

1656.

TOWNSHIP TRUSTEES—MUST PURCHASE ROAD MACHINERY AT  
COMPETITIVE BIDDING WHEN COST EXCEEDS FIVE HUNDRED  
DOLLARS.

*SYLLABUS:*

*When township trustees purchase road machinery and equipment, under the provisions of Section 7201 of the General Code, and the amount involved exceeds \$500.00, the same must be purchased in pursuance to competitive bidding, as required by Section 3373 of the General Code.*

COLUMBUS, OHIO, March 24, 1930.

HON. R. H. BOSTWICK, *Prosecuting Attorney, Chardon, Ohio.*

DEAR SIR:—Acknowledgment is made of your communication requesting my opinion on the following:

“In May, 1928, Attorney General Edward C. Turner, in an opinion rendered at that time, held that county commissioners could buy road machinery without advertising under authority of Section 7200 of the General Code of Ohio. This section makes no reference to trustees of the various townships, but the following section, which is 7201, of the General Code of Ohio, provides that county commissioners and township trustees may purchase road machinery on credit.

The question which I would like your opinion on is whether or not the township trustees may also purchase road machinery without advertising under Sections 7200 and 7201 of the General Code of Ohio, either or both.”

As suggested in your communication, my predecessor, in an opinion found in the Opinions of the Attorney General for the year 1928 at page 1193, held that county commissioners could purchase machinery and equipment under the provisions of Section 7200 of the General Code, without resorting to advertisement or competitive bidding. Said opinion pointed out, however, that while there was no legal requirement as to purchasing such equipment by competitive bidding, under ordinary circumstances the interests of the public would be best served by inviting bids and awarding the contract to the lowest responsible bidder. Said opinion followed a former opinion of an attorney general upon the same subject. In the body of said opinion it is disclosed that the sections of the General Code requiring competitive bidding by county commissioners deal with special subjects such as public buildings, bridges or bridge sub-structures, etc., which sections do not have application to the purchase of machinery. However, the same Attorney General to whom you refer, in an opinion found in the Opinions of the Attorney General for the year 1927, at page 113, in considering the provisions of Section 7201, relative to the power of township trustees to purchase machinery and equipment held as disclosed by the second branch of the syllabus, that:

“By the express terms of Section 3373, General Code, all purchases of machinery, by township trustees for use in constructing, maintaining, and repairing roads must, where the amount involves five hundred dollars, be made from the lowest responsible bidder after advertisement, as prescribed by such section.”

It is stated in the body of the opinion that Sections 7201 and 3373, General

Code, are in pari materia and it of course follows that they must be construed together. Said Section 3373, among other things, especially provides:

"All purchases of materials, machinery, and tools, shall, where the amount involved exceeds five hundred dollars, be made from the lowest responsible bidder after advertisement made in the manner hereinbefore provided."

In view of the foregoing, and in specific answer to your question, it is my opinion that when township trustees purchase road machinery and equipment, under the provisions of Section 7201 of the General Code, and the amount involved exceeds \$500.00, the same must be purchased in pursuance of competitive bidding, as required by Section 3373 of the General Code.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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1657.

APPROVAL, BONDS OF NORTH OLMSTED VILLAGE SCHOOL DISTRICT, CUYAHOGA COUNTY—\$34,500.00.

COLUMBUS, OHIO, March 24, 1930.

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

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1658.

APPROVAL, BONDS OF ARCHBOLD VILLAGE SCHOOL DISTRICT, FULTON COUNTY—\$95,000.00.

COLUMBUS, OHIO, March 24, 1930.

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

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1659.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND FREEMAN & JONES, INC., CLEVELAND, OHIO, FOR CONSTRUCTION OF WATER SUPPLY, INSTITUTION FOR FEEBLE-MINDED AT APPLE CREEK, OHIO, AT AN EXPENDITURE OF \$9,100.00—SURETY BOND EXECUTED BY THE HARTFORD ACCIDENT AND INDEMNITY COMPANY.

COLUMBUS, OHIO, March 24, 1930.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus Ohio.*

DEAR SIR:—There has been submitted for my opinion a contract between the State of Ohio, acting by the Department of Public Works for the Department of