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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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Table of Contents

<b>Purchasing .....</b>	<b>3</b>
<b>Private Acts of 1957 Chapter 256 .....</b>	<b>3</b>

# Purchasing

## Private Acts of 1957 Chapter 256

**COMPILER'S NOTE:** The full text of this act is reproduced under the heading COUNTY MAYOR in this publication. Only the provisions concerning purchasing are reproduced below.

[Sections 1 - 6 deleted.]

**SECTION 7.** That in addition to the duties enumerated above herein, that the County Judge shall, as the Financial Agent of the County, also perform the duties of Purchasing Agent for the County.

**SECTION 8.** That the Financial Agent or Purchasing Agent shall have the exclusive power and authority to contract for and purchase all materials, supplies and equipment of every kind whatsoever for the use of every official, agent, servant, department, or agency of or supported by, or under the control of the county government; including insurance, and no other official, employee, or agent of the said county or any of its departments or agencies, shall contract for or purchase any such materials, supplies or equipment. The Financial Agent or Purchasing Agent shall likewise have exclusive power and authority to arrange for rental of machinery or equipment when the rents are to be paid out of funds belonging to Hawkins County, or any department, institution, or agency thereof; and no other official, employee or agent of the county shall have the right to make any contract for rental of machinery or equipment.

**SECTION 9.** That purchases or contracts for purchases of materials, supplies or equipment for the use of any official, employee, department or agency of the county government with the estimated monetary value being greater than the purchasing limit as set forth in the County Purchasing Law of 1983 of the general law, which except in emergencies as hereinafter provided shall be executed by the Financial Agent or Purchasing Agent only after he shall have advertised in a newspaper published or circulated in Hawkins County. The sealed bids will be received by the Financial Agent or Purchasing Agent at the time fixed in the advertisement for such materials, supplies or equipment. The sealed bids received shall be published at the time and place fixed in the advertisement which shall be not less than ten days after the publication of the advertisement. However, purchases of materials, supplies, commodities, and equipment may be made from any federal, state or local governmental unit or agency without conforming to the competitive bidding requirements of this Section. No purchase or contract to purchase will be made or executed until the Financial Agent or Purchasing Agent certifies that funds are available to the credit of the department or agency of the county government to pay for such materials, supplies, or equipment when delivered to the county and found to meet the specifications of the department or agency of the county government. The right shall be reserved at all times to reject any and all bids received. The Financial Agent or Purchasing Agent is authorized to purchase and contract to purchase materials, supplies or equipment on an annual basis and distribute to the various departments of the county government; however, before making any such contract, the county department, institution or agency will deliver to the Financial Agent or Purchasing Agent a requisition for the materials, supplies or equipment and certify: (1) the annual need of the materials, supplies or equipment; (2) when the same shall be delivered, and (3) that funds are and will be available to pay for materials, supplies or equipment for the county government.

As amended by: Private Acts of 1967-68, Chapter 223,

Private Acts of 1977, Chapter 74,

Private Acts of 1991, Chapter 36,

Private Acts of 2007, Chapter 10.

**SECTION 10.** That when the estimated monetary value of material, supplies or equipment required for essential functions of the county government is equal to or less than the purchasing limit as set forth in the County Purchasing Law of 1983 of the general law, the Financial Agent or Purchasing Agent is authorized to purchase same without the necessity of advertised sealed bids, but in making such purchases, the County Agency or official must certify: (1) that there is an immediate need for the item requested; (2) that the public will suffer if the purchase is delayed to permit advertisement; (3) that funds are available to pay for materials, supplies or equipment to be purchased. In such cases the Financial Agent or Purchasing Agent may, by personal contact, obtain the lowest bid for such item, and will keep a record of the names of the persons, firms or corporations contacted and the name of the person, firms or corporations from whom the purchase is made and the price paid for such materials, supplies or equipment.

As amended by: Private Acts of 1977, Chapter 74,

Private Acts of 1991, Chapter 36,

Private Acts of 2007, Chapter 10.

**SECTION 11.** That the Financial Agent or Purchasing Agent shall keep a record of all purchases and will keep all necessary papers and documents pertaining to or anywise connected with the purchase of supplies, materials or equipment for the county government of Hawkins County. All records shall be open to the inspection of the Quarterly County Court and the general public to examine the books, records and papers of the said office.

**SECTION 12.** That the Financial Agent or Purchasing Agent shall not be financially interested, directly or indirectly, in the purchase of any supplies, materials or equipment for the County, and shall purchase, insofar as possible in compliance with this Act, from county-owned firms.

**SECTION 13.** That the Financial Agent or Purchasing Agent may, by regulation or written order; (1) require security to accompany bids, and fix the amount thereof guaranteeing the performance of the contract if awarded; (2) govern the method and procedure whereby the departments, agencies or officials of the county shall inform him of the need or necessity for the purchase of supplies, materials or equipment; (3) prescribe forms for estimates, requisitions, orders and contracts; and (4) establish definite or regular periods for submitting estimates or requisitions.

**SECTION 14.** That the Financial Agent or Purchasing Agent shall personally countersign all warrants in payment for materials, supplies, or equipment purchased under the provisions of this Act. Hawkins County shall be liable for the payment of all purchases of all materials, supplies and equipment made under the provisions of this Act, but shall not be liable for payment for materials, supplies or equipment made contrary to its provisions. No warrant in payment for materials, supplies or equipment shall be binding upon or constitute a charge against Hawkins County until said warrant is countersigned by the Financial Agent or Purchasing Agent.

[Sections 15 - 21 deleted.]

**SECTION 22.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1957.

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