



STATE OF KANSAS

*Office of the Attorney General*

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CURT T. SCHNEIDER  
*Attorney General*

May 2, 1975

Opinion No. 75- 199

Mr. David L. Miller  
State Representative District 6  
Labette and Cherokee Counties  
2316 Belmont  
Parsons, Kansas 67357

Dear Representative Miller:

You have requested an opinion from this office concerning whether the practice of accepting bids for public athletic equipment on a brand name only basis with no substitutes being allowed violates the open bidding law, K.S.A. 72-6760. Based on the conclusions stated in the Attorney General's Opinion No. 75-118, it is the opinion that such a practice by school districts does violate the open bidding law.

Enclosed is a copy of the above cited opinion. As you will note, the only significant difference between the situation described in that opinion and that relative to your inquiry lies in the merchandise to be purchased.

Accordingly, it is the opinion of the Attorney General's Office that purchases by the Board of Education of any school district which exceed \$5,000 as specified in K.S.A. 72-6760(b) and are not exempt under subsection (c) may not be on a brand name only basis with no substitutes being allowed. Bids on athletic equipment from any responsible source which meet the specifications required for the particular purchase must be considered before any contract is awarded for that particular acquisition. The conclusions and statements found in the Attorney General's Opinion 75-118 are hereby adopted and incorporated by reference into this opinion.

Yours very truly,

CURT T. SCHNEIDER  
Attorney General

CTS:HTW:jj  
Enclosure