LIBRARY BUILDING COMMISSION: Public contracts—what constitutes collusion between bidders.

July 19, 1933.

Hon. Louis J. Bailey,
Secretary, Indiana State Library
Building Commission,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter with reference to the bids received by the commission on wood furniture and metal furniture for the new state library, which were opened in public before the bidders on July 12, 1933. You state that among the bidders is a manufacturer of such equipment and also a local dealer who is not a manufacturer. At the time the bids were opened, a statement was made by a representative of the manufacturer bidder that they had quoted prices to the dealer bidder on certain of the articles included in the proposal. Your question is as to whether this constituted collusion within the meaning of statutes governing the bidding on public works.

In my opinion, that fact alone would not be sufficient to constitute collusion.

PRINTING BOARD: Right of state board to contract for printing paid for out of federal funds allocated to State of Indiana.

July 19, 1933.

Hon. Robert E. Mythen,
Clerk, Board of Public Printing,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter in which you request an opinion as to the right of state institutions, to which are allocated federal funds, to contract for public printing independent of the board of public printing in case the printing is to be paid for out of the federal funds thus allocated to such institution.

Section 13856 of Burns Annotated Indiana Statutes, 1926, provides that:

“All the printing, binding and stationery authorized by law to be paid out of state funds shall be executed
through the board of public printing, and it shall be the duty of such board to supervise and approve all printing, binding and stationery and similar supplies authorized by law.”

Section 3 of chapter 165 of the Acts of 1933 amends section 6 of the act creating the board of public printing and provides as follows:

“Sec. 6. Said board of public printing, shall, prior to December 1, 1931, and biennially between July 1st and December 1st thereafter, advertise in not less than three nor more than five daily newspapers of general circulation published in the state, for bids for such printing, stationery, paper and supplies and binding for the next two years ensuing as said board may deem proper according to the specifications said board may have prepared. Bids shall be submitted in compliance with the prepared specifications and upon receiving such bids or proposals, said board of public printing shall let the contract or contracts to the lowest and best responsible bidder or bidders; Provided, That said board shall have the right to reject any and all bids or proposals; Provided, further, That the boards of trustees of the state’s educational institutions may, if they so elect, enter into separate contracts with the approval of the board of public printing for their necessary printing, binding, stationery and supplies, based upon the specifications as prepared by said board.”

In an official opinion addressed to Honorable R. B. Stewart, controller, Purdue University, under date of February 28, 1933, I held that certain funds granted to the State of Indiana by the federal government for the use of Purdue university are, upon receipt by the state, state funds.

Your letter is quite indefinite as to the state institutions referred to and without a more definite statement upon that subject which will enable me to determine whether the funds are state funds, it is impossible to give an authoritative opinion in answer to your question. However, as to funds granted to the State of Indiana for the use of Purdue University, I adhere to my former opinion, that the funds when received by the state become state funds and upon that basis section
13356, supra, applies, and requires such institutions' printing to be executed through the board of public printing subject to the provision in section 3 of chapter 165 quoted above. As applying to other funds, I am unable to give an opinion without more definite information than the information contained in your letter.

I desire to call your attention, however, to the fact that section 3 of chapter 165 of the Acts of 1933 expressly provides "that the boards of trustees of the state's educational institutions may, if they so elect, enter into separate contracts with the approval of the board of public printing for their necessary printing, binding, stationery and supplies based upon the specifications as prepared by said board." (Our italics.)


July 19, 1933.

Hon. William P. Cosgrove,
State Examiner,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter requesting an interpretation of certain provisions of section 5 of chapter 65 of the Acts of 1932.

Chapter 65, is an act entitled "An act concerning taxation". Section 1 of the act provides in part that:

"The taxes for the year 1931 and each year thereafter charged against any taxpayer on the tax duplicate in the hands of a county treasurer in the State of Indiana shall be due and payable in two equal installments on or before the first Monday in May and the first Monday in November, respectively."

The section further provides:

"If any installment of taxes shall not be paid when the same shall be due such installment shall be returned delinquent, and a penalty of three per cent on the amount of such installment shall be added thereto."

The section further provides that: