

**CHAPTER NO. 597**

**SENATE BILL NO. 3916**

**By Kyle, Jackson**

**Substituted for: House Bill No. 4036**

**By McMillan**

AN ACT to amend Tennessee Code Annotated, Section 12-4-109, relative to the State's competitive procurement process.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 12-4-109(a)(1)(A)(iii), is hereby amended by deleting the subdivision in its entirety and substituting instead the following:

(iii) That proposers be given a reasonable time to consider evaluation factors set forth in the solicitation document before submitting proposals;

SECTION 2. Tennessee Code Annotated, Section 12-4-109(a)(1)(A)(iv), is hereby amended by redesignating the current language of subdivision (iv) as new subdivision (v), and by designating the following language as a new subdivision (iv):

(iv) That no cost proposals may be opened until the evaluation of the non-cost sections of the proposal has been completed, unless the Commissioner of Finance and Administration, the commissioner, if applicable, of the procuring agency, and the comptroller of the treasury approve in writing that, due to the nature of the procurement, the cost proposals in the particular procurement can be opened prior to the evaluation of the non-cost sections; such exception shall be made a part of the solicitation document; and

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 24, 2006

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 4<sup>th</sup> day of May 2006

  
PHIL BREDESEN, GOVERNOR