

**OPINION NO. 80-067****Syllabus:**

R.C. 127.16 requires the Controlling Board's approval of any consultant contract entered into by the Board on Unreclaimed Strip Mined Lands which will cost at least ten thousand dollars over a twelve-month period and which is not competitively bid.

**To: Robert W. Teater, Director, Department of Natural Resources, Columbus, Ohio**  
**By: William J. Brown, Attorney General, October 28, 1980**

I have before me your request for a formal opinion concerning a situation in which the Board seeks to hire a consultant to conduct a study of an unreclaimed strip mined area. As stated in your letter, the Board seeks to hire such consultant pursuant to R.C. 1513.29, which authorizes the Board to "hire such consultants as necessary to perform its duties." Your specific concern is as follows: "In view of the provisions of Revised Code Section 127.16(C), if the Board does not competitively bid consultant contracts, must the Controlling Board approve such contracts?"

Since I received your request, R.C. 127.16, defining the powers of the Controlling Board, has been amended. Am. Sub. H.B. 204, 113th Gen. A. (1979) (eff. July 30, 1979). I believe the amendment directly addresses your question. R.C. 127.16 now reads in part as follows:

(D) Notwithstanding any other section of the Revised Code, and regardless of whether competitive bidding is required by law, neither of the following purchases shall be made unless approved by the controlling board or unless they are competitively bid:

(1) Purchases from a particular supplier of professional services, technical services, and the advice of experts, or any combination thereof to cost, in the aggregate over a twelve-month period, ten thousand dollars or more;

(2) Purchases from a particular supplier of personal services not included in division (D)(1) of this section, labor, or materials, or any combination thereof to cost, in the aggregate over a twelve-month period, ten thousand dollars or more.

(E) No state agency action as described above shall create a binding legal obligation on the state until there has been full compliance with this section. (Emphasis added.)

R.C. Chapter 1513 does not define the term "consultant," as used in R.C. 1513.20. It is a well settled rule of statutory construction that in the absence of any definition of the intended meaning of a word in a legislative enactment, such word will be given its common, ordinary, and accepted meaning in the connection in which it was used. Baker v. Powhatan Mining Co., 146 Ohio St. 600, 67 N.E. 2d 714 (1946); Carter v. Youngstown, 146 Ohio St. 203, 65 N.E. 2d 63 (1946). In Webster's New World Dictionary 305 (2d college ed. 1978), "consultant" is defined as follows: "1. a person who consults with another or others 2. an expert who is called on for professional or technical advice or opinions." Using this definition of "consultant,"

a consultant contract authorized by R.C. 1513.29 falls squarely within R.C. 127.16(D), which requires that any such contract which will cost at least ten thousand dollars over a twelve-month period be approved by the Controlling Board, unless it is competitively bid. R.C. 127.16(E), quoted above, makes it mandatory that all state agencies comply with all the provisions of R.C. 127.16 before a binding legal obligation is imposed on the state.

In answer to your question, it is my opinion, and you are advised, that R.C. 127.16 requires the Controlling Board's approval of any consultant contract entered into by the Board on Unreclaimed Strip Mined Lands which will cost at least ten thousand dollars over a twelve-month period and which is not competitively bid.