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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

Purchasing Committee

Private Acts of 1941 Chapter 518

SECTION 1. There is hereby created a Purchasing Committee of Tipton County, Tennessee. Said committee shall be comprised of the Finance and Administration Committee of the County Legislative Body as it may from time to time be established by the County Legislative Body.

As amended by: Private Acts of 1947, Chapter 381,
Private Acts of 1974, Chapter 223,
Private Acts of 1979, Chapter 1,
Private Acts of 1995, Chapter 103.

SECTION 2. Five (5) members of the Purchasing Committee shall constitute a quorum and shall have the right to exercise the powers and carry out the duties hereinafter prescribed for the Purchasing Committee.

As amended by: Private Acts of 1947, Chapter 381,
Private Acts of 1995, Chapter 103,
Private Acts of 2017, Chapter 23.

SECTION 3. That said Purchasing Committee shall have the sole power and authority to contract for and purchase all materials, supplies, equipment of every kind whatsoever, the estimated value of which exceeds \$10,000.00, 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 the County or of any of its departments or agencies, shall have the right to contract for or purchase any of such materials, supplies or equipment. The Purchasing Committee 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, the estimated value of which will exceed a total of \$10,000.00, where said purchases or rents are to be paid out of any funds belonging to or under the control of Tipton County or any department, institution or agency thereof; and no other official, employee or agent of the County shall have the right or power to make or arrange for any such purchase or rental, where the estimated value or rental exceeds \$10,000.00.

Purchases or contracts for the purchase of supplies, equipment or materials for the use of any official, employee, department or agency of the County government, the estimated value of which exceeds \$10,000.00, which, except in emergencies as hereinafter provided, shall be executed by the Purchasing Committee only after it shall have advertised in a newspaper of general circulation and/or such other newspaper as it may deem proper, that sealed bids will be received by the Committee, at a time fixed in the advertisement, which shall be not less than seven (7) days after the publication of the advertisement, and which sealed bids shall be opened publicly at the place, hour and date advertised. Such advertisement shall prescribe requirements by general classifications and state that detailed descriptions of the supplies, materials or equipment desired may be obtained from the Purchasing Committee upon application. Proposals will be considered from manufacturers, producers, dealers, merchants, or their duly authorized selling agents. Bids received after the hour of opening will not be considered. Tabulation of bids will be effected as promptly as possible, after which such tabulation will be opened for inspection. Contracts will be awarded only to established and responsible manufacturers, producers, dealers and merchants, and awards will be made to the lowest and best bidder or bidders. The Purchasing Committee shall have the right to reject any or all bids in whole or in part, and to waive technical defects in bids received. When two or more bids are submitted at the same price on the same character, kind and quality of supplies, materials or equipment to be purchased, the Purchasing Committee may, in its discretion, award the contract or contracts to either of such bidders, or may apportion the requirements between or among 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 Committee to stimulate bidding by all other feasible means.

The Purchasing Committee shall in all cases inform prospective bidders of the County' needs, and stimulate and encourage competitive bidding.

When the estimated value of supplies, materials or equipment required for essential functions of the County government is \$10,000.00 or less, the provisions of this Act shall not apply to such purchases and the same may be purchased direct by the official, department, agency, employee or agent of the County concerned.

When, in the opinion of the Purchasing Committee, an emergency exists requiring the immediate purchase

of supplies, materials or equipment for the use of an official or agent of the County, the Purchasing Committee may purchase or contract for the purchase of such materials, supplies or equipment without the necessity of advertisement or competitive bids, purchasing the same on the most advantageous basis possible.

Subject to all other requirements herein set out, the purchase of supplies, materials and equipment for the County and its agencies may be on long or short-term contracts, or orders to be executed or filed at certain seasons of the year, or by blanket contracts or orders of continuous duration to be executed at stated intervals.

The Purchasing Committee shall keep a complete record of all purchases made by it, 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 at all times be open to inspection by any taxpayer of the County or other interested party.

No member of the Purchasing Committee, nor any assistant or employee working under its 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, materials, or equipment; nor shall the Purchasing Committee or any assistant or employee thereof accept or receive, directly or indirectly, from any person, firm, corporation, partnership or association 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, compensation or remuneration.

The Purchasing Committee 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 or officials of the County shall inform the Committee of the need or necessity for the purchase of supplies, materials and equipment; prescribe forms for estimates, requisitions, orders and contracts; establish definite or regular periods for submitting estimates or requisitions dispose of or trade in obsolete, excess and unsuitable supplies, equipment and salvage, or transfer them to other using agencies of the County; provide for hearings on complaints with regard to the quality, grade or brand of supplies, materials or equipment; and waive such rules or regulations in special or emergency cases.

Provided, however, the provisions of this act shall not apply to the County Public Works Committee or Department or the County Board of Education.

As amended by: Private Acts of 1949, Chapter 799,
Private Acts of 1967-68, Chapter 285,
Private Acts of 1979, Chapter 1,
Private Acts of 1995, Chapter 103,
Private Acts of 2008, Chapter 101,
Private Acts of 2017, Chapter 23.

SECTION 4. That Tipton County, Tennessee, shall be liable for the payment of all purchases made by the Purchasing Committee for the use of the County or any of its departments or agencies under the provisions of this Act, but shall not be liable for the payment of any purchases made contrary to its provisions.

SECTION 5. [Deleted by Private Acts of 1995, Chapter 103].

SECTION 6. That in the event any sentence, clause, paragraph, or section of this Act shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or invalidate the remainder of the Act, and the General Assembly hereby declares that it treats each and every sentence, clause, paragraph and section of this bill as severable, and that it would have enacted this Act with any invalid or unconstitutional part thereof omitted or elided therefrom.

SECTION 7. That this Act shall take effect from and after July 1st, 1941, the public welfare requiring it. Passed: February 15, 1941.

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