

file in the office of the county commissioners, and the time within which bids will be received. The county commissioners may let the work as a whole or in convenient sections as they may determine. They shall award the contract to the lowest and best bidder. The contract shall be let upon the basis of lump sum bids, unless the commissioners order that the same be let upon the basis of unit price bids, in which event it shall be let upon such basis."

Sec. 6945-1. "If the estimated cost of the improvement is two hundred dollars or less the contract may be let without competitive bidding. If the estimated cost is more than two hundred dollars, but does not exceed five hundred dollars, the contract may be let at competitive bidding, after advertisement, posted in the office of the county commissioners and in at least three other public places in the county for ten days prior to the letting."

Nowhere in the above sections of the Code does it state that bids must be received for both materials and labor. In fact, it would appear that the legislature recognized, in enacting these sections, that the county commissioners might only need to advertise for labor for a road improvement, for Sections 7200, 7203 and 7214, General Code, which as my predecessor has pointed out, give ample authority for the purchase alone and storing of materials, were first passed as part of the Cass Highway Act, which first enacted Sections 6906 et seq., General Code, in 1915 (see the act in 106 O. L., 574-666, entitled: "To provide a system of highway laws for the State of Ohio, and to repeal all sections of the General Code, and acts inconsistent therewith."). Certainly the legislature could not have authorized the purchase of materials without regard to any designated improvement and then require that bids be received for labor and materials whenever an improvement is undertaken. Such a construction of the law would limit the meaning of sections 7200, 7203, and 7214, General Code, which is unwarranted.

Based on the foregoing, I am of the opinion that when county commissioners have already purchased road materials without reference to any designated road project, and later decide to construct a road, they are legally authorized to advertise for and accept bids for the labor only to be performed on a designated road.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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3171.

APPROVAL, CONTRACT FOR ELIMINATION OF GRADE SEPARATION  
AT CANAL WINCHESTER, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, April 21, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

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3172.

BOARD OF EDUCATION—TRANSPORTATION OF CRIPPLED CHILD  
UNDER TERMS OF SECTION 7755-3, GENERAL CODE DISCUSSED—  
INAPPLICABILITY OF PROVISIONS OF SECTION 7731-3, GEN-  
ERAL CODE—EXCEPTION NOTED.