

Opinion No. 32-455

April 30, 1932

BY: E. K. Neumann, Attorney General

TO: Mr. W. M. Brittle, Chairman, N. M. Board of Examiners for Architects, Albuquerque, New Mexico.

{*160} Your letter requesting information as to the right of the University of New Mexico to use plans prepared by Mr. Monroe, an engineering instructor of said University, in the remodeling of the Engineering Building, has been received.

We understand from your letter that such remodeling represents an expenditure of between \$ 8,000 and \$ 9,000; and we infer from your letter that Mr. Monroe is not a registered architect within the meaning of Chapter 155, Session Laws of 1931.

Section 8, sub-section 8-A of said chapter provides as follows:

"That after the passage of this Act, neither the State nor any township, county, city, town, village, school district, nor other political subdivision of the State shall engage in the construction or maintenance of any public work involving Architecture for which the plans, specifications, have not been made by Registered Architects, in this or some other State; provided that nothing in this section shall be held to apply to such public work wherein the contemplated expenditure for the complete project does not exceed five thousand dollars."

A determination of this question, therefore, depends upon whether or not the University of New Mexico is within the contemplation of the Act and is included within the subdivisions enumerated therein.

It is noted that the prohibition is directed to the state, townships, counties, cities, towns, villages and school districts and other political subdivisions, and, in our opinion, the University of New Mexico cannot be said to fall within this classification. It is certainly not an arm of the state government and we do not believe that it can be classed as a political subdivision of the state. It certainly is not one of the others named in the Act, and for this reason, we do not believe that plans and specifications made for the University have to be made by a registered architect.

You also wish to know whether or not the board of regents of the University should advertise for sealed bids and award the work to the lowest and best bidder.

The only provisions which we find in the statutes regarding sealed bids are those which have application {*161} to public contracts awarded by the board of county commissioners, bids for the construction of canals and reservoirs under our irrigation

district law, and contracts by the county board of education which involves expenditure of \$ 500.00 or more.

We, therefore, believe that this is a matter of policy to be determined by the board of regents, and that there are no requirements which provide that sealed bids be made in cases of this kind.

By Frank H. Patton,

Asst. Attorney General