



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

April 13, 1988

Mr. Wesley E. Thompson
General Manager
Bastrop County Water Control
and Improvement District, No. Two
P. O. Box 708
Bastrop, Texas 78602

LO-88-42

Dear Mr. Thompson:

Thank you for your letter of March 23, 1988. You state in your letter that John Fuller suggested that you request an official opinion from this office. The attorney general is authorized to give written legal advice only to the persons listed in Chapter 402 of the Government Code. Neither officers nor employees of water control and improvement districts are among the authorized requestors. We can, however, direct you to statutes and case that answer your questions.

Under section 51.139(a) of the Water Code, water control and improvement districts must seek competitive bids for contracts for more than \$10,000 for the purchase of materials, machinery, and construction. Subsection (e) of section 51.139 provides:

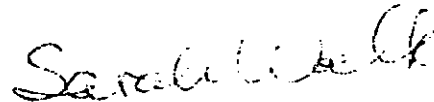
A contract may be let and awarded in any form or composite of forms and to any responsible persons or persons which, in the board's judgment, will be most advantageous to the district and result in the best and most economical completion of the district's proposed plant, improvements, facilities, and works.

Thus, you are not required to award a bid to the lowest bidder. Rather, you should select the bid that will be "most advantageous to the district" and which will result in the best and most economical completion of the job. It is the responsibility of the board to determine which bid meets those criteria.

Mr. Wesley E. Thompson
April 13, 1988
Page 2

Also, the rule in Texas is that a governmental body may not consider factors such as the country of origin of goods in awarding a contract under a competitive bidding statute if the governmental body is not expressly authorized to consider such factors. See Texas Highway Commission v. Texas Association of Steel Importers, Inc., 372 S.W.2d 525 (Tex. 1963); Attorney General Opinions JM-712 (1987); MW-139 (1980).

Very truly yours,



Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/bc

3212