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Minutes of the meeting of the Executive Committee of the Board of Regents of the University of Wisconsin: May 31, 1939. 1939

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MEETING OF THE EXECUTIVE COMMITTEE

Madison, Wisconsin

Wednesday, May 31, 1939

Held in the Office of the Comptroller

PRESENT: Regents Callahan, Gates, Wilkie; President Dykstra, Comptroller Peterson, Secretary McCaffrey.

Upon motion duly made and seconded, the following recommendations were adopted:

(1) That upon the recommendation of the Editor of the University of Wisconsin Press, the Comptroller be authorized to sign an agreement with Mrs. Gertrude Slaughter for the publication and purchase of 500 copies of "Calabria, The First Italy" at an estimated net cost to the University Press revolving fund of \$600.

(2) That the Comptroller be authorized to sign an extra order for \$584.75 on the contract with J. H. Findorff & Son for general construction of the Addition to the Heating Station, on account of changes and additional work approved by the State Chief Engineer.

(3) That the Comptroller be authorized to sign an extra order for \$300.00 on the contract with the Piolet Scrap Iron and Metal Company for the removal of old boilers at the Central Heating Station, on account of additional concrete to be removed as approved by the State Chief Engineer.

(4) That authority be requested of the Governor to purchase a used Nash sedan from the State Bureau of Engineering at a cost of not to exceed \$450, chargeable to 1-D Regents' Unassigned, and that this car be placed under the care of the Superintendent of Buildings and Grounds for general university use.

Upon motion duly made and seconded, the following resolution was adopted:

A Resolution Waiving Liquidated Damages and
Extending the Time for Completing the J. H. Findorff & Son/
Contract on the Heating Plant Addition, PWA Docket Wis. 1594-F.

WHEREAS, The Regents of the University of Wisconsin, (hereinafter referred to as "Owner") and J. H. Findorff & Son, (hereinafter referred to as "Contractor") have entered into a contract for the performance of certain work, in connection with the construction of the Heating Plant Addition Project of the Owner:

WHEREAS, It is provided in the said contract that, in the event the said work is not completed by the first day of April, 1939, the said Contractor shall pay to the Owner as liquidated damages an amount computed on the basis of \$100.00 for each day the said work remains uncompleted after the aforesaid date; and

WHEREAS, For the reasons hereinafter enumerated, it has become impossible for the Contractors to perform the said contract within the contractual date for completion; viz:

Cold and rainy weather delayed the project a total of 16 days. Strikes in the Indiana stone belt and by common laborers in Madison delayed the project 27 days. Five days were lost at the start of the job due to inability to get reinforcing steel for footings. The project was thus delayed a total of 48 days, all of which was beyond the control of the contractor.

WHEREAS, It appears the said Contractor is not legally responsible for such delay in the completion of said contract and, accordingly, liquidated damages should not be assessed:

Certificate
is filed
NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED By the Executive Committee of the Regents of the University of Wisconsin (1) that the contractual date for completion of the said contract be extended to the 19th day of May, 1939; (2) that the Regents of the University of Wisconsin waive any and all claims for liquidated damages arising out of the failure of the Contractor to complete the work prior thereto; and (3) that said contractual provision providing for liquidated damages shall otherwise remain in full force and effect provided, however, that liquidated damages may be hereafter assessed in accordance with the terms of the contract only from and after the aforesaid extended date for completion of the work.

Upon motion duly made and seconded, the following resolution was adopted:

*Certificate
in file* RESOLVED, That the contract of J. H. Findorff and Son, Contract No. 1, for the construction of Heating Plant Addition, for the University of Wisconsin, Madison, Wisconsin, and known as Non-Federal Project No. Wis. 1594-F, which has been completed, and upon the recommendation of Charles A. Halbert, State Chief Engineer, for the State of Wisconsin, be and is hereby accepted; provided, however, that the acceptance of this work shall not be taken or construed as relieving said Contractor of its agreement expressed in its said contract to remedy such defects, if any, in material or workmanship as may appear within the periods stated in said contract or as relieving said Contractor of any other responsibility or contractual obligation which, in accordance with the true intent and meaning of said contract, should remain in force and effect after the issuance of the certificate of completion and acceptance.

Upon motion duly made and seconded, the following resolution was adopted:

*Certificate
in file* RESOLVED; That the contract of Piolet Scrap Iron and Metal Company of Chicago, Illinois, Contract No. 4, for the removal of old boilers, piping and accessories in connection with the construction of an addition to, alterations of and replacements in a heating plant, including necessary heating plant/equipment and appurtenances, for the University of Wisconsin, Madison, Wisconsin, and known as Non-Federal Project No. Wis. 1594-F, which has been completed, and upon the recommendation of Charles A. Halbert, State Chief Engineer, for the State of Wisconsin, be and is hereby accepted; provided, however, that the acceptance of this work shall not be taken or construed as relieving said Contractor of its agreement expressed in its said contract to remedy such defects, if any, in material or workmanship as may appear within the periods stated in said contract or as relieving said Contractor of other responsibility or contractual obligation which, in accordance with the true intent and meaning of said contract, should remain in force and effect after the issuance of the certificate of completion and acceptance.

The meeting

A D J O U R N E D.

M. E. McCaffrey,

Secretary