



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

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FILE NO. S-281

FINANCE:

**State Fair Agency - Newspaper Tabloid
State Printing Contracts Act**

Mr. Thomas B. Evans
State Fair Manager
Illinois State Fair Agency
Administration Building
State Fairgrounds
Springfield, Illinois

Dear Sir:

I have your letter stating that the State Fair Agency proposes to secure color tabloid newspaper supplements for inserts in newspapers as advertising for the 1971 Fair and for mailings and general distribution on request by the Fair. You ask if the State Fair Agency can have its "advertising agency produce the tabloid through their own competitive bidding and with our approval, using our Contractual Services fund, or must we have this printed through the State Division of Printing."

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The State Printing Contracts Act (Illinois Revised Statutes 1969, Chapter 127, Paragraph 132.201 et seq.) provides:

Paragraph 132.202

"As used in this Act, unless the context otherwise requires:

'Department' means the Department of General Services.

'Printing' means and includes all processes and operations involved in printing, as that term is used in the printing industry, including but not limited to letterpress, offset and gravure processes, the multilith method and the operations of composition, platemaking, presswork and binding; and the end products of such processes, method and operations.

'State agency' means and includes each officer, department, board, commission, institution, body politic or corporate of the State Government and any other person expending or encumbering State funds by virtue of an annual or biennial appropriation from the General Assembly. 'State agency' does not include the University of Illinois, Southern Illinois University, those universities under the control of the Board of Regents, nor those colleges and universities under the control of the Board of Governors of State Colleges and Universities."

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Paragraph 132.205

"Except as otherwise provided in this Act, all printing furnished for the use of the State shall be obtained by contract let to the lowest responsible bidder by the Department, subject to the approval of the Governor. This Act does not apply to any printing that is to be paid for entirely from funds received from the federal government nor to any printing of extracts of the 'Illinois Revised Statutes' by the Secretary of State or any other State officer or agency."

It appears from your letter that payment for these newspaper supplements are to be made from an appropriation to the State Fair Agency and not from funds received from the federal government. The "color tabloid newspaper supplements" which are not described in any detail in your letter would be, as I understand it, a condensed printing in newspaper form pertaining to activities connected with the State Fair. It seems clear that this would amount to "printing" as defined, quoted above, in the State Printing Contracts Act.

The State Printing Contracts Act is subject to the provisions of the Illinois Purchasing Act but in cases of conflict between the provisions of the two Acts, the State Printing Contracts Act governs (Paragraph 132.242). The

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Illinois Purchasing Act (Illinois Revised Statutes 1969, Chapter 127, Paragraph 132.1 et seq.) applies to purchases made under the State Printing Contracts Act except that in cases of conflict between the provisions of the two Acts, the State Printing Contracts Act shall govern (Paragraph 132.13). I do not find any provision in the State Printing Contracts Act, The Illinois Purchasing Act, the State Fair Agency Act (Illinois Revised Statutes 1969, Chapter 127, Paragraph 401 et seq.) or the current appropriation to the Illinois State Fair Agency (Public Act 76-2358; House Bill No. 3310, approved June 25, 1970) treating this type of a publication or printing specially or as an exception in any way to the definition stated in the State Printing Contracts Act for printing.

From the facts submitted, it is my opinion that the answer to your question is in the negative. In other words, this printing of the color tabloid newspaper supplements is required to be obtained by contract let to the lowest responsible bidder by the Department of General Services, subject to the approval of the Governor.

Very truly yours,

A T T O R N E Y G E N E R A L