

RESOLUTION NO. _____

TO ESTABLISH WRITTEN PROCEDURES GOVERNING PURCHASES AT PUBLICLY ADVERTISED AUCTIONS

WHEREAS, T.C.A. § 12-2-421 authorizes counties to purchase new or secondhand articles or equipment or other materials, supplies, commodities and equipment at any publicly advertised auction without the necessity of using the public advertisement and competitive bidding process; and

WHEREAS, T.C.A. § 12-2-421 requires the county legislative body to establish written procedures to govern purchases at public auctions;

NOW, THEREFORE, BE IT RESOLVED by the county legislative body of _____ County, meeting in session at _____, Tennessee, on the _____ day of _____, 20____, that the following procedures are established to govern purchases at publicly advertised auctions:

1. When used herein, "purchasing agent" shall mean the person authorized under applicable law to make purchases for a county department.
2. All purchases at public auction must be initiated by the county official having responsibility for the department for which the purchase is to be made. The county official must complete a "Request for Purchase at Public Auction", the form of which is attached to this resolution as Attachment A and made a part of this resolution. A copy of the public advertisement of the auction must be attached to the form. The completed form must be approved by the purchasing agent (if different from the county official) for the department for which the purchase is to be made.
3. The county official (and the purchasing agent, if different from the county official) must certify the unencumbered balance available in the line item account from which the proposed purchase is to be taken.
4. The Request for Purchase at Public Auction must be delivered to the County Mayor at least five (5) working days before the auction.
5. No tax shall be paid on any item purchased at public auction, except to the extent that no exemption is available to the county under applicable law.
6. Purchases shall be made only by county warrant or county check.
7. The auction must be conducted by an auctioneer who is licensed to conduct auctions in the State of Tennessee. Any item purchased at public auction shall be accompanied by the vendor's certification that the item is free from any liens or encumbrances.

8. The purchasing agent, or another person designated by the purchasing agent, shall act as bidder for the county at the auction. The bidder is prohibited from submitting any bid above the unencumbered balance available in the line item account from which the proposed purchase is to be taken, as certified in the Request for Purchase at Public Auction, and the total successful bids by the county shall not exceed such unencumbered balance. If the county is the successful bidder, the bidder must complete and sign a "Certification of Purchase at Public Auction", the form of which is attached to this resolution as Attachment B and is made a part of this resolution.
9. The Request for Purchase at Public Auction and the Certification of Purchase at Public Auction, properly completed and signed, shall be filed with the purchasing agent as soon as reasonably possible after the auction. The purchasing agent shall mail or deliver copies to the chairman of the county legislative body within a reasonable time thereafter.
10. All applicable conflict of interest laws shall apply to purchases at public auction.

BE IT FURTHER RESOLVED, that a copy of this resolution be distributed by the County Clerk to each county official and department head in _____ County.

This resolution shall take effect upon adoption, the public welfare requiring it.

APPROVED:

County Mayor

ATTEST:

County Clerk

[ATTACHMENT A to Resolution]

Copy of public advertisement of auction must be attached here.

REQUEST FOR PURCHASE AT PUBLIC AUCTION

Date and place of auction:

Auction Company/Auctioneer:

After having made proper inquiry, the undersigned hereby certify that the purchase of items at the above described auction will be taken from line item account number _____ and that the unencumbered balance available in said line item account is \$ _____ as of the date of the auction.

County Official

Purchasing Agent

TOTAL BIDS FOR ALL ITEMS TO BE PURCHASED AT AUCTION SHALL NOT EXCEED THE AMOUNT CERTIFIED ABOVE.

CERTIFICATION OF PURCHASE AT PUBLIC AUCTION

Date and place of auction:

Auction Company/Auctioneer:

The following items were purchased by the county at the auction:

Item	Actual Bid Price	Check or Warrant #	Vendor	Receipt No.

(Use additional pages if necessary)

TOTAL PRICE OF ALL ITEMS PURCHASED BY COUNTY: \$

Copies of all sales receipts and the vendor's warranty that all items are free of any liens or encumbrances must be attached to this certification.

CERTIFICATION OF BIDDER AND AUCTIONEER

The undersigned hereby certify that the above information is complete, true and correct. No rebates, gifts, money or anything else of value were given or received in connection with the purchases described above.

Auctioneer

Bidder for County

License Number