

School Trustees, Authority in Lettings Contracts in Excess of \$250.00.

Under Section 882, Revised Codes, as amended by Chapter 32, laws of 1909, school trustees must call for bids for the erection, repairing and furnishing of school houses, whenever the amount of money involved exceeds \$250.00.

Helena, Montana, April 26, 1909.

Hon. J. H. Stevens, County Attorney, Kalispell, Montana.

Dear Sir:

I am in receipt of your letter of the 21st instant, in which you request an opinion upon the following proposition:

"Section 875, Revised Codes, provides that the Board of Trustees shall have power, and it shall be its duty, to employ mechanics and laborers, and order paid their wages, and to build school houses when directed by a vote of the district so to do."

Chapter 32, Laws of 1909, amended Section 882 of the Revised Codes; and, among other things, provided that:

"No Board of School Trustees shall let any contract for building, furnishing, repairing, or other work, for the benefit of the district, where the amount involved is two hundred and fifty dollars, or more, without first advertising, in a newspaper published in the county, for at least two weeks, calling for bids to perform such work, and the board shall award the contract to the lowest responsible bidder; provided, however, the Board of School Trustees shall have the right to reject any and all bids."

The question you submit is whether the above amendment of Section 882 prohibits the Board of School Trustees from employing mechanics and laborers by the day to erect a building costing more than \$250.00, or must the board in all cases where the amount involved is more than \$250.00 advertise in a newspaper for two weeks calling for bids to perform such work.

In our opinion it was the intention of the legislature by the amendment of said Section 882 to require the Board of School Trustees, whenever they desired to expend more than \$250.00 for building, furnishing, repairing, or other work for the benefit of the district, to first advertise in a newspaper for at least two weeks calling for bids to perform such work. The amendment protects the board by providing that in case the bids submitted pursuant to such advertisement are not satisfactory that they may reject any and all bids. If the board is satisfied that the bidders are submitting unreasonable bids they can reject all such bids and re-advertise, and can no doubt secure some responsible party to put in a reasonable bid when it is known that the board will not stand for unreasonable bids.

Very truly yours,

ALBERT J. GALLEN,

Attorney General.