



STATE OF KANSAS

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ATTORNEY GENERAL

October 12, 1978

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ATTORNEY GENERAL OPINION NO. 78-333

Mr. Donald S. Simons
Chief Attorney
Department of Transportation
State Office Building
Topeka, Kansas 66612

Re: Highways--Contracts--Bidding

Synopsis: Where bids are solicited for a highway construction project, and only one bid is received, which is below the engineering estimate for the project, and the Secretary is satisfied that rebidding for the contract is not reasonably likely to elicit a greater response, there is no impropriety in proceeding with the award to the single bidder.

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Dear Mr. Simons:

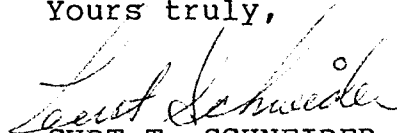
You inquire concerning the letting of a highway construction contract. You advise that bids were invited on a proposed contract for eight miles of paving. Your engineers' estimated cost for the project was \$4,260,000. You understand that other contractors could not or would not bid on the project because they could not obtain assurances from cement manufacturers of the supply required for the project. You question whether there is anything improper in making the award to this bidder, who happens to have submitted the only bid, in response to the project.

If the Secretary is satisfied that eligible contractors were given a full opportunity to bid on the project, that the lack of competition for this contract is due to the shortages of concrete

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supplies on the market, and that a new solicitation of bids is reasonably unlikely to elicit a greater response than this outstanding invitation, I see no impropriety in proceeding with the award to the present bidder.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj