

## Opinion No. 14-1363

October 9, 1914

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Hon. K. K. Scott, District Attorney, Roswell, New Mexico.

### INDEXING OF RECORDS.

County commissioners authorized to pay for indexing of records, without advertising for bids.

### OPINION

{\*224} I have this morning received from Mr. Ballard, County Clerk of Chavez County, copy of the order made by the Board of County Commissioners of that county in July, 1911, by which the clerk was authorized, directed and instructed, to bring up the records of the county by the use of the Cott index books and system, in first-class manner, and to continue work on the same until completed, at a price for each entry fixed in the order, payment to be made upon the completion of the work.

From your recent letter of the 26th ult., which was accompanied by another from Mr. Ballard, addressed to you, it appears that some question has arisen as to the validity of the action of the County Commissioners in 1911, in directing the clerk to do this work, because the cost exceeded \$ 300, and that, therefore, under the requirements of Section 698 of the Compiled Laws of 1897, it should have been advertised and let to the lowest bidder.

I am unable to see that this statutory provision can have any application to such work as this now under consideration. This work requires expert knowledge and familiarity with the records, and ought not to be made the subject of competitive bids. If the county were authorized to employ counsel to attend to important litigation, it would be no more unreasonable to apply this statute to such work and require advertising for bids from members of the bar, than to make it applicable to the work of indexing the records. The mere statement of this proposition shows its absurdity. The least competent members of the bar would offer to do the work for the lowest prices, and anyone would concede that it would be grossly improper for the County Commissioners to employ such counsel. Presumably, the Board employed Mr. Ballard to do this work because of his special qualifications to do it in a satisfactory manner, and to advertise for bids might have brought into competition with him, persons of no skill or experience in such work.

I agree fully with you that the action of the Commissioners was valid and that the statute about bids cannot be held applicable to this class of work.