

HOUSE BILL 1348

By Womick

AN ACT to amend Chapter 429 of the Private Acts of 1931; as amended by Chapter 406 of the Private Acts of 1941; Chapter 161 of the Private Acts of 1984; Chapter 109 of the Private Acts of 1991; Chapter 104 of the Private Acts of 1993; Chapter 42 of the Private Acts of 1997; and any other acts amendatory thereto, relative to the charter of the City of Murfreesboro.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 429 of the Private Acts of 1931; as amended by Chapter 406 of the Private Acts of 1941; Chapter 161 of the Private Acts of 1984; Chapter 109 of the Private Acts of 1991; Chapter 104 of the Private Acts of 1993; Chapter 42 of the Private Acts of 1997; and any other acts amendatory thereto, is amended by deleting Section 42, Subsection 10 in its entirety and by substituting instead the following new language:

(10) *Duties as purchasing agent, council to prescribe maximum expenditure; when bids required.* To act as purchasing agent for the city and to purchase all materials, supplies, equipment and services for the proper conduct of the city government and its affairs; provided, however, that the city council shall prescribe by ordinance or resolution the maximum expenditure that the city manager may make without specific authorization of the council; and the amount, absent an exception, at which competitive bidding with public advertisement and sealed bids is required.

SECTION 2. Chapter 429 of the Private Acts of 1931; as amended by Chapter 161 of the Private Acts of 1984; Chapter 109 of the Private Acts of 1991; Chapter 104 of the Private Acts of 1993; Chapter 42 of the Private Acts of 1997; and any other acts amendatory thereto, is amended by deleting Section 98 in its entirety and by substituting instead the following new language:

## **Section 98. Purchases requiring Competitive Bidding; Construction**

### **Contracts.**

The City shall competitively bid procurements of goods and services, including construction, through public advertisement and the submittal of written sealed bids by a date and time certain when competitive bidding based on price is mandated by state or federal law and when competitive bidding based on price is required by city ordinance or resolution. The City Council shall, by ordinance or resolution, establish a dollar limit over which competitive bidding is required unless an exception is applicable.

The City shall require written contracts for the construction, alteration, expansion or demolition of any municipal improvement other than for work done by City employees. All such construction contracts shall, at a minimum, comply with applicable provisions of state or federal law regarding performance and payment bonds, insurance and retainage. The City may require contractual provisions on these and other issues which are not in conflict with applicable state or federal laws in any construction contract.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Murfreesboro. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.