

File No. 10178 Continued.

OPINION.

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judge as to whether changes should be made, and, provided he acts in good faith, he alone is charged with the responsibility of making the change, and the right to do so is clearly conferred upon him by the specifications.

Page 8, of the specifications, contains a provision as to deviations which are only authorized upon the written order of the Inspector of Buildings; this provision of the specifications must be read in connection with the provision concerning alterations, and contemplates only such deviations as are made under the direction of the Inspector of Buildings, who, however, has no right to make an arbitrary change but must make only such changes as unforeseen conditions require.

The above are the only provisions conferring authority upon the Inspector of Buildings in reference to changes. It now becomes necessary to examine the specifications in reference to five-ply bars, to ascertain whether or not there is anything therein stated which leaves the use of the article to the discretion of the Inspector of Buildings. The specification, in reference thereto, is as follows:

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"All steel flat bars to consist of alternate layers of steel and iron, all thoroughly welded together, the steel layers to be hardened the entire length of the bar, thus rendering them saw and file proof and at the same time leaving them tough and strong. The round bars referred to herein to consist of a core of soft iron having a high tensile strength. This core is encircled by layers of hard steel, which, in turn, is surrounded by a layer of iron, all of which are thoroughly welded together and the steel layers hardened, saw, file and tool proof."

It is the duty of the contractor and sub-contractor to furnish steel bars of this description and the Inspector of Buildings must see to it that they are furnished, and he has no right to substitute anything else, unless he acts under the provision found on page 4 of the specifications, concerning alterations. If, during the course of the work, a necessity arose for a change or alteration in the plans or construction, which made it proper to substitute something for the five-ply bars, then the Inspector of Buildings was the sole judge of this necessity, and the only limitation upon his powers was that they should be exercised in good faith, and provided he proceeded in the manner in-