

49.

APPROVAL—CONTRACT AND BOND, STATE OF OHIO, THROUGH DIRECTOR OF PUBLIC WORKS, WITH ROMANOFF ELECTRICAL COMPANY, TOLEDO, OHIO, FOR DEPARTMENT OF PUBLIC WELFARE, ELECTRICAL WORK, NURSES' HOME, TOLEDO STATE HOSPITAL, TOLEDO, OHIO, \$6,865.00.

COLUMBUS, OHIO, January 27, 1939.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval a contract by and between the Romanoff Electrical Company, a corporation of Toledo, Ohio, and the State of Ohio, acting through you as Director of the Department of Public Works, for the Department of Public Welfare, for the construction and completion of contract for the electrical work on a project known as Nurses' Home, Toledo State Hospital, Toledo, Ohio, as set forth in Item 4 of the Form of Proposal dated December 15, 1938, which contract calls for the expenditure of \$6,865.

You have submitted the following papers and documents in this connection: contract encumbrance record number 79, dated December 22, 1938, estimate of cost, division of contract, notice to bidders, proof of publication, workmen's certificate showing the contractor had complied with the laws of Ohio relating to compensation, the form of proposal containing the contract bond signed by the Fidelity and Deposit Company of Maryland and the certificate of compliance with the laws of Ohio relating to surety companies, the recommendation of the State Architect and Director of Public Works, and Director of Public Welfare, Controlling Board release, approval of P. W. A., letter of certification from the Auditor of State showing that the necessary papers and documents are on file in said office, and the tabulation of bids received on this project.

I have examined the specifications made part of the contract by reference, and find that a prevailing wage schedule is attached to said specifications in compliance with Section 17-4 of the General Code of Ohio.

I find no clause in the contract complying with Section 2366-1 of the General Code of Ohio, but by reason of the penal provisions of said section, am of the opinion that any aggrieved person has an adequate remedy at law, and the absence of said provision is not such as to invalidate said contract.

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 documents submitted in this connection.

Respectfully,

THOMAS J. HERBERT,
Attorney General.