

Senate Bill 346

By: Senators Mullis of the 53rd, Hatchett of the 50th, Anderson of the 24th, Hickman of the 4th, Walker III of the 20th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia
2 Annotated, relating to general authority, duties, and procedure of the Department of
3 Administrative Services, so as to prohibit companies owned or operated by China to bid on
4 or submit a proposal for a state contract; to provide for definitions; to provide for
5 certifications; to provide penalties for false certifications; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,
10 relating to general authority, duties, and procedure of the Department of Administrative
11 Services, is amended by adding a new Code section to read as follows:

12 "50-5-84.1.

13 (a) As used in this Code section, the term:

14 (1) 'Company' means any sole proprietorship, organization, association, corporation,
15 partnership, joint venture, limited partnership, limited liability partnership, limited
16 liability company, or other entity or business association, including all wholly owned

17 subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities
18 or business associations, that exists for the purpose of making profit.

19 (2) 'Government of China' means the People's Republic of China led by the Chinese
20 Communist Party.

21 (3) 'Scrutinized company' means any company owned or operated by the Government
22 of China.

23 (b) A scrutinized company shall be ineligible to, and shall not, bid on or submit a proposal
24 for a contract with a state agency for goods or services.

25 (c) A state agency shall require a company that submits a bid or proposal with respect to
26 a contract for goods or services to certify that the company is not a scrutinized company.

27 (d) If the Department of Administrative Services determines that a company has submitted
28 a false certification under subsection (c) of this Code section:

29 (1) The company shall be liable for a civil penalty in an amount that is equal to the
30 greater of \$250,000.00 or twice the amount of the contract for which a bid or proposal
31 was submitted;

32 (2) The state agency or the Department of Administrative Services shall terminate the
33 contract with the company; and

34 (3) The company shall be ineligible to, and shall not, bid on a state contract."

35 **SECTION 2.**

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