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# Purchasing Commission

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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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# Purchasing Commission

## Private Acts of 1937 Chapter 161

**SECTION 1.** That a Purchasing Commission be and the same is hereby created for all counties in this State having a population of not less than 13,872 nor more than 13,874, by the Federal Census of 1930, or any subsequent Federal Census. Said Purchasing Commission shall be composed of three members, (1) the County Judge or the Chairman of the County Court of said counties who shall be a member of said Commission by virtue of his office; (2) the county Court Clerk of said counties; and (3) the Clerk and Master of said counties. The members of this commission are to receive no compensation for their services as such members.

**SECTION 2.** That the duties of said Purchasing Committee shall be to buy all supplies, materials, and equipment, required for the proper support and maintenance of any and all departments, institutions and agencies, supported by, or under control of said county; provided, however, that the Commission created hereunder shall have no authority or control over the County Highway Commission or County Board of Education in matter of purchasing, contracting for, advertising for, receiving or accepting bids for the purchase of supplies, materials, or equipment for said County Highway Commission, or County Board of Education is not being the purpose or intent of this Act that said County Highway Commission's or County Board of Education's power and authorities as given it under the law be interfered with in any manner.

And said Purchasing Commission shall also arrange for the purchase or rental of any and all real estate, machinery, and all other supplies where said purchases or rents are to be paid out of any funds belonging to, or under the control of, said county, or said department, institution or agency thereof, excepting the County Highway Commission and County board of Education as hereinabove provided for. Said Commission shall make such purchases by competitive bids under such rules as they may adopt; and they are given authority to advertise in such manner as they may deem best for any bids that they deem proper for the best interest of the county. The authority given under this Act to purchase supplies, materials and equipment shall extend to the buying and purchasing of all books, ballots and other supplies necessary in the holding of all elections held in said counties.

**SECTION 3.** That said Purchasing Commission may require such security as it may deem proper to accompany the bid or bids, and shall fix security to be given by the bidder, when bids are required. The commission may reject any and all bids and secure new bids, if for any reason it is deemed for the best interest of the county to do so; and it shall have the power and authority to purchase goods or any other supplies, or to arrange for any rentals deemed necessary, without first advertising for bids on same, when such action is deemed necessary for the Commission.

**SECTION 4.** That said Purchasing Commission shall meet immediately after the passage and effective date of this Act, and shall organize by the election of one of their number as Chairman, and make a survey of the needs of the various departments, institutions and agencies of the county. Said Commissioners shall have the power to meet as often as its members deem necessary and advisable, and the duties of their office require. They shall also have power to prescribe rules and regulations for their own government.

**SECTION 5.** That the Secretary of said Commission shall keep a complete record of all the transactions of the said Commission including a record of all bids received, all purchases made, the amounts and items purchased for each department, institution or agency of the county, and all expenses incurred by the Commission, and the Secretary shall perform such other duties as required by the Purchasing Commission. All of said records so kept will be kept in a wellbound book which shall remain in the office of the Secretary of the Commission.

**SECTION 6.** That all meetings of the Commission, and all records kept by them or their Secretary, shall be open to the public; and a report of activities and transactions of the Commission shall be submitted to each meeting of the Quarterly County Court of said county recovering the previous quarter.

**SECTION 7.** That said Purchasing Commission shall make rules and regulations that shall govern the method and procedure for the purchase, delivery and storage of supplies, materials and equipment, for the various departments, institutions and agencies of the county. Said rules and regulations shall, as far as practicable, be uniform, and they shall be either general or limited in their application. They shall include provisions relating to the following:

1. Standardization of forms for estimates, requisitions, orders, contracts, and stores control.
2. Standardization of specifications for the purchase of supplies, materials and equipment.
3. Standardization of quality, grades, and brands, to eliminate all unnecessary classes of

commodities, or unnecessary grades or brands of the same commodity.

4. Establishment of definite periods for submitting estimates, and requisitions for various supplies, materials and equipment.
5. Submission of proposal for bids, and the receipt of bids for supplies, materials and equipment, and the stimulation of competition relative thereto.
6. Purchase of supplies, materials, and equipment by long or short term contracts, or by contracts or orders made at certain seasons of the year, or by blanket contracts or orders covering the requirements for such supplies, materials and equipment, of one or more using agencies.
7. Contracts for services other than personal services, such as telegraph and telephone services, and fuel, lights, water, and other office services for the several using agencies.
8. Regulations to secure prompt delivery of all supplies to using agencies.
9. Purchase of supplies, materials and equipment, without competition, in cases of emergency requiring immediate action.
10. Use and disposal of the products of county institutions or other agencies.
11. Disposal of obsolete, excess and unsuitable supplies, materials, and salvage, or the transfer of same to other using agencies.
12. Storage of surplus supplies, materials and equipment not needed for immediate use.
13. Testing of supplies and materials.
14. Hearings on complaints with regard to the quality, grade or brand of goods.
15. Waiver of rules in special cases.

**SECTION 8.** That hereinafter no official or employee of said county shall make any purchase, or contract to purchase, any materials, equipment, or supplies of any kind, except through, or in accordance with the rules and regulations of said Purchasing Commission. And it shall be unlawful for the County Judge, or Chairman of the County Court, or any other official of said county, to issue his warrant upon any fund or funds belonging to said county, or any department, institution or agency thereof, for any purchase or purchases or, for any rents or storage, until a proper requisition for same shall have been filed with said Purchasing Commission, and their written approval thereof obtained.

**SECTION 9.** That said Commission shall procure the necessary books, requisitions and all other supplies necessary to the carrying out of the purpose of this Act; and such books and supplies shall be paid for upon the warrant of the county judge, or chairman of the county court, of such county, in the same manner as all other purchases are paid.

**SECTION 10.** That if any section, paragraph, clause, or phrase, of this Act shall be held invalid or unconstitutional, for any reason by any Court or other authority of competent jurisdiction and power, such action shall not affect the remaining portion of this Act, as the same would have been enacted into law had such invalid or unconstitutional part or parts been stricken out or elided therefrom.

**SECTION 11.** That all laws and parts of laws in conflict with this Act, be, and the same are, hereby repealed.

**SECTION 12.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 5, 1937.

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