

22.

APPROVAL—CONTRACT AND BOND, STATE OF OHIO, THROUGH DIRECTOR OF PUBLIC WORKS, WITH WUELLNER AND THEADO, COLUMBUS, OHIO, PLUMBING WORK, NURSES' HOME, TOLEDO STATE HOSPITAL, TOLEDO, OHIO, \$10,799.00.

COLUMBUS, OHIO, January 20, 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 Wuellner and Theado, Columbus, Ohio and the State of Ohio, acting by the Department of Public Works, for the Toledo State Hospital, Toledo, Ohio for the construction and completion of contract for plumbing work for a project known as Nurses' Home, Toledo State Hospital, Toledo, Ohio, as set forth in Item No. 2, of the Form of Proposal dated December 16, 1938, which contract calls for the total expenditure of \$10,799.00.

You have submitted the following papers and documents in this connection: Encumbrance estimate No. 77, dated December 22, 1938, estimate of cost, division of contract, notice to bidders, proof of publication, workmen's compensation certificate showing the contractor having complied with the laws of Ohio relating to compensation, the form of proposal containing the contract bond signed by The Aetna Casualty and Surety Co., its power of attorney for the signer, its financial statement and the certificate of compliance with the laws of Ohio relating to surety companies, the recommendation of the State Architect, Board of Trustees, and Director of Public Works, 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 refer-

ence 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.