

File No. 10178 Continued.

CORRESPONDENCE.

7871

On June 23rd, at a meeting of the Board of Awards, the opinion of Deputy City Solicitor Lauchheimer was read, in which he held that the specifications called for five-ply bars; that the Board of Awards had no power to vary these specifications; and further, that the Inspector of Buildings had no power to do so, unless some unforeseen necessity should arise in the progress of the work. After this opinion had been delivered it was clearly incumbent upon the Inspector of Buildings to show some unforeseen necessity which had led him to make the alterations. Up to the present time the Inspector of Buildings has failed to show that there was a necessity for the alterations; the City Solicitor's opinion was also equally emphatic that the law required the Inspector, in the event of any alterations, to obtain for the City of Baltimore the difference in price between material substituted and that called for in the specifications.

The Inspector of Buildings has not shown even an attempt on his part to get such a reduction, and I have not heard that you have asked him to make an explanation of his conduct. It must be remembered that the proofs submitted in this case had established a *prima facie* case that the price of Van Dorn steel was much cheaper than the five-ply material, costing $1\frac{1}{2}$ cents per pound at the mill, before it was subjected to the process of case-hardening, whereas, at the mills, the five-ply material costs $4\frac{1}{2}$ cents per pound; and an investigation will show that the latter is regarded as the standard material where burglar proof work is desired.

A strenuous effort is now being made to induce the City Solicitor to reverse the opinion of his office and, for reasons of expediency, to permit the substitution as agreed to by the Inspector of Buildings without even an investigation of the difference in prices. An effort is made to make of little importance the words used in the specifications by Mr. Pietsch, the architect, and the Inspector of Buildings. Quite shrewdly it has been represented to the public that the Mayor and the Board of Awards are satisfied with the Van Dorn steel and thus the responsibility for making the substitution is largely taken from the shoulders of the Inspector of Buildings. I am not aware that either you or any member of the Board of Awards has made such declaration. You will observe that there are many questions of