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Private Acts of 1947 Chapter 102

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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 102

SECTION 1. That the office of Purchasing Agent is hereby created in all Counties of the State of Tennessee having a population of not less than 54,110 nor more than 54,120 according to the Federal Census of 1940, or any subsequent Federal Census. The Purchasing Agent shall be elected by the county legislative body of such Counties at its regular April, 1947, term and shall serve from April 10, 1947, for a term of two years, or until his successor is elected and qualified; the compensation of such Purchasing Agent shall be fixed annually by the Board of County Commissioners of Madison County but shall not be less than thirteen thousand nine hundred and ten dollars (\$13,910) per annum, to be payable in equal amounts monthly upon warrants drawn on the General Fund of the County. In the event of a vacancy in the said office of Purchasing Agent, the same shall be filled by the county legislative body.

As amended by:

- Private Acts of 1967-68, Chapter 145
- Private Acts of 1972, Chapter 306
- Private Acts of 1975, Chapter 93
- Private Acts of 1978, Chapter 213
- Private Acts of 1979, Chapter 105
- Private Acts of 1980, Chapter 323
- Private Acts of 1990, Chapter 220

SECTION 2. That said Purchasing Agent shall be familiar with and qualified to purchase office, highway and school equipment and supplies, automobiles and heavy road equipment and parts therefor.

SECTION 3. That the Purchasing Agent elected under the terms of this Act shall serve at the pleasure of the county legislative body, but he shall not be discharged without thirty days' notice and without a hearing before the said county legislative body in regular or duly called special session.

As amended by: Private Acts of 1990, Chapter 220

SECTION 4. The Purchasing Agent shall have the sole 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 under the control of, the County government, 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 or supplies. The Purchasing Agent shall also have the sole power and authority to arrange for the purchase or rental of any and all real estate, machinery, or other equipment where said purchases or rents are to be paid out of any funds belonging to or under the control of Madison County or any department, institution or agency thereof and no other official, employee or agent of Madison County shall have the right or power to make or arrange for such purchase or rental.

Purchases or contracts for the purchase of supplies, equipment or material for the use of any official, employee, department or agency of Madison County with an estimated value five thousand dollars (\$5,000) or some greater amount, shall, except in emergencies as hereinafter provided, be executed by the Purchasing Agent only after he or she shall have advertised in a daily newspaper published in Madison County, or radio or television within Madison County, that sealed bids will be received by the Purchasing Agent at the time fixed in the advertisement, which time shall not be less than ten (10) days after the publication of the advertisement. The sealed bids shall be opened publicly at the place, hour and date advertised. The advertisement shall describe 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 will be considered from manufacturers, producers, dealers, etc., or their duly authorized selling agents, or any other appropriate available source. Bids received after the hour designated for opening of bids will not be considered. Tabulations of bids will be effected as promptly as possible and awards will be made to the lowest and best bidder or bidders. The Purchasing Agent shall in all matters have the right to reject any or all bids in whole or in part, and may 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 purchased, the Purchasing Agent (in his or her discretion) may award the contract or contracts to either of such bidders, or may apportion the requirements between or among the 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 appropriate and feasible means.

When the estimated value of such materials, supplies or equipment is five thousand dollars (\$5,000) or less, purchases may be made as outlined in this paragraph without the necessity of newspaper, radio or television advertisement or sealed bids. Notwithstanding the provision requiring all purchases and contracts be made by the Purchasing Agent, when the estimated value of such materials, supplies or equipment is five thousand dollars (\$5,000) or less, but more than two thousand dollars (\$2,000), the Purchasing Agent may adopt a written procedure or policy to allow any department head or official of the

county to make purchases or let contracts with the prior approval of Purchasing Agent to make the purchase. Further, when the estimated value of such materials, supplies or equipment is two thousand dollars (\$2,000) or less, officials or department heads designated by the Purchasing Agent are authorized to purchase supplies, materials or equipment required for the essential functions of their offices or departments. In making such purchases, the purchasing officials and department heads under the authority of this act shall be diligent in securing the lowest price possible; and in no instance shall supplies, materials or equipment purchased under the authority of this paragraph be purchased at a higher price than the prevailing current market for such supplies, materials or equipment.

When in the opinion of the Purchasing Agent and an official or agent of the County needing or desiring supplies, materials or equipment, an emergency requires their immediate purchase, 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 them on the most advantageous basis possible.

Subject to all other requirements herein set out, the purchase of supplies, equipment, etc., for the County and its agencies may be for long or short term contracts, contracts or orders to be executed or filed at certain seasons of the year, or by blanket contracts or orders of continuous duration to be executed at stated intervals.

The Purchasing Agent shall keep a complete record of all purchases made by him, with copies of descriptive advertising, original bids when submitted in writing, and the names of all bidders, together with the amount of their several bids, which records shall at all times be open to inspection by any taxpayer of the County or other interested party.

Neither the Purchasing Agent nor any assistant or employee working under his direction shall 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 furnishing any such supplies, materials or equipment; nor shall the Purchasing Agent or any assistant or employee 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 or compensation. The said Purchasing Agent may by regulation or otherwise require security to accompany bids and fix the amount thereof; govern the procedure for the delivery and storage of supplies, materials and equipment;; [sic] 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, equipment, etc.; prescribe forms for estimates, requisitions, orders, contracts, stores or storage control; 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 brands of goods; and waive such rules in special or emergency cases. The Purchasing Agent is not only required to make all purchases for the County, but is also required to make a check and inspection of all purchases made for the County.

As amended by:

Private Acts of 1963, Chapter 164
Private Acts of 1979, Chapter 15
Private Acts of 1990, Chapter 220
Private Acts of 2001, Chapter 12

SECTION 5. That the bond required of said Purchasing Agent shall be in the amount of \$25,000.00, and the premium on said bond shall be paid from the General Fund of such County.

SECTION 6. That the said Purchasing Agent shall devote his full time to carrying out the duties of his office as created and outlined herein, and shall not, during his term of office as Purchasing Agent, hold any other public or private office, position or job for profit; nor shall he, during his term of office as said Purchasing Agent, engage in the practice of any profession for profit or otherwise; nor shall he, during his term of office, engage in any other occupation for profit, such as farming.

SECTION 7. The Purchasing Agent shall furnish the Director of Budgets information showing purchases made for any office or department of Madison County, a description of such purchases, from whom purchased and the prices paid upon request of the Director of Budgets.

As amended by:

Private Acts of 1990, Chapter 220

SECTION 8. That in the event of any section, sentence, or part of this Act shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not be held to affect or invalidate the remainder of the Act, and the General Assembly hereby declares that it treats each and every section, sentence, and item of this bill as severable, and that it would have enacted this Act with any invalid or unconstitutional part thereof omitted.

SECTION 9. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 10. That this Act shall take effect from and after April 10, 1947, the public welfare requiring it.
Passed: January 27, 1947

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