

**OPINION**  
**53-16**

May 19, 1953           (OPINION)

CONTRACT

RE: Material - Preference

This will confirm our opinion of May 18, 1953, which was given to you by telephone and in answer to Mr. Seifert's letter of May 15, 1953.

Our opinion was requested in regard to Senate Bill No. 168, which was enacted into law at the recent session of the Legislature and which provides for competitive bidding on native materials used in public buildings.

Specifications were enclosed with Mr. Seifert's letter whereby brick manufacturers were asked to quote unit prices to the contractor who would in turn include these prices with his bid for the general contract. The contract was then to be awarded to the lowest bidding or preferred general contractor and the same was to be true as to the brick supplier, who would agree to furnish the brick necessary to complete the project at a quoted price per thousand. By this means the contractor would retain control of the quantity of brick to be used on the project and the board of education, buying brick on a unit basis would not be placed in the position of buying more brick than might be used on the project, as might be the case where the brick is purchased on a lump sum basis.

It is our opinion that this is compliance with the competitive bidding requirements of Senate Bill No. 168, which, in fact, includes wording suggesting that the contractor, himself, can in some cases conduct the competitive bidding for the native project. We therefore approve of the form and contents of the specifications enclosed in Mr. Seifert's letter of May 15, 1953.

ELMO T. CHRISTIANSON

Attorney General