

action. If your county were to proceed upon the theory that the state would make a donation of the sum mentioned in the section, such a proceeding in my opinion would be taking the opposite course intended by the Legislature.

In this connection, in view of existing law and the language of the appropriation act it would be necessary for the Division of Public Works to proceed in accordance with the statutes governing the awarding of public contracts with reference to advertisements, competitive bidding, etc., before any fund of the state could be expended. In Opinion No. 340 issued April 18, 1927, and reported in the Opinions of the Attorney General for said year, Vol. I, page 573, this proceeding was fully outlined. The above statement with reference to awarding the contract after competitive bidding, however, is subject to the exception provided in Section 6 of House Bill No. 502, to the effect that improvements may be made by force account when plans, specifications, bills of material and estimates of cost have been presented to the Controlling Board and filed with the Auditor of State, if the Controlling Board consents to such method and certifies such consent in writing to the Auditor of State and the Director of Finance, as required therein.

In any event, it is my opinion that the state is not authorized to turn the fund over to your county for the purpose of permitting said county to proceed with the project. On the other hand, the appropriation act, read in connection with the statutes, contemplates that the Division of Public Works shall supervise and accomplish said construction.

In specific answer to your inquiry, you are advised that it is my opinion that there is no lawful authority for the Division of Public Works to turn over to Pickaway County the appropriation of \$6,000.00, which item is found on page 66 of the General Appropriation Act of the 87th General Assembly, and is to be used for the purpose of moving, constructing and improving a road through state lands at Orient, to enable said county to improve and construct said road.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

2741.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND HERMAN C. WELLER, COLUMBUS, OHIO, FOR THE CONSTRUCTION OF FARM HOUSE, OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$8,200.00—SURETY BOND EXECUTED BY THE GLOBE INDEMNITY COMPANY.

COLUMBUS, OHIO, October 17, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for and on behalf of the Board of Trustees of the Ohio State University, Columbus, Ohio, and Herman C. Weller, of Columbus, Ohio. This contract covers the construction and completion of general contract, Farm House, and accepting Alternate No. 5, providing for block foundation in place of poured concrete, at a deduction of \$200.00, and calls for an expenditure of eight thousand two hundred dollars (\$8,200.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the

obligations of the contract. You have also furnished evidence to the effect that the consent and approval of the Controlling Board to the expenditure have been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have 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 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.

Finding said contract and bond in proper legal form, 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.*

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2742.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE ELECTRIC POWER EQUIPMENT COMPANY, COLUMBUS, OHIO, FOR THE CONSTRUCTION OF ELECTRICAL CONTRACT FOR FARM HOUSE, OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$281.00—SURETY BOND EXECUTED BY THE GLOBE INDEMNITY COMPANY.

COLUMBUS, OHIO, October 17, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for and on behalf of the Board of Trustees of the Ohio State University, Columbus, Ohio, and The Electric Power Equipment Company, of Columbus, Ohio. This contract covers the construction and completion of Electrical contract, Farm House, and calls for an expenditure of two hundred and eighty-one dollars (\$281.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent and approval of the Controlling Board to the expenditure have been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have 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 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.

Finding said contract and bond in proper legal form, 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.*