

2590.

## CONTRACT FORM—EXTRA WORK—APPROVAL.

COLUMBUS, OHIO, September 18, 1928.

HON. HARRY J. KIRK, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication under date of September 7, 1928, submitting for my examination and approval an extra work contract form for use in cases provided for by Section 1210 of the General Code.

On examination of the same, I am of the opinion that the form submitted by you is suitable for use in the cases provided for by the last sentence of the second paragraph of Section 1210, General Code, which reads as follows:

“When it is deemed necessary by the director to perform extra work in connection with any project and the proposal of the contractor contains no unit price bid covering the item or items involved in such extra work and the cost of such work does not exceed two thousand dollars, the director may enter into a contract covering such extra work without advertising for and receiving bids therefor.”

However, it occurs to me that the contract form submitted by you is not suitable for use in cases provided for by the first part of the second paragraph of Section 1210, General Code, relating to the matter of extra work on unit price contracts. The part of said paragraph in the section above referred to, reads as follows:

“In connection with any project where the director desires to increase the quantities of any item or items in excess of twenty per cent of such item, or in excess of two thousand dollars in connection with any one item on account of unforeseen contingencies not included in the original contract, he shall enter into an extra work contract covering such increase and the provisions relating to the advertising for bids shall apply to the letting of such extra work contract. Provided, that, if an emergency exists which will not permit of the delay necessary to advertise said extra work, such contract for extra work may then be let without any advertising whatever. The director shall make a finding of such fact on his journal.”

To provide for the cases contemplated by the provisions of Section 1210, General Code, just quoted, I have prepared and herewith inclose a form of extra work contract which will be suitable for the purpose. In this connection you will note the provisions of the section above quoted and to the effect that such extra work contract can only be entered into after advertising for bids on such extra work, unless you, as Director of Highways, make a finding on your journal that an emergency exists which will not permit of the delay necessary to advertise for bids for such extra work.

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

Form G 4035.

CONTRACT FOR EXTRA WORK.

Required in the Construction of Section.....S. H. (I. C. H.),.....in  
.....County.

(In accordance with Section.....of the General Code of Ohio.)

This Agreement, made this.....day of....., A. D. 192...., between the State of Ohio, hereinafter called the Party of the First Part, and.....of.....or.....successors, executors, administrators and assigns, hereinafter called the Party of the Second Part.

WITNESSETH: That for and in consideration of payments hereinafter mentioned, to be made by the Party of the First Part, Party of the Second Part agrees to furnish all materials, appliances, tools and labor, and perform all the work required for.....more definitely described as.....

.....all in accordance with the general specifications, which are a part of a contract for constructing.....

.....Section S. H. (I. C. H.)....., in.....County, which contract was entered into on the.....day of....., 192...., between the State of Ohio and.....

In consideration of the foregoing premises, Party of the First Part agrees to pay to the Party of the Second Part the sum of.....Dollars (\$.....).

IN WITNESS WHEREOF, The Party of the First Part has hereunto subscribed by the Director of Highways, and the Party of the Second Part has affixed.....name.

ATTEST:

STATE OF OHIO

.....Secretary, Department of Highways.

By.....Director of Highways.

Approved by

CONTRACTOR

.....Commissioners of.....County.

By.....

CONTRACT FOR EXTRA WORK

Required in the construction of Section.....S. H. (I. C. H.)....., in.....County, Ohio.

(In accordance with Section 1210 of the General Code of Ohio, as amended 112 Ohio Laws, 476).

This Agreement, made this.....day of....., A. D. 192...., between the State of Ohio, hereinafter called the Party of the First Part, and.....of.....or.....successors, executors, administrators and assigns, hereinafter called the Party of the Second Part,

WITNESSETH: Whereas, the Director of Highways desires to increase the quantity of items \_\_\_\_\_ of contract No. \_\_\_\_\_ entered into on the \_\_\_\_\_ day of \_\_\_\_\_, 192\_\_\_\_, between the State of Ohio and \_\_\_\_\_, for the construction of Section \_\_\_\_\_ S. H. (I. C. H.) \_\_\_\_\_, in \_\_\_\_\_ County, Ohio, which quantity on account of unforeseen contingencies were not included in said original contract, and Whereas, the desired increase in the quantities of each of said items is in excess of twenty per cent of such items, (or in excess of two thousand dollars as to each of said items) it is hereby contracted and agreed that for a consideration of the payment hereinafter mentioned to be made by the Party of the First Part, the Party of the Second Part agrees to furnish all materials, appliances, tools and labor, and perform all the work required for \_\_\_\_\_

\_\_\_\_\_ in and with respect to said item \_\_\_\_\_, for \_\_\_\_\_ in and with respect to said item \_\_\_\_\_, for \_\_\_\_\_ in and with respect to said item \_\_\_\_\_, for \_\_\_\_\_ in and with respect to said item \_\_\_\_\_, all in accordance with the general specifications which are a part of said original contract between the State of Ohio and \_\_\_\_\_ above described.

In consideration of the foregoing premises, the Party of the First Part agrees to pay to the Party of the Second Part the sum of \_\_\_\_\_ Dollars for said extra work in and with respect to said item \_\_\_\_\_, \_\_\_\_\_ Dollars for said extra work in and with respect to said item \_\_\_\_\_, \_\_\_\_\_ Dollars for said extra work in and with respect to said item \_\_\_\_\_, and \_\_\_\_\_ Dollars for extra work in and with respect to said item \_\_\_\_\_.

IN WITNESS WHEREOF, The Party of the First Part has hereunto subscribed by the Director of Highways and the Party of the Second Part has hereunto fixed \_\_\_\_\_ name.

ATTEST:

STATE OF OHIO

\_\_\_\_\_  
Secretary, Department of  
Highways.

By \_\_\_\_\_  
Director of Highways.

Approved by

CONTRACTOR

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By \_\_\_\_\_

Commissioners of  
\_\_\_\_\_ County.

2591.

APPROVAL, BONDS OF THE VILLAGE OF PORT WASHINGTON, TUSCARAWAS COUNTY—\$2,850.

COLUMBUS, OHIO, September 19, 1928.