



Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert E. Corbin

August 8, 1979

Mr. Robert M. Jarrett, Jr.
Chief Deputy County Attorney
Cochise County Attorney's Office
Post Office Drawer CA
Bisbee, AZ 85603

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Re: I79-208 (R79-194)

Dear Mr. Jarrett:

We have reviewed your June 28, 1979 opinion directed to the Pearce Elementary School, and concur that any school district must bid for any construction costing more than \$5,000, all as required by A.R.S. § 34-201 and State Board of Education Rules R7-2-701 and R7-2-702.

The Arizona Court of Appeals has recently ruled that, even if the bids received are exorbitant, the owner cannot construct a building costing more than \$5,000 using its own employees. See Smith v. Graham County Community College District, 2 CA-CIV 3212 (June 15, 1979). However, beginning July 21, 1979, the effective date of Ch. 90, Laws of 1979, a school district may, through its vocational educational program, construct buildings without complying with the requirements of A.R.S. § 34-201, so long as the building construction is not actually done by school employees and all purchases of material are bid.

Sincerely,

A handwritten signature in cursive script that reads "Bob Corbin".

BOB CORBIN
Attorney General

BC/mm



OFFICE OF THE
Cochise County Attorney

P. O. DRAWER CA
BISBEE, ARIZONA 85603
(602) 432-2291

BEVERLY H. JENNEY
COCHISE COUNTY ATTORNEY

ROBERT M. JARRETT, JR.
CHIEF DEPUTY

PATRICK M. ELLISTON
CHIEF CRIMINAL DEPUTY

June 28, 1979

R79- 194

Virginia Eastridge
Head Teacher
Pearce Elementary School
Drawer 127
Pearce, Arizona 85625

Dear Ms. Eastridge:

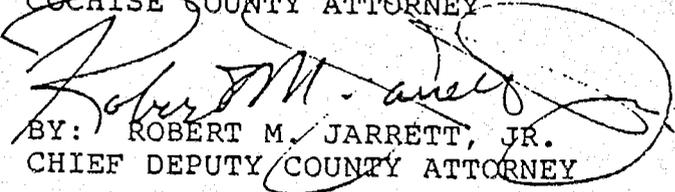
You have asked whether a school district may build a library building which you estimate will cost in the neighborhood of \$10,000 without going to bid and using school personnel and labor donated by members of your community. The answer to your question is found in A.R.S. §34-201(A) which requires the school district upon acceptance and approval of workings, drawings and specifications drawn up by an engineer or architect to publish a notice to contractors of intention to receive bids and contract for the proposed work. Subsection C of the statute contains the exception and might allow your district to proceed with school personnel and volunteer labor if the structure can be completed at a total cost not exceeding \$5,000.

For further authority to the same effect see a recent memorandum dated June 21, 1979 from James J. Brunstein dealing with revisions of State Board of Education regulation R7-2-701B. Also see August 31, 1976 letter from Bruce E. Babbitt to Carolyn Warner indicating that all sections of Title 34 apply to school districts.

This opinion is being sent to the attorney general pursuant to A.R.S. §15-122(B) for his concurrence or revision.

Sincerely yours,

BEVERLY H. JENNEY
COCHISE COUNTY ATTORNEY


BY: ROBERT M. JARRETT, JR.
CHIEF DEPUTY COUNTY ATTORNEY

RMJJ/cg

cc: David Rich
Assistant Attorney General

Pearce Elementary School

R79- 194

DRAWER 127
PEARCE, ARIZONA 85625

DIST NO. 22

PHONE 826-3328

June 12th, 1979

Mr. Robert M. Jarrett, Jr.
Chief Deputy County Attorney
P.O. Drawer CA
Bisbee, Arizona 85603

Dear Mr. Jarrett:

This letter is in reference to the library building the school wishes to build on property donated to the school, located on Christmas Tree Lane in Sunsites. We would like to construct this building by using school personnel and labor donated by members of the community. By using this source of labor, we feel costs will be kept to a minimum with an estimated cost of \$8,000.00 for materials and approximately \$2000.00 for labor. We feel that compared to the use of a regular contractor, this would result in a great savings for the taxpayers in our district.

Do you foresee any legal complications if we proceed with our building project in this manner? I realize you are very busy with other questions but would appreciate your opinion on this as soon as possible.

Thank you in advance for your attention to our question.

Yours truly,

Virginia Eastridge

Virginia Eastridge
Head Teacher

RECEIVED

JUN 18 1979

COCHISE COUNTY
ATTY