

## Opinion No. 39-3200

June 30, 1939

**BY:** FILIO M. SEDILLO, Attorney General

**TO:** Mr. Chester R. Scott, Bursar, New Mexico School of Mines, Socorro, New Mexico.

{\*76} We have your letter dated June 28 wherein you state and inquire as follows:

"We anticipate placing an order for needs for the School in excess of the value of \$ 200. and we understand this will require advertisement for bids.

Will you kindly instruct us as to how we should proceed and furnish us with any necessary forms that must be used?"

You refer no doubt to Chapter 233, New Mexico Session Laws of 1939, the so-called Public Purchase Act.

You are in error when you state that you understand that the law requires advertisement for bids where the purchase of goods exceeds \$ 200.00.

Under Section 4 of the Act, purchases involving the expenditure at any one time of more than \$ 200.00 but less than \$ 500.00 require no advertisement for bids. All that is required is that at least three bona fide bids in writing be obtained.

You may give notice to your prospective bidders verbally, by letter, or by whatever means you see fit.

It is only where the purchase involves an expenditure at any one time of more than \$ 500.00 that the law requires publication of notice calling for bids 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.

This published notice that bids will be received may take any form you desire. It should contain the place where bids may be received, together with the last date and hour on which bids must be received by the purchaser in order to be considered. The notice should specify generally what is sought to be purchased but need not be in particular detail. The notice should state that particular specifications of the goods sought to be purchased may be obtained by writing or otherwise contacting the purchaser. The notice should also specify that the purchaser reserves the right to reject any bid which does not meet the specifications required, and further that the purchaser reserves the right to "reject **all** bids."

Trusting the foregoing sufficiently answers your inquiry, I am,

By: FRED J. FREDERICI,

Asst. Atty. Gen.