

theless confronted with the total lack of lawful provisions therefor. I have been unable to find any specific authority for this provision as an embodiment in a valid contract. The entire theory surrounding the legal advertisement for bidders before the letting of the contract is to secure by competitive bidding the lowest and best bid for the work in question. This theory of securing the lowest and best bid would be rendered nugatory in many cases if the requirement were to be had that the labor to be employed in the construction of the work was to be performed by a certain class of labor or the labor only of a given community.

It is therefore my opinion that the specifications for a valid county contract could not lawfully contain the requirement that the work shall be performed by home labor.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2021.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE SPOHN HEATING AND VENTILATING COMPANY, CLEVELAND, OHIO, FOR THE CONSTRUCTION OF HEATING AND VENTILATING WORK FOR NEW COTTAGE, CLEVELAND STATE HOSPITAL, CLEVELAND, OHIO, AT AN EXPENDITURE OF \$5,995.00—SURETY BOND EXECUTED BY THE AETNA CASUALTY AND SURETY COMPANY.

COLUMBUS, OHIO, April 26, 1928.

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

DEAR SIR:—You have submitted for my examination and approval a contract between The Spohn Heating and Ventilating Company of Cleveland, Ohio, and the State of Ohio, acting by the Department of Public Works, for and on behalf of the Department of Public Welfare. This contract covers the construction and completion of Heating and Ventilating Contract (exclusive of plumbing contract) for New Cottage, Cleveland State Hospital, Cleveland, Ohio, and calls for an expenditure of Five Thousand Nine Hundred and Ninety-five Dollars (\$5,995.00).

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 submitted a certificate from the Controlling Board, signed by the Secretary thereof, that in accordance with Section 12 of House Bill No. 502, 87th General Assembly, said board has properly consented to and approved the expenditure of moneys appropriated by the 87th General Assembly for the purpose covered by this contract.

In addition, you have submitted a contract bond upon which The Aetna Casualty and Surety Company 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 status of surety companies have been complied with.

You have not submitted a certificate of the Industrial Commission showing that the contractor has paid the premium required by the workmen's compensation act. However, your letter states that this certificate has not been furnished for the reason that the amount of premium for The Spohn Heating and Ventilating Company has

not yet been determined by the Commission. As soon as such premium is determined and paid a certificate should be furnished and should accompany the contract.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon, subject to your obtaining the required certificate of the Industrial Commission, and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
EDWARD C. TURNER,
Attorney General

2022.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE PER-
LICK-GARBER COMPANY, CLEVELAND, OHIO, FOR THE CONSTRU-
TION OF PLUMBING FOR NEW COTTAGE, CLEVELAND STATE HOS-
PITAL, CLEVELAND, OHIO, AT AN EXPENDITURE OF \$6,550.00—
SURETY BOND EXECUTED BY THE AETNA CASUALTY AND SURETY
COMPANY.

COLUMBUS, OHIO, April 26, 1928.

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

DEAR SIR:—You have submitted for my examination and approval a contract between The Perlick-Garber Company, of Cleveland, Ohio, and the State of Ohio, acting by the Department of Public Works, for and on behalf of the Department of Public Welfare. This contract covers the construction and completion of Plumbing Contract (exclusive of Heating and Ventilation) for New Cottage, Cleveland State Hospital, Cleveland, Ohio, and calls for an expenditure of Six Thousand Five Hundred and Fifty Dollars (\$6,550.00).

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 submitted a certificate from the Controlling Board, signed by the Secretary thereof, that in accordance with Section 12 of House Bill No. 502, 87th General Assembly, said board has properly consented to and approved the expenditure of moneys appropriated by the 87th General Assembly for the purpose covered by this contract.

In addition, you have submitted a contract bond upon which The Aetna Casualty and Surety Company 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 status 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,
EDWARD C. TURNER,
Attorney General.