

July 11, 1974

OPINION LETTER NO. 169  
Answer by letter-Klaaffenbach

Honorable James F. McHenry  
Prosecuting Attorney  
Cole County  
Room 400, Courthouse  
Jefferson City, Missouri 65101



Dear Mr. McHenry:

This letter is in response to your question asking:

"If a second class county has an agreement with the State under the State-Local Technical Services Act, Sections 67.330 to 67.390 RSMo for the purchase of supplies and equipment, is such county required to advertise for bids for supplies and equipment covered by such agreement."

Section 67.360, RSMo, which authorizes the use of state procurement services by the political subdivisions provides:

"The political subdivisions of the state of Missouri are authorized to utilize such services as may be provided by the procurement section of the state division of budget and comptroller, within the limits of the appropriation of that state agency for this purpose. The governing bodies of the state's political subdivisions may require all offices and individuals of their political subdivision to conform to the requirements, as promulgated by the governing body of the political subdivision involved in the purchasing agreement entered into with the state agency. Governing bodies of all political subdivisions of

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the state are hereby authorized to enter into agreements with the state agency covering the purchase of materials, supplies and equipment meeting their legal needs and are authorized to delegate to the state agency such functions relating to the purchases as shall be covered by the cooperative agreement with the state agency."

The procurement section referred to is now within the Office of Administration by virtue of the provisions of Section 26.300, RSMo 1973 Supp.

Section 50.760, RSMo 1973 Supp., which is substantively similar to repealed Section 50.760, RSMo 1969, as it relates to second class counties, requires advertisement for bids for purchases with exceptions relating to situations where supplies are exhausted or where because of the peculiar nature of the article or the amount required the same may not be included in such advertisement for bids. Section 50.760, however, is completely separate and apart from the "State-Local Technical Services Act."

Under Section 67.360, it was the intent of the General Assembly to allow centralized procurement of equipment and the like required by such political subdivisions through the state agency. When such political subdivision has entered into such an agreement with the state agency and has complied with the requirements for such purchases, Section 50.760 is not applicable and purchases may be made pursuant to Section 67.360 without bids.

Yours very truly,

JOHN C. DANFORTH  
Attorney General