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# Purchasing

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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

## Private Acts of 1945 Chapter 357

**SECTION 1.** That in all counties within this State, having a population of not less than 23,145 and not more than 23,160, according to the Federal Census of 1940 or any subsequent Federal Census, the County Judge or Chairman of such counties is hereby designated as the County Purchasing Agent, whose duty it shall be to purchase any and all supplies and equipment for the use of county officials, employees or departments and to enter into contracts for the purchase of the same and who shall be charged with the full responsibility of carrying out all of the provisions of this Act, and who shall have sole power and authority to contract for and purchase materials, supplies and equipment of every kind whatsoever, including insurance, for the use of all officials, agents, servants, departments, or agency of, supported by or under the control of the county government or for which the county may be chargeable. The said County Purchasing Agent shall likewise have the sole power and authority to arrange for the purchase or rental of any and all real estate, machinery, or other equipment where said purchases or rentals are to be paid out of any funds belonging to the County or any department or agency thereof.

**SECTION 2.** Be it further enacted, That all purchases or contracts for the purchase of supplies, equipment or material for the use of any official, employee or department or agency of the county government, the estimated value of which shall exceed five thousand dollars (\$5,000) shall, except in emergencies or instances as hereinafter provided, be made by the County Purchasing Agent only after he shall have received at least three written competitive bids for such purchases or contracts for purchase of such supplies, equipment or materials and such purchases or contracts for purchases shall be made only in accordance with the lowest and best bids or bidders. For purchases or contracts with an estimated value between two thousand five hundred dollars (\$2,500) and five thousand dollars (\$5,000), the County Purchasing Agent shall receive three written quotes. Any purchase below two thousand five hundred dollars (\$2,500) shall require the customary purchase order. Said County Purchasing Agent may reserve the right to reject any and all bids, either in whole or in part, when he shall deem advisable to so reject the same, and when two or more bids are submitted at the same price and for the same character, kind and quality of supplies, equipment or materials, he may in his discretion award the contract to either of such bidders or may apportion the requirements between or among the respective bidders.

Whenever in the opinion of said County Purchasing Agent or any official or agency of the county needing such supplies, equipment, or materials, an emergency requires the immediate purchase, the Purchasing Agent may purchase or contract to purchase such supplies, equipment or materials without the necessity of competitive bids, and said Purchasing Agent may likewise dispense with competitive bids in all instances where he is unable to obtain competitive bids, but in such instances the said Purchasing Agent shall certify to the County Court of such counties that an emergency existed that required the waiving of competitive bids or that he was unable to obtain the necessary competitive bids for the supplies, equipment or materials so purchased.

As amended by: Private Acts of 1972, Chapter 358  
Private Acts of 1980, Chapter 192  
Private Acts of 1993, Chapter 8  
Private Acts of 2001, Chapter 14

**SECTION 3.** That the Purchasing Agent shall keep a complete record of all purchases or contracts, with copies of the original bids submitted in writing, the names of the bidders together with the amounts of their respective bids, which records shall at all times be open to inspection by any interested party.

**SECTION 4.** That neither the County Purchasing Agent nor any agent, assistant or employee of the county shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in the purchase of any supplies, materials or equipment for the county, nor in any firm, partnership, association or individual furnishing any such supplies, equipment or materials; nor shall the County Purchasing Agent or any assistant, agent or employee accept or receive, directly or indirectly, from any person, firm, corporation or association to whom any contract may be awarded, by rebate, gift or otherwise, any money or other thing of value or contract for future reward or compensation.

The said County Purchasing Agent may require security to accompany bids and fix the amount thereof; may govern the procedure for the delivery and storage of supplies, equipment or materials; may govern the method of requisition by any county official, agency or department of the county, and shall have the authority to regulate the distribution of articles, parts, supplies, equipment or materials among the county officials or departments; may prescribe the forms for estimates, requisition, orders, contracts and security; may establish definite or regular periods for submitting estimates or requisitions; may dispose of or trade in obsolete, excess or unsuitable supplies, equipment or materials, and salvage or transfer them

to other agencies or departments of the county; may provide hearing for complaints with regard to the quality, grade or brand of supplies, equipment or materials; and may do and perform all other acts and things necessary or requisite to fully comply with the provisions of this Act.

**SECTION 5.** That the provisions of this Act shall not apply to the purchase or contracts for purchase of any supplies, equipment or materials that are deemed and sold as Surplus War Commodities, offered for sale or sold by the United States Government.

**SECTION 6.** That the supplies, equipment or materials required by the County Board of Education in such counties are expressly excluded from the provisions of this Act and the purchase or contracts for the purchase of all such supplies, equipment or materials shall be made under such rules, regulations and requirements as the said County Board of Education may from time to time determine and under its exclusive supervision and control.

**SECTION 6-A.** That the provisions of this Act shall not apply to the County Highway Commission of this County.

As amended by: Private Acts of 1947, Chapter 567

**SECTION 7.** That any official named in this Act or any other official, agent, servant or employee of the county who shall fail or refuse to comply with the provisions of this Act or to perform the duties required of him by this Act, shall be guilty of a misdemeanor, punishable by a fine of not more than Fifty (\$50.00) Dollars and be subject to removal from office.

**SECTION 8.** That the provisions of this Act shall be deemed severable and if any portion of this Act shall be declared void or invalid, the remaining portion shall not be affected thereby.

**SECTION 9.** That all Acts or parts of Acts in conflict with the provisions of this Act be and the same are hereby repealed.

**SECTION 10.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 22, 1945.

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