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CONTRACT—STATE WITH THE W. H. SPOHN PLUMBING COMPANY, HEATING WORK, MEN'S DORMITORY, HOUSES A AND D, AND ADDITION TO LINDLEY HALL, WOMEN'S DORMITORY, OHIO UNIVERSITY, ATHENS.

COLUMBUS, OHIO, March 20, 1939.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval a contract by and between The W. H. Spohn Plumbing Company, an Ohio Corporation, and the State of Ohio, acting through you as Director of the Department of Public Works, for the Board of Trustees of Ohio University, Athens, Ohio, for the heating work for a project known as Contract No. 2, Addition to Men's Dormitory (Houses "A" & "D") and Addition to Lindley Hall (Women's Dormitory), Ohio University, Athens, Ohio, as set forth in Form of Proposal dated December 28, 1938, said contract calling for an expenditure of \$23,645.00.

You have submitted the following papers and documents in this connection: Division of Contract; Letter from the Athens National Bank, certifying that the sum of \$80,000.00 was on deposit and set up in a P. W. A. account and earmarked as Dormitories Construction Fund; Letters from the Bank of Athens National Banking Association, certifying that the sum of \$90,000.00 was on deposit and set up as a P. W. A. account and earmarked as Dormitories Construction Fund; Form of Proposal containing contract with the United States Fidelity and Guaranty Company, as surety thereon; certificate showing that the laws in connection with Workmen's Compensation have been complied with; copy of resolution of the Building Committee of the Board of Trustees of Ohio University recommending awarding of contracts; notice to bidders; proof of publication; the recommendation of the State Architect, Director of Public Works, approval of P. W. A.; letter of certification from the Auditor of State, showing that the necessary papers and documents are on file in said office; and the tabulation of bids received on this project.

I have examined the specifications made part of the contract by

reference, and find that a prevailing wage schedule is attached to said specifications in compliance with Section 17-4 of the General Code of Ohio.

I find no clause in the contract complying with Section 2366-1, General Code, but my reason of the penal provisions of said section, I am of the opinion that any aggrieved person has an adequate remedy at law, and the absence of said provision is not such as to invalidate said contract.

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 documents submitted in this connection.

Respectfully,

THOMAS J. HERBERT,

*Attorney General.*