

STATE PURCHASING AGENT } State Purchasing Agent must purchase all
State printing.

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Mr. Leo J. Clavin
State Purchasing Agent
Jefferson City, Missouri

Attention: Mr. Roy E. Sibley

Dear Sir:

We have received your request for an opinion of this department, which request is as follows:

"This letter is addressed to you requesting your interpretation of certain phases of the law relative to the purchase of state printing, binding and paper.

"Section 76, page 1453, Laws of Missouri, 1945, state 'The State Purchasing Agent shall purchase all public printing and binding of the state,'-- same section further states 'it shall be the duty of all state offices to order all of their printing and binding through the State Purchasing Agent.' Section 80, pages 1454 and 1455 of the same laws states 'provided that printing jobs of less value than \$50.00 may be purchased on the open market if approved by the Comptroller.

"With reference to the provision of Section 80, is it the intent that state departments may purchase printing in the amount of \$50.00 by a Direct Departmental order, or does this section mean such state departments shall submit a requisition to the State Purchasing Agent and the State Purchasing Agent is then authorized to make such purchases on the open market?



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"Section 81, page 1455 states as follows: 'All accounts accruing under this law shall be submitted by the vendor to the State Purchasing Agent who shall examine such accounts, etc.' Is it necessary under the provisions of this section that all invoices for printing, binding and paper be submitted directly to the Office of the State Purchasing Agent, or is it permissible for the vendor to submit invoices directly to the officer for whose department the work was done and that officer in turn submit such invoices to the State Purchasing Agent for approval?

"Citing a hypothetical example. A certain number of printed forms are used by all of the various state departments. A printing firm prints and pads a large number of these forms. Can the departments using these forms order same on a Direct Departmental Order by-passing the Office of the State Purchasing Agent, or is such department, required by law to submit their requisition to the State Purchasing Agent and he in turn issue a purchase order to cover? This printer has no contract from the Office of the State Purchasing Agent authorizing the printing of the form in question.

"We would appreciate your opinion relative to the above questions which have arisen in connection with the sections referred to."

Section 76 of Laws of Missouri, 1945, page 1428-1453, provides:

"The State purchasing agent shall purchase all public printing and binding of the state, including that of all executive and administrative departments, bureaus, commissions, institutions and agencies, the general assembly and the supreme court.

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In such capacity the state purchasing agent is hereby empowered and authorized to take over as a part of the records of his office, all books, documents, and records which are now in the hands of the Commissioners of Public Printing and the Secretary of State relative to public printing. It shall be the duty of all state officers to order all of their printing and binding through the state purchasing agent. The purchasing agent may authorize any state penal, eleemosynary or educational institution, to procure all or any part of its own printing and binding."

Section 80 of the same act provides:

"The state purchasing agent shall have the public printing of the state executed upon competitive bids, and shall award the contract to the lowest responsible bidder and shall in all instances reserve the right to reject any and all bids; provided that printing jobs of less value than \$50 may be purchased on the open market if approved by the comptroller. The purchasing agent may combine orders or subdivide individual jobs for the purpose of advertising and contracting as shall be to the best interests of the state. The purchasing agent shall exercise diligence in soliciting bids from all printing firms in the state that might reasonably be expected to be interested in bidding on any particular item and shall at all times endeavor to maximize competition among potential bidders. Bonds satisfactory to the purchasing agent shall be given by the parties to whom contracts are awarded, to secure the faithful performance of such contracts."

We think that the foregoing sections clearly provide that all printing is to be purchased by the State Purchasing Agent. The provisions of Section 80, regarding the purchase of printing jobs of less than Fifty Dollars (\$50.00) on the open market,

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are an exception to the requirement that the printing should be executed upon competitive bids and is not an exception to the requirement that all printing be purchased by the State Purchasing Agent.

Section 81 of said act provides:

"All accounts accruing under this law shall be submitted by the vendor to the purchasing agent who shall examine such accounts to ascertain if the printing delivered by the contractor complies in all ways with the specifications and the contract governing the same, after which said accounts shall be presented to the officer for whose department the work was done who shall likewise examine the account before submitting it to the comptroller for payment. The purchasing agent shall keep a record of the cost of printing and binding and a copy of each document shall be duly filed and preserved by him, with the number of copies ordered and delivered and the cost indorsed thereon. The cost of all printing and binding, including annual reports, shall be charged to the appropriation of each agency ordering the same."

This section quite clearly sets out the procedure to be followed and the presentation of accounts for printing. The account is first to be submitted to the Purchasing Agent for his approval, and then to the officer for whose department the work is done.

As far as the hypothetical example cited in your letter, we feel that the question is answered by the foregoing, and that the department is required to submit its requisition to the State Purchasing Agent, and he in turn is to purchase the printing required.

CONCLUSION

Therefore, it is the opinion of this department that all state printing is required to be purchased by the State Purchasing

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Agent, and that the Fifty Dollar (\$50.00) exemption for purchases without competitive bidding provided by Section 80, Laws of Missouri, 1945, pages 1428-1454, is an exemption from the requirement of competitive bids and does not authorize purchase of printing in such amounts other than through the State Purchasing Agent.

We are further of the opinion that accounts for printing are required to be submitted first to the State Purchasing Agent for his approval, and then to the head of the department for which the printing was purchased for his approval.

Respectfully submitted,

ROBERT R. WELBORN
Assistant Attorney General

APPROVED:

J.E. TAYLOR
Attorney General

RRW/feh