

## TITLE 5

### MUNICIPAL FINANCE AND TAXATION

#### CHAPTER 8

#### PURCHASE, SALE, AND INVENTORY OF TOWN PROPERTY

**5-805. Exceptions for competitive bids.** Except as otherwise provided in this chapter, all purchases, leases or lease-purchase agreements shall be made or entered into only after public advertisement and competitive bid, except as follows:

(1) When any goods or services may not be procured by competitive means because of the existence of a single source of supply or because of a proprietary product that is required by the town. Department heads will notify the purchasing agent of the intent to purchase from a sole source or proprietary vendor. A record of all such sole source or proprietary purchases shall be made by the purchasing agent and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such sole source or proprietary purchases shall be made as soon as possible to the town manager by the purchasing agent and shall include all items of information as required for the record;

(2) To 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. Department heads will notify the purchasing agent of the intent to make an emergency purchase. A record of any such emergency purchase shall be made by the purchasing agent 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. A report of any emergency purchase shall be made as soon as possible to the town council and town manager by the purchasing agent and shall include all items of information as required in the record;

(3) To purchase, lease, or lease-purchase real property;<sup>1</sup>

(4) To purchase, lease, or lease purchase from any federal, state, or local government unit or agency of secondhand articles or equipment or other materials, supplies, commodities, and equipment;

(5) To purchase from other local governments in conformity with Tennessee Code Annotated, § 12-3-1001;

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<sup>1</sup> State law reference

Tennessee Code Annotated §6-56-304(5) and (6)

(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 Tennessee Department of General Services contract where available. <sup>2</sup>

(7) To purchase through the Tennessee Department of General Services;

(8) To secure professional service contracts under Tennessee Code Annotated, § 12-4-106;

(9) To obtain tort liability insurance purchases as provided in Tennessee Code Annotated, § 29-20-407;

(10) To purchase, for resale, of natural gas and propane gas; <sup>3</sup>

(11) To any other purchase, lease or lease-purchase exempt from the requirements of public advertisement and competitive bidding pursuant to applicable federal or state law; and

(12) To purchase through the U.S. Communities Government Purchasing Alliance. (Ord. #02-09, April 2002, modified)

(13) To purchase through the National Joint Powers Alliance (NJPA) as provided in Tennessee Code Annotated §12-3-1205. (Ord. #14- 35, December, 2014)

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<sup>2</sup> State law reference

Tennessee Code Annotated §6-56-304(7).

<sup>3</sup> State law reference

Tennessee Code Annotated §6-56-304(8).