



Municipal Technical Advisory Service  
INSTITUTE *for* PUBLIC SERVICE

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## Purchasing Through Competitive Sealed Proposals Summary

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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## Purchasing Through Competitive Sealed Proposals Summary

**Reference Number:** MTAS-2047

Municipalities may make purchases using competitive sealed proposals rather than competitive sealed bids when the governing body determines that competitive sealed bidding is either not practicable or not advantageous to the municipality. This act places these restrictions and requirements on purchasing through competitive sealed proposals:

- The governing body must adopt a procurement code by ordinance before purchases may be made through competitive sealed proposals. MTAS, in conjunction with the comptroller's office, will develop a code that municipalities may adopt.
- The governing body must follow the procurement code; this code must contain criteria and procedures for making purchases.
- Purchases using competitive sealed proposals may be made only in instances when qualifications, experience, and competence are more important than price.
- These purchases may be made only when there is either:
  - More than one solution to a purchasing issue and the competitive sealed proposals will assist in choosing the best solution, or
  - No readily identifiable solution to a purchasing issue and competitive sealed proposals will assist in identifying one or more solutions.
- Adequate public notice must be given for the request for proposals in the same manner as for requests for competitive sealed bids.
- The request for proposals must state the relative importance of price and other factors.
- Proposals must be opened in a manner that avoids disclosure of contents to competing respondents during the later negotiations. Proposals must be open to public inspection when the intent to award the contract to a particular respondent is announced.
- Discussions for clarification may be conducted with responsible respondents who submit proposals that have been determined by the purchasing agent to be viable for selection. These respondents must be given fair treatment relative to discussion and revision of proposals. Revisions to submitted proposals are permitted before the intent to award to a particular respondent is announced.
- In the discussions, the purchasing agent and other municipal personnel may not disclose information derived from competing proposals.
- The award must be made to the responsible respondent whose proposal the governing body determines is most advantageous to the municipality. The purchasing agent must place in the file a statement containing the basis on which the award was made.

The T.C.A. citation for this topic is T.C.A. § 12-3-1207.

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