

Document: O.C.G.A. § 50-5-64.1

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**GA - Official Code of Georgia Annotated TITLE 50. STATE GOVERNMENT CHAPTER 5.
DEPARTMENT OF ADMINISTRATIVE SERVICES ARTICLE 3. STATE PURCHASING PART 1.
GENERAL AUTHORITY, DUTIES, AND PROCEDURE**

§ 50-5-64.1. (Effective January 1, 2021) Prohibited terms in state contracts

(a) A contract entered into pursuant to this part shall not contain a term that:

(1) Requires the state or any agency, authority, board, bureau, commission, department, institution, or any other entity thereof to:

(A) Defend, indemnify, or hold harmless another person; or

(B) Be bound by terms and conditions that are unknown at the time of signing such contract or which may be unilaterally changed by the other party;

(2) Provides for:

(A) A person other than the Attorney General to serve as legal counsel for the state or for any agency, authority, board, bureau, commission, department, institution, or any other entity thereof;

(B) A venue for any action or dispute other than the Superior Court of Fulton County, Georgia, as provided in Code Section 50-21-1;

(C) The contract to be construed in accordance with the laws of a state other than the State of Georgia;

(D) Binding arbitration; or

(E) An automatic renewal such that state funds are or would be obligated in subsequent fiscal years; or

(3) Is inconsistent with the provisions of Article 4 of Chapter 18 of this title, relating to open records.

(b) If a contract entered into pursuant to this part contains a term prohibited under subsection (a) of this Code section, such term shall be void, and the contract shall be otherwise enforceable as if it did not contain such term.

(c) The Department of Administrative Services shall maintain a copy of this Code section on its website.

History

Code 1981, § 50-5-64.1, enacted by Ga. L. 2020, p. 356, § 2/HB 953.

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