

House Bill 1199 (COMMITTEE SUBSTITUTE)

By: Representatives Pirkle of the 169<sup>th</sup>, Greene of the 154<sup>th</sup>, Jackson of the 128<sup>th</sup>, Corbett of the 174<sup>th</sup>, and Jasperse of the 11<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 50-6-25 of the Official Code of Georgia Annotated, relating to  
2 maintenance of statistics on architectural and engineering firms doing business with the state  
3 and ineligibility of firms, so as to replace the requirement that the state auditor produce  
4 certain monthly reports with the requirement that he or she produce annual reports; to  
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 50-6-25 of the Official Code of Georgia Annotated, relating to maintenance  
9 of statistics on architectural and engineering firms doing business with the state and  
10 ineligibility of firms, is revised as follows:

11 "50-6-25.

12 ~~(a)(1) The state auditor shall maintain statistics on all architectural and engineering firms~~  
13 ~~doing business with the various departments, agencies, authorities, and public~~  
14 ~~corporations of the state, except the Department of Transportation which shall be~~  
15 ~~governed by paragraph (2) of this subsection. The statistics shall show the percentage of~~  
16 ~~the total state business done by each such firm and shall be made available to the General~~

H. B. 1199 (SUB)

17 ~~Assembly and all departments, agencies, authorities, and public corporations of the state~~  
18 ~~using architectural and engineering services. The state auditor shall compile the statistics~~  
19 ~~and shall maintain the statistics current on a monthly basis.~~

20 ~~(2) The state auditor shall include in the statistics provided for in paragraph (1) of this~~  
21 ~~subsection all architectural and engineering firms doing business with the Department of~~  
22 ~~Transportation. The Department of Transportation shall report its architectural and~~  
23 ~~engineering contracts to the state auditor in two divisions. In the first division, such~~  
24 ~~department shall report those contracts which are under a gross value of \$1 million at the~~  
25 ~~time of execution by the total contract amount without accounting for any subcontracts.~~  
26 ~~In the second division, such department shall report those contracts with a gross value in~~  
27 ~~excess of \$1 million at the time of execution and shall report all subcontracts thereunder~~  
28 ~~which are in excess of \$25,000.00 as further provided for in this Code section. The~~  
29 ~~statistics shall show the total percentage of state business done by each such firm and~~  
30 ~~shall be made available to the General Assembly and the Department of Transportation.~~  
31 ~~The state auditor shall compile the statistics and shall maintain the statistics current on~~  
32 ~~a monthly basis. With respect to any contract of the Department of Transportation in~~  
33 ~~excess of \$1 million with an architectural or engineering firm which awards a portion of~~  
34 ~~the business in an amount in excess of \$25,000.00 under such contract to one or more~~  
35 ~~subcontractors or joint-venture partners, such department shall report to the state auditor~~  
36 ~~the amount of each subcontractor or joint-venture partner with that portion of the business~~  
37 ~~awarded to such subcontractor or joint-venture partner, and such amounts shall not be~~  
38 ~~listed or included as business of the Department of Transportation awarded to the~~  
39 ~~architectural or engineering firm receiving the state contract. The architectural or~~  
40 ~~engineering firm shall report to the Department of Transportation, as part of its preaward~~  
41 ~~audit conducted by such department, the amount of business in excess of \$25,000.00~~  
42 ~~under an anticipated contract which the contractor intends to award to any subcontractor~~  
43 ~~or joint-venture partner, and, after verification that the information reported is correct, the~~

44 ~~Department of Transportation shall furnish such information to the state auditor. The~~  
45 ~~state auditor shall revise the statistics with respect to architectural and engineering firms~~  
46 ~~currently doing business with the Department of Transportation with respect to contracts~~  
47 ~~outstanding on April 19, 1995, under which all services have not been performed by such~~  
48 ~~architectural and engineering firms in satisfaction of the contract. Such revised statistics~~  
49 ~~shall be computed in accordance with the provisions of this subsection crediting~~  
50 ~~subcontractors and joint-venture partners with business awarded to them and providing~~  
51 ~~that such amounts credited shall not be listed or included as business of the state awarded~~  
52 ~~to the architectural or engineering firm receiving the state contract. Such revised~~  
53 ~~statistics shall be provided by the contractor within 60 days of April 19, 1995, and, after~~  
54 ~~such time, the state auditor shall not be required to revise such statistics.~~

55 ~~(b) Any architectural or engineering firm which has received more than 10 percent of the~~  
56 ~~total awarded for such services by the departments, agencies, authorities, and public~~  
57 ~~corporations of the state during any period of 36 months, as calculated pursuant to the~~  
58 ~~provisions of subsection (a) of this Code section and shown by the statistics of the state~~  
59 ~~auditor, shall be ineligible to contract with any department, agency, authority, or public~~  
60 ~~corporation of the state until the firm, during any period of 36 months, has been awarded~~  
61 ~~less than 10 percent of the total awarded for such services; provided, however, that any~~  
62 ~~architectural or engineering firm may contract with the Department of Transportation for~~  
63 ~~not more than 30 percent of the total awarded for such services, 10 percent for~~  
64 ~~transportation purposes, and 20 percent for tollway purposes.~~

65 "(a) The state auditor shall annually provide the General Assembly with statistics on all  
66 architectural and engineering firms doing business with the departments, agencies,  
67 authorities, and public corporations of this state. The annual statistics shall include a listing  
68 of the architectural and engineering firms that were awarded contracts during the preceding  
69 fiscal year, including the amount of the contract awards, statistics on the number of  
70 contracts awarded to firms in the State of Georgia, and statistics on the number of contracts

71 awarded to firms in rural areas of the state. The state auditor is authorized to provide any  
72 additional statistical information, as determined necessary.

73 (b) The statistics will become a part of the annual reporting requirements as outlined in  
74 Code Section 50-6-32, the 'Transparency in Government Act.' The annual statistics shall  
75 be posted for the preceding fiscal year as soon as is practical after the close of each fiscal  
76 year, but no later than January 1, beginning January 1, 2026."

77 **SECTION 2.**

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