

Opinion No. 39-3328

November 9, 1939

BY: FILO M. SEDILLO, Attorney General

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

{*122} I am in receipt of your letter of November 7 wherein you state that on October 17th you placed an order with a local concern for furniture for one of the rooms in the new dormitory amounting to \$ 199.30, and that in the previous month you had placed an order with the same concern for other items of furniture amounting to \$ 134.00. You also state that you buy other items as needed and you wish to have our interpretation of Section 4, Chapter 233 of the Session Laws of 1939.

Under Section 4 of said 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. In purchases which involve an expenditure at any one time of more than \$ 500.00 the law requires publication of notice calling for bids at least once a week for two consecutive weeks in a newspaper of general circulation in the county in which the purchaser is located. In said section of the Act we also find the following provision:

"Separate purchases of the same or similar goods from the same or different dealers at the same time or about the same time, where each purchase does not involve the sum of \$ 200 but the aggregate of such purchases exceeds the sum of \$ 200 shall be considered as a single purchase involving more than \$ 200."

There is no question in my mind that the purchases which you made on October 17th amounting to \$ 199.30, and the purchase for \$ 134.00 the previous month, were two separate and distinct purchases and not coming within the provision of the act just quoted.

We are inclined to give said provision a liberal interpretation and unless the separate purchases of same or similar goods from the same or different dealers are made at the same time or within a few days, if said purchases are not made with the intent to avoid such provision, we would consider such purchases as single purchases and not coming within said provision.