

File No. 9999 Continued.

CORRESPONDENCE.

ing the entire job and fill each item in with written statement. That price is included in price named in such item.

I, David Peoples, hereby enter protest against the consideration of Wm. McCarthy & Company's bid or the awarding of contract to them. Thanking you in advance for your consideration, I remain

Yours truly,

(Signed) David Peoples,

per Wm. Anderson Cowie.

File No. 9999.

OPINION.

LAW DEPARTMENT.

Baltimore, May 17, 1909.

Hon. Edgar Allan Poe,  
City Solicitor.

Dear Sir:-

7681 I have considered the letter of the Chief Engineer of the Sewerage Commission to you, dated May 14th 1909, in reference to the protest of David Peoples against the awarding of the contract on Storm Water Sewer No. 7 to William McCarthy & Company, and am of the opinion that this protest should be disregarded and that the contract may be awarded to William McCarthy & Company for the construction of the Storm Water drains under Contract No. 7.

7682 The law in reference hereto is very plain, and has but recently been passed upon by our Court of Appeals in the case of the Maryland Pavement Company against the Mayor and City Council of Baltimore, in which case the Court held that the Awarding Board need not consider a bid unless it complied with all the specifications, but might do so, and that variations not of a material character might be waived by the Awarding Board.

The variations in this case seem to me to be immaterial and as, by awarding the contract to William McCarthy & Company, the City saves