

OFFICE OF THE
ATTORNEY GENERAL
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STATE OF ALABAMA

OCT 26 1990

91-00037

Honorable Bobby Jo Johnson
Chairman
Wilcox County Commission
P. O. Box 488
Camden, AL 36726

Counties - Competitive Bid Law
- Auctions

A county cannot purchase
equipment items, the cost of
which meets the competitive bid
requirements, from an auction.

Dear Mr. Johnson:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTION

Can a county purchase equipment items, the
cost of which meets the competitive bid
requirements, from auctions?

FACTS AND ANALYSIS

Code of Alabama 1975, § 41-16-50 provides:

"All expenditure of funds of whatever
nature for labor, services or work, for the
purchase of materials, equipment, supplies
or other personal property involving
\$5,000.00 or more, and also the lease of

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materials, equipment, supplies or other personal property where the lessee is or becomes legally and contractually bound under the terms of the lease to pay a total amount of \$5,000.00 or more, made by or on behalf of . . . the county commissions . . . except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder; . . ."

This office has ruled on previous occasions that governmental entities, subject to the competitive bidding requirements of § 41-16-50, could not buy new or used cars through an auction. Opinions to Honorable Jack K. Courson, Mayor, City of Leeds, dated June 10, 1988, and to Honorable Fred M. Scoggins, Superintendent of Education of Washington County, dated October 14, 1982.

Based on the aforementioned opinions of the Attorney General, it must be concluded that a county cannot purchase equipment items, the cost of which meets the competitive bid requirements, from an auction.

CONCLUSION

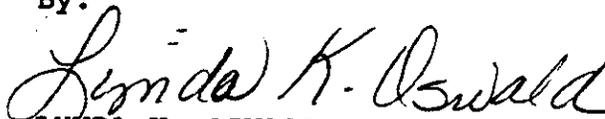
A county cannot purchase equipment items, the cost of which meets the competitive bid requirements, from an auction.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN
Attorney General

By:



LYNDA K. OSWALD
Assistant Attorney General

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