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Opinion Committee

June 27, 1997

The Honorable Dan Morales
Attorney General
State of Texas
P. O. Box 12548
Austin, TX 7711-2548

RQ-1050

GOVERNMENTAL INQUIRY
UNIT

FILE # ML-39639-97
I.D. # 39639

ATTENTION: Attorney General Opinions Section

Dear General Morales:

Enclosed is a request from Commissioner Tom Todd for an Attorney General's Opinion on the matter he addresses in his letter to me.

I would appreciate your looking into this question and rendering an opinion at your earliest convenience.

Thank you for your consideration of this request.

Very truly yours,

JOHN W. SMITH

JWS/jbw
Attachment



Ector County, Texas

TOM TODD
Commissioner Precinct 3

**TO: Honorable John Smith
Ector County District Attorney**

June 22, 1997

**FROM: Tom Todd
Commissioner Pct. #3**

**SUBJECT: Request for Attorney General Opinion on whether or not
a Commissioners Court can substantially change a contract
and then allow it to be sold without putting it up for bids.**

John,

The Ector County Commissioners Court substantially modified it's contract with Leisure Foods by allowing beer and wine to be sold in the Ector County Coliseum and by extending the term of the contract from five years to seven years with an additional option to renew for another five years. Ector county has no chance to exercise an option. Leisure Foods was then allowed to sell the contract to the Midland Angels organization directly.

Ector County gave up the right to determine the menu for the concessions.

I do not feel that this contract should have sold but should have been put up for bids because it is a different contract from the one the current Lessee holds. It increased the value of the contract many times over.

Please obtain this Attorney General's Opinion as soon as possible.

Sincerely,