

File No. 10178 Continued.

OPINION.

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done in accordance with the specifications, and upon the request of the President of the Jail Board that some steps be taken to ascertain whether this allegation is true.

I have examined the specifications and papers which you sent me, and desire to make the following observations:

Without some provision of the specifications conferring authority upon the Inspector of Buildings to change the specifications, he would be powerless to do so and must see to it that the work is being done strictly in accordance therewith.

An inspection of the specifications discloses three provisions which have some bearing upon the right of the Inspector of Buildings to change the specifications and to authorize the use of materials other than those stated in the specifications.

On page 3, of the specifications, the following language is used:

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"The building is to be erected under the supervision and direction of the Inspector of Buildings, and to his entire satisfaction. Work and materials must be strictly of the best qualities of the kinds herein specified, and should any work or materials other than herein specified be introduced into any part or parts of the construction under this contract, without written authority from the Inspector of Buildings, the Inspector of Buildings or his authorized agent shall have full power to reject the same" etc.

This provision is simply designed to place the supervision of the work under the Inspector of Buildings and to make it his duty to see that the work is done in a satisfactory manner. It, however, confers no authority upon him to vary the specifications.

On page 4 the following language is used:

"Should necessity arise, during the progress of the work, for any alterations or changes in the plans or construction, the Inspector of Buildings shall have the undisputed right to make such alterations or changes."

This Section contemplates some emergency or unforeseen condition, which arises in the course of the work, which makes it proper to have a change or alteration. If such an emergency or unforeseen condition does actually arise, then the Inspector of Buildings is the