

76.

APPROVAL—CONTRACT AND BOND, STATE OF OHIO, THROUGH DIRECTOR OF PUBLIC WORKS, FOR DEPARTMENT OF PUBLIC WELFARE, WITH A. BENTLEY AND SONS COMPANY, GENERAL WORK, NURSES' HOME, TOLEDO STATE HOSPITAL, TOLEDO, OHIO, \$137,316.00.

COLUMBUS, OHIO, February 2, 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 A. Bentley and Sons Company, Toledo, Ohio, and the State of Ohio, acting through you as the Director of the Department of Public

Works, for the Department of Public Welfare, for the construction and completion of a contract for general work upon a project known as Nurses' Home, Toledo State Hospital, Toledo, Ohio, and as set forth in Item 1; Item 2, alternate "G-1"; Item 3, alternate "G-2"; Item 4, alternate "G-3"; Item 5, alternate "G-4" of the Form of Proposal dated January 3, 1939, which contract calls for an expenditure of \$137,316.00.

You have submitted the following papers and documents in this connection: Encumbrance Record No. 81, dated January 3, 1939; Division of Contract; Revised Estimate of Cost, dated December 17, 1938; Notice to Bidders of Revised General Contract; Proof of Publication; Form of Proposal containing contract bond signed by the United States Guarantee Company, its power of attorney for the signer, its financial statement and a certificate of compliance with the laws of Ohio relating to surety companies; the recommendations of the State Architect, Director of Public Works and Director of Public Relief; Controlling Board Release; Approval of Proposed Award of Contract by PWA; Letter of Certification from the Auditor of State, showing that the necessary papers are on file in said office; and the tabulation of bids received on this project.

I have examined the specifications made part of contract by reference and find a prevailing wage scale schedule is attached to said specifications in accordance with the law.

There is no provision in said contract in accordance with Section 2366-1 of the General Code, but I am of the opinion that its absence does not invalidate the contract as there is an adequate remedy at law for all or any aggrieved person.

After a conference at your office I was advised that inasmuch as all original bids exceeded the estimated cost, you have in accordance with Section 2320 of the General Code readvertised for other bids, and have now accepted the bid of the A. Bentley and Sons Company, as being the lowest and best bid under the revised notice. I am of the opinion that said procedure is regular in form.

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 documents submitted in this connection.

Respectfully,

THOMAS J. HERBERT,
Attorney General.