



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable George H. Sheppard
Comptroller of Public Accounts
Austin, Texas

Dear Sir:

Opinion No. 0-4136
Re: Proposed affidavit for
purchase voucher form.

Your letter of October 20th requests the opinion of this department on the question whether the affidavit printed on the purchase voucher form which you enclosed with your request meets the requirements of the statutes. You refer us to Articles 615 and 655, Revised Civil Statutes 1925, and request that we prepare an affidavit if the one on the form is insufficient.

The affidavit on the form which you submit reads:

"I swear or affirm that the above articles were sold and delivered, or that the above services were rendered, at the dates and for the prices billed, and that the above account is correct, just and unpaid."

(The formal parts of the affidavit as appearing on the form are omitted.)

Article 615 provides:

"All accounts for printing done, or stationery furnished, except for the Legislature when in session, shall be audited in the following manner: The account shall be verified by the affidavit of the contractor that it is true and correct, that the amount of work charged for has actually been performed, or the actual amount of stationery and supplies have been delivered, and that the prices charged in the account are in accordance with the stipulations of the contract. The account shall be accompanied by a

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sample of the work done, and a receipt from the department to which the goods were delivered. The account shall be examined by the Chief of the Division of Public Printing, and when certified by him as correct, approved by the department to which delivery was made. After having been thus examined and approved, the Comptroller shall issue his warrant for the payment of account out of funds appropriated for that purpose."

Article 644 provides:

"The Board shall advertise for sealed bids or proposals to furnish the aggregate of the articles and supplies as estimated by such institutions, naming the articles and supplies and the quantities and character required. All such bids and proposals shall, when required by the Board, be accompanied by samples or designs furnished by the bidder, and shall be for the entire period of one year. Such supplies, articles and merchandise shall be delivered at such times and in such quantities to such institutions, as the Board may designate."

Article 652 provides:

"The supplies and articles furnished under all bids and contracts shall be such as called for by requisition of the superintendents of the several institutions. Each article shall be equal to the sample which is required with the accompanying bid."

Article 655 provides:

"The contractor or seller shall in all cases append an affidavit stating that the invoice is correct and that it corresponds in every particular to the supplies furnished and shipped."

Article 656 provides:

"Invoices of all supplies shall be furnished in triplicate by the contractor or seller at the time of

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delivery of said supplies, one of which shall be sent to the storekeeper of the institution to which the supplies are sent."

Article 657 provides:

"As soon as supplies are received and examined by the storekeeper of the institution to which the same were shipped, if they check with the invoices transmitted and the samples by which the supplies were sold, he shall transmit to the Board of Control the original invoices and duplicate with his certificate thereon that the supplies received correspond in every particular with the invoice and with the samples by which they were sold. If the Board finds such invoices to be correct, it shall approve and transmit the same to the Comptroller."

It is apparent that the affidavit which you include in the printed form sent to us does not meet the requirements of Article 615.

We suggest the use of the following form:

"The foregoing account is true, correct and unpaid; the amount of work charged for was actually performed; the articles charged for were actually delivered and corresponded to the samples submitted with the bid; the articles delivered, the work done, and the prices charged therefor conform to the contract."

Yours very truly

APPROVED OCT 27, 1941

George H. Sheppard

FRANK B. SHEPPARD
ATTORNEY GENERAL

ATTORNEY GENERAL OF TEXAS

By *R. W. Fairchild*

R. W. Fairchild
Assistant

WF:ej

