



May 31, 2024

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# Private Acts of 1979 Chapter 63

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Sincerely,

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## Private Acts of 1979 Chapter 63

**SECTION 1.** (a) A Purchasing Committee shall be established for DeKalb County. The Purchasing Committee shall consist of four (4) regular members and two (2) transient members. The County Judge or Executive and three (3) members of the Board of County Commissioners shall be regular members. The superintendent of county schools and the county supervisor of public roads shall be the transient members. A transient member shall serve on the Purchasing Committee only when requisitions, contracts, or other matters concerning the transient member's department are on the agenda of a meeting of the Purchasing Committee. While serving on the Purchasing Committee, the transient members shall be entitled to speak, vote and participate in decision making as fully as a regular member. The Board of County Commissioners shall select three (3) of its members to serve on the Purchasing Committee for terms to be specified by resolution of the Board of County Commissioners, not to exceed the remainder of the members' term on the Board of County Commissioners. The Board of County Commissioners may by resolution, remove any of its members serving on the Purchasing Committee. All other departments of county government shall be represented on the purchasing committee by the County Judge or Executive, and when such judge or executive is acting in this capacity, he shall be considered a regular member rather than a transient member.

(b) Four (4) members of the Purchasing Committee shall constitute a quorum when the superintendent of county schools or the county supervisor of public roads is serving as a transient member on the Purchasing Committee, otherwise three (3) members shall constitute a quorum of the Purchasing Committee. The assent of a majority of the members present, a quorum being present, shall be necessary for valid approval of any requisition, contract, or other matter requiring the approval of the Purchasing Committee. The County Judge or Executive shall serve as chairman of the Purchasing Committee. The Purchasing Committee shall elect from among its regular members a secretary who shall keep minutes of the actions of the committee.

(c) The heads of departments or agencies expending funds appropriated by the Board of County Commissioners of DeKalb County shall submit requisitions to the County Judge or Executive whenever an item or multiples of an item to be purchased or contract of services to be executed exceeds fifteen hundred dollars (\$1,500.00) in any fiscal year, except food items used by the various departments, textbooks and library books used in the county school system and emergency purchases made in accordance with the provisions of Section 8 of this Act.

(d) The term "item" as used in this Act shall mean all materials or services that are identical or nearly identical in nature. The Purchasing Committee may determine, if necessary, whether particular materials or services shall be considered as an identical or nearly identical "item".

As amended by: Private Acts of 1979, Chapter 115

**SECTION 2.** The DeKalb County Judge or Executive shall serve as purchasing agent for all purchases approved by the Purchasing Committee of DeKalb County, and he is authorized to issue or approve appropriate drafts or checks, provided the provisions of this Act are complied with. The County Judge or Executive shall receive a supplemental salary in the amount of five hundred dollars (\$500.00) annually, to be paid in equal monthly installments, for his services as purchasing agent for the DeKalb County Purchasing Committee.

As amended by: Private Acts of 1979, Chapter 115

**SECTION 3.** Purchases or contracts for the purchase or rental of supplies, equipment, or materials approved by the Purchasing Committee are to be executed by the County Judge or Executive. When the cost of an item or multiples of an item to be purchased or contract for services executed in any fiscal year is less than ten thousand dollars (\$10,000), competitive bidding shall not be required, nor notice or advertising required; but in making such purchases, the purchasing agent or department head shall be diligent in securing competition among dealers, persons, or manufacturers, who are offering such material, supplies, or equipment for sale, and the purchasing agent or department head shall always secure the lowest price possible with due consideration for the quality of the item or items purchased, and in no instance shall any supplies, materials, or equipment purchased under the authority of this Act be purchased at a price higher than the prevailing market price for such supplies, materials or equipment. All contracts for legal services, auditing services by certified public accountants, and similar services by professional persons or groups of high ethical standards, shall not be based upon competitive bids, but shall be awarded on the basis of recognized competence and integrity; provided further that bids shall not be required for services for which the rate of price is fixed by a public authority authorized by law to fix such rates or prices. The county may purchase materials, supplies, commodities, and equipment from any federal, state or local governmental units or agency, without conforming to the competitive bidding requirements of this Act.

As amended by: Private Acts of 1979, Chapter 115  
Private Acts of 1996, Chapter 157  
Private Acts of 2013, Chapter 7

**SECTION 4.** All purchases of an item or multiples of an item to be purchased in any fiscal year by a particular department or agency expending funds appropriated by the Board of County Commissioners of DeKalb County exceeding ten thousand dollars (\$10,000) shall be made in accordance with the following procedure:

- (a) The purchasing agent (County Judge or Executive) shall solicit sealed bids by public notice inserted in a newspaper of county-wide circulation five (5) days prior to the final date for submitting bids and by posting notices on a public bulletin board in the county courthouse. The purchasing agent shall also, when deemed necessary or desirable, solicit sealed bids by sending requests by mail to prospective suppliers. All such notices shall include a general description of the commodities or contractual services to be purchased or rented and shall state where bid blanks and specifications may be obtained and the time and place for opening bids.
- (b) At the time and place selected by the purchasing agent, and fixed in the advertisement the purchasing agent shall present the sealed bids to the Purchasing Committee.
- (c) The Purchasing Committee shall meet and publicly open the sealed bids at the time and place fixed in the advertisement. Each bid, with the name and address of the bidder, shall be entered on the record, and each bid with the names of the bidders, the amount of their bids, and the name of the successful bidder indicated thereon, shall after the award or contract, or order, be open for public inspection. The Purchasing Committee may accept or reject any bid or any portion of any bid.
- (d) The purchasing agent shall execute the contract or purchase order upon the approval of the Purchasing Committee.

As amended by: Private Acts of 1979, Chapter 115  
Private Acts of 1996, Chapter 157  
Private Acts of 2013, Chapter 7

**SECTION 5.** The Purchasing Committee shall prescribe regular purchase order forms. No purchase order shall be issued in an amount exceeding the unexpended balance of the amount appropriated by the Board of County Commissioners for the appropriation year in which the purchase is made, except where the Board of County Commissioners has found and declared an emergency impending or in existence, and has specifically authorized such excess expenditure.

As amended by: Private Acts of 1979, Chapter 115

**SECTION 6.** Each purchase order or contract issued or executed by the County Judge or Executive as purchasing agent shall be evidenced by a order signed by the County Judge or Executive, which shall give all significant details respecting such order or contract. The Purchasing Committee shall prescribe the manner by which contracts and purchase orders shall be filed and maintained for each department or agency expending funds appropriated by the Board of County Commissioners of DeKalb County.

As amended by: Private Acts of 1979, Chapter 115

**SECTION 7.** Upon the approval of a requisition or contract by the Purchasing Committee, the County Judge or Executive, as purchasing agent, and as herein provided, shall forthwith arrange for, and purchase such materials, supplies, or equipment, in conformity with the provisions of this Act, and shall arrange for and purchase such necessary materials, supplies, and equipment when so requested by the proper authorities as this Act provides.

As amended by: Private Acts of 1979, Chapter 115

**SECTION 8.** The Purchasing Committee may authorize any department or agency of the county government to purchase in the open market, without filing requisition or estimate, any supplies, materials, or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work; but such emergencies shall not include conditions arising from neglect or indifference in anticipating normal needs. Such direct emergency purchases, however, may only be made by department or agency heads at times when the office of the county purchasing agent is closed. At all other times, only the county purchasing agent shall make these purchases. A report of such emergency purchase, when made by a department or agency head, together with a record of the competitive bids secured and upon which it was based, shall be submitted in writing to the county purchasing agent before the close of the next working day following the date of such purchase, by the head of the county department or agency concerned, together with a full and complete account of the circumstances of such emergency. Such report shall be kept on file and shall be open to public inspection.

**SECTION 9.** The Purchasing Committee shall review each calendar quarter all purchase orders of each county department and any unsound purchasing practices shall be brought to the attention of the

department head. If upon subsequent review, the Purchasing Committee finds that the department head continues in such unsound practices, the Purchasing Committee shall list these practices in a detailed report to the Board of County Commissioners.

**SECTION 10.** Notwithstanding any other provision of this Act, the Purchasing Committee may prescribe rules authorizing the heads of departments or agencies expending funds appropriated by the Board of County Commissioners of DeKalb County to repair equipment without complying with the provisions of Section 4 of this Act.

As amended by:

Private Acts of 1979, Chapter 115

**SECTION 11.** No chief officer or buying agent of any department or agency of the county government shall devise or draft purchase orders for any purchase for the purpose of circumventing the provisions of this Act.

**SECTION 12.** The County Commissioner is authorized to create and establish by an appropriate resolution a public works committee to be composed of three (3) members from the county commission, the County Judge or Executive, and the chief officer of the appropriate department of county government for the purpose of supervising, overseeing, and negotiating public works' contracts.

**SECTION 13.** Chapter 161 of the Private Acts of 1971, is hereby repealed.

**SECTION 14.** In the event any section, sentence, or part of this Act shall be held to be unconstitutional, such invalidity or unconstitutionality shall not be held to affect or invalidate the remainder of the Act and that it is the intent of the General Assembly that every part of this Act be severable.

**SECTION 15.** This Act shall have no effect unless the same shall have been approved by a two-third (2/3) vote of the Board of County Commissioners of DeKalb County, Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the Board of County Commissioners of DeKalb County and certified by him to the Secretary of State.

**SECTION 16.** This Act shall be effective for purposes of approval by the county legislative body upon becoming a law, the public welfare requiring it. For all other purposes this Act shall take effect upon being approved as provided in Section 15 of this Act.

Passed: April 11, 1979.

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