

210.

CONTRACT — STATE WITH FRANK HALTER, OXFORD,  
PLUMBING WORK, WEST WING TO CHEMISTRY BUILD-  
ING, MIAMI UNIVERSITY, OXFORD.

COLUMBUS, OHIO, February 28, 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 Frank Halter, Oxford, Ohio, and the State of Ohio, acting through you as Director of the Department of Public Works for the Board of Trustees, Miami University, Oxford, Ohio, for the construction and completion of a contract for the plumbing work on a project known as West Wing to Chemistry Building, Miami University, Oxford, Ohio, as set forth in Item 2 of the Form of Proposal dated November 2, 1938, which contract calls for the expenditure of \$1,715.00.

You have submitted the following papers and documents in this connection: contract encumbrance record No. 1701, dated November 4, 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 Ohio Casualty Insurance Company, 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 PWA; 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, Gen-

eral Code, but by reason of the penal provisions of said section, I 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.

Yours very truly,

THOMAS J. HERBERT,  
*Attorney General.*