

PURCHASING AGENT: Not required to advertise for bids on sale
of merchandise.

August 7, 1939

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Mr. George Blowers
State Purchasing Agent
Jefferson City, Missouri

Attention: Mr. R. W. Meyer.

Dear Sir:

We have your request of August 7th for an opinion, which request is as follows:

"Your opinion covering the operations of this department specifies that on all purchases of \$2,000.00 or over, before purchases can be made, the request for purchase must be advertised in the newspaper.

If the State has merchandise for sale and the approximate sale price of this merchandise will run over \$2,000.00, is it necessary that bids for the sale of this property be advertised?

We have at the Missouri Prison for sale, a number of obsolete machines on which we have received bids, the highest bid being \$2,041.25. Is it necessary that this transaction be advertised in the newspaper before the merchandise can be sold?

We would appreciate an opinion on this matter today if possible, due to the fact that the high bidder will withdraw his bid in the next few days if not acceptable."

Section 3 of the Purchasing Agent Act (Laws of Missouri, 1933, page 411) provides that all purchases shall be based on competitive bids. Section 2 of that act provides that the Purchasing Agent shall purchase all supplies. We do not find any provision in the act with reference to the sale of property by the state. Section 3 provides that in purchasing supplies for the state the contract shall be let to the lowest and best

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bidder, thereby indicating clearly an intention on the part of the legislature to confine the activities of the Purchasing Agent to the purchase of supplies for the state.

Section 9 of the Purchasing Agent Act provides that:

"* * * * All reports, bids, specifications and contracts, and all records of purchases and sales of any kind, whether by the Purchasing Agent or by departments as authorized by him, shall be kept in the office of the Purchasing Agent and shall be open to inspection by the public."

It would therefore appear that the only duty with reference to sales is the keeping of records relating thereto.

In view of the fact that you have obtained bids on the merchandise to be sold, this office is of the opinion that you should accept the highest and best bid made, since there is no provision in the Purchasing Agent Act requiring you to advertise for bids in two daily newspapers when the transaction involves a sale of merchandise.

Respectfully submitted,

FRANKLIN E. REAGAN
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

FER:VC