

"Since the last meeting of the State Board of Education the Government through the regional office of the P. W. A. has requested an opinion from you as legal officer of the Board on the question whether the Board would be legally justified in its proposed acceptance of a contract for electrical work on the extension to the Natural Science Building at the State University with the Walford Electric Company, second lowest bidder, in view of the inability of the lowest bidder to avoid labor troubles on the project."

While the State Board of Education must award the contract to the lowest responsible bidder, as provided by Section 259.4, R. C. M. 1935, the lowest bidder may not be the lowest responsible bidder. If the Board knows that a bidder, on account of his attitude towards labor, will likely have labor troubles on the project, which may result in delay, additional expense or other inconvenience, it is my opinion that the Board is not required by statute to accept such bid. Such difficulty affects the responsibility of the bidder and the Board, in its discretion, may reject the bid and accept the bid of another bidder who is the lowest, as well as responsible bidder.

Opinion No. 343.

**Contracts—State Board of Education—
Lowest Responsible Bidder.**

HELD: The State Board of Education is not required to accept the bid of the person who will likely have labor difficulties, as such situation affects the bidder's responsibility. The board may therefore reject such bid and accept the bid of another bidder who is the lowest responsible bidder.

October 25, 1938.

Dr. H. H. Swain
Executive Secretary, The University
of Montana
The Capitol

Dear Dr. Swain:

You have submitted the following: