

File No. 10178 Continued.

OPINION.

that all flat and round steel bars should be five-ply and tool proof, and that all parts of the specifications must be read together.

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The words "tool proof", relied on, must of necessity, therefore, have reference to the character of the five-ply flat and round bars that the specifications require in the construction of the cell fronts and cell doors. The correctness of my conclusions, I think, is also borne out by a reference to the original specifications under which bids were submitted for steel cells in the summer of 1908, before it was finally determined to have three sides of the cells of concrete construction and only the cell fronts of steel.

On page 26 of those specifications appears the following language:

"In estimating on cell work, the contractor will name in his bid, alternatively, the price for:
Steel Cells from Van Dorn Iron Works Co. design.
Steel Cells from Pauley Jail Building Co. design.
Steel Cells, Stewart Jail Works Co. design, alternatively, in each case the kinds of steel to be used stated, and a reference to be given to some existing located steel cell, as a standard for examination and approved by the proper authorities; also the price for concrete cells according to the system.

The right to make selection as between steel cells and concrete cells and between the different types of steel cells and the different types of concrete construction to be exercised in the usual way by the city."

On page 29 appears the following language:

"Bidders are also required to place on file with the Building Inspector, for examination, three days previous to the date set for the receiving of proposals, a sample cell front not less than one-half full size, with locks and locking mechanism complete, also separate samples of locks and grating construction, as specified, so workmanship, materials, manner of controlling doors and locks can be thoroughly inspected."

And on page 30 appears the following language:

"The steel may be made by either the Open Hearth or Bessemer process; except the tool proof work, which shall be the Brooklyn Chrome steel or equal."

885

Under these clauses, manifestly, the steel for the cell fronts and the cell doors was not limited to the five-ply steel, but any steel equal to the Brooklyn Chrome steel would have been permissible, and the bidders were expressly asked to state the kinds of steel intended to be used, and were also required to file with the Inspector of Buildings, three days previous to the day the bids were received, a sample cell front, so that workmanship, materials, etc., could be thoroughly inspected, and express reference was made to the Van Dorn Iron Works Co. and several other companies.