

apprehend the requirements of an amendment to the statutes, submits plans and specifications, contract for which is duly awarded, which plans fail to specify an additional requirement of such amendment, and compliance with the law requires that the printing company be authorized to provide such additional printing of registration lists without the submission of further plans and bids and the company consents to perform such additional work upon such oral authorization, held:

That inasmuch as there was no indication of any intent to violate or ignore the provisions of the statute, and as emergency requires such action to be taken, the proceedings being entirely in good faith, the board should compensate such company for the additional work so performed."

It will be observed that the facts under consideration in the opinion last referred to are very similar to those presented by you. In that case for some reason the board of elections found itself needing supplies after the awarding of the main contract, which were not provided for in the contract, which was let in pursuance of competitive bidding. Under the circumstances, the Attorney General held that the party furnishing the additional supplies, was entitled to be compensated. There are other instances wherein the courts have held that the requirements as to competitive bidding may be dispensed with. To illustrate, courts have said that notwithstanding the express provisions of a statute requiring competitive bids, such procedure is not required in those instances wherein by reason of the very nature of the purchase contemplated the same is absolutely and essentially non-competitive. In other words, no competition is required in those instances where as a matter of fact the same is impossible.

Without further consideration, it is believed that inasmuch as there are mandatory provisions requiring a primary election to be held and enjoining the deputy state supervisors to provide for the same, and in view of the fact that an attempt has been made to comply with the provisions of Section 5050 of the General Code, and by reason of the circumstances it is impossible now to again advertise for bids, under such circumstances the board of elections may properly award the contract for printing such supplies without competitive bids to any person within or without the county who is in a position to furnish such supplies.

Respectfully,
GILBERT BETTMAN,
Attorney General.

703.

APPROVAL, BONDS OF BIG ISLAND TOWNSHIP, MARION COUNTY—
\$5,330.39

COLUMBUS, OHIO, August 2, 1929.

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