

# The Senate of The State of Texas



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Opinion Committee

January 12, 1994

MBJ  
RO-00656-DM  
FILE # ~~01-71097-97~~  
I.D.# 24092

RO-656

The Honorable Dan Morales  
Attorney General of Texas  
P. O. Box 12548  
Austin, Texas 78711-2548

Re: Whether a school district which uses a bidding process for property insurance, though not required by Texas law, must comply with the requirements of the Texas competitive bidding law.

Dear Dan:

It is my understanding that Section 21.901 of the Texas Education Code governs when school districts must obtain contracts through competitive bidding. Texas Attorney General Opinion MW-342 (1981) asked whether insurance contracts purchased by school districts must be awarded through the competitive bidding process. The answer to this question was that these types of contracts were not required to be awarded through competitive bids.

There is a school district which recognizes that they are not required to bid these types of contracts, but they have chosen to do so. As part of their routine, it appears that they review each bid and make a subjective evaluation as to which bid would best benefit the school district. Therefore, the school district does not necessarily take the lowest bid submitted.

The question I seek to have answered is whether a school district which utilized the bidding process for insurance contract purchase must comply with the legal requirements of the Texas competitive bidding law.

Thank you in advance for your consideration in this matter. Please do not hesitate to contact Miss Patricia V. Martinez of my staff at 463-0125 if there are any questions.

Sincerely yours,

  
Bill Sims  
BS/pvm