



State of Georgia  
Department of Administrative Services  
State Purchasing Division

Official Announcement # **22-07**

**FROM:** Jim Barnaby, Deputy Commissioner, DOAS JB  
**DATE:** June 30, 2022  
**TO:** Agency Procurement Officers and College and University Procurement Officers  
**RE:** **Announcement of Revised Georgia Law Governing Scrutinized Companies and Anti-Boycott of Israel Activities**

Effective July 1, 2022, Georgia law governing **scrutinized companies** and suppliers' certification related to **anti-boycott of Israel activities** has been revised as further described in this Official Announcement. The State Purchasing Division (SPD) will incorporate these revisions into a future update of the [Georgia Procurement Manual](#), which will be announced separately. Purchasing policy updates are outlined below and in the attached Summary of Georgia Procurement Manual Changes Table (Attachment 1).

**A. Summary of Changes to Georgia Law**

1. **Prohibition on Scrutinized Companies:** Effective July 1, 2022, Georgia law governing scrutinized companies has been expanded through Senate Bills 346 and 562 as passed by the Georgia General Assembly.
  - a. **Current: Business Operations in Sudan.** The existing prohibition of companies qualifying as "scrutinized companies" based on the following definition in Official Code of Georgia (O.C.G.A.) Section 50-5-84 remains unchanged: A scrutinized company is a company conducting business operations in Sudan that is involved in power production activities, mineral extraction activities, oil-related activities, or the production of military equipment, but excludes a company which can demonstrate any of the exceptions noted in O.C.G.A. Section 50-5-84. When submitting a bid, companies are required to certify that they are either not a scrutinized company or that they have received written permission from SPD to submit a bid.
  - b. **New! Owned or Operated by Government of Russia or Belarus.** Effective July 1, 2022, new O.C.G.A. Section 50-5-84.1 defines an additional category of scrutinized companies as follows: A "Scrutinized Company" is defined as any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for the purpose of making profit owned or operated by the Government of Russia or Belarus.
    - i. When submitting a bid, companies are required to certify that they are not a scrutinized company to be eligible for contract award.
    - ii. SPD does not have discretion to make an exception for scrutinized companies as defined by O.C.G.A. Section 50-5-84.1.

- c. ***New! Owned or Operated by Government of China.*** Effective July 1, 2022, new O.C.G.A. Section 50-5-84.2 defines an additional category of scrutinized companies as follows: A “Scrutinized Company” is defined as any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for the purpose of making profit owned or operated by the Government of China.
  - i. When submitting a bid, companies are required to certify that they are not a scrutinized company to be eligible for contract award.
  - ii. SPD does not have discretion to make an exception for scrutinized companies as defined by O.C.G.A. Section 50-5-84.2.

2. **Anti-Boycott of Israel Activities:** Effective July 1, 2022, Georgia law governing anti-boycott of Israel activities has been revised through passage of House Bill 383 by the Georgia General Assembly as follows:

- a. The definition of company has been revised to make the statute applicable to companies that employ more than five persons and no longer references an individual.
- b. Previously applicable to contracts valued at \$1,000 or more, the revised law increases the threshold to contracts valued at \$100,000 or more.

## **B. Implementing these Changes**

1. **New Event/Bid Factor Questions for Competitive Solicitations:** To implement the expanded categories of scrutinized companies, two new event/bid factor questions will be used to obtain suppliers' certification of status related to being owned or operated by the governments of Russia/Belarus (O.C.G.A. 50-5-84.1) or China (O.C.G.A. 50-5-84.2).

a. **Electronic Bidding Tools:** The new certification questions are included in the following SPD-approved electronic bidding tools:

- i. PeopleSoft Strategic Sourcing for use by state entities utilizing the State Accounting Office's version of PeopleSoft Financials. When creating an RFQ or RFP, the new bid factor questions are automatically included once the buyer adds at least one line item. For RFQs, the buyer must search and add the new bid factor questions from the bid factor library.
- ii. Jaggaer Sourcing Director for use by the University System of Georgia (USG), USG's colleges and universities and the Georgia Technology Authority. By selecting the applicable system template for RFQ, RFQC or RFP, the new event questions are automatically included.

b. **“Paper Bids” on the Georgia Procurement Registry:** SPD has added the new certification questions to SPD-SP042 Supplier General Information Worksheet (paper bids only). As a reminder, state entities are not authorized to conduct competitive solicitations as “paper bids” without SPD's prior approval.

c. **Applicable Solicitations:** The new certification questions should be included in all **Request for Qualified Contractors (RFQCs), Request for Quotes (RFQs) and Requests for Proposals issued on or after July 1, 2022.** Any solicitations posted prior to July 1, 2022 that are still “open” as of July 1, 2022, should be amended to include the two new certification questions. Suppliers are not required to provide certification of status related to scrutinized companies for the Request for Information process.

2. **Anti-Boycott of Israel Certification in State Contracts:** SPD has updated the following documents referencing the anti-boycott of Israel certification to incorporate the revised definition of company and the applicable contract value of \$100,000 or more:
  - a. SPD-SP023 State Entity Contract for Goods and Ancillary Services – Open
  - b. SPD-SP024 State Entity Contract for Goods and Ancillary Services – Fixed
  - c. SPD-SP025 State Entity Contract for Services
  - d. SPD-SP026 State Entity Contract for Software
  - e. SPD-SP027 State Entity Contract for Equipment Rental or Lease
  - f. SPD-SP060 Contracting with State Entities
  - g. SPD-SP061 eContract Terms (Jaggaer Sourcing Director only)
  - h. State of Georgia Standard Terms and Conditions for Purchase Orders (SAO PeopleSoft Financials only)

SPD's contract templates (SPD-SP023 through SPD-SP027) are available on an optional basis to state entities and include a certification by the supplier of compliance with O.C.G.A. Section 50-5-85. However, for state entities that utilize their own contract templates, SPD recommends the APO/CUPO, in consultation with the state entity's attorney, review the current certification related to O.C.G.A. Section 50-5-85 to identify any needed updates.

3. **Future Release of Georgia Procurement Manual:** SPD will incorporate these revisions into a future update of the [Georgia Procurement Manual](#), which will be announced separately.

SPD will conduct webinars to review these changes. Please distribute this Official Announcement internally. For any questions related to this Official Announcement, please contact SPD at [process.improvement@doas.ga.gov](mailto:process.improvement@doas.ga.gov).



**Summary of Purchasing Policy Changes  
Effective July 1, 2022**

**NOTE:** This table summarizes changes to purchasing policy and processes within the Georgia Procurement Manual (GPM) as announced through Official Announcement #22-07 **Announcement of Revised Georgia Law Governing Scrutinized Companies and Anti-Boycott of Israel Activities**. In the event of any conflict between this table and the GPM (once published), the revised GPM shall govern.

GPM Section	Description of Change
<b>CHAPTER 3, STAGE 3 – SOLICITATION PREPARATION</b>	
Section 3.5.1.4. Scrutinized Company	<ul style="list-style-type: none"> <li>• Add the following new text:  <u>Georgia law specifies that certain suppliers identified as “Scrutinized Companies” are ineligible to bid on state entity procurements.</u></li> <li>• All existing text moved to new subsection 3.5.1.4.1. “O.C.G.A. § 50-5-84 ‘Scrutinized Companies’ Conducting Business Operations in Sudan” with additional revisions as noted below.</li> </ul>
Section 3.5.1.4.1. O.C.G.A. § 50-5-84 “Scrutinized Companies” Conducting Business Operations in Sudan	<ul style="list-style-type: none"> <li>• Copy text from original Section 3.5.1.4 “Scrutinized Company” to new subsection 3.5.1.4.1 and revise as follows:  <u>3.5.1.4.1. O.C.G.A. § 50-5-84 “Scrutinized Companies” Conducting Business Operations in Sudan</u>  Any supplier that has, or has had within the last three years, any business activities or other operations outside of the United States must certify that it is not a "scrutinized company". A "scrutinized company" is a company conducting business operations in Sudan that is involved in power production activities, mineral</li> </ul>

GPM Section	Description of Change
	<p>extraction activities, oil-related activities, or the production of military equipment, but excludes a company which can demonstrate any of the exceptions noted in <del>{O.C.G.A.} Section 50-5-84</del>. <u>Suppliers will be prompted to certify their status as part of the bidding process.</u> For all competitive solicitations posted directly to the Georgia Procurement Registry, the procurement professional must attach <u>SPD-SP042 Supplier General Information Worksheet*</u> to capture the supplier's certification regarding its status.</p> <p>If the supplier is a "scrutinized company", the supplier shall not be eligible to bid on or submit a proposal for a contract with the state entity unless SPD makes a determination in accordance with <del>{O.C.G.A.} Section 50-5-84</del> that it is in the best interest of the state to permit the scrutinized company to submit a bid or proposal. Any scrutinized company desiring SPD to make such a determination must contact SPD in writing via email at <u>processimprovement@doas.ga.gov</u> <u>process.improvement@doas.ga.gov</u>. The written request must include the company's name, a description of the request, and identification of the solicitation to which the supplier desires to submit a response.</p> <p>False certification by a supplier as to its status as a scrutinized company may result in civil penalties, contract termination, ineligibility to bid on state contracts for three or more years, and/or any other available remedy. In the event the procurement professional has reason to believe a supplier has made a false certification, the procurement professional must report the information to SPD by submitting an email to <u>processimprovement@doas.ga.gov</u> <u>process.improvement@doas.ga.gov</u>.</p> <p><del>* This form should only be used if the procurement professional is posting a solicitation directly to the Georgia Procurement Registry. Solicitations posted electronically through Team Georgia Marketplace™ or eSource will capture this information in the system from the supplier with each bid response.</del></p>
<p>Section 3.5.1.4.2. O.C.G.A. § 50-5-84.1 "Scrutinized Companies" Owned by the Government of Russia or Belarus</p>	<ul style="list-style-type: none"> <li>• Add new subsection as follows:</li> </ul> <p><u>3.5.1.4.2. O.C.G.A. § 50-5-84.1 "Scrutinized Companies" Owned by the Government of Russia or Belarus</u></p> <p><u>A "Scrutinized Company" is defined as any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for the purpose of making profit owned or operated by the Government of Russia or Belarus.</u></p>

GPM Section	Description of Change
	<p><u>Scrutinized Companies are ineligible to and shall not bid on or submit a proposal for a contract with a state entity for goods or services. Suppliers will be prompted to certify their status as part of the bidding process.</u></p> <p><u>False certification by a supplier as to its status as a scrutinized company may result in civil penalties and contract termination. In the event the procurement professional has reason to believe a supplier has made a false certification, the procurement professional must report the information to SPD by submitting an email to <a href="mailto:process.improvement@doas.ga.gov">process.improvement@doas.ga.gov</a>.</u></p>
<p>Section 3.5.1.4.3. O.C.G.A. § 50-5-84.2            “Scrutinized Companies” Owned by the Government of China</p>	<ul style="list-style-type: none"> <li>• Add new subsection as follows:</li> </ul> <p><u>A “Scrutinized Company” is defined as any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for the purpose of making profit owned or operated by the Government of China.</u></p> <p><u>Scrutinized Companies are ineligible to and shall not bid on or submit a proposal for a contract with a state entity for goods or services. Suppliers will be prompted to certify their status as part of the bidding process.</u></p> <p><u>False certification by a supplier as to its status as a scrutinized company may result in civil penalties and contract termination. In the event the procurement professional has reason to believe a supplier has made a false certification, the procurement professional must report the information to SPD by submitting an email to <a href="mailto:process.improvement@doas.ga.gov">process.improvement@doas.ga.gov</a>.</u></p>
<p>3.5.1.7. Anti-Boycott of Israel</p>	<ul style="list-style-type: none"> <li>• Revise as follows:</li> </ul> <p>A state entity shall not enter into a contract with <del>an individual or a</del> company if the contract is related to construction or the provision of services, supplies, or information technology unless the contract includes a written certification that such <del>individual or</del> company is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel: “Contractor certifies that Contractor is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel, as defined in <del>(O.C.G.A.)</del> <u>O.C.G.A. Section 50-5-85.</u>”</p> <p><u>For purposes of this section, company means any organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or</u></p>

GPM Section	Description of Change
	<p><u>business association which employs more than five persons but excludes individuals and sole proprietorships, including all wholly owned subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for the purpose of making profit.</u></p> <p>In accordance with <del>(O.C.G.A.)</del> <a href="#">O.C.G.A. Section 50-5-85</a>, this requirement shall not apply to contracts with a total value of less than <del>\$1,000.00</del> <u>\$100,000.00</u>.</p>

**CHAPTER 5, STAGE 5 – EVALUATION PROCESS**

<p>Section 5.6.2.3. General Checklist for Evaluating Solicitations</p>	<ul style="list-style-type: none"> <li>Revise Item #13 only of Table 5.5 as follows:</li> </ul> <table border="1" data-bbox="682 610 1915 1002"> <thead> <tr> <th colspan="2" data-bbox="682 610 1915 691">Table 5.5 General Checklist for Evaluating RFQs, RFQCs and RFPs</th> </tr> <tr> <th data-bbox="682 691 1390 769">Review to ensure...</th> <th data-bbox="1390 691 1915 769">If supplier fails, then reject reasonis...</th> </tr> </thead> <tbody> <tr> <td data-bbox="682 769 1390 1002"> <p>13. For all contract awards of <del>\$1,000.00</del> <u>\$100,000.00</u> or more, supplier certifies that it is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel, as defined in <a href="#">O.C.G.A. Section 50-5-85</a>.</p> </td> <td data-bbox="1390 769 1915 1002"> <p>Failed Contract Discussions</p> </td> </tr> </tbody> </table>	Table 5.5 General Checklist for Evaluating RFQs, RFQCs and RFPs		Review to ensure...	If supplier fails, then reject reasonis...	<p>13. For all contract awards of <del>\$1,000.00</del> <u>\$100,000.00</u> or more, supplier certifies that it is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel, as defined in <a href="#">O.C.G.A. Section 50-5-85</a>.</p>	<p>Failed Contract Discussions</p>
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