

Opinion No. 39-3169

June 8, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mrs. Grace J. Corrigan, Superintendent of Public Instruction, Santa Fe, New Mexico.

{*60} By your written memorandum dated June 8 you request an opinion from this office {*61} as to whether or not the State Board of Education in its purchases of textbooks falls within the provisions of Chapter 233 of the Session Laws of 1939, relating to the submission of bids on purchases by state, county and municipal officials, etc.

Since the New Mexico State Board of Education is a "state board," the same clearly falls within the provisions of Section 1 of the Act, which states the scope of the Act and in part defines the word "purchaser" as follows:

"The provisions of this act shall apply to and the word 'purchaser', as used herein, shall include the following: * * * all * * * state bureaus and state boards."

Since most of your purchases of textbooks involve the expenditure of more than \$ 500.00, I call your attention to the following portion of Section 4 of the Act which requires publication of notice of bids and acceptance of the bid of the lowest possible bidder:

"Purchases, * * *, which involve the expenditure at any one time of more than \$ 500 shall only be made or entered into after notice, that bids will be received at a time and place designated in the notice, has been published for at least once each week for two consecutive weeks in a newspaper of general circulation in the county in which the purchaser is located.

The bid of the lowest responsible bidder * * * shall be accepted, except where the specifications of the goods offered do not meet the specifications of the purchaser, * * *, provided, however, a purchaser may reject all bids."

By: FRED J. FEDERICI,

Asst. Atty. Gen.