

## **Opinion No. 69-62**

June 16, 1969

**BY:** OPINION OF JAMES A. MALONEY, Attorney General Mark B. Thompson III,  
Assistant Attorney General

**TO:** Mr. Paul F. Becht, State Purchasing Agent, State Capitol, Santa Fe, New Mexico  
87501

### **QUESTIONS**

#### QUESTIONS

May the Board of Finance establish a ten per cent preference for instate printers under Sections 10-1-8 through 10-1-11, N.M.S.A., 1953 Compilation?

#### CONCLUSION

See Analysis:

### **OPINION**

#### {\*93} ANALYSIS

Under New Mexico Statutes all state agencies, departments, boards, institutions or any political subdivision must award printing contracts for printed supplies or printing ordinarily obtainable from New Mexico firms to New Mexico firms. Sections 10-1-8 and -9, N.M.S.A., 1953 Compilation. Under Section 10-1-10, the legislature has provided that the foregoing sections do not apply to any out-of-state printing which is first approved in writing by the State Board of Finance.

Simply stated, the State Board of Finance has the authority to approve contracts for out-of-state printing by state agencies. The State Board of Finance does not have the authority to amend Sections 10-1-8 and 10-1-9 to provide a certain percentage preference. The Board merely has the power to approve or disapprove a contract for out-of-state printing.

The action of the Board of Finance is not to be construed as a waiver of the in-state printing firm preference. The statute itself creates an exception to the in-state printing preference by stating that the statute giving the preference does not apply to contracts approved by the Board of Finance.

We conclude, therefore, that the New Mexico law gives the Board of Finance the discretion to use its judgment in determining when an out-of-state firm should be awarded a contract for printing. There are no statutory guidelines for the exercise of this

judgment and we assume that the Board of Finance will take into consideration all the economic factors to involved in awarding contracts to instate printers, as well as seeing that the government of the State of New Mexico is run on an efficient and economical basis.