

CONTRACTS:

Construction of contract for water softener
at Intermediate Reformatory, Alcoa.

July 27, 1938

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Mr. J. E. Matthews,
Director of Penal Institutions,
Jefferson City, Missouri.

Re: Water Softener
Intermediate Reformatory, Alcoa

Dear Mr. Matthews:

This department is in receipt of your recent letter together with a copy of the specifications and blue prints as follows:

"The contractor for the installation of Water Softener at the Intermediate Reformatory, Mr. Herbert Wolcott, of Columbia, Missouri, states that the contract does not specify the necessary pipe, valves and fittings for connecting the water softener tanks with the proportioning device for hard and soft water, and contends the Penal Institution should furnish this pipe. The Penal Institution contends this is covered in the first paragraph of the specifications, stating:

'There shall be furnished for installation where shown on the plans, water softening equipment of the zeolite or base exchange type, with suitable accessories; and automatic proportioning device for bypassing hard water to provide a mixture of hard and soft water having a controlled hardness of 3 grains per gallon for

delivery to the distribution system.'

The plans as submitted by Mr. Wolcott for this installation are attached to this set of specifications.

Further, the specifications, under 'Controls,' last paragraph, state:

'Pipe and fittings required to connect the hydraulically operated control valves to the softener tank shall be provided.'

We contend the only pipe necessary for us to furnish will be the pipe necessary to bring the hard water to the softening device and the outlet pipe for the soft water from the proportioning device to the system.

We enclose copy of the specifications and copy of the plans.

Please give us your opinion as to who should furnish the pipe in question."

Referring to the first paragraph of the specifications as set out in your letter, we find nothing which would require the contractor to furnish the necessary pipe, valves and fittings for connecting the water softener tanks with the proportioning device for hard and soft water. It is merely provided that there be furnished water softener equipment with suitable accessories and automatic proportioning device for by passing hard water.

"Suitable accessories" cannot be construed to include pipe and fittings.

The term "accessory" is defined in Funk & Wagnalls New Standard Dictionary as:

"Aiding the principal design, * * * contribution; supplemental; additional."

In other words, what is meant by "suitable accessories"

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as used in the above specifications are such instruments designed to be attached to or used in connection with the water softener equipment to add to its utility.

Further evidence that pipes and fittings were not meant is found in the specific mention in the specifications as to what pipes and fittings are to be furnished, and as pointed out in your letter they consist of:

"Pipes and fittings required to connect the hydraulically operated control valves to the softener tank shall be provided."

The above pipes and fittings are not a part of the controversy because they are particularly specified.

You state that the only pipe necessary to be furnished the contractor is only such pipe as is necessary to bring the hard water to the softening device and the outlet pipe for the softener from the proportioning device to the system. With this, however, we cannot agree.

From an examination of the specifications and blue prints we are of the opinion that the contract does not require the contractor to furnish the necessary pipe, valves and fittings for connecting the water softener tanks with the proportioning device for hard and soft water and, therefore, the same should be furnished by the penal institution.

Respectfully submitted,

APPROVED:

MAX WASSERMAN
Assistant Attorney General

J. W. BUFFINGTON
(Acting) Attorney General

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