

File No. 10178 Continued.

CORRESPONDENCE.

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We think, therefore, that it is quite clear from the specifications, in view of the facts above stated and of the evident intention to provide for competition, that the tool proof material might be either the White Diamond or 5-ply. But even if it could be considered that the specifications are open to doubt on this point, and are not certain in themselves, we call your particular attention to page 2, under the heading of "General Conditions", where it is distinctly provided:-

"In all cases of doubt as to the true meaning of drawings and specifications, the decision of the Inspector of Buildings shall be final and conclusive."

The Building Inspector has formally stated to the Board of Awards, in writing and verbally, that the specifications are not limited to the use of 5-ply material but do permit, by their proper construction, the use of the White Diamond for the steel work. This is con-
clusive in the absence of fraud known to, and participated in by, the Van Dorn Company, for the intimation as to which we are satisfied you find no foundation in this case.

Furthermore, we understand that the architect substantially concurs in this interpretation of the specifications, with the possible exception of the material to be used in the cell fronts, but as to this we, of course, prefer you should communicate directly with the architect if you so desire. It is quite clear that the parties acted on this construction of the specifications.

Under date of January 20th, the Inspector of Buildings wrote to the general contractor, Mr. David Peoples, as follows:

"Referring to your letter, with reference to cells at Baltimore City Jail, I beg to advise that I approve of the use of the White Diamond steel in the construction at the city jail."

We are advised that the drawings in connection with the specifications, showing in detail the material to be furnished, refer to the same simply as tool proof material. As was required by the specifications, the Van Dorn Company prepared shop drawings, which we have before us, and which, in all the plates, expressly state the steel to be White Diamond burglar proof, and which shop drawings were approved, in writing, by the Building Inspector or his deputy. In addition to this, during March last, under date of the 25th, the architect wrote to the general contractor as follows: