

27.

APPROVAL—CONTRACT AND BOND, STATE OF OHIO, THROUGH DIRECTOR OF PUBLIC WORKS, WITH JAMES I. BARNES CONSTRUCTION COMPANY, FOR BOARD OF TRUSTEES, MIAMI UNIVERSITY, OXFORD, OHIO, GENERAL WORK, MEN'S DORMITORY, \$272,800.00.

COLUMBUS, OHIO, January 24, 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 James I. Barnes Construction Company, Springfield, Ohio, and the State of Ohio, acting by the Department of Public Works for the Board of Trustee of Miami University, Oxford, Ohio, for the construction and completion of contract for the General Work for a project known as Men's Dormitory, Miami University, Oxford Ohio, as set forth in Item No. 1, of the Form of Proposal dated December 3, 1938, which contract calls for the total expenditure of \$272,800.00.

You have submitted the following papers and documents in this connection: Estimate of cost, Division of contract, Notice to bidders, Proof of Publication, Workmen's 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 Inland Bonding Company of South Bend, Indiana, 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, Certification of Board of Trustees as to Availability of Moneys, 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.