

SENATE BILL 304

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 5, Chapter 14, Part 2; Title 5, Chapter 21, Part 1; Title 5, Chapter 14, Part 1; Title 6, Chapter 56, Part 3 and Title 7, Chapter 3, Part 3, relative to reverse auctions.

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

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 14, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 5-14-117.

(a) In addition to the authority granted to counties pursuant to this part, a county may purchase goods and services through a competitive reverse auction process that allows offerors to bid on specified goods or services electronically and adjust bid pricing during the event beginning at a specified time. An award shall be made to the offeror determined to be the lowest responsible and responsive bidder at the close of the event.

(b) The provisions of this section shall not apply to:

(1) Construction services other than those relating to maintenance, repairs and renovations; or

(2) Architectural or engineering services.

SECTION 2. Tennessee Code Annotated, Section 5-14-112(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Prepare, adopt and promulgate policies and procedures concerning the competitive reverse auction procurement methodology authorized pursuant to § 5-14-117.

SECTION 3. Tennessee Code Annotated, Title 5, Chapter 14, Part 2, is amended by adding the following language as a new, appropriately designated section:

§ 5-14-208.

(a) In addition to the authority granted to counties pursuant to this part, a county may purchase goods and services through a competitive reverse auction process that allows offerors to bid on specified goods or services electronically and adjust bid pricing during the event beginning at a specified time. An award shall be made to the offeror determined to be the lowest responsible and responsive bidder at the close of the event.

(b) The provisions of this section shall not apply to:

(1) Construction services other than those relating to maintenance, repairs and renovations; or

(2) Architectural or engineering services.

(c) The county legislative body shall direct an appropriate official to prepare, adopt and promulgate policies and procedures concerning the competitive reverse auction procurement methodology authorized by this section.

SECTION 4. Tennessee Code Annotated, Title 5, Chapter 21, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 5-21-130.

(a) In addition to the authority granted to counties pursuant to this part, a county may purchase goods and services through a competitive reverse auction process that allows offerors to bid on specified goods or services electronically and adjust bid pricing during the event beginning at a specified time. An award shall be made to the offeror determined to be the lowest responsible and responsive bidder at the close of the event.

(b) The provisions of this act shall not apply to:

(1) Construction services other than those relating to maintenance, repairs and renovations; or

(2) Architectural or engineering services.

SECTION 5. Tennessee Code Annotated, Section 5-21-119(b), is amended by adding the following language as a new, appropriately designated subdivision:

() The development of policies and procedures concerning the competitive reverse auction procurement methodology authorized pursuant to § 5-21-130.

SECTION 6. Tennessee Code Annotated, Title 6, Chapter 56, Part 3, is amended by adding the following language as a new, appropriately designated section:

§ 6-56-308

(a) In addition to the authority granted to municipalities pursuant to this part, a municipality may purchase goods and services through a competitive reverse auction process that allows offerors to bid on specified goods or services electronically and adjust bid pricing during the event beginning at a specified time. An award shall be made to the offeror determined to be the lowest responsible and responsive bidder at the close of the event.

(b) The provisions of this section shall not apply to:

(1) Construction services other than those relating to maintenance, repairs and renovations; or

(2) Architectural or engineering services.

(c) The municipal legislative body shall direct an appropriate official to prepare, adopt and promulgate policies and procedures concerning the competitive reverse auction procurement methodology authorized by this section.

(d) Notwithstanding any other provision of this part, any municipality which has charter provisions or private act requirements governing competitive bidding and

purchasing is authorized to adopt the provisions of this section by enacting an ordinance for such purposes.

SECTION 7. Tennessee Code Annotated, Title 7, Chapter 3, Part 3, is amended by adding the following as a new section thereto:

§ 7-3-307.

(a) In addition to the authority granted to metropolitan governments pursuant to this part, a metropolitan government may purchase goods and services through a competitive reverse auction process that allows offerors to bid on specified goods or services electronically and adjust bid pricing during the event beginning at a specified time. An award shall be made to the offeror determined to be the lowest responsible and responsive bidder at the close of the event.

(b) The provisions of this section shall not apply to:

(1) Construction services other than those relating to maintenance, repairs and renovations; or

(2) Architectural or engineering services.

(c) A metropolitan government's legislative body shall direct an appropriate official to prepare, adopt and promulgate policies and procedures concerning the competitive reverse auction procurement methodology authorized by this section.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.