

518.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE CHAPPELEAR-GARDNER COMPANY OF PORTSMOUTH, OHIO, TO CONSTRUCT AUDITORIUM AT OHIO UNIVERSITY, ATHENS, OHIO, AT AN EXPENSE OF \$226,953.00—SURETY BOND EXECUTED BY THE GLOBE INDEMNITY COMPANY.

COLUMBUS, OHIO, May 21, 1927.

HON. GEORGE F. SCHLESINGER, *Director, Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio acting by the Department of Highways and Public Works, for and on behalf of the Board of Trustees of Ohio University, Athens, Ohio, and The Chappellear-Gardner Company of Portsmouth, Ohio, covering the construction and completion of an Auditorium (exclusive of plumbing, heating and ventilating, sprinkler system, and electrical contracts) on the campus of Ohio University, Athens, Ohio, and calling for an expenditure of two hundred and twenty-six thousand nine hundred and fifty-three dollars (\$226,953.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated sufficient to pay for the State's portion of the above contract and a certification by the Auditor of State that there are on deposit in his department security bonds securing deposits in bank to an amount sufficient to cover the remaining obligations of said contract, a part of which reads as follows:

“Nothing in this contract shall be construed to create an obligation or incur a liability against the state in excess of the appropriation made in Amended House Bill No. 517, passed March 27, 1925, approved April 16, 1925, filed with the Secretary of State April 16, 1925, said appropriation being made under the heading of Additions and Betterments, G-2, Auditorium to Ohio University, in the amount of one hundred and sixty thousand dollars (\$160,000.00); it being understood and agreed that the contractor must depend upon the proper administration of a fund donated by private individuals, and now under the control of the Auditor of State, for the payment of the balance of said contract price.”

You have also submitted a contract bond upon which the Globe Indemnity Company appears as surety sufficient to cover the amount of the contract. You have further submitted evidence indicating that plans and specifications were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

I note that the contracts are signed: “The Chappellear-Gardner Company, by David E. Gardner, Jr.” Mr. Gardner's official designation should appear.

Finding said contract and bond in proper legal form, subject to the correction set forth above, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

EDWARD C. TURNER,

*Attorney General.*