

Georgia Governor Issues EO on Procurement Lobbying

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On October 1, 2003, Governor Sonny Perdue of Georgia issued an Executive Order that mandates lobbyist registration and reporting of those persons who attempt to influence public employees and state agencies in the selection of a vendor to supply goods or services. The new rules are particularly important given that vendors and prospective vendors now must certify in their responses to the RFPs, bids, etc. that their lobbyists and employees have filed the required lobbyist registrations and reports. State agencies will decline to approve any contract with any vendor that has failed to comply with the rules contained in the Executive Order. The Executive Order, on its face, appears to be effective immediately. The Georgia State Ethics Commission now has registration forms available (colored green), although reports are not yet available. The Ethics Commission, because of jurisdiction difficulties, will not interpret the Executive Order. A description of the new rules follows below.

The new Executive Order applies to single contracts, including anticipated renewals, that exceed \$50,000 in value and to situations where a person promotes or opposes contracts in a calendar year that exceed, in aggregate value, \$100,000. Under the Executive Order and for these types of contracts, those persons who, for compensation, either individually or as an employee, "undertake[] to influence a public employee or state agency in the selection of a vendor to supply goods or services to any state agency" are now considered "lobbyists." In addition, natural persons who make total expenditures of more than \$250 in a calendar year (excepting the lobbyist's own food, travel, and lodging and expenses for information materials) "to promote or oppose the awarding of a contract [above one of the threshold values] to a particular vendor or vendors by any

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state agency" are also "lobbyists."

As lobbyists, these persons must register with the Georgia State Ethics Commission and file regular reports with the Commission. Currently, lobbyists must file semiannual reports by August 5 (for the period ending July 31) and January 5 (for the period ending December 31). Ga. Code Ann. § 21-5-73.

Special forms will be developed for vendor lobbyist registration and reporting. For the vendor lobbyists, the disclosure reports must include the following:

- (a) The name of the vendor or vendors by which the lobbyist is employed or retained;
- (b) The contract or contracts for which the lobbyist is lobbying; and
- (c) A good faith estimate of the total amount of all the income to the lobbyist from the vendor other than income for matters that are unrelated to lobbying.

Please note that these new rules are in addition to the pre-existing requirement that state vendors file reports of gifts made to public employees exceeding \$250 in a calendar year. Ga. Code Ann. § 45-1-6(b).