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Purchasing

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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Purchasing

Private Acts of 1953 Chapter 36

SECTION 1. That in addition to his regular duties as County Judge of White County, Tennessee, the County Judge shall be ex officio the Purchasing Agent of White County, Tennessee, and shall have the sole and exclusive power and authority to contract for the purchase, and to purchase all materials, supplies and equipment of every kind and character whatsoever for the use of every official, agent, servant, department, or agency of, supported by, or under the control of, the County Government, and no other official, employee or agent of said County or any of its departments or agencies shall have the right to contract for or purchase any of such materials or supplies or equipment. The County Judge shall likewise have the sole and exclusive power and authority to arrange for the purchase or rental of any and all real estate, machinery or other equipment where said purchase or rentals shall be paid out of any funds belonging to or under the control of White County, or any department, institution or agency thereof. The County Judge, as the Purchasing Agent for White County shall likewise have the sole and exclusive power and authority to arrange, contract for, or purchase all necessary policies of insurance, fire, windstorm, casualty, Workmen's Compensation or otherwise as he in his sound discretion sees fit and proper under the circumstances.

Purchases or contracts for the purchase of supplies, equipment or material for the use of any official, employee, department or agency of the County Government, the estimated value of which exceeds One Hundred (\$100.00) Dollars, shall except in emergencies as hereinafter provided, be executed by the County Judge as such Purchasing Agent only after he has advertised in a newspaper published in White County and such other newspapers as he deems proper, that sealed bids will be received by him, at a time fixed in the advertisement, which shall be not less than fifteen (15) days after the publication or advertisement, and which sealed bids shall be opened publicly at the place, hour and date advertised. Such advertisement shall describe requirements by general classifications, and state that detailed descriptions of the material, supplies or equipment desired may be obtained from the Purchasing Agent upon application.

Proposals will be considered by manufacturers, producers, or dealers, etc., or their duly authorized selling agents, and bids received after the hour of opening will not be considered.

Tabulation of bids will be effected as promptly as possible, after which such tabulations will be opened for inspection. Contracts will be awarded only to established and responsible manufacturers, persons or dealers, and awards will be made to the lowest bidder or bidders. The Purchasing Agent may reserve the right to reject any or all bids received. When two or more bids are submitted at the same price on the same character, kind and quality of supplies, material or equipment to be purchased, the Purchasing Agent may in his discretion award the contract or contracts to either of such bidders, or may elect to reject all such bids and advertise for additional bids. In addition to advertising for sealed bids, it shall be the duty of the Purchasing Agent to stimulate bidding by all other feasible means.

When the estimated value of such materials, supplies, or equipment is Five Hundred (\$500.00) Dollars or less but more than Fifty (\$50.00) Dollars, the newspaper advertisement for bids will not be required, but will be optional with the Purchasing Agent; but in such cases he shall, except in emergencies, make purchases or let contracts only upon sealed bids opened publicly at a definite time announced at least ten (10) days in advance by notice posted on the bulletin board in the White County Court House, and any person shall have the right to be present. He shall in all cases inform prospective bidders of the County's needs, and stimulate and encourage bidding.

Provided further, where the estimated Fair Market Value of supplies, materials and equipment necessary for the essential functions of the County government does not exceed the sum of fifty dollars (\$50.00), said supplies, materials and equipment may be purchased directly by the heads of the various County Departments without advertising for bids and without approval of the Purchasing Agent. Upon receipt of the purchase invoice or statement covering supplies, materials or equipment, the same shall be approved by the head of such Department making said purchase and said invoice or statement shall be transmitted to the County Judge for payment by him out of the necessary County funds.

No purchase or contract for purchase of material, supplies, or equipment shall be made or entered into by the Purchasing Agent except upon requisition of the head of the department or other responsible person in such department wherein the materials, supplies, or equipment is to be used, such requisition to be in writing and set forth in detail the purpose of such purchase and a description of the materials, supplies or equipment so requisitioned. The County Judge is required to furnish to the several different departments, agencies, and institutions of the County purchase requisition blanks, the form and standard content of

such blank to be prescribed by the County Judge and such requisition must be made in triplicate, the original of which will be retained by the County Judge, one copy to accompany the purchase order form and one copy returned to the department, agency or institution making the requisition with the action of the County Judge endorsed thereon.

No purchase or contract for purchase shall be made or entered into by the Purchasing Agent except upon regular purchase order form prescribed by the County Judge, and no purchase order shall be issued in an amount exceeding the unexpended balance of the amount appropriated by the Quarterly County Court for the appropriation year in which the purchase is made, except where the Quarterly Court has found and declared an emergency impending or to exist, and has specifically authorized such excess expenditure, provided however, purchase orders may be issued by the Purchasing Agent against funds belonging to White County or any of its departments or agencies, which funds have been received by the County or any of its departments or agencies, which funds have been received by the County or any of its departments or agencies from sources other than from appropriations made by the Quarterly County Court, but in this event, such purchase orders shall only be issued against such funds when the purchase is properly chargeable against such funds in accordance with the purpose for which such funds are to be used, and no purchase order shall be issued which exceeds the balance existing in such funds.

The Purchasing Agent shall send the original and first copy of such purchase order to the vendor from whom the purchase is made, and the second copy, together with the requisition for such purchase, shall be sent to the proper official or employee of the County, to be charged against the appropriate account and permanently filed for future reference.

Subject to all other requirements herein set out, the Purchasing Agent shall not enter into any contract, except in an emergency, without the approval of the Quarterly County Court, for a term of more than twelve months, or which is not to be performed or executed within twelve months, save and except for the arranging of necessary insurance contracts required by the various departments of the County where it, in the discretion of the County Judge, appears to be wise to purchase insurance contracts covering a period of time longer than twelve (12) months.

The Purchasing Agent shall keep a complete record of all purchases made by him, with copies of descriptive advertising, original bids when submitted in writing and the names of all bidders, together with the amounts of their several bids, which records shall be at all times open to inspection by any taxpayer of the County or other interested person.

Neither the Purchasing Agent nor any of his assistants or employees working under his direction 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, corporation, partnership, association or individual furnishing any such supplies, material, or equipment under the term of this Act; nor shall the Purchasing Agent or any assistant or employee accept or receive, directly or indirectly, from any person, firm, corporation, partnership or association, or individual, to whom any contract may be awarded, by rebate, gift, or otherwise, any money or other thing of value whatsoever, or any promise, obligation or contract for future reward or compensation under penalty of forfeiture of his entire compensation as Purchasing Agent for the remaining period of the term of office for which he was elected.

The said Purchasing Agent may by regulation or otherwise require security to accompany bids and fix the amount thereof; govern the procedure for the delivery and storage of supplies, materials, and equipment; govern the method and procedure whereby the departments, agencies, officials or employees of the County shall inform him of the need or necessity for the purchase of supplies, materials, or equipment; prescribe forms for estimates, requisitions, orders not otherwise herein provided, contracts, stores or storage control; establish definite or regular periods for submitting estimates or requisitions; dispose of or trade in obsolete, excess, and unsuitable supplies, equipment or materials, and salvage or transfer them to other using agencies of the County; provide for hearings and complaints with regard to the quality, grade or brand of goods, and waive such rules in special or emergency cases.

Upon the filing of a requisition with the Purchasing Agent by any head of a department or other responsible person in such department for any necessary materials, supplies or equipment, the Purchasing Agent shall forthwith arrange for and purchase such material, supplies or equipment, in conformity with the provisions of this Act, and he shall not refuse, in violation of the provisions of this Act, to arrange for and purchase such necessary materials, supplies or equipment, when so requested by the proper authorities as in this Act provided, under penalty of mandamus proceedings brought by and at the instance of the aggrieved official or department.

The provisions of this section shall not apply to purchases made by the County Road Supervisor, the County Sheriff, or the County Superintendent of Schools where the cost of anyone item purchased does not exceed the sum of five hundred dollars (\$500).

As amended by: Private Acts of 1959, Chapter 336

Private Acts of 1973, Chapter 94

Private Acts of 1979, Chapter 17

SECTION 2. That, in addition to the regular bonds of the County Judge, said County Judge, as the Purchasing Agent herein provided, shall furnish bond in the amount of Ten Thousand (\$10,000.00) Dollars, secured by at least three personal sureties, or one corporate surety. If corporate surety is to be furnished, the premium for such bonds to be paid out of the general funds of the County, to be approved by the Circuit Judge holding the regular Circuit Court in White County, Tennessee.

SECTION 3. That the Purchasing Agent shall be required at the Quarterly meeting of the County Court on the first Monday in January of each year to submit to the Quarterly County court a detailed report or audit of the entire business transacted by such Purchasing Agent for the preceding twelve months.

SECTION 4. That the County Judge, as such Purchasing Agent, shall have and receive an annual salary of Two Thousand Four Hundred (\$2,400.00) Dollars, payable in monthly installments, as compensation for his services as Purchasing Agent, such compensation shall be in addition to and apart from any compensation heretofore allowed the County Judge or to be allowed to said County Judge for any other services performed by him, and out of this such allowance the County Judge, as such Purchasing Agent, shall pay for any and all clerical help which he may find it necessary to employ.

SECTION 5. That in event any section, sentence, or part of this Act shall be held unconstitutional, such invalidity and/or unconstitutionality shall not be held to affect or invalidate the remainder of this Act, and the General Assembly hereby declares every part of this Act to be severable, and that the same would have been passed by the General Assembly regardless of the unconstitutional material contained herein.

SECTION 6. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 7. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 20, 1953.

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