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CONTRACT—STATE WITH LEONARD PETERSON & CO.,
INC., FURNITURE AND EQUIPMENT, MCGILVREY HALL,
KENT STATE UNIVERSITY, KENT.

COLUMBUS, OHIO, April 5, 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 Leonard Peterson & Co., Inc., a corporation of Illinois, with its principal place of business in Chicago, Illinois, and the State of Ohio, acting through you as Director of the Department of Public Works for the Board of Trustees of Kent State University, Kent, Ohio, for the construction and completion of contract for furniture (as contained in official contract) :

“Contract for Furniture and Equipment for a project known as P.W.A. Docket No. OH-1720-F, Senate Bill No. 457, McGilvrey Hall (A), (B) and Alterations, Kent State University, Kent, Ohio—1938 as set forth in Base Bid No. 1 (a) Item No. 24, Furniture and Equipment for McGilvrey Hall (A), (B) and Alterations as specified and shown on the drawings and lists for the base bid on the Form of Proposal for Furniture and Equipment dated December 19, 1938, all according to Plans and Specifications, which Plans, Specifications and Proposal are made a part of this Contract.”

You have submitted the following papers and documents in this connection; Contract Encumbrance Record EE 2276 dated December 20, 1938; Estimate of Cost; Division of Contract; Notice to Bidders; Proof of Publication; Workmen's Compensation Certificate, showing the contractor to have complied with the laws of Ohio relating to compensation; the form of proposal containing the contract bond signed by the National Surety Company of New York, its power of attorney for the signer, its financial statement and the certificate of compliance with the laws of Ohio relating to surety companies; certificate from Secretary of State of Ohio, stating that Leonard Peterson and Company has authority to do busi-

ness in Ohio; recommendations of the Director of the Department of Public Works and the State Architect; Approval of P.W.A.; copy of resolution of the Building Committee of Kent State University; Controlling Board's Release; Letter from Auditor of the State of Ohio showing that all the necessary papers and documents are on file in his office; and the tabulation of bids 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 bond and contract 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.