



July 22, 2024

Emergency Purchases

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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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Emergency Purchases

Reference Number: CTAS-932

The National Institute of Governmental Purchasing defines an emergency purchase as “a purchase made in an exigency (emergency), often made under special procedures, designed to meet the emergency.”¹

Emergencies of one kind or another are the most common situations for which requirements for competitive sealed bidding or competitive sealed proposals may be waived.² Emergencies exist when there is a threat to health, welfare, or safety of the people and/or property.³ Although poor planning, overlooked requirements, inaccurate usage history, or inadequate forecasting may cause “emergency situations” and the need for expedited purchasing, these are not bona fide emergencies but poor management.⁴

Purchases under true emergency situations generally may be made without the necessity of following the county’s normal purchasing procedures. The Tennessee Code Annotated (T.C.A.) provides for emergency purchases in the following statutes:

The County Purchasing Law of 1983 exempts emergency purchases from public advertisement and competitive bidding requirements. The special provision for emergency purchasing is found in T.C.A. § 5-14-204(3).

The County Purchasing Law of 1957 provides for emergency purchasing in T.C.A. § 5-14-110.

The County Financial Management System of 1981 requires that procedures be established for emergency purchases in T.C.A. § 5-21-119 (b)(7).

The County Uniform Highway Law (CUHL) refers to the exemption from public advertisement and competitive bidding requirements in actual emergency purchases arising from unforeseen causes in T.C.A. § 54-7-113 (c)(1)(C).

¹National Institute of Governmental Purchasing, *The Dictionary of Purchasing Terms*, 11.

²National Institute of Governmental Purchasing, *Public Purchasing and Materials Management*, (Reston, VA : 1983) 137.

³ibid, 137.

⁴ibid, 137.

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