TITLE 5

MUNICIPAL FINANCE AND TAXATION

CHAPTER

1. MISCELLANEOUS.
2. REAL AND PERSONAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.
5. PURCHASING REGULATIONS.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depository for city funds.

5-101. Official depository for city funds. The Citizens Bank and the Macon Bank and Trust Company of Lafayette, Tennessee, are hereby designated as the official depositories for all city funds. (1973 Code, § 6-501)

CHAPTER 2

REAL AND PERSONAL PROPERTY TAXES[1]

SECTION

5-201. When due and payable.
5-202. When delinquent--penalty and interest.

5-201. When due and payable. Taxes levied by the city against real and personal property shall become due and payable on the dates prescribed in the charter. (1973 Code, § 6-101)

5-202. When delinquent--penalty and interest. All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes. (1973 Code, § 6-102, modified)

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[1]Charter references
Assessment, collection, etc.: § 20, § 21.

CHAPTER 3

PRIVILEGE TAXES[1]

SECTION

5-301. Tax levied.
5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the Act. (1973 Code, § 6-201)

5-302. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1973 Code, § 6-202)

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[1]Municipal code reference
Privilege tax: § 8-216.

CHAPTER 4

WHOLESALE BEER TAX

SECTION

5-401. To be collected.

5-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.[1] (1973 Code, § 6-301)

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[1]State law reference

Tennessee Code Annotated, title 57, chapter 6 provides for a tax of 17% on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.

CHAPTER 5

PURCHASING REGULATIONS

SECTION

5-501. Competitive bidding
5-502. Exceptions to formal competitive bidding.
5-503. Formal competitive bidding procedure.
5-504. Determining the lowest responsible bidder.
5-505. Award to other than low bidder.
5-506. Rejecting bids.
5-507. Clause required in all contracts.
5-508. Purchase orders, etc.

5-501. Competitive bidding. No purchase of or contract for supplies or services shall be made by the city without formal competitive bidding, except as herein provided. (1973 Code, § 1-1301)

5-502. Exceptions to formal competitive bidding. Formal competitive bidding may be dispensed with in the following instances:

(1) When the dollar amount of the purchase or contract does not exceed two hundred dollars ($200.00), the mayor shall make purchases and contracts in the open market after such inquiry as he deems necessary to insure that the price obtained is the most advantageous to the City of Lafayette.

(2) For purchases and contracts above twenty five thousand dollars ($25,000.00) for equipment, for materials, supplies or services except for personal services, the need for such must first be determined by the Lafayette City Council and upon approval of said city council of such need of purchases and contracts for equipment, materials and supplies and services except for personal services above eight thousand dollars ($8,000.00) shall be made in the following manner: For purchases and contracts from eight thousand dollars ($8,000.00) to twenty five thousand dollars ($25,000.00) the mayor shall solicit bids orally by telephone or in writing from at least three (3) suppliers, if so many be available in the locality; and he shall keep on file a tabulation make and quotations received.

(3) When the supplies can be obtained from only one (1) vendor.

(4) When the service is unique and not subject to competitive bidding.

(5) When an emergency exists and the procurement is essential to prevent delays of the using department which may vitally affect the life, health, or convenience of citizens. If an award is made without competition a formal report of such award together with a certification or statement justifying the lack of competition shall be made by the city council.

(6) When public work is performed by the city with its own employees.

(7) When an existing concession or maintenance service agreement is about to expire, and the city council by affirmative vote of not less than four (4)

of its members renews or extends such agreement, provided each such renewal or extension does not exceed the length of and contains terms as favorable to the city as the original agreement; or

(8) When the supplies and equipment can be purchased in cooperation with other public agencies or entitles and it is to the advantage of the city to do so. (1973 Code, § 1-1302, as amended by Ord. # 531, Nov. 2007, Ord. #783, June 2021 ***Ch4_06-01-21***, and Ord. #839, Oct. 2023 ***Ch5_03-05-24***)

5-503. <u>Formal competitive bidding procedure</u>. All formal bids shall be solicited, opened and awards made thereon as follows:

(1) <u>Solicitation of bids</u>. Bids shall be solicited by notice inviting bids published in the newspaper, having general circulation within the corporate limits of the City of Lafayette, Tennessee, at least once each week for two (2) consecutive weeks with such first publications being at least twenty-one (21) days prior to the time of bid opening. However, bids for insurance shall be advertised at least once each week for two (2) consecutive weeks with the first publication being at least sixty (60) days prior to the time of bid opening unless an emergency exist.

(2) <u>Contents of notice</u>. Notice inviting bids shall include a general description of the supplies or services to be purchased or contracted for, shall state where bid forms and specifications may be secured and shall specify the time and place for the receipt and opening of bids.

(3) <u>Minimum number of bids</u>. Whenever possible, at least two (2) bids shall be obtained.

(4) <u>Form of bids</u>. All bids shall be in writing.

(5) <u>Bid opening</u>. Bids shall be opened by the city council at the time and place designated in the notice inviting bids.

(6) <u>Awards: rejection</u>. Awards shall be made by the city council to the lowest responsible bidder. However, the city council may reject all bids, solicit new bids, or may determine that the work or service may be performed more economically or more satisfactorily by the city with its own employees. (1973 Code, § 1-1303)

5-504. <u>Determining the lowest responsible bidder</u>. In determining the lowest responsible bidder, the following shall be considered in addition to price:

(1) The quality of supplies offered.

(2) The ability, capacity, and skill of the bidder to perform the contract or to provide the supplies or services required.

(3) Whether the bidder can perform the contract or provide the supplies promptly, or within the time specified, without delay or interference.

(4) The sufficiency of the bidder's financial resources and the effect thereof on his ability to perform the contract or to provide the supplies or services.

(5) The character, integrity, reputation, judgment, experience, and efficiency of the bidder.

(6) The quality of bidder's performance on previous orders or contracts for the city.

(7) Litigation by the bidder on previous orders or contracts with the city.

(8) The previous and existing compliance by the bidder with laws and ordinances relating to the subject of the purchase or contract.

(9) The ability of the bidder to provide future maintenance and service where such maintenance and service is essential. (1973 Code, § 1-1304)

5-505. Award to other than low bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons thereof shall be prepared by the city council, approved by the city attorney and filed with the other papers related to the transaction. (1973 Code, § 1-1305)

5-506. Rejecting bids. The city council may reject any and all bids. (1973 Code, § 1-1307)

5-507. Clause required in all contracts. There shall be inserted in all contracts and contractors shall be required to insert in all contracts the following provision: "No council member, officer, or employee of the City of Lafayette, during his tenure or for one (1) year thereafter has any interest directly or indirectly in this contract or the proceeds thereof." (1973 Code, § 1-1308)

5-508. Purchase orders, etc. There shall be prenumbered purchase orders for all purchases. The department head and city recorder or his/her designee are authorized to make purchases after first determining that the item is necessary, and that the quantity requested is appropriate. The recorder or his/her designee, by signing said purchase order, indicates that there is a sufficient balance in the unexpected appropriations to allow the expenditure, and that the expenditure is in accordance with the purpose of the appropriation. (1973 Code, § 1-1309)