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**TENNESSEE CODE ANNOTATED**

**TITLE 5 COUNTIES**

**CHAPTER 14 COUNTY PURCHASING**

**PART 2 – COUNTY PURCHASING LAW OF 1983**

**[§ 5-14-201. Short title](#)**

**[§ 5-14-202. Application](#)**

**[§ 5-14-203. Limits on purchases](#)**

**[§ 5-14-204. Bidding; exemptions](#)**

**[§ 5-14-205. Small expenditures](#)**

**[§ 5-14-206. County's authority](#)**

**[§ 5-14-207. Chemical products; material safety data sheets](#)**

**§ 5-14-201. Short title**

This part shall be known and may be cited as the “County Purchasing Law of 1983.”

**§ 5-14-202. Application**

This part applies to all purchases by authorized officials in all counties using or encumbering county funds, except that this part does not apply to purchases:

- (1) Made from county highway funds pursuant to § 54-7-113;
- (2) Made from county education funds pursuant to § 49-2-203;
- (3) Made by any county that has adopted either the County Purchasing Law of 1957, compiled in part 1 of this chapter, or the County Financial Management System of 1981, compiled in chapter 21 of this title;
- (4) Made by any county governed by a private act regarding purchasing if such private act provides for advertisement and competitive bidding before a purchase is made and if the dollar amount for each purchase requiring advertisement and competitive bidding is ten thousand dollars (\$10,000) or some lesser amount;
- (5) Made under the provisions of § 12-3-1001;
- (6) Made by any county having a population of seven hundred thousand (700,000) or more according to any federal census and governed by a private act regarding

purchasing, if such private act provides for advertisement and competitive bidding before a purchase is made and if the dollar amount for each purchase requiring advertisement and competitive bidding is five thousand dollars (\$5,000) or some lesser amount;

(7) From nonprofit corporations, such as the Local Government Data Processing Corporation, whose purpose is to provide goods or services specifically to counties; or

(8) Made by a county with a population of not less than two hundred thousand (200,000) according to any federal census, so long as the county through county or metropolitan government charter, private act, or ordinance has established a procedure regarding purchasing that provides for advertisement and competitive bidding and sets a dollar amount for each purchase requiring advertisement and competitive bidding; provided that purchases of less than the dollar amount requiring advertisement and competitive bidding shall, wherever possible, be based upon at least three (3) competitive bids.

#### **§ 5-14-203. Limits on purchases**

All purchases made from funds subject to the authority of this part shall be made within the limits of the approved budget and the appropriations made for the department, office or agency for which the purchase is made.

#### **§ 5-14-204. Bidding; exemptions**

All purchases and leases or lease-purchase agreements shall be made or entered into only after public advertisement and competitive bid, except as follows:

(1) Purchases costing less than ten thousand dollars (\$10,000); provided, that this exemption shall not apply to purchases of like items that individually cost less than ten thousand dollars (\$10,000), but that are customarily purchased in lots of two (2) or more, if the total purchase price of such items would exceed ten thousand dollars (\$10,000) during any fiscal year;

(2)(A) Any goods or services that may not be procured by competitive means because of the existence of a single source of supply or because of a proprietary product;

(B) A record of all such sole source or proprietary purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchases were made;

(C) A report of such sole source or proprietary purchases shall be made as soon as possible to the county governing body and the county mayor of the county and shall include all items of information as required in the record;

(3)(A) Purchases or leases of any supplies, materials or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work;

(B) A record of any emergency purchase shall be made by the person or body authorizing such emergency purchase, and shall specify the amount paid, the items purchased, from whom the purchase was made and the nature of the emergency;

(C) A report of any emergency purchase shall be made as soon as possible to the county governing body and the county mayor, and shall include all items of information as required in the record;

(4) Leases or lease-purchase agreements requiring total payments of ten thousand dollars (\$10,000) or less in each fiscal year the agreement is in effect; provided, that this exemption shall not apply to leases of like or related items that individually may be leased or lease-purchased with total payments of less than ten thousand dollars (\$10,000) in any fiscal year, but that are customarily leased or lease-purchased in numbers of two (2) or more, if the total lease or lease-purchase payments for such items under a single agreement would exceed ten thousand dollars (\$10,000) in any fiscal year;

(5)(A) Governing bodies may exempt perishable commodities from the requirements of public advertisement and competitive bidding when such items are purchased in the open market;

(B) A record of all such purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchase was made;

(C) A report of such purchases shall be made, at least monthly, to the county mayor and the governing body and shall include all items of information as required in the record; and

(6) Fuel and fuel products may be purchased in the open market without public advertisement, but shall whenever possible be based on at least three (3) competitive bids. Fuel and fuel products may be purchased from the department of general services' contract where available. § 5-14-205. **Small expenditures**

All purchases, leases or lease-purchase arrangements with expenditures of less than ten thousand dollars (\$10,000) in any fiscal year may be made in the open market without newspaper notice, but shall, wherever possible, be based upon at least three (3) competitive bids.

#### § 5-14-206. County's authority

(a) County governing bodies are specifically authorized to lower the dollar amounts required in this part for public advertisement and competitive bidding to an amount to be set by the county governing body.

(b) County governing bodies are specifically authorized to adopt regulations providing procedures for implementing this part.

**§ 5-14-207. Chemical products; material safety data sheets**

(a) Bid specifications for purchases of chemical products pursuant to this chapter shall require that the manufacturer of the chemical products create and maintain a material safety data sheet (MSDS) for such chemical products on the national MSDSSEARCH repository or the manufacturer's website so that the information can be accessed by means of the Internet. A site operated by or on behalf of the manufacturer or a relevant trade association is acceptable so long as the information is freely accessible to the public.

(b) The URL for MSDSSEARCH shall be posted on the web site of the department of general services as provided in § 12-3-217. In lieu of posting a MSDS on MSDSSEARCH, a bidder shall include the manufacturer's URL for their MSDS in the bid proposal or purchase order.