

3353.

APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN SUMMIT COUNTY, OHIO.

COLUMBUS, OHIO, June 23, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

3354.

DISAPPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE OHIO BELL TELEPHONE COMPANY FOR TELEPHONE SERVICE AND EQUIPMENT FOR THE NEW STATE OFFICE BUILDING.

COLUMBUS, OHIO, June 24, 1931.

HON. HOWARD L. BEVIS, *Director of Finance, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting for my examination and approval a certain contract by the terms of which the Ohio Bell Telephone Company, for the monetary considerations therein stated, contracts to furnish and provide telephone service equipment and perform telephone service for the new state office building and for the departments of the state government to be quartered in said building.

The telephone service equipment to be furnished by the Ohio Bell Telephone Company is listed in said proposed contract which is in the form of an offer apparently made on behalf of said company by the person occupying the position of general commercial engineer of said company, which offer is to become a contract when the same is accepted by the state of Ohio through you as Director of Finance.

Without further discussion of the provisions of said proposed contract, I am of the opinion that the execution of this contract is one within the authority conferred upon you by section 154-37 of the General Code, which, among other things, provides that the Department of Finance shall succeed to and exercise all of the powers of the State Purchasing Agent in the office of the Secretary of State, and of the Secretary of State and the Auditor of State with respect to the purchase of supplies and equipment required for the use and maintenance of state officers, boards and commissions.

It may be observed, however, that if this contract is to be entered into in its proposed form as an offer by the telephone company to furnish this equipment, to be concluded as a contract by the acceptance of said offer by and on behalf of the state of Ohio, such offer should be distinctly made by and in the name of the Ohio Bell Telephone Company, by and through some officer or officers of said company who to your knowledge are fully authorized to represent the telephone company in this transaction. In order to make the terms of said offer, when so made, a valid contract between the state of Ohio and said telephone company, said offer should be accepted by and in the name of the state of Ohio, by and through you as Director of Finance.

In view of what has been said, I feel that I should withhold my approval until the offer on behalf of the telephone company is made in the manner suggested.