

Ordinance No. 16-449

AN ORDINANCE AMENDING THE MOUNT CARMEL MUNICIPAL CODE, TITLE 5, "MUNICIPAL FINANCE AND TAXATION", CHAPTER 4, "PURCHASING".

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN TITLE 5, "MUNICIPAL FINANCE AND TAXATION", CHAPTER 4, "PURCHASING" IS AMENDED AS FOLLOWS:

SECTION

5-401. APPLICATION

5-402. LIMITS ON PURCHASES

5-403. ADVERTISING AND BIDDING — EXCEPTIONS

5-404. ADVERTISING AND BIDDING — EXPENDITURES OF LESS THAN \$9,000

5-405. ADDITIONAL AUTHORITY OF THE BOARD

5-406. BID SPECIFICATIONS FOR PURCHASES OF CHEMICAL PRODUCTS

5-401. APPLICATION. This chapter shall apply to all purchases by authorized officials in the Town of Mount Carmel using or encumbering municipal funds, except as follows:

(1) This chapter shall not apply to purchases made under the provisions of *Tennessee Code Annotated* § 12-3-1001;

(2) This chapter shall not apply to investments in or purchases from the pooled investment fund established pursuant to *Tennessee Code Annotated* title 9, chapter 4, part 7; and

(3) This chapter shall not apply to purchases from instrumentalities created by two (2) or more cooperating governments such as, but not limited to, those established pursuant to the Inter-local Cooperation Act, compiled in *Tennessee Code Annotated* title 12, chapter 9; and

(4) This chapter shall not apply to purchases from nonprofit corporations such as, but not limited to, the Local Government Data Processing Corporation, whose purpose or one of whose purposes is to provide goods or services specifically to municipalities.

5-402. LIMITS ON PURCHASES. All purchases made from funds subject to the authority of this chapter shall be made within the limits of the approved budget, when required, and the appropriations, when required, for the department, office or agency for which the purchase is made.

5-403. ADVERTISING AND BIDDING — EXCEPTIONS. Except as hereinafter provided, all purchases and leases or lease-purchase agreements shall be made or entered into only after public advertisement and competitive bid, except as follows:

(1) Purchases costing less than nine thousand hundred dollars (\$9,000); provided that this exemption shall not apply to purchases of like items that individually cost less than nine thousand hundred dollars (\$9,000), but that are customarily purchased in lots of two (2) or more, if the total purchase price of such items would exceed nine thousand dollars (\$9,000) during any fiscal year;

(2) Any goods or services that may not be procured by competitive means because of the existence of a single source of supply or because of a proprietary product. A record of all such sole source or proprietary purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such sole

source or proprietary purchases shall be made as soon as possible to the Board of Mayor and Aldermen and shall include all items of information as required for the record;

(3) Purchases or leases of any supplies, materials or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work. A record of any such emergency purchase shall be made by the person or body authorizing such emergency purchases, and shall specify the amount paid, the items purchased, from whom the purchase was made and the nature of the emergency. A report of any emergency purchase shall be made as soon as possible to the Board of Mayor and Aldermen, and shall include all items of information as required in the record;

(4) Leases or lease-purchase agreements requiring total payments of less than nine thousand dollars (\$9,000) in each fiscal year the agreement is in effect, provided that, this exemption shall not apply to leases of like or related items that individually may be leased or lease-purchased with total payments of less than nine thousand hundred dollars (\$9,000) in any fiscal year, but which are customarily leased or lease-purchased in numbers of two (2) or more, if the total lease or lease-purchase payments for such items under a single agreement would be nine thousand dollars (\$9,000) or more in any fiscal year;

(5) Purchases, leases, or lease-purchases of real property;

(6) Purchases, leases, or lease-purchases from any federal, state, or local governmental unit or agency of secondhand articles or equipment or other materials, supplies, commodities, and equipment;

(7) Purchases of perishable commodities, when such items are purchased in the open market. A record of all such purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such purchases shall be made, at least monthly, to the chief executive officer and the governing body, and shall include all items of information as required in the record. Fuel and fuel products may be purchased in the open market without public advertisement, but shall whenever possible be based on at least three (3) competitive bids. Fuel and fuel products may be purchased from the department of general services' contract where available; and

(8) Purchases, for resale, of natural gas and propane gas.

5-404. ADVERTISING AND BIDDING — EXPENDITURES OF LESS THAN \$9,000.

All purchases, leases, or lease-purchase arrangements with expenditures of less than nine thousand dollars (\$9,000) but more than two thousand five hundred (\$2,500) in any fiscal year may be made in the open market without public advertisement, but shall, whenever possible, be based upon at least three (3) competitive bids (quotes). Purchases, leases, or lease-purchases of two thousand five hundred dollars (\$2,500) or less in any fiscal year shall not require any public advertisement or competitive bidding.

5-405. ADDITIONAL AUTHORITY OF THE BOARD.

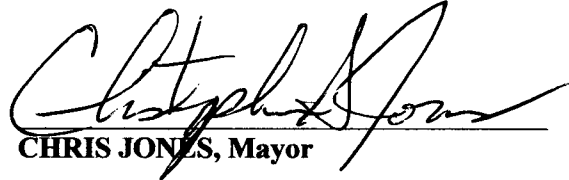
(a) The Board of Mayor and Aldermen are specifically authorized to lower the dollar amounts required in this chapter for public advertisement and competitive bidding to an amount to be set by the Board, by ordinance. The Board of Mayor and Aldermen may by ordinance increase the dollar amount required in this chapter for public advertisement and competitive bidding from nine thousand dollars (\$9,000) to a maximum of ten thousand dollars (\$10,000) .

(b) The Board of Mayor and Aldermen are specifically authorized to adopt regulations providing procedures for implementing this chapter.

5-408. BID SPECIFICATIONS FOR PURCHASES OF CHEMICAL PRODUCTS.

specifications for purchases of chemical products pursuant to this chapter shall require that the manufacturer of the chemical products create and maintain a material safety data sheet (MSDS) for such chemical products on the national MSDSSEARCH repository or the manufacturer's web site so that the information can be accessed by means of the Internet. A site operated by or on behalf of the manufacturer or a relevant trade association is acceptable so long as the information is freely accessible to the public.

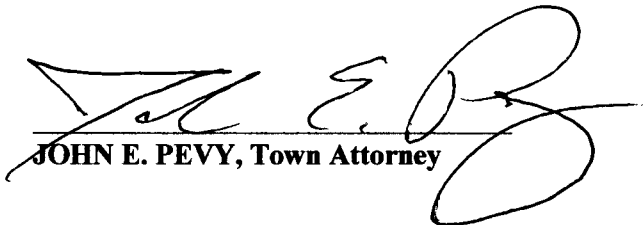
(a) The URL for MSDSSEARCH shall be posted on the web site of the department of general services as provided in § 12-3-217. In lieu of posting a MSDS on MSDSSEARCH, a bidder shall include the manufacturer's URL for their MSDS in the bid proposal or purchase order.


CHRIS JONES, Mayor

ATTEST:


MARIAN SANDIDGE, City Recorder

APPROVED AS TO FORM:


JOHN E. PEVY, Town Attorney

MOTION: Alderman Margaret Christian

SECOND: Alderman Jennifer Williams

FIRST READING	AYES	NAYS	OTHER
ALDERMAN DIANE ADAMS	X		
ALDERMAN EUGENE CHRISTIAN	X		
ALDERMAN MARGARET CHRISTIAN	X		
ALDERMAN WANDA DAVIDSON			Absent
ALDERMAN JENNIFER WILLIAMS	X		
VICE-MAYOR CARL WOLFE	X		
MAYOR CHRIS JONES	X		
TOTALS	6	0	1

PASSED FIRST READING: December 27, 2016

MOTION:

SECOND:

SECOND READING	AYES	NAYS	OTHER
ALDERMAN DIANE ADAMS			
ALDERMAN EUGENE CHRISTIAN			
ALDERMAN MARGARET CHRISTIAN			
ALDERMAN WANDA DAVIDSON			
ALDERMAN JENNIFER WILLIAMS			
VICE-MAYOR CARL WOLFE			
MAYOR CHRIS JONES			
TOTALS			

PASSED SECOND READING: January 24, 2017

PUBLICATION AFTER PASSAGE:

DATE: January , 2017
NEWSPAPER: *Kingsport Times-News*

Subject: Published Ordinances
From: Marian Sandidge (mariansandidge@yahoo.com)
To: sedwards@timesnews.net;
Date: Wednesday, January 25, 2017 3:42 PM

January 25, 2017

Kingsport Times-News
ATTN: Sheryl Edwards
Classified Advertising Department
P.O. Box 479
Kingsport, TN 37662

RE: Adopted Ordinances for the Town of Mount Carmel

Dear Sheryl:
Please run the following advertisement in the Legal Section one time:

NOTICE

The Town of Mount Carmel, TN, on January 24, 2017, passed **Ordinance No. 16-448**, "An Ordinance Amending the Appeals Procedure of the Personnel Policies and Procedures Handbook for the Town of Mount Carmel, Tennessee." And **Ordinance No. 16-449**, "An Ordinance Amending the Mount Carmel Municipal Code, Title 5, "Municipal Finance and Taxation", Chapter 4, "Purchasing."

Should you have any additional questions, please give me a call.

Sincerely,
TOWN OF MOUNT CARMEL
Marian Sandidge, City Recorder