

much as there appears to be, from the papers before me, an irregularity in the statutory proceeding required for the letting of a contract, which will prove fatal to the awarding of any contract on the bids submitted.

It seems that the advertisement for the bids was published once on May 5, 1931. It further appears that the "Addenda" was prepared on May 7, 1931, and subsequently copies of this "Addenda" were supplied to bidders. Now section 2317, General Code, provides as follows:

"After the proceedings required by sections 2314 and 2315 have been complied with, such owner shall give public notice of the time and place when and where proposals will be received for performing the labor and furnishing the materials of such construction, improvement, alteration, addition or installation, and a contract or contracts therefor awarded, except for materials manufactured by the state or labor supplied by the Ohio board of administration that may enter into the same. The form of proposal approved by the state building commission shall be used, and a proposal shall be invalid and not considered unless such form is used without change, alteration or addition. Bidders may be permitted to bid upon all the branches of work and materials to be furnished and supplied, or upon any thereof, or alternately upon all or any thereof." (Italics the writer's.)

From the above section of the Code, when read with the provisions of sections 2314 and 2315, it is evident that the plans and specifications and all information to bidders must be filed with the Auditor of State before advertisement for proposals is started. While it is true that the bidders were probably informed of the "Addenda" in the present instance, yet the statutes would seem to prohibit the filing of any supplementary data or amendment of the specifications after advertisement is started. Consequently, it would appear that no valid contract could be entered into by the State with any of the bidders.

The proper procedure at this time is to reject all bids, which the Superintendent of Public Works may do under section 2320, General Code, and readvertise for new bids.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3319.

APPROVAL, BONDS OF DENNISON CITY SCHOOL DISTRICT, TUSCARAWAS COUNTY, OHIO—\$6,000.00.

COLUMBUS, OHIO, June 12, 1931.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3320.

APPROVAL, CONDITIONALLY, OF ABSTRACT OF TITLE TO LAND OF LAFAYETTE AND VOLNEY S. TAYLOR IN RARDON TOWNSHIP, SCIOTO COUNTY, OHIO.