

to be specified in an advertisement for the purchase of an automobile by competitive bidding. Without undertaking to set forth the specifications that were used therein, the court concluded that such specifications were so drawn "that no known make of automobile, except the Hudson, came within the city requirements," and that therefore every other machine was disqualified. In that case, however, there was much more latitude given than in the case you present.

In the case of *Mog vs. The City of Cleveland, et al.*, 18 O. N. P. (N. S.) 49, decided by the Court of Common Pleas of Cuyahoga County, June 11, 1915, it was held, as disclosed by the third branch of the headnote:

"Where it is shown by the testimony of the officers having the matter in hand that in their opinion the desired equipment can not be secured through competition, but must be purchased from a particular manufacturer, and it is frankly admitted that the specifications were so drawn as to make it impractical for any other manufacturer to submit a bid, injunction will lie against the acceptance of the proposal of the one manufacturer whose product corresponds with the specifications upon which bids were asked."

Without further discussion, it is my opinion that where township trustees, desiring to purchase a truck for use in connection with the maintenance of township roads, in the specifications of the equipment desired as set forth in its advertisement for bids, describe said truck by name as contradistinguished from mechanical specifications, there is a violation of the principle of competitive bidding required under the provisions of Section 3373 of the General Code.

Respectfully,
GILBERT BETTMAN,
Attorney General.

739.

APPROVAL, FINAL RESOLUTION ON ROAD IMPROVEMENTS IN
DELAWARE COUNTY.

COLUMBUS, OHIO, August 14, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

740.

SCHOOL DISTRICTS—RECEIVING MONEY FROM STATE EDUCATIONAL EQUALIZATION FUND FOR PURCHASE OF EQUIPMENT—SUCH SUPPLIES NOT PURCHASABLE THROUGH STATE PURCHASING AGENT.

SYLLABUS:

1. *When a school district is permitted to participate in the state educational equalization fund, payment should be made to the school district of the amount of the*