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HOSPITAL—BOARD OF HOSPITAL GOVERNORS OF JOINT TOWNSHIP HOSPITAL—NOT REQUIRED TO PURCHASE FURNITURE AND EQUIPMENT FOR HOSPITAL BY COMPETITIVE BIDS.

SYLLABUS:

A board of hospital governors of a joint township hospital is not required to purchase furniture and equipment for such hospital by competitive bids.

Columbus, Ohio, March 8, 1950

Hon. Harold D. Roth, Prosecuting Attorney
Wyandot County, Upper Sandusky, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“Under authority of Section 3414-1 et seq. of the General Code, a Joint Township Hospital District was organized in Wyandot County, Ohio, consisting of four townships. The Trustees of the Joint Township Hospital Board selected a Board of Governors in compliance with Section 3314-6. A bond issue was voted by the people and the hospital is now under construction. There is money available to purchase the equipment for the hospital.

Section 3414-7 reads as follows: ‘Subject to the provisions of this act and with the consent and approval of the Joint Township District Hospital Board, such Board of Governors shall * * * proceed to erect, furnish and equip necessary buildings. * * *’

The question has arisen as to whether or not the Board of Governors must advertise for bids in order to purchase the equipment necessary for the hospital. I find no limitation in the act providing for joint township hospital districts.

I would appreciate your advice as to whether or not it is necessary for the hospital Board of Governors to advertise for the purchasing, furnishings, and equipment for such a hospital.”

So much of Section 3414-7 of the General Code as pertains to your question reads as follows:

“Subject to the provisions of this act and with the consent and approval of the joint township district hospital board, such board of hospital governors shall prepare plans and specifications with authority to employ technical assistance if necessary and proceed to erect, furnish and equip necessary buildings for a joint township general hospital. * * *”

It is a general rule of law in situations involving contracts for public work or the furnishing of supplies, services, etc., to the public that in the absence of a constitutional or statutory provision, competitive bidding is not an essential prerequisite to the validity of contracts for such work, materials or services entered into by public bodies. See 43 Am. Jur. 765, Public Works and Contracts §24.

There is neither a constitutional provision or general statute in Ohio requiring the purchase of furnishings and equipment for joint township district hospitals to be entered into by competitive bidding, nor is there such provision in the joint township hospital act itself. It is my opinion, therefore, that such method of purchase is not required of a board of governors of a joint township district hospital.

Respectfully,

HERBERT S. DUFFY,
Attorney General.