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Private Acts of 1943 Chapter 98

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 1943 Chapter 98

COMPILER'S NOTE: This Act may be suspended by the adoption of the 1981 Act.

SECTION 1. That the office of County Purchasing Agent is hereby created in Robertson County, Tennessee. The County Judge shall be and is hereby designated as the County Purchasing Agent of said County and hereafter, in this Act, he shall be referred to as the "Purchasing Agent."

SECTION 2. That said Purchasing Agent shall have the sole power and authority to contract for and purchase all materials, supplies, equipment of every kind whatsoever for the use of every official, agent, servant, department, or agency of, supported by, or under the control of the County government, with certain exceptions herein set out; 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 Agent 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 where such purchases or rents are to be paid out of any funds belonging to or under the control of Robertson 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.

SECTION 3. That purchases or contracts for the purchases 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 \$500.00, which, except in emergencies as hereinafter provided, shall be executed by the Purchasing Agent only after he shall have advertised in a newspaper published or circulated in Springfield, Tennessee, and such other newspaper as he may deem property, that sealed bids will be received by the Purchasing Agent, at a time fixed in the advertisement, which shall not be less than ten days after the publication of the advertisement, 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 Agent upon application. Proposals shall 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 shall be effected as promptly as possible, after which such tabulation will be opened for inspection. Contracts shall be awarded only to established and responsible manufacturers, producers, dealers and merchants, and awards shall be made to the lowest and best bidders. The Purchasing Agent 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 purchases, the 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. In addition to advertising for sealed bids, it shall be the duty of the Purchasing Agent to stimulate bidding by all other feasible means. The Purchasing Agent shall in all cases inform prospective bidders of the County's needs and stimulate and encourage competitive biddings.

As amended by: Private Acts of 1983, Chapter 100

SECTION 4. That when the estimated value of supplies, materials or equipment required for essential functions of the County governments is \$500.00, or less, the Purchasing Agent is authorized to purchase same without the necessity of advertisement or sealed bids, but in making such purchases the Purchasing Agent shall be diligent in securing competitive prices from manufacturers, producers, dealers and merchants, and shall always secure the lowest price possible; and in no instance shall any supplies, materials or equipment purchases under the authority of this paragraph be purchased at a higher price than the prevailing current market price at Springfield, Tennessee, for such supplies, materials or equipment.

As amended by: Private Acts of 1983, Chapter 100

SECTION 5. That when in the opinion of the Purchasing Agent, 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 Agent 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. Provided that on all purchase orders issued for such emergency purchases there shall be included a statement signed by the Purchasing Agent, explaining the nature of the emergency and the reason for handling the purchase an emergency. Provided further, that in order to take care of emergencies the department heads of the county may purchase by means of purchase order, or otherwise, any materials, supplies, repairs or services required, the costs of which in the aggregate shall not exceed the sum of \$25.00 for all departments except that of County Engineer which sum shall not exceed \$225.00, but proper evidence of such expenditures, or purchases as purchase orders or

invoices or vouchers shall be filed with the Purchasing Agent daily and failure to do so may be disallowed by the Purchasing Agent and all of said sums shall fall within and not exceed the budget submitted and allowed by the county court of Robertson County, Tennessee. If any department head shall abuse the privilege granted hereto to make purchases, the Purchasing Agent may revoke such right, which right to purchase shall then be vested in the Purchasing Agent only.

SECTION 6. That 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 filled at certain seasons of the year, or by blanket contracts or orders of continuous duration to be executed at stated intervals.

SECTION 7. That the Purchasing Agent shall keep a complete record of all purchases made by him with copies of description 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.

SECTION 8. That the Purchasing Agent shall not 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 furnishings any such supplies, materials or equipment; nor shall the Purchasing Agent 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.

SECTION 9. That the Purchasing Agent may, by regulation or otherwise, require security to accompany bids, and fix the amount thereof; govern the procedure by which vendors shall submit their invoices for payment; govern the method and procedure whereby the departments, agencies or officials of the county shall inform the Purchasing Agent of the need or necessity for the purchase of supplies, materials and equipment; prescribe form 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.

SECTION 10. That Robertson County, Tennessee, shall be liable for the payment of all purchases made by the Purchasing Agent 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 11. That the County Judge shall furnish a bond in the sum of \$10,000, which bond shall be conditioned upon faithful and proper performance of his duties as Purchasing Agent. The Premium on said bond shall be paid from the General Fund of the county.

SECTION 12. That in the event any sentence, clause, paragraph, or section of this Act shall be held to be 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 13. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 20, 1943.

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