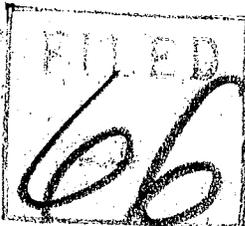


STATE PURCHASING AGENT:

The State Purchasing Agent does not have to obtain the approval of a state department, for which he is by law authorized to make purchases, before he issues purchase orders against the funds of such department.



February 3, 1955

Honorable Edgar C. Nelson
State Purchasing Agent
Division of Procurement
State of Missouri
Jefferson City, Missouri

Dear Sir:

Your recent request for an official opinion reads:

"Will you please advise me in these premises:

"What should be my attitude toward any department for which I, as state purchasing agent, am authorized by law to make all purchases in excess of fifty dollars, when such department insists that I issue no purchase orders against their funds unless approved by said department.

"As I read the law, that as purchasing agent, I am charged with the responsibility to purchase, under certain restrictions imposed on me by the procurement law, all supplies requisitioned by any department. Therefore I feel I cannot properly shirk this duty or relinquish my purchasing authority to any department coming under the jurisdiction of the procurement law.

"In taking this position I am not unmindful of the propriety of my conferring with any department regarding any requisition or purchase order. My policy has always been to cooperate with all departments within the bounds of reason. However, if I were to be compelled to seek approval of any department before writing a purchase order I see no reason why any other

Honorable Edgar C. Nelson

or all departments should not, if they so wish, ask to be included under the same rule. If such practice became widespread, it seems to me my position as state purchasing agent would become intolerable and the basic purpose of centralized procurement would be defeated.

"I think I have already been advised by your office that our mailing list for use in seeking sealed bids from any vendor is a mechanism which is set up by and entirely under the control of the state purchasing agent. However, this does not mean that any interested person cannot suggest names to be added to such list, but same must have my approval to be put on the list permanently to receive bids."

The only issue that we see in the situation outlined by you above is whether, in the case of a department for which you are authorized by law to make all purchases in excess of \$50.00, you are required to secure the approval of the department before you issue purchase orders against the funds of the department. In this regard we direct your attention to Section 34.030, RSMo 1949, which reads:

"The purchasing agent shall purchase all supplies for all departments of the state, except as in this chapter otherwise provided. The purchasing agent shall negotiate all leases and purchase all lands, except for such departments as derive their power to acquire lands from the contribution of the state."

We find no other law than the above which is applicable to your situation, and we see nothing in this law which would give rise to the conclusion that you had to obtain the approval of a department for which you are authorized by law to make purchases before you issue purchase orders against the funds of such department.

CONCLUSION

It is the opinion of this department that the state

Honorable Edgar C. Nelson

purchasing agent does not have to obtain the approval of a state department for which he is by law authorized to make purchases before he issues purchase orders against the funds of such department.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Hugh P. Williamson.

Very truly yours,

JOHN M. DALTON
Attorney General

HPW:ld;da