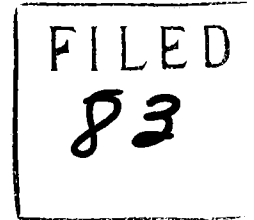


DIVISION OF PROCUREMENT: Director of Revenue to procure supplies, material, equipment and contractual services through the State Purchasing Agent.

June 2, 1947



Mr. Wm. L. Smith
State Purchasing Agent
Division of Procurement
Jefferson City, Missouri

Dear Sir:

Reference is made to your request for an official opinion, reading as follows:

"Section 4 of Senate Bill #143 recently passed, provides that the Director of Revenue shall procure either through the Purchasing Agent, or by other means authorized by law, supplies, material, equipment or contractual services for the department of revenue and for each division in the department.

"I would like to have your opinion as to whether or not there is any means authorizing the Director of Revenue to make purchases and contracts, without the approval of the Purchasing Agent and without the formality of soliciting bids as provided in S.C.S.S.B. No. 297."

Section 4 of Senate Bill No. 143 of the 64th General Assembly reads, in part, as follows:

"The director of revenue shall: * * *
(b) procure, either through the purchasing agent, or by other means authorized by law, supplies, material, equipment or contractual services for the department of revenue and for each division in the department; * * *"

The adoption of the State Purchasing Agent Act, for which has now been substituted the provisions relating to the Division of Procurement, found as Sections 11008.62 to 1008.84, inclusive, Mo. R.S.A., with the retention of substantially the same

duties, represented an effort to consolidate the purchases made by the State into one agency. It is true that certain branches of the state government are constitutionally exempted, with respect to certain purchases, from the provisions of the statutes, and it is further equally true that the General Assembly might, through the enactment of specific legislation designed for that purpose, exempt other branches of the state government from the provisions. The inclusion of the words "by other means authorized by law" in the quoted portion of Senate Bill No. 143 merely recognizes the right of the General Assembly to make such exemption. However, we are unable to discover any legislative enactments which would authorize the Director of Revenue to make any purchases of the items enumerated except through the office of the State Purchasing Agent. In the absence of such legislation, we therefore believe that the purchases made by the Director of Revenue on behalf of the Department of Revenue, and for each division thereof, are to be made in accordance with the general laws relating to the purchase of similar items by other state departments.

CONCLUSION

In the premises, we are of the opinion that the Director of Revenue, in procuring supplies, material, equipment or contractual services for the Department of Revenue, and for each division in the department, must make such purchases in accordance with the general laws relating to the Division of Procurement and rules and regulations lawfully promulgated thereunder by the State Purchasing Agent.

Respectfully submitted,

WILL F. BERRY, Jr.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General