Mr. M. F. Renner  
Commissioner of Administration  
507 State Office Building  
Indianapolis, Indiana 46204

Dear Mr. Renner:

This is in response to your request for my Official Opinion concerning whether purchases in excess of two thousand dollars ($2,000) made from a nongovernmental Q. P. A. (Quantity Purchase Award) supplier satisfies the "advertising for bids" requirement and the other restrictions contained in Acts of 1945, Ch. 99, as amended and found in Burns' (1964 Repl.), Sections 53-501 through 53-509, to which cities, counties, towns, and townships are subject?

ANALYSIS

Acts of 1967, Ch. 176, as found in Burns' (1969 Supp.), Sections 48-8039 and 48-8040 grant authority to various departments, agencies and units of municipal, county and state governments to contract with other units of government within the State of Indiana to sell or purchase materials, supplies and equipment for use of any other unit of government.

Section 2 of the 1967 Act states in part as follows:

"* * * Provided, That when contracts are negotiated between municipal, county or state agencies or subdivisions thereof, no notice by publication or posting of notice shall be required. Nothing in this act shall be construed to avoid such publication or posting of notice by any municipal, county or state agency, as required by law, when such purchase or contract for services is to be made from or with a nongovernmental agency."

The State Purchasing Act, Burns' 53-501 through 53-509, supra, deals with purchases in excess of $2,000 by units of state or local governments. This Act states that when contracts are negotiated between governmental units, such shall
be in conformance "with all applicable laws, rules and regulations governing such contracts." The one exception to this, found in the above quoted section, is "that when contracts are negotiated between municipal, county, or state agencies or subdivisions thereof, no notice by publication or posting of notice shall be required." Any contract other than that negotiated between units of government shall be in conformity with the requirements of the State Purchasing Act.

CONCLUSION

It is my opinion, therefore, that the 1967 Act dispensing with the notice requirement when contracts are negotiated between units of government within the state does not apply to a contract or purchase by a unit of government from a Q. P. A. (Quantity Purchase Award) supplier since a Q. P. A. supplier is a nongovernmental agency as used in Burns’ Section 48-8040, supra.