

1980.

APPROVAL, NOTES OF PAYNE VILLAGE SCHOOL DISTRICT, PAUL-
DING COUNTY, OHIO, \$3,553.00.

COLUMBUS, OHIO, December 9, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

1981.

BOARD OF EDUCATION—CONTRACT WITH PRIVATE CORPORATION
TO PURCHASE COAL MAY BE AMENDED OR RESCINDED WHEN—
WITHDRAWAL OF BID—EFFECT OF NATIONAL INDUSTRIAL
RECOVERY ACT—MEMBER THEREOF MAY NOT BE MANAGER OF
SAID COAL COMPANY—COMPETITIVE BIDDING UNNECESSARY.

SYLLABUS:

1. *There is no provision of law requiring boards of education to advertise for competitive bids for the purchase of coal.*

2. *A contract made by a private corporation with a board of education for the sale of coal to such board may be renounced by such company so as to allow the said board to declare the contract rescinded by an oral communication made by the company manager to the clerk of such board of education, if such oral communication embraces a distinct, unequivocal and absolute refusal to perform the contract or to recognize it as binding upon the company. Such rescission might render the contractee liable to respond for damages caused thereby, if any.*

3. *A bid submitted to a board of education for the sale of coal to such board by a private person, partnership or corporation may be withdrawn by such person, partnership or corporation if it is not accepted within a reasonable time after its submission.*

4. *A board of education may not amend a contract made with a private corporation for the purchase of coal so as to allow an increase in the contract price when such corporation so requests, because of increased costs due to the operation of the National Industrial Recovery Act.*

5. *Where a contract is made by a board of education with a private corporation for the purchase of coal and the manager of such corporation, who is also a stockholder therein, is elected a member of such board of education, such manager and stockholder may not qualify as a member of such board of education unless he terminates his services with the said company and sells or otherwise disposes of his stock therein.*

COLUMBUS, OHIO, December 9, 1933.

HON. JAMES M. HOWSARE, *Prosecuting Attorney, Eaton, Ohio.*

DEAR SIR:—Your recent communication reads as follows:

"I respectfully request your opinion upon the following set of facts: May 13, 1933, the Board of Education of the Eaton Village School District, notified the public that sealed bids would be received for six