

Opinion No. 58-27

February 11, 1958

BY: OPINION OF FRED M. STANDLEY, Attorney General Robert F. Pyatt, Assistant Attorney General

TO: Mr. B. V. Roberts, Acting State Purchasing Agent, Capitol Building, Santa Fe, New Mexico

QUESTION

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The legality of an employee of the State Engineer's Office participating in bidding upon and producing items of printing for state agencies, other than the State Engineer's Office.

CONCLUSION

The same is legal.

OPINION

ANALYSIS

We have examined Sections 10-1-8 to 10-1-15, inclusive, N.M.S.A., 1953 Compilation, which are the sections dealing with public printing, but we find nothing therein which calls for negative conclusion. Without holding one way or another that the provisions of the State Purchasing Agent Act, Section 6-7-1 to 13, N.M.S.A., 1953 Compilation, as supplemented, are applicable to contracts for state printing, we have looked to the latter statutes to see if anything could be gained therefrom which would bear upon your question, but find nothing.

It might be observed, however, that it would probably be against public policy to allow an employee to bid on proposed printing contracts led by the agency employing him. The chance for possible abuse from such conflicting interests would be too great.

We assume the submission of bids for this work, and performance of any contracts awarded would not interfere with the performance of the employee's public duties.