

authorize a given improvement to be constructed by force account.

However, in connection with the subject at hand, section 6948-1 should be noted, which reads:

"Before undertaking the construction, reconstruction, widening, re-surfacing, repair or improvement of a road, the county commissioners shall cause to be made by the county surveyor an estimate of the cost of such work, which estimate shall include labor, material, freight, fuel, hauling, use of machinery and equipment and all other items of cost and expense. If the county commissioners deem it for the best interest of the public they may, in lieu of constructing such work by contract, proceed to construct the same by force account. Where the total estimated cost of the work exceeds three thousand dollars per mile, the commissioners shall be required to invite and receive competitive bids for furnishing all the labor, materials and equipment and doing the work, as provided in G. C. § 6945, and to consider and to reject the same, before ordering the work done by force account. When such bids are received, considered and rejected, and the work done by force account; such work shall be performed by compliance with the plans and specifications upon which the bids were based. The provisions of this section shall apply both to new construction and to repair work."

An examination of the history of the above section would indicate that the three thousand dollars per mile would have no application to the construction of a bridge. It may have application if the bridge is being constructed as a part of a road construction project. Prior to the enactment of the so-called Norton-Edwards Act in 1927, the group of sections of which section 6948-1 is a part, applied only to roads, but by the amendment of section 6911 in said act, the commissioners were authorized to include the construction or reconstruction of bridges and culverts in a road improvement project by unanimous vote. See Opinions of the Attorney General for 1929, Vol. I, Page 790.

While section 7198 is a part of another group of sections, it could well be argued that it is in *pari materia* with section 6948-1. In any event, it is my opinion that it was not the intent of the legislature that the limitation of three thousand dollars per mile was to apply to the construction of a bridge not being constructed in conjunction with a road improvement. The term "mile" when used in such sections, it is believed, has reference to the road, as such term cannot logically apply to bridges.

By way of specific answer to your inquiry it is my opinion that the county commissioners under the provisions of section 7198, General Code, may authorize the county surveyor to purchase material and employ labor to construct a bridge by force account, and such power would include the right to purchase and reconstruct a second-hand bridge if in the judgment and discretion of said officials the same is for the benefit of the county.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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APPROVAL, BONDS OF NEW CONCORD-UNION RURAL SCHOOL DISTRICT, MUSKINGUM COUNTY, OHIO—\$73,500.00.

COLUMBUS, OHIO, April 10, 1931.

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