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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 Commission

Private Acts of 1937 Chapter 149

SECTION 1. That in counties of this State having a population of not less than 13,590, nor more than 13,610, by the Federal Census of 1930, or any subsequent Federal Census, there is hereby created a Purchasing Commission which shall be composed of the County Judge, who shall be Chairman thereof and Trustee of the County and the Superintendent of Roads. Said Commission shall meet at such times as the Chairman shall deem necessary.

As amended by: Private Acts of 1939, Chapter 567

SEC. 2. That it shall be the duty of said County Purchasing Commission to make all purchases of every kind and character which are paid for from funds belonging to or allocated to said County, and highway departments of said County and in case the county jail in said counties shall be or has been declared a workhouse under the provisions of the statute, then such Purchasing Commission shall make all purchases for said workhouse. Provided, that said Commission shall make no purchases for the operations of the schools of said County.

As amended by: Private Acts of 1939, Chapter 567

SEC. 3. That in all cases where the price of articles purchased for any Department of the County at the same or any contemporaneous time shall aggregate \$100.00 or more, it shall be the duty of the County Purchasing Commission to advertise for bids for such articles as hereinafter provided. In case the value of articles to be bought shall exceed \$100.00 but shall not exceed \$500.00, then such advertisement for bids shall be made by the Commission by written or printed posters posted in three or more public places in said County, one of which shall be at the Courthouse door of said County, in case the contemplated purchase shall aggregate more than \$1,000.00 the advertisement for bids shall be published for ten days (10) prior to the date of letting thereof in some newspaper published in said County. If there is no newspaper in said County, then in some newspaper published in an adjoining County which has a substantial circulation in Counties to which this Act applies. Provided, that all purchases of \$100.00 or less may be made by the Chairman without the necessity of a meeting of the board or of letting bids. Upon the day fixed by the notice for the receiving of bids, the said Purchasing Commission shall proceed to open said bids in the presence of as many taxpayers as may choose to attend and shall in all cases proceed to let the contract to the lowest bidder therefor. In case the bid should not be let to the lowest and best bidder, either any aggrieved bidder or any interested taxpayer of counties to which this Act applies shall have the right by appropriate legal procedure, to compel the reception of such lowest bid and likewise no contract purported to be executed by said County Purchasing Commission in compliance with a bid which is not the lowest bid therefor shall be valid and enforceable, either upon said contract or upon a quantum merit basis.

All bids so received by said Commission after being opened and after the award of contract is made thereon shall be filed by said Commission in the office of the County Court Clerk of said County and shall be preserved by him for the remainder of the calendar year in which opened and for the two calendar years next succeeding such year, during which time they shall be open for inspection, during reasonable business hours, to any interested taxpayer.

The Commission shall have the right in the case of purchases of motor fuel, lubricating oil and other consumable articles of like nature to procure bids and let the contract for supplies for the county for a definite period of time, however, not to exceed twelve months from the date of the letting of such contract.

As amended by: Private Acts of 1939, Chapter 567

SEC. 4. That in all cases where an emergency shall exist due to unforeseen action of the elements, of conflagrations and other acts of God, the Purchasing Commission shall have the right and power to make purchases without the necessity of making advertisement for bids as herein provided; provided, however, that prior to making such purposes the County Judge shall by proclamation, which shall be entered upon the minutes of the County Court of said county, publicly proclaim the existence of such emergency, the cause thereof, and as far as possible, substantially the damages occasioned thereby and the need for repairs which will not permit of delay and after such proclamation be duly made and spread upon the minutes of the County Court, then the Purchasing Commission as aforesaid may make purchases to be delivered within the next ten days following such proclamation without the formality of either advertising or requiring competitive bids but no purchase shall be made under these conditions, delivery of which purchase is to be made more than ten days after the date of such proclamation.

SEC. 5. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 3, 1937

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