

2080.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN  
CUYAHOGA COUNTY, OHIO.

COLUMBUS, OHIO, May 11, 1928.

HON. GEORGE F. SCHLESINGER, *Director of Highways, Columbus, Ohio.*

2081.

CONTRACT—AMOUNT AWARDED EACH TRADE INVOLVED IN CON-  
STRUCTION OF PUBLIC BUILDING MUST NOT EXCEED ESTI-  
MATED COST OF EACH TRADE.

## SYLLABUS:

*Where in the construction of a public building for the use of the state, or an institution supported in whole or in part by the state, bids are received for the individual trades involved in the construction of such building, the amount of the contract for each such trade must not exceed the estimated cost of the work covered by such trade.*

COLUMBUS, OHIO, May 12, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—Recently you submitted for my examination and opinion four contracts covering "Additions to Museum and Library Building and Equipment," Ohio State Archaeological and Historical Society. The four contracts submitted cover the general contract, plumbing and heating, electrical work, and marble and terrazzo respectively. The general contract and that for the electrical work have been approved by this department, but the contracts for plumbing and heating and for marble and terrazzo present a question as to the proper interpretation of Section 2323, General Code, and have been retained for further consideration and investigation.

The question presented was considered by this department in an opinion under date of March 5, 1928, addressed to you, being Opinion No. 1812, in which a contract for marble, tile and terrazzo for the new chemistry building at Ohio State University was disapproved, but inasmuch as you have requested a reconsideration of that opinion, and inasmuch as the question is constantly recurring, I deem it advisable to consider the matter generally and render a formal opinion thereon for future guidance.

The facts with reference to the contracts above referred to present the question directly and will be used in this discussion. The following table showing the trades, the cost of the work covered by the trades, as estimated by the architect, and the amount of the contract awarded for each trade, contains all the necessary facts: