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Private Acts of 1989 Chapter 90

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 1989 Chapter 90	3
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Private Acts of 1989 Chapter 90

SECTION 1. Chapter 239 of the Private Acts of 1937, as amended by Chapter 114 of the Private Acts of 1965, Chapter 92 of the Private Acts of 1967, Chapter 335 of the Private Acts of 1982, and Chapter 63 of the Private Acts of 1985 are repealed. This act shall supersede all private acts that may be in conflict with this act.

SECTION 2. This act shall be known and may be cited as the "Hardeman County Purchasing Law of 1989".

SECTION 3. The county executive of Hardeman County shall serve as the county purchasing agent and shall have the sole power and authority to contract, purchase, lease, or lease-purchase for services, supplies, materials, equipment, construction projects, or any obligation of Hardeman County as further provided by this act, except for items costing less than five thousand dollars (\$5,000) purchased by the Hardeman County Board of Education and the Hardeman County Highway Department.

As amended by: Private Acts of 1997, Chapter 20

SECTION 4. All purchases or contracts of Hardeman County shall be made within the limits of the approved budget and the appropriations for the specific department, office, or agency for which the purchase is made.

SECTION 5. Purchases or contracts for less than five thousand dollars (\$5,000) may be made directly by the Superintendent of the Hardeman County Board of Education or the Hardeman County Highway Superintendent without going through the county purchasing agent. All other purchases or contracts of Hardeman County for less than five thousand dollars (\$5,000) shall be made by the county purchasing agent. No bidding or advertisement shall be required for purchases or contracts for less than five thousand dollars (\$5,000). Any increases in the bidding limit amount as provided in T.C.A. § 5-14-204 of the County Purchasing Act of 1983 shall apply to purchases pursuant to this act.

SECTION 6. Contracts, purchases, leases or lease-purchases for the use of any official, employee, department, or agency of Hardeman County which equal or exceed five thousand dollars (\$5,000) shall, except in emergencies as hereinafter provided, be executed by the county executive as county purchasing agent only after advertising one (1) time in the newspaper published in Hardeman County stating that sealed bids shall be received by the county purchasing agent at a time fixed in the advertisement which time shall not be less than seven (7) days after the publication of the advertisement and which sealed bids shall be opened publicly at the place, time and date advertised. Such advertisement for bids shall describe the requirements and state that detail specifications may be obtained from the county purchasing agent upon request. Bids received after the time of opening shall not be considered. Tabulation of bids shall be compiled as promptly as possible and provided to interested persons upon request. Contracts shall be awarded only to established and responsible vendors or contractors and awards shall be made to the lowest and best bidder or bidders. The county purchasing agent shall reserve the right to reject any or all bids in whole or part and to waive any technical defects in bids received. When two (2) or more bids are submitted at the same price of the same character, kind and quality, the county purchasing agent may in his discretion award the contract or contracts to either of such bidders or may apportion the requirements between or among such bidders, or may reject all such bids and advertise for additional bids.

As amended by: Private Acts of 1997, Chapter 20

SECTION 7. Whenever the item or items are to be delivered in the future and/or require future or extended payments, a written purchase order or contract shall be issued at the time the order is placed or the contract becomes an obligation of the county. The county purchasing agent shall keep a complete record of all purchases or contracts 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 open to inspection by any person during normal business hours.

SECTION 8. The county purchasing agent may require security to accompany bids and fix the amount thereof and the county purchasing agent may require performance or surety bonds to cover any potential loss to the county.

SECTION 9. Any goods or services which may not be procured by competitive means because of the existence of a single source of supply or because of a proprietary product may be exempted from the competitive and sealed bidding process provided the Hardeman County legislative body has authorized the exemption for such product or service prior to the order or contract. Goods and/or services may be purchased from or sold to other governmental entities without competitive bidding. Contracts for professional services pursuant to Tennessee Code Annotated, Section 12-4-106 shall be exempt from competitive bidding requirements.

SECTION 10. Purchases, contracts or leases of any supplies, materials or equipment, may be made by the county purchasing agent for immediate delivery in actual emergencies arising from unforeseen causes or which would affect the health or safety of the citizens of Hardeman County, or which might result in Hardeman County being liable or causing harm to any person. A record of any such emergency purchase shall be made by the county purchasing agent and shall specify the amount paid, the items purchased, from whom the purchase was made, the nature of the emergency, and prices or bids secured from various vendors.

SECTION 11. The County Executive as County Purchasing Agent shall receive a minimum annual salary of six hundred dollars (\$600) or such greater amount as may be authorized by the county legislative body, payable in equal monthly installments, as compensation for his services as County Purchasing Agent. Such compensation shall be in addition to and apart from any compensation otherwise allowed the County Executive for any other services.

SECTION 12. In the event any section, sentence, or part of this act shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not be held to affect or invalidate the remainder of the act, and the General Assembly hereby declares that it treats each and every section, sentence, and item of this act as severable, and that it would have enacted this act with any invalid or unconstitutional part thereof omitted.

SECTION 13. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Hardeman County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 14. For the purpose of approving or rejecting the provisions of the act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 13.

Passed: May 11, 1989.

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