OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

March 20, 1939

Mr. Dan W. Jackson
District Attorney
Harris County
Houston, Texas

Dear Mr. Jackson:

Opinion No. O-504
Re: Construction of Article 2368a, Section 2

We have your letter of March 15, in which you propound the following question:

"Will compliance with provisions of city charter meet legal requirements of law with respect to notice of bidders on public projects in excess of $1,000.00?"

Article 2368a, Section 2, of the Revised Civil Statutes, provides the method of giving notice to bidders, the publication or advertisement thereof, the furnishing of surety bonds by contractors and the manner of letting such contract. In spite of the ambiguity of the language, we think that the intention of the Legislature is clear and that the provisions of a city's charter relative to the giving of notice to bidders, and the manner of advertising same, the securing of the execution of the contract by the furnishing of a surety bond, and the manner of letting a contract, should prevail, notwithstanding the provisions of this Act. Its principal purpose in enacting this law was to provide a method such as outlined above for those cities which had not had theretofore such provisions in their charter, and, obviously, where a city's charter already provided the means of accomplishing the result, it was determined by the Legislature that the charter provisions, if in conflict with Section 2 of the Act, should be followed, notwithstanding.

Accordingly, it is our opinion that if such provisions in a city charter have been followed, then such compliance meets all the legal requirements of law in that respect.

We have heretofore advised Mr. A. L. Lewis, Assistant City Attorney of the City of Houston, that such was our interpretation of this Section, and that the notice given in connection with the issuance of certain time warrants of the City of Houston was sufficient, inasmuch as that notice had been given in accordance with the charter provisions.

Assuring you of our continued cooperation, we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

By Clarence E. Crowe

Clarence E. Crowe
Assistant

CEC-s

Approved:

Gerald C. Mann

ATTORNEY GENERAL OF TEXAS