

CHAPTER NO. 473

SENATE BILL NO. 2969

By Herron, Kilby, Cooper, McLeary, Crowe

Substituted for: House Bill No. 3254

By Rinks, Mr. Speaker Naifeh, Coleman, Hargrove, Baird, McKee

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 12, relative to departments and agencies giving preference to Tennessee products when purchasing goods.

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

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, Part 1, is amended by adding the following as a new, appropriately designated section:

12-4-1___. (a) Notwithstanding any other provision of law to the contrary, all departments and agencies making purchases of goods, including agricultural products, shall give preference to those produced or grown in this state or offered by Tennessee bidders as follows:

(1) Goods produced in this state or offered by Tennessee bidders shall equally be given preference if the cost to the state and quality are equal; and

(2) Agricultural products grown in this state shall be given first preference and agricultural products offered by Tennessee bidders shall be given second preference, if the cost to the state and quality are equal.

(b) If goods, including agricultural products, produced or grown in this state or offered by Tennessee bidders are not equal in cost and quality to other products, then goods, including agricultural products, produced or grown in other states of the United States shall be given preference over foreign products if the cost to the state and quality are equal.

(c) In this section:

(1) "Agricultural products" includes textiles and other similar products.

(2) "Tennessee bidder" means a business:

(A) Incorporated in this state;

(B) That has its principal place of business in this state; or

(C) That has an established physical presence in this state.

(d) The commission and all state agencies making purchase of vegetation for landscaping purposes, including plants, shall give preference to Tennessee vegetation

native to the region if the cost to the state is not greater and the quality is not inferior.

(e) All departments and agencies procuring services shall give preference to services offered by a Tennessee bidder if:

(1) The services meet state requirements regarding the service to be performed and expected quality; and

(2) The cost of the service does not exceed the cost of other similar services of similar expected quality that are not offered by a Tennessee bidder.

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

PASSED: March 18, 2004


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of April 2004


PHIL BREDESEN, GOVERNOR