Changes to the Cooperative Purchasing Agreement Law

Richard Whitehead
Municipal Technical Advisory Service, Richard.Whitehead@tennessee.edu

Follow this and additional works at: http://trace.tennessee.edu/utk_mtastech

Part of the Public Administration Commons

The MTAS publications provided on this website are archival documents intended for informational purposes only and should not be considered as authoritative. The content contained in these publications may be outdated, and the laws referenced therein may have changed or may not be applicable to your city or circumstances. For current information, please visit the MTAS website at: mtas.tennessee.edu.

Recommended Citation

This Bulletin is brought to you for free and open access by the Municipal Technical Advisory Service (MTAS) at Trace: Tennessee Research and Creative Exchange. It has been accepted for inclusion in MTAS Publications: Technical Bulletins by an authorized administrator of Trace: Tennessee Research and Creative Exchange. For more information, please contact trace@utk.edu.
During the 2010 legislative session, the General Assembly amended the state's purchasing law to give cities limited authority to enter into cooperative purchasing agreements with local governments that are located out of state.

Public Chapter No. 1067, which amends Tennessee Code Annotated § 12-3-1009, authorizes municipalities, with some exclusions, to participate in cooperative purchasing agreements with local governments outside of Tennessee for the procurement of supplies and services. The act specifically excludes construction materials, engineering services and architectural services from being procured by such agreements.

To participate in, sponsor, conduct or administer a cooperative purchasing agreement, interested cities should comply with the requirements set out in the act. According to the act, the laws of the other state must permit the joint exercise of authority. If the other participating local governments are authorized to do so, the agreement may be entered into by adopting an appropriate resolution. Among other provisions, the resolution should include an acceptance of the terms of the master agreement.

Also according to the act, in those situations where a participating municipality is required to advertise and receive bids, it is sufficient that the purchasing entity that procured the bid complied with its own purchasing requirements. Also note that where a municipality is required to purchase via competitive bidding, the price obtained via the cooperative purchasing agreement may be considered as one of the required bids.

Before the adoption of this act, the law in T.C.A. § 12-3-1009 only allowed municipalities to participate in cooperative purchasing agreements with other local governments within the state. That language, now designated as subsection (a), was not changed. The law was amended to give limited authorization to cities to enter into agreements with out of state governmental entities.