

neer, immediately proceed to tabulate the bids upon triplicate sheets, one of which shall be filed with the Auditor of State. *A proposal shall be invalid and not considered unless a bond, in the form approved by the state building commission with sufficient sureties, in a sum equal to the total sum of the proposal is filed with such proposal, nor unless such proposal and bond are filed in one sealed envelope. * * ** (Italics the writer's.)

From the above section it may be noted that it is mandatory for the bond accompanying the bid to be in an amount equal to the total sum of the proposal and that the section further provides that if the bond does not cover the total of the bid, the proposal shall be invalid.

An examination of the bond of The Seaboard Surety Company, submitted with the above bid, shows that it is in the penal sum of seven thousand, three hundred thirty-seven dollars (\$7,337.00). Obviously the bond does not cover the amount of the bid and therefore the bid was invalid and should not have been considered.

It is to be noted that in the "Notice to Bidders" it is stated:

"Forms of proposals and bond will be furnished from this office and said proposal and bond must in all respects conform to the laws of Ohio, *the bond being for the full amount of the bid.*" (Italics the writer's.)

Moreover, on page 5 of the "Form of Proposal" for this improvement, it is provided:

"Note: 1. The state form of contract bond, in the full amount of the above bid, must accompany this proposal to entitle it to consideration. * * *"

In view of the above statutory provision and regulations of the "Notice to Bidders" and "Form of Proposal," I am of the opinion that the bid of the Electric Construction and Maintenance Company is invalid and cannot be considered. Therefore, I am forced to disapprove the contract, and am returning to you herewith all documents submitted.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2225.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND WUELLNER AND THEADO OF COLUMBUS, OHIO, FOR COMBINED PLUMBING AND HEATING WORK IN SCHOOL BUILDING, OHIO REFORMATORY FOR WOMEN, MARYSVILLE, OHIO, AT AN EXPENDITURE OF \$7,194.00—SURETY BOND EXECUTED BY THE GLOBE INDEMNITY COMPANY OF NEWARK, NEW JERSEY.

COLUMBUS, OHIO, August 12, 1930.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Department of Public Wel-

fare (Ohio State Reformatory for Women), and Wuellner and Theado of Columbus, Ohio. This contract covers the construction and completion of contract for combined plumbing and heating work to be installed in a building known as school building, Ohio Reformatory for Women, Marysville, Ohio, as set forth in Item No. 5, Item No. 10 (Alternate P-1), Item No. 11 (Alternate P-2), Item No. 12 (Alternate P-3), Item No. 13 (Alternate H-1) of the Form of Proposal dated June 17, 1930. Said contract calls for an expenditure of seven thousand one hundred and ninety-four dollars (\$7,194.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent and approval of the Controlling Board to the expenditure have been obtained as required by Section 4 of House Bill No. 203 of the 88th General Assembly. In addition, you have submitted a contract bond, upon which the Globe Indemnity Company of Newark, New Jersey, appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the statute of surety companies and the workmen's compensation have been complied with.

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 other data submitted in this connection.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2226.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND EDWARD ROTH OF PEDRO, OHIO, FOR COMPLETION OF GENERAL CONTRACT NOT INCLUDING MECHANICAL TRADES FOR SCHOOL BUILDING FOR OHIO REFORMATORY FOR WOMEN, MARYSVILLE, OHIO, AT AN EXPENDITURE OF \$29,000.00—SURETY BOND EXECUTED BY THE GLOBE INDEMNITY COMPANY OF NEWARK, NEW JERSEY.

COLUMBUS, OHIO, August 12, 1930.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Department of Public Welfare (Ohio Reformatory for Women), and Edward Roth of Pedro, Ohio. This contract covers the construction and completion of general contract, not including mechanical trades, for a building known as School Building for Ohio Reformatory for Women, Marysville, Ohio, as set forth in Item No. 1, Item No. 7 (Alternate G-1), of the Form of Proposal dated June 17, 1930. Said contract calls for an expenditure of twenty-nine thousand dollars (\$29,000.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that