

House Bill 165

By: Representatives Dukes of the 154th and Henson of the 86th

A BILL TO BE ENTITLED
AN ACT

1 To establish the "Georgia Buy American Act"; to amend Part 1 of Article 3 of Chapter 5 of
2 Title 50 of the Official Code of Georgia Annotated, relating to general authority, duties, and
3 procedure relative to state purchasing, so as to provide a short title; to define certain terms;
4 to provide for a preference for the purchase of products made or produced in the United
5 States; to provide for related matters; to provide for an effective date and applicability; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Georgia Buy American Act."

10 **SECTION 2.**

11 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,
12 relating to general authority, duties, and procedure relative to state purchasing, is amended
13 by revising Code Section 50-5-60, relating to preference to supplies, equipment, materials,
14 and agricultural products produced in Georgia generally and determination as to
15 reasonableness of preference, as follows:

16 "50-5-60.

17 (a) The state and any department, agency, or commission thereof, when contracting for or
18 purchasing supplies, materials, equipment, or agricultural products, excluding beverages
19 for immediate consumption, shall give preference as far as may be reasonable and
20 practicable to such supplies, materials, equipment, and agricultural products as may be
21 manufactured or produced in this state. Such preference shall not sacrifice quality.

22 (b) The state and any department, agency, commission, board, or authority thereof, when
23 contracting for or purchasing supplies, materials, equipment, or agricultural products, shall
24 give preference as far as may be reasonable and practicable to such supplies, materials,
25 equipment, and agricultural products as may be manufactured or produced in the United

26 States; provided, however, that such preference for United States products shall not
 27 override or negate the preference for Georgia products provided for in subsection (a) of this
 28 Code section, such Georgia preference remaining paramount.

29 (c) Vendors resident in the State of Georgia ~~are to~~ shall be granted the same preference
 30 over vendors resident in another state in the same manner, on the same basis, and to the
 31 same extent that preference is granted in awarding bids for the same goods or services by
 32 such other state, or by any local government of such state, to vendors resident therein over
 33 vendors resident in the State of Georgia.

34 ~~(c)~~(d) In determining whether ~~such~~ a preference for Georgia products is reasonable in any
 35 case where the value of a contract for or purchase of ~~such~~ supplies, materials, equipment,
 36 or agricultural products exceeds \$100,000.00, the state or its department, agency, or
 37 commission shall consider, among other factors, information submitted by the bidder which
 38 may include the bidder's estimate of the multiplier effect on gross state domestic product
 39 and the effect on public revenues of the state and the effect on public revenues of political
 40 subdivisions resulting from acceptance of a bid or offer to sell Georgia manufactured or
 41 produced goods as opposed to out-of-state manufactured or produced goods. Any such
 42 estimates shall be in writing. These same considerations related to the effect on the gross
 43 domestic product and on the revenues of the United States shall be considered when
 44 determining whether a preference for United States products over products of foreign
 45 countries is reasonable in cases where the value of a contract for or purchase of supplies,
 46 materials, equipment, or agricultural products exceeds \$100,000.00.

47 (e) The state or its department, agency, or commission shall not divide a contract or
 48 purchase which exceeds \$100,000.00 for the purpose of avoiding the requirements of this
 49 ~~subsection~~ Code section.

50 ~~(d)~~(f) Nothing in this Code section shall negate the requirements of Code Section 50-5-73.
 51 Nothing in this Code section shall contravene any treaty or law of the United States."

52 **SECTION 3.**

53 This Act shall become effective on July 1, 2013, and shall apply to contracts entered into on
 54 or after such date.

55 **SECTION 4.**

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