



# Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

September 1983

LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

Richard M. Rollman  
Deputy Pima County Attorney  
900 Pima County Courts Building  
111 West Congress Street  
Tucson, Arizona 85701

Re: I83-106 (R83-047)

Dear Mr. Rollman:

We are writing to revise your opinion of March 23, 1983, to the office of the Pima County School Superintendent, concerning the ability of a school district to enter into an agreement with the state Department of Administration for the purpose of purchasing transportation equipment.

In 1973, the legislature amended A.R.S. § 41-729 by adding subsection B, paragraph 4, to permit the state to "assist school districts in the purchasing function." The enactment, Ch. 96, 1973 Ariz. Laws, 1st Reg. Sess., contained a purpose clause at Section § 1, which stated:

This act is designed to provide authority to the Department of Administration . . . to assist school districts to economically purchase supplies, materials, equipment, other than transportation equipment, and contractual services. (Emphasis added).

A statute must be interpreted in light of the entire act and the purpose for which it was enacted. Frye v. South Phoenix Volunteer Fire Co., 71 Ariz. 163, 224 P.2d 651 (1950). In light of the legislature's clear expression of its intent in enacting A.R.S. § 41-729.B.4, we think the Department of Administration may not assist school districts in the purchase of transportation equipment.

Mr. Richard M. Rollman  
September 19, 1983  
Page 2

This conclusion is further supported by the fact that when A.R.S. § 41-729.B.4 was amended in 1982, in Ch. 262, § 26, 1982 Ariz. Laws, 2nd Reg. Sess., the legislature made no change which would indicate the original purpose is no longer valid.

Accordingly, the Department of Administration lacks authority to enter into an agreement with a school district for the purchase of transportation equipment.<sup>1</sup>

Sincerely,



BOB CORBIN  
Attorney General

BC:LPS:pd

1. A.R.S. § 41-731 is inapplicable to this issue. It authorizes school districts to enter into agreements with the Department of Administration for the purchase of school supplies. However, it does not address the scope of permissible purchases. That authority, however, is necessarily limited by the scope of DOA's authority to assist districts. DOA's authority, as discussed in the body of the opinion, is limited by § 41-729.B.4 to purchases other than of transportation equipment.



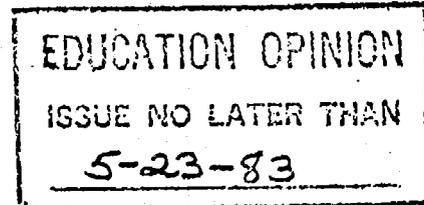
OFFICE OF THE  
**Pima County Attorney**  
CIVIL DIVISION  
900 PIMA COUNTY COURTS BUILDING  
111 WEST CONGRESS STREET  
**Tucson, Arizona 85701**  
(602) 792-8321

STEPHEN D. NEELY  
PIMA COUNTY ATTORNEY  
JAMES M. HOWARD  
CHIEF DEPUTY

March 23, 1983

3-29-83 pc  
EDUCATION  
R83-047

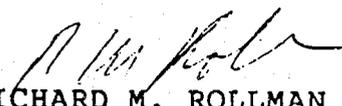
The Honorable Robert K. Corbin  
Attorney General  
State of Arizona  
1275 W. Washington  
Phoenix, Arizona 85007



Dear Mr. Corbin:

Enclosed is a copy of our opinion dated March 23, 1983. Because the opinion relates to a school matter, it is submitted for your review pursuant to A.R.S. §15-253.

Sincerely,

  
RICHARD M. ROLLMAN  
DEPUTY COUNTY ATTORNEY

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Enclosure



OFFICE OF THE

# Pima County Attorney

CIVIL DIVISION

900 PIMA COUNTY COURTS BUILDING  
111 WEST CONGRESS STREET

Tucson, Arizona 85701

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STEPHEN D. NEELY

PIMA COUNTY ATTORNEY

JAMES M. HOWARD

CHIEF DEPUTY

March 23, 1983

3-29-83 pc  
EDUCATION

R83- 047

Mrs. Mary Crowe  
Chief Deupty  
Office of the Pima County  
School Superintendent  
Tucson, Arizona 85701

EDUCATION OPINION

ISSUE NO LATER THAN

5-28-83

Dear Mary:

You have requested our opinion on the following question:

"May the State Purchasing Office now enter into agreements with school districts for the purchase of transportation equipment, including vehicles used for administrative, pupil transportation, maintenance and other purposes."

We are unable to provide advice on the conduct of the state purchasing office because we are not their legal advisor. However, it is our opinion that school districts have authority to enter into such an agreement and that such an agreement would be lawful. Our opinion is based upon A.R.S. §41-731 which provides:

"Notwithstanding any provision of law to the contrary, the governing body of any county, city, town, municipality, school district or other political subdivison may enter into an agreement with the divison of finance of the department of administration for the purpose of joint bidding and purchase agreements for such political subdivisions pursuant to this article."

R83- 047

Mrs. Mary Crowe  
March 23, 1983  
Page Two

This opinion is being submitted to the Attorney General  
for his review pursuant to A.R.S. §15-253.

Sincerely,



RICHARD M. ROLLMAN  
DEPUTY COUNTY ATTORNEY

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cc: Robert K. Corbin  
Attorney General

R83- 047

OFFICE OF THE PIMA COUNTY SCHOOL SUPERINTENDENT

PIMA COUNTY GOVERNMENTAL CENTER, TUCSON, ARIZONA 85701



Mrs. ANITA LOHR, Superintendent

Mrs. MARY CROWE, Chief Deputy

February 10, 1983

Mr. Richard M. Rollman  
Deputy County Attorney  
111 West Congress, 9th Floor  
Tucson, AZ 85701

Dear Rick,

For the past few months I have been serving on a state-wide Special Bidding Guidelines Review Committee organized by the State Department of Education.

A question arose concerning the purchase of vehicles through the State Purchasing. We would like a legal opinion with the concurrence of the Attorney General.

Following is some background information which may assist you:

ARS 41-729 at paragraph B.4., allows the state purchasing office to "Prescribe a procedure through which school districts may jointly solicit bids of contract catalog listed items. Otherwise assist school districts in the purchasing function."

As a result, many Arizona school districts have formalized agreements with the state purchasing office in the procurement of various types of supplies and equipment. When districts have inquired (of state purchasing) if they purchase vehicles, they have been advised there is a statutory prohibition against this type of purchase. The authority cited is found in Chapter 96, 1973 Session Laws. The referenced citation reads as follows:

"Section 1. Purpose.

This act is designed to provide authority to the Department of Administration, Division of Finance, Purchasing Section, to assist school districts to economically purchase supplies, materials, equipment other than transportation equipment, and contracted services." (emphasis added)

The Department of Education has informally asked the Director of the State Purchasing Office if there are other reasons that would preclude this type of purchase agreement, and have been advised there are none.

Mr. Richard Rollman  
February 10, 1983  
Page 2

R83- 047

Attached is a copy of the 1973 Session Law and ARS-41-729 with the Historical Note.

QUESTION: May the State Purchasing Office now enter into agreements with school districts for the purchase of transportation equipment, including vehicles used for administrative, pupil transportation, maintenance and other purposes.

If there is any additional information that I can furnish, please call.

Sincerely,



Mary Crowe  
Chief Deputy

MC/rn

Attachment