

**PRIVATE ACTS OF 1947, AS AMENDED, GOVERNING
THE OFFICE OF THE SULLIVAN COUNTY PURCHASING AGENT**

(Amended Through Chapter 112 of the Private Acts of 1998 and
Sullivan County Resolution No. 15 Passed April 20, 1998)

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 (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, nonfeasance 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.

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.

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 such 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 and all bids received.

(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.

SECTION 4. (a) The purchasing agent is hereby authorized to make purchases without securing any bids where the estimated value is five hundred dollars (\$500.00) 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 corporation 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 exceeds 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 advisement; (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 and equipment.

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.

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.

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.

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.

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.

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.

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.

Chapter 261 of the Private Acts of 1947, as amended by Chapter 766 of the Private Acts of 1949, Chapter 320 of the Private Acts of 1951, Chapter 17 of the Private Acts of 1953, Chapter 214 of the Private Acts of 1953, Chapter 111 of the Private Acts of 1957, Chapter 240 of the Private Acts of 1959, Chapter 71 of the Private Acts of 1967, Chapter 204 of the Private Acts of 1970, Chapter 252 of the Private Acts of 1972, Chapter 79 of the Private Acts of 1975, Chapter 212 of the Private Acts of 1976, Chapter 183 of the Private Acts of 1978, Chapter 6 of the Private Acts of 1981, Chapter 95 of the Private Acts of 1981, Chapter 37 of the Private Acts of 1987, Chapter 84 of the Private Acts of 1993, and Chapter 112 of the Private Acts of 1998.