

Opinion No. 21-2951

May 4, 1921

BY: A. M. EDWARDS, Assistant Attorney General

TO: Mr. Edwin B. Seward, Clerk, District No. 15, Tres Piedras, New Mexico.

Bids for Construction of School Building.

OPINION

{*52} This office is in receipt of your letter of April 28th, in which it is stated that bids have been called for the construction of a school {*53} building in your district, and that since the bids were opened other bids have been submitted which offer to construct the building at a much less price. You desire to know whether the school board can accept these bids without further advertising.

Section 4893, 1915 Compilation requires that no contract for the erection of a public school building shall be let except upon sealed proposals to the lowest responsible bidder. There is no time fixed in the statute for which such advertising must run. The courts have held that a reasonable notice is sufficient. Under the circumstances in your case, we should judge that ten days notice would be a reasonable time. It would be much safer for you to re-advertise for bids on such short notice and then let a contract to the lowest responsible bidder. In this way there can be no question as to the validity rancements can be made so that the time lost will not seriously in-of your act. This may cause a short delay, but preliminary arterfere with your plans.