

Mr. G. V. Walters, Highways Engineer
Department of Public Works

(continued)

In 43 American Jurisprudence in Public Works and Contracts, Section 2, it is stated at pp. 743-744:

"DEFINITIONS; MEANING OF 'PUBLIC WORKS.' - While the definition of public works as all works constructed for public use, protection, or enjoyment, ordinarily of a fixed nature, such as docks, canals, waterworks, roads, etc., has been approved in a number of decisions, and the term, generally speaking, includes such improvements as highways, bridges, and the like, the determination of what are public works is often a question of statutory construction and interpretation. Such buildings, structures, and other works as by statute are authorized to be constructed for public purposes by the state or public agencies therein are generally to be regarded as public works. The question whether a work is a public work is not to be determined by the mode of payment or by the instruments used in attaining it, but rather by the objects to be accomplished. The paving of a street is a work which is public, not private, in character, regardless of whether the paving is done by the state or by a political subdivision thereof. In various cases it has been decided that sewer building, macadamizing of streets, disposal of the garbage of a city, and the construction and repair of a ship channel are public works, yet there are decisions to the effect that the construction of buildings rendered necessary by the removal and location of a county seat, construction and equipment of a seagoing dredge, a rifle range, and public lighting, are not."

It is also stated in 43 American Jurisprudence in Public Works and Contracts, Section 27, at pp. 768-769:

"CONTRACTS WITHIN PURVIEW OF REQUIREMENTS AS TO COMPETITIVE BIDDING. - Since the necessity of competitive bidding as a condition precedent to the valid award of a public contract depends upon a constitutional or legislative provision, the determination of what particular contracts must be thus let is a matter of statutory interpretation and construction. Many such legislative requirements are restricted in their scope to certain classes of public contracts or contracts which cover particular classes of work, and usually by their terms are applicable only to contracts exceeding a certain stipulated price.

" * * *. Other statutes contemplate or require competitive bidding in the letting of contracts for 'work.' A statute requiring that all contracts for work ordered by a municipal corporation shall be let to the lowest bidder is not restricted to the mere expenditure of physical or mental energy to some corporate end, but includes