

PURCHASE OF DRINKING WATER FOR USE OF GOVERNMENT OFFICES.

The propriety of purchasing special drinking water must be determined by the rule of necessity. The water provided for general consumption by the people in any community will be presumed to be suitable for the use of Government offices. The burden is on those making the purchase of showing the necessity therefor.

Comptroller Downey to George G. Box, disbursing officer, Department of Labor, July 21, 1915:

I am in receipt of your letter, which reads:

"There are transmitted herewith vouchers which have been submitted to me for payment for drinking water furnished to different stations in the Immigration Service in favor of the following-named complainants in the amounts indicated:

Name.	Place.	Period.	Amount.
The Purity Spring Water Co.....	Cleveland, Ohio.....	Jan., Feb., and Mar., 1915.	\$3.00
Chattolane Spring Water Co.....	Baltimore, Md.....	Apr., May, and June, 1915.	9.00
Great Bear Spring Co.....	Buffalo, N. Y.....	Apr., May, and June, 1915.	16.00
The Robt. White Co. (Ltd.).....	Montreal, Canada.....	Jan., Feb., and Mar., 1915.	7.50
St. Louis Crystal Water & Soda Co.....	St. Louis, Mo.....	Mar. and Apr., 1915.	3.00
Hinckley & Schmitt (Inc.).....	Chicago, Ill.....	Jan. 15 to Apr. 12, 1915.	7.50

and two vouchers of the Consumers' Ice & Fuel Co., of Laredo, Tex., for the months of March and April, 1915, for ice and water, in the sums of \$7.75 and \$6, respectively, and voucher of the Ongiara Water & Ice Co., in the sum of \$15 for distilled water and ice furnished at Niagara Falls, N. Y., during the months of January, February, and March, 1915.

"In relation to voucher of the Great Bear Spring Co., attention is invited to the copy of letter of inspector in charge at Buffalo and certificate of the Chief Bureau of Bacteriology. These copies are submitted instead of the originals for the reason that the latter were forwarded to the Auditor for the State and other Departments with my answer to his statement of differences in my September 30, 1915, account.

"In view of the doubt in my mind as to the evidence required to allow the payment for drinking water by the Government, your opinion is requested whether or not I am authorized to pay the vouchers as submitted."

In a decision of April 21, 1915 (21 Comp. Dec., 739), it was said:

"* * * in view of the fact that circumstances may exist in certain localities rendering the purchase of drinking water at Government expense necessary as a means of safeguarding the health of Government employees there stationed, no hard-and-fast rule can be laid down with respect to the propriety or legality of such charges

further than to say that reimbursement of an expenditure made for the purpose indicated should be allowed only when the necessity for such expenditure is clearly established."

In the El Paso case considered in decision of June 19, 1915, where there were conflicting statements as to the condition of the hydrant water, it was said:

"It is impossible for me to determine with absolute certainty the reasonable necessity or otherwise for a special water service at this point. However, I am informed that city water is furnished for use at the Federal Building in El Paso and that no reason has been found for the furnishing of a special water. If city water is suitable for the occupants of the public building, it would seem that no special service was necessary for an employee in some other building."

The only rule by which the propriety of such purchases may be determined is the rule of necessity. Water is a necessity. The water provided for general consumption by the people in any community will be presumed to be suitable for the use of Government employees. If not fit for drinking purposes, the purchase of suitable water is authorized, but the burden is on those making the purchase of showing necessity therefor.

In none of the cases submitted by you is there any showing as to the reasonable necessity for the purchase of special waters. In all but one there are Government buildings in the cities in question in which the public-water service is used, and the conclusion in the El Paso case should apply. Upon the showing made, or rather the lack of showing, there was no authority for the purchase in any of the cases submitted.

However, these purchases were all made during the last fiscal year, most of them before this office had occasion to pass upon the question involved. In some similar cases called to my attention purchases were made under yearly contracts in line with a practice prevailing for some years. Possibly the parties furnishing the water ought not to be penalized and discontinuance of unauthorized practices ought to be regarded as the object to be attained. I have concluded, therefore, that payment may be made of these vouchers and that this decision may be regarded as authority for the payment of any similar vouchers for purchases made during the last fiscal year. For such service thereafter payment may not properly be made except upon a showing of necessity.

It may be added by way of suggestion that the architect's office gives consideration to and investigates all cases where it is asserted that the water furnished by the public service is unfit for use and authorizes a special service when found necessary, and hence in cities where there are public buildings the service therein is a fair index of the necessities.