

CHARTER

Sec. 8.108. - Division of purchases created; appointment and qualification of purchasing agent.

There shall be in the department of finance a division of purchases, which shall consist of the purchasing agent and such other officers and employees, organized into such units, as may be provided by ordinance or by the director consistent with ordinance. The purchasing agent shall be appointed for an indefinite term by the mayor, subject to the civil service provisions of this Charter. The purchasing agent's salary shall be twelve thousand (\$12,000) dollars per annum, payable semimonthly. He shall be a person with at least five (5) years experience in private business or governmental purchases and property management, control and accountability. The purchasing agent shall have the responsibility of the general management and control of the division and shall have the power to make rules and regulations for the administration of the division subject to the approval of the director of finance.

Editor's note—See Metropolitan Charter § 18.05 for changes in salary and compensation through the general pay plan.

Sec. 8.109. - Function of division of purchases.

Except as provided in this section, the division of purchases shall purchase, or obtain by lease or rental, for the use of the metropolitan government and its departments, boards, commissions, officers and agencies all necessary and appropriate supplies, materials, equipment, other personal property, contractual services, insurance and surety bonds. The council may establish by ordinance rules and regulations, defining emergencies, under which designated items, including perishables, may be purchased or obtained without compliance with purchasing procedures established in this chapter. The electric power board, the Nashville Housing authority, the board of education and such other agencies as may be specified by ordinance shall be excluded from the purchasing procedures established in this chapter, except to the extent otherwise herein specifically provided.

⁷Sheriff, as an officer of the metropolitan government, is subject to and bound by the purchasing provisions of the Metropolitan Charter. *Metropolitan Government v. Poe*, 215 Tenn. 53, 383 S.W. 2d 265 (1964).

Sec. 8.110. - Powers and duties of purchasing agent.

The purchasing agent, for the purpose of giving effect to the provisions of the preceding section, shall have the following powers and duties:

- (a) With the approval of the director of finance and the mayor, and after consultation with the heads of the using agencies concerned, to establish and enforce standard specification for all supplies, materials and equipment required by the metropolitan government which the purchasing agent has authority to purchase or lease.
- (b) To prescribe the time of making requisitions for such supplies, materials and equipment and the future period which such requisitions are to cover.
- (c) To inspect, or cause to be inspected, all deliveries of such supplies, materials and equipment, and to cause tests to be made when necessary in order to determine their quality, quantity and conformance with specifications.
- (d) To supervise and control storerooms, mailing, messenger, central duplicating and printing services and facilities provided for the various agencies of the metropolitan government as provided by ordinance.
- (e) To transfer to or between using agencies, with the approval of public property director, sell or trade in supplies, materials or equipment determined by him, after consultation with the heads of the using departments or agencies concerned, to be surplus obsolete or unused.

- (f) To perform such duties with regard to the letting of contracts for public works or improvements as are provided in this Charter, and to have such other powers and to perform such other duties as may be provided by ordinance.
- (g) To submit a monthly report of his activities to the director of finance. The director of finance may assign the functions set forth in subsections (c), (d) and (e) of this section to some other division in his department.

Sec. 8.111. - Competitive bidding for purchases or sales.

Before making any purchase or contract requiring expenditure of a sum in excess of one thousand dollars (\$1,000), the purchasing agent shall take competitive bids, pursuant to Tennessee Code Annotated, Section 7-3-306, as the same may be amended, and under such rules and regulations as may be established by ordinance. Before making a sale the purchasing agent shall require competitive bids. The making of all other purchases or contracts by the purchasing agent shall be under such conditions, rules and regulations as may be prescribed by ordinance. The purchasing agent may reject any and all bids received for purchases or sales.

Editor's note—The first sentence of § 8.111 was amended by referendum election held November 5, 1996.
