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Private Acts of 1945 Chapter 451

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Table of Contents

Private Acts of 1945 Chapter 451	3
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Private Acts of 1945 Chapter 451

SECTION 1. That the office of "County Purchasing Agent" is hereby created and established in the various counties of the State having a population of not less than 24,270 nor more than 24,290 by the Federal Census of 1940 or any subsequent Federal Census, the said County Purchasing Agent to be elected by the Quarterly County Courts of such counties at the regular sessions thereof in March, 1945, to serve until September 10, 1945 and thereafter until his successor has been elected and qualified. The successor to such Purchasing Agent shall be elected at the September term of the Quarterly County Courts in such Counties in each odd numbered year to take office on September 10 of such years, and to serve for a term of two years. The compensation of County Purchasing Agents elected hereunder shall be \$150.00 per year payable quarterly and the person elected to the office of County Purchasing Agent may in the discretion of the Quarterly County Court which elected him hold another County office.

SEC. 2. That the County Purchasing Agent is charged with the supervision of the purchasing of and contracting for the purchase of all supplies for the Counties to which this Act applies with the sale and contract for sale of all real and personal property not needed by said County and which the Quarterly County Court or other County Governmental Unit directs to be sold as unsuitable or useless for public use, he shall have charge of such stock rooms and storage spaces as may be provided for him by such Quarterly County Courts in Counties where this Act applies wherein he shall store all materials purchased by him for the County and not delivered directly to the departments for which purchased and he is charged with the duty of inspecting all supplies delivered pursuant to his order to ascertain that the quality and quantity thereof conforms with the specifications in his purchase order, and no warrant for the payment of such supplies or materials shall be honored by the Trustee of the County unless approved by the County Purchasing Agent.

The County Purchasing Agent shall required from each County Official and County Department Head requesting the purchase of any supplies which are to be paid for by the public funds of the said County a requisition letter setting forth an itemized description of the quantity and kind of supplies to be purchased and from what County funds the purchase price is to be paid and upon the receipt of such requisition letter the County Purchasing Agent shall purchase such requisitioned items as expeditiously as possible consistent with the public interest, if funds are available for the purchase of such supplies.

The County Purchasing Agent is authorized to purchase and contract to purchase supplies under annual contracts if such supplies are in common use in several County offices or County Governmental Units and material savings can be affected thereby, or, if such items of supplies are in continual use by any one office or Governmental Unit of such Counties and economies can be affected by purchases under an annual contract.

SEC. 3. That before making any purchase on behalf of such Counties in excess of five hundred dollars (\$500.00) or sale for the account of such Counties, the County Purchasing Agent shall give opportunity for competition by advertising such intended purchase for sale for two successive weeks in a newspaper published in the Counties to which this Act applies and in his discretion may insert an advertisement, if for the public interest, in a newspaper published outside of the Counties to which this Act applies.

As amended by: Private Acts of 1974, Chapter 180
Private Acts of 1979, Chapter 19

SEC. 4. That in case of emergency the County Purchasing Agent may make purchase without competitive bidding if sufficient funds are available to cover such purchase and the Governmental Unit or County Official requisitioning such purchase certifies under oath that there is an emergent need for the item requisitioned and that the public interest will suffer if the purchase is delayed to permit advertisement. However, in such cases it should be the duty of the County Purchasing Agent by personal contact to endeavor to obtain competitive bids before contracting the purchase of any emergent item.

SEC. 5. That the provisions of this Act shall not apply to purchases made on behalf of the school system or the highway department of the counties to which this Act applies when such purchases are made with funds set aside for such purposes.

As amended by: Private Acts of 1979, Chapter 19
Private Acts of 1981, Chapter 72

SEC. 6. That the County Purchasing Agent is required to submit a written report itemizing and clarifying the various purchases made by him to each session of the Quarterly County Courts, which report shall set forth in detail the reason for any purchases not made pursuant to competitive bidding. The County Purchasing Agent shall annually inform the Quarterly County Court in writing the probable amount of County funds which will be required to (1) carry out his official duties and functions, and (2) purchase the supplies and equipment which will be purchased through his office.

SEC. 7. That whenever the County Purchasing Agent sells or disposes of any County property, the net purchase price thereof less any incidental expenses of conducting a large sale shall be immediately paid by him to the County Trustee.

SEC. 8. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 27, 1945.

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