



July 22, 2024

Private Acts of 1947 Chapter 261

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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Private Acts of 1947 Chapter 261

SECTION 1. That the office of county purchasing agent is hereby created in and for Sullivan County, Tennessee.

(a) The term of said office shall be a period of two (2) years and shall be filled by the county commission at its April term, 1947, and every two years thereafter. The person elected as herein provided shall hold office until a successor is duly elected and qualified. No member of the county commission shall be eligible to hold the office of county purchasing agent.

(b) The county commission may by a two-thirds ($\frac{2}{3}$) affirmative vote of the justices that compose the commission, remove the county purchasing agent, such removal shall be upon written charges that establish any act of misfeasance, non-feasance or malfeasance in office.

(c) The compensation of the county purchasing agent shall be set by the Sullivan County Commission at a sum which may equal, but shall not exceed, the compensation received by the Sullivan County Trustee.

As amended by:

Private Acts of 1949, Chapter 766,
Private Acts of 1951, Chapter 320,
Private Acts of 1953, Chapter 17.
Private Acts of 1953, Chapter 214,
Private Acts of 1957, Chapter 111.
Private Acts of 1953, Chapter 238,
Private Acts of 1967-68, Chapter 71,
Private Acts of 1970, Chapter 204,
Private Acts of 1972, Chapter 252,
Private Acts of 1975, Chapter 79,
Private Acts of 1993, Chapter 84.

SECTION 2. That the county purchasing agent shall have exclusive power and authority to contract for and purchase any and all materials, supplies and equipment of every kind whatsoever for use of every official, agent, servant, department, or agency of, or supported by, or under the control of county government; and no other official, employee, or agent of the county or of its departments or agencies, shall contract for or purchase any such materials, supplies, or equipment. The county purchasing agent shall likewise have the exclusive power and authority to approve and sign all contracts for materials or services or both. Contracts for professional services, including leases and rentals, will be awarded pursuant to Tennessee Code Annotated, Section 12-4-106 (Bids for Professional Services). The county purchasing agent shall have the exclusive power and authority to contract for and purchase all materials, supplies, labor and equipment of every kind whatsoever for every official, agent, department or agency under the control of the county government, to issue tax exemption certificates, and no other official, employee, or agent of the county or any of its departments or agencies, shall contract for or purchase any such materials, supplies, labor, equipment, contracts or issue tax exemption certificates.

As amended by:

Private Acts of 1993, Chapter 84.

SECTION 3. (a) Purchases or contracts, including annual contracts, for purchases, as described in Section 2, for the use of any official, employee, department, or agency of the county government, the estimated value of which exceeds five thousand dollars (\$5,000) except in emergencies, shall be executed by the county purchasing agent only after the agent shall have advertised in a newspaper published or circulated in Sullivan County that sealed bids will be received by the county purchasing agent at the time fixed in the advertisement for such materials, supplies, or equipment. The sealed bids received shall be opened publicly at the time and place fixed in the advertisement, not less than five (5) days after the publication of the advertisement. No purchase or contract to purchase shall be made or executed until the director of accounts and budgets 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 county purchasing agent shall have the authority to determine if items meet required specifications and shall have the authority to approve payment for same if a county department or agency disagrees. The right shall be reserved at all times to reject any bids received.

As amended by:

Private Acts of 1998, Chapter 112.

(b) When two (2) or more bids are submitted at the same price on the same character, kind and quality of materials, supplies or equipment to be purchased, 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 elect to reject all such bids and advertise for additional bids.

(c) The county purchasing agent is authorized to purchase and contract to purchase materials, supplies or equipment on an annual basis and distribute the same to the various departments of the county

government; however, before making any such contract, the county department, institution or agency will deliver to the county purchasing agent a requisition for the supplies, equipment or materials and certify the following: (1) The annual need of the materials, supplies, or equipment; (2) When the same should be delivered; and (3) That funds are and will be available to pay for supplies, equipment, or materials when delivered to the official or agency of the county government.

As amended by: Private Acts of 1976, Chapter 212,
Private Acts of 1978, Chapter 183,
Private Acts of 1987, Chapter 37,
Private Acts of 1993, Chapter 84.

SECTION 4. (a) The purchasing agent is hereby authorized to make purchases without securing any bids where the estimated value is five hundred dollars (\$500) or less.
(b) When the estimated value of any materials, supplies, or equipment is five thousand dollars (\$5,000) or less, the county purchasing agent shall be authorized to purchase the same without advertising for bids, but must keep a record of the names of the persons, firms or corporations contacted and the name of the person, firms or corporation from whom the purchase is made and the amount paid for such materials, supplies, or equipment.
(c) In the event of an emergency and if the estimated value of any materials, supplies, or equipment exceed five thousand dollars (\$5,000), the county purchasing agent is authorized to purchase the same without the necessity of advertisement or sealed bids but, in making such purchases, the county agency or official must certify to the county purchasing agent: (1) that there is an emergency and that there is an immediate need for such requisition; (2) that the public will suffer if the purchase is delayed to permit advertisement; (3) that funds are available to pay for the materials, supplies, or equipment to be purchased. In such cases, the county purchasing agent shall obtain the lowest bid for such item and shall keep a record of the names of the persons, firms, or corporations contacted and the name of the person, firm, or corporation from whom the purchase is made and the price paid for such materials, supplies, or equipment.

As amended by: Private Acts of 1976, Chapter 212,
Private Acts of 1978, Chapter 183,
Private Acts of 1981, Chapter 6,
Private Acts of 1987, Chapter 37,
Private Acts of 1993, Chapter 84,
Private Acts of 1998, Chapter 112.

SECTION 5. The county purchasing agent shall keep a record of all purchases and will keep all necessary papers and documents pertaining to or in any way connected with the purchase of materials, supplies or equipment for the county government of Sullivan County. All records shall be open to the inspection of the county commission or any committee or person appointed by the commission to examine the books, records and papers of said office. These records must be maintained for a period of not less than ten (10) years.

As amended by: Private Acts of 1993, Chapter 84.

SECTION 6. That the county purchasing agency shall not be financially interested, directly or indirectly, in the purchases or contracts to purchase of any supplies, equipment or materials for Sullivan County.

As amended by: Private Acts of 1993, Chapter 84.

SECTION 7. That the county purchasing agent may, by regulations or written order: (1) require security to accompany bids, and fix the amount thereof guaranteeing the performance of the contract to be awarded; (2) govern the method and procedure whereby the departments, agencies, or officials of the county shall inform such agent of the need or necessity for the purchase of supplies, equipment, and materials; (3) prescribe forms for estimates, requisitions, purchase orders, and contracts; (4) establish definite or regular periods for submitting estimates or requisitions and, (5) authorize the issuance of monthly requisitions for purchase as requested by county department heads or officials and as approved by the county purchasing agent for items to be purchased at the same place of business during a month, not to exceed two hundred dollars (\$200) per item or one thousand dollars (\$1,000) total per month.

As amended by: Private Acts of 1993, Chapter 84.
Private Acts of 1998, Chapter 112.

SECTION 8. That the county purchasing agent shall personally countersign all warrants in payment for materials, supplies, equipment or services purchased under the warrants in payment of salaries, commissions and wages due all officers and employees of Sullivan County. Sullivan County shall be liable for the payment of all purchases of materials, supplies and equipment made under the provisions of this act, but shall not be liable for payment for any materials, supplies, services and equipment, or for salaries, commissions or wages due officials or employees of Sullivan County until said warrant is countersigned by the county purchasing agent.

As amended by: Private Acts of 1993, Chapter 84.

SECTION 9. That before the county purchasing agent shall enter upon the duties of his office he shall execute a corporate surety bond by a corporation duly qualified to do business in the State of Tennessee, said bond to provide for a full and complete performance of the duties imposed under the provisions of this act, for a complete accounting of all funds committed to his hands as the purchasing agent of Sullivan County, the amount of which shall be established by the county executive at not less than ten thousand dollars (\$10,000) nor more than twenty-five thousand dollars (\$25,000) which bond shall be approved by the Sullivan County board of commissioners and shall be recorded in the office of the register of deeds in the same manner as are the bonds of all county officials.

As amended by: Private Acts of 1993, Chapter 84.

SECTION 10. That the county purchasing agent shall devote his or her full and entire time as provided herein and as directed by the Sullivan County board of commissioners and that his or her office shall be opened and maintained at Blountville and shall remain open for business at least five (5) days per week. When it is necessary for the county purchasing agent to be absent, the assistant purchasing agent will be authorized to assume all duties related to the purchasing department.

As amended by: Private Acts of 1993, Chapter 84.

SECTION 11. That the county commission shall appropriate the necessary funds from the general fund of the county government to equip the office of the county purchasing agent so that the same may function under the provisions of this act.

As amended by: Private Acts of 1993, Chapter 84.

SECTION 12. That if any sentence, clause, paragraph, section, exception, or part or parts of this Act shall be held and declared to be unconstitutional and void such holdings shall not affect the remainder of this Act, it being the legislative intent to pass the remainder thereof notwithstanding such part or parts thereof declared invalid, if any.

SECTION 13. That this Act take effect from and after the first Monday in April, 1947, the public welfare requiring it.

Passed: February 19, 1947.

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