

**Opinion No. 41-3748**

March 25, 1941

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. C. R. Sebastian State Comptroller Santa Fe, New Mexico

{\*50} This will acknowledge receipt of your letter dated March 24, 1941, requesting an opinion by this office as to whether or not the Adjutant General may purchase materials to be used in the construction of National Defense projects built in cooperation with Federal Public Works agencies, the cost of said materials being in excess of \$ 500.00, under the provisions of Section 11, Chapter 6, Laws of 1934, rather than under the public purchases act of 1939 (Chapter 233, Laws of 1939).

Section 11, Chapter 6, Laws of 1934, provides:

"That notwithstanding the provisions of any general, special or local law, any contract for the construction of any public works project or part thereof may be awarded on any day at least five days (excluding Sunday) after at least one publication of a notice requesting bids upon such contract in a newspaper circulating in such municipality."

In view of the foregoing provisions and the general provisions of Chapter 233, Laws of 1939, I am of the opinion that Section 11, Chapter 6, Laws of 1934, permits any political sub-division of the state, or any person (the Adjutant General) acting as a purchasing agent for this state to advertise for the construction and the materials to be used therein of Public Works Projects built in connection with National Defense by contract for a minimum period, not exceeding five days, regardless of the provisions of Section 4, Chapter 233, Laws of 1939, requiring advertisement for two consecutive weeks.

I am of the opinion that Section 4, Chapter 233, Laws of 1939, requires that an advertisement be made for bids in these cases, but that the advertisement may be limited in time in accordance with the provisions of Section 11, Chapter 6, Laws of 1934.

Trusting that the foregoing answers your inquiry, I remain

By George H. Hunker, Jr.

Asst. Atty. General