

ECTOR COUNTY COURTHOUSE
ROOM 201
ODESSA, TEXAS 79761

AREA CODE 915
335-3122



MBJ

FILE # RQ-00530-DM
~~11-18850-93~~

ECTOR COUNTY, TEXAS
TRACEY BRIGHT
ECTOR COUNTY ATTORNEY

I.D.# 18850

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February 1, 1993 **Opinion Committee**

RQ-530

Honorable Dan Morales
Office of the Attorney General
Supreme Court Building
P.O. Box 12548
Austin, Texas 78711

RE: REQUEST FOR AN INTERPRETATION OF COMPETITIVE BIDDING STATUTES UNDER §21.901 AND §21.9011, TEXAS EDUCATION CODE AND §271.021 THROUGH §271.030, LOCAL GOVERNMENT CODE

Dear Attorney General Morales:

On behalf of the Ector County Independent School District ("ECISD"), we are asking the office of the Attorney General for an interpretation of competitive bidding statutes that effect Independent School Districts in the State of Texas which were set forth in §21.901 and §21.9011, Texas Education Code, as well as §271.021 through §271.030, Local Government Code.

ECISD has several remodeling or renovation projects that need to be completed prior to the 1993-94 school year. The aggregate cost of each renovation or remodeling project will vary depending on the nature and extent of the required remodeling or renovation. In almost all instances, total aggregate cost of each project will exceed \$10,000.00. Ector County Independent School District has numerous employees on its staff who can adequately and competently perform the majority of the tasks required in each remodeling or renovation project. Therefore, ECISD desires to act as its own general contractor on several of these remodeling or renovation projects. Ector County Independent School District would only submit for competitive bid those tasks within the project that required specialized training or expertise which would require the expenditures of more than \$10,000.00 (e.g. plumbing, electrical, cabinetry, etc.).

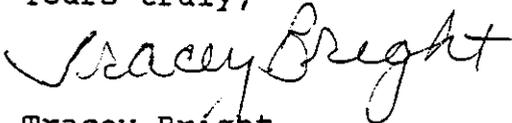
Honorable Dan Morales
February 1, 1993
Page Two

Ector County Independent School District is of the opinion this procedure will not violate §21.901 of the Texas Education Code, nor §271.021 through §271.025 of the Local Government Code due to the fact that the School District is acting as its own general contractor for the purpose of expediting the remodeling and renovation projects, to minimize the use of public funds by utilizing expertise and knowledge of the employees of ECISD to complete a substantial portion of the project. Ector County Independent School District does not feel that this practice would meet the definitions of "component purchases", "separate purchases" or "sequential purchases" as defined in §21.9011(a)(1) through (3), Local Government Code and §271.021(1),(3), and (4), Local Government Code. Ector County Independent School District does not desire to act as its own general contractor to avoid the competitive bidding statutes.

After reviewing the handbook on Competitive Bidding for Texas Public Schools published by the State Board of Education, as well as reviewing the annotation following each of these statutes, Ector County Independent School District is of the opinion that acting as its own general contractor for renovation and remodeling projects and utilizing its own staff to complete such projects would not violate the competitive bidding statutes described hereinabove as long as the School District submits for competitive bidding to subcontractors those portions of the project that required specialized training and expertise and exceeded the cost of \$10,000.00.

We appreciate your consideration of this letter and interpreting the competitive bidding statutes. Thank you for your consideration of this request. If additional information or documentation is needed, please feel free to call me at 915/335-3122 or at the above address.

Yours truly,



Tracey Bright
County Attorney

TB/ct