

Opinion No. 12-1125

October 22, 1912

BY: FRANK W. CLANCY, Attorney General

TO: Mr. N. J. Yarborough, Columbus, N. M.

SCHOOLS.

School directors should not reject the lowest bid for building a school house without some substantial reason.

OPINION

{*307} Your letter of the 17th inst. was received on Monday last, but I have not been able sooner to give it attention. As far as I am aware, there is no absolute requirement that school directors must award a contract for building a school house to the lowest bidder. The custom is, in advertising for bids, to reserve the right to reject any or all bids, and probably you did that in your advertisement. I think you would be justified in rejecting a bid, even though it may be the lowest, if you are satisfied that the bidder is incompetent and could not perform the work to your satisfaction, or if you believed him to be of such character that you would have trouble about the work. You ought to have substantial reason, however, before you reject the lowest bid, as to do so would put you in such position that you may be attacked and criticized if there were not good reason for what you do.