

47.

APPROVAL—CONTRACT AND BOND, STATE OF OHIO, THROUGH DIRECTOR OF PUBLIC WORKS, FOR BOARD OF TRUSTEES, BOWLING GREEN STATE UNIVERSITY, BOWLING GREEN, OHIO, WITH KNOWLTON CONSTRUCTION COMPANY, BELLEFONTAINE, OHIO, GENERAL WORK, MEN'S DORMITORY, \$129,800.00.

COLUMBUS, OHIO, January 27, 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 Knowlton Construction Company of Bellefontaine, Ohio, and the State of Ohio, acting through you as the Director of the Department of

Public Works, for the Board of Trustees, Bowling Green State University, Bowling Green, Ohio, for the construction and completion of contract for general work upon a project known as Men's Dormitory at Bowling Green State University, Bowling Green, Ohio, as set forth in Item 1, Item 5, alternate "G-1", and Item 10, alternate "G-2", of the Form of Proposal dated November 28, 1938, which contract calls for the total expenditure of \$129,800.

You have submitted the following papers and documents in this connection: Certificate of Availability of Funds for sponsor's share, estimate of cost, division of contract, notice to bidders, proof of publication, workmen's compensation certificate showing the contractor having complied with the laws of Ohio relating to compensation, the form of proposal containing the contract bond signed by the Trinity Universal Insurance Company of Dallas, Texas, its power of attorney for the signer, its financial statement and the certificate of compliance with the laws of Ohio relating to surety companies, the recommendation of the State Architect, Board of Trustees, and Director of Public Works, Controlling Board Release, approval of P. W. A., letter of certification from the Auditor of the 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 of the General Code of Ohio, but by reason of the penal provisions of said section 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.

On the Certificate of Availability of Funds for Sponsor's Share under "Source of Funds", the said certificate recites "amount to be provided under Ohio Code, Section 7925-1, \$47,364.00" and your office has advised me that these monies will be received for this project not by act of appropriation by the General Assembly but by means of financing by the Board of Trustees and I find that this method is in accordance with said section.

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.