board of education for goods, ~~and services, or both,~~ valued at ~~\$10,000.00~~ \$100,000.00 or
14 more ~~or if a bid or proposal opportunity is extended for public works construction contracts~~
15 ~~subject to Chapter 91 of this title,~~ such bid or proposal opportunity shall be advertised by
16 such respective local governmental entity in the Georgia Procurement Registry, as
17 established in subsection (b) of Code Section 50-5-69, at no cost to the local governmental
18 entity. ~~Such bid opportunity may also be advertised in the official legal organ of the~~
19 ~~county, municipal corporation, or local board of education in the same manner as required~~
20 ~~by Code Section 36-91-20 or other media normally utilized by the local governmental~~
21 ~~entity when advertising bid opportunities, including the Internet website of the local~~
22 ~~governmental entity.~~ Such bid or proposal opportunity shall be advertised on such registry
23 for the same period of time, as set by ordinance or policy, if any, as the county,
24 municipality, or local board of education advertises bid or proposal opportunities in the
25 official legal organ or other media normally utilized by the local governing entity. Each

26 advertisement shall include such details and specifications as will enable the public to
 27 know the extent and character of the bid or proposal opportunity."

28 **SECTION 2.**

29 Said title is further amended in Code Section 36-91-20, relating to written contract required,
 30 advertising, competitive sealed bidding, timing of addendums, and prequalification for public
 31 works construction contracts, by revising paragraph (1) of subsection (b) as follows:

32 "(b)(1) Prior to entering into a public works construction contract other than those
 33 exempted by Code Section 36-91-22, a governmental entity shall publicly advertise the
 34 contract opportunity. Such notice shall be posted conspicuously in the governing
 35 authority's office and shall be advertised on the Georgia Procurement Registry as
 36 provided for in Code Section 50-5-69 at no cost to the governmental entity. Such
 37 advertisement on such registry shall be for the same period of time specified under
 38 paragraph (3) of this subsection. Such notice may be advertised in the legal organ of the
 39 county or by electronic means on ~~an Internet~~ the website of the governmental entity or
 40 any other appropriate ~~Internet~~ websites identified by the governmental entity ~~which shall~~
 41 ~~include the Georgia Procurement Registry as provided by Code Section 50-5-69,~~
 42 ~~provided that such posting is at no cost to the governmental entity."~~

43 **SECTION 3.**

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

46 **SECTION 4.**

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