

HOUSE BILL 2191

By DeBerry L

AN ACT to amend Tennessee Code Annotated, Title 12,
Chapter 3, relative to purchasing.

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

SECTION 1. Tennessee Code Annotated, Section 12-3-1011, is amended by adding the following as a new subsection:

() A governmental utility board, as defined in § 12-3-1011(j)(2) may use the following alternative procedure for competitive bids whenever the governing body of the governmental utility board shall find that it is unlikely that such procedure will encourage favoritism in the awarding of such contracts or substantially diminish competition for such contracts. In such cases, the governing body of a governmental utility board shall find and determine that the following alternative procedure should be used:

(1) Quotations and other relevant information pertaining to the proposed purchase shall be solicited through a request for bids prepared by the governmental utility board, which shall be spread upon the minutes and be made a public record of the governmental utility board;

(2) The award of such purchases may be made to a responsive and responsible vendor whose bid is determined by the proposing governmental utility board to be the best evaluated offer resulting from negotiation and taking into consideration the relative importance of price and other evaluation factors set forth in the request for bids;

(3) If provided in the request for bids, the responding bids shall be opened so as to avoid disclosure of contents to competing offerors and kept secret during the process of negotiation. However, all bids that have been

submitted shall be open for public inspection after the contract is awarded, except for trade secrets and confidential information contained in the bids and identified as such; and

(4) As provided in the request for bids and under rules adopted by the governing body of the governmental utility board, discussions may be conducted with responsible offerors who submit bids determined to be reasonably susceptible of being selected for award. Offerors must be accorded fair treatment with respect to any opportunity for discussion and revision of bids, and revisions may be permitted after submission and before award for the purpose of obtaining the best and final offers.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.