

duly authorized, in conformity to Section 8623-5, General Code. The proposed amendment is consistent with the constitutions and laws of the United States and the State of Ohio. I have accordingly endorsed my approval thereon.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3875.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE SKINNER ENGINE COMPANY FOR ENGINE GENERATOR UNITS IN POWER HOUSE AND EQUIPMENT BUILDING, LONGVIEW STATE HOSPITAL, CINCINNATI, OHIO, AT AN EXPENDITURE OF \$35,698.00.

COLUMBUS, OHIO, December 18, 1931.

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

DEAR SIR:—You have submitted for my approval, at my request, a contract between the State of Ohio, acting by the Department of Public Works, for the Department of Public Welfare, and the Skinner Engine Company of Erie, Pennsylvania, and Cincinnati, Ohio. This contract covers the construction and completion of contract for combined base bid for four valve horizontal engine generator units and foundations for horizontal engine generator units in a building known as Power House and Equipment, Longview State Hospital, Cincinnati, Ohio, according to Items 2 and 5 of the form of proposal submitted August 4, 1931, and calls for an expenditure of thirty-five thousand, six hundred and ninety-eight dollars (\$35,698.00).

The contract herein was submitted to this office previously and an opinion rendered thereon, namely Opinion No. 3662, October 16, 1931. In that opinion the contract herein was disapproved on the sole ground that the contract was not awarded by yourself within thirty days after the opening of proposals, in accordance with section 2319, General Code. It was pointed out in said opinion that the Supreme Court of Ohio in the case of *State, ex rel. Elliott Engineering Co., vs. Connar*, 123 O. S. 310, had left the matter in doubt as to whether the award must be made within thirty days after the opening of proposals.

Since the rendition of said Opinion No. 3662, the Supreme Court has decided that the award does not have to be made within thirty days from the time of opening proposals in the case of *State, ex rel. Skinner Engine Co., vs. Albert T. Connar, Supt. of Dept. of Public Works, et al.*, No. 23207, decided December 16, 1931, and reported in 124 O. S.

Therefore, as this point, which was the only ground for disapproval, all other provisions of the law having been complied with, has now been adjudicated, I hereby approve said contract and bond, and have 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.