

72.

APPROVAL—CONTRACT AND BOND, STATE OF OHIO, THROUGH DIRECTOR OF PUBLIC WORKS, FOR DEPARTMENT OF PUBLIC WELFARE, HEATING WORK, NURSES' HOME, TOLEDO STATE HOSPITAL, TOLEDO, OHIO, \$8,381.00, WITH N. S. LARSEN.

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 N. S. Larsen, an individual of 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 contract for heating work upon a project known as Nurses' Home, Toledo State Hospital, Toledo, Ohio, as set forth in Item 3 of the Form of Proposal dated December 16, 1938, which contract calls for the expenditure of \$8,381.

You have submitted the following papers and documents in this connection: Contract Encumbrance Record Number 78; Estimate of Cost; Division of Contract; Notice to Bidders; Proof of Publication, Workmen's Compensation 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 Hartford Accident and Indemnity Company of Hartford, Connecticut, 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 recommendations of the State Architect, Director of Public Works, and Director of Public Welfare; 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 reference and find that the prevailing wage scale schedule is attached to said specifications in compliance with Section 17-4 of the General Code of Ohio.

I find no clause in this contract complying with Section 2366-1 of the General Code of Ohio. I am of the opinion that the absence of said provision is not such as to invalidate said contract and any aggrieved person has an adequate remedy at law.

Finding said contract and bond in proper legal form, I have this day

noted my approval thereon and return the same herewith to you with all other documents submitted in this connection.

Respectfully,

THOMAS J. HERBERT,
Attorney General.