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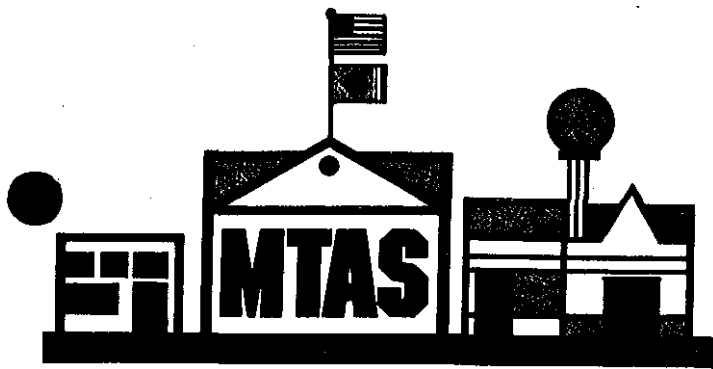
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TECHNICAL BULLETIN

MUNICIPAL TECHNICAL ADVISORY SERVICE
THE UNIVERSITY OF TENNESSEE
IN COOPERATION WITH THE TENNESSEE MUNICIPAL LEAGUE
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June 7, 1985

GENERAL ASSEMBLY CLARIFIES GENERAL LAW CHARTER
CITIES' ABILITY TO PURCHASE UNDER PROVISION OF CONTRACTS
OR PRICE AGREEMENTS ENTERED INTO BY
TENNESSEE DEPARTMENT OF GENERAL SERVICES

By William R. Bailey
MTAS Management Consultant

There has been disagreement for several years as to the ability of cities or towns incorporated under general law charters in Tennessee to make purchases or enter into contracts or price agreements as provided by the Department of General Services of the State of Tennessee under TCA 12-3-1001. The sentence providing for such purchases, contracts, and agreements did not specifically mention general law chartered units of local governments by saying "Where any local, special or private act requires that local governmental units purchase by competitive bidding, such local units of government may, notwithstanding such local, special or private act, purchase under the provisions of contracts or price agreements entered into by the department of general services."

The General Assembly, during the 1985 session, specifically included general law cities and towns by changing the above sentence to read: "Where any local or private act, charter, or general law requires that a local government may, notwithstanding the local or private act, charter, or general law, purchase, without public advertisement or competitive bidding, under the provisions of contracts or price agreements entered into by the department of general services." (HB198) (SD968) (Emphasis added by author)

Therefore, the law, as amended, now reads:

TCA 12-3-1001. Purchases for local governmental units. The department of general services may, upon request, purchase supplies and equipment for any county, city, municipality, special district, school district, or other local

(Over)

governmental unit of the state. The purchases shall be made on the same terms and under the same rules and regulations as now provided for the purchase of supplies and equipment by the department of general services. The cost of any purchase made pursuant to this section shall be borne by the local governmental unit concerned. The department of general services shall have the power to promulgate all rules and regulations necessary for the operation of this section, subject to the approval of the board of standards.

It is the intent of this section that the department of general services advise local governments of the benefits to be derived from the use of the purchasing procedures authorized herein. Where any local or private act, charter, or general law requires that a local governmental unit purchase by competitive bidding, the local unit of government may, notwithstanding the local or private act, charter, or general law, purchase, without public advertisement or competitive bidding, under the provisions of contracts or price agreements entered into by the department of general services.

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