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## **Minutes of the special meeting of the Executive Committee of the Board of Regents of the University of Wisconsin: March 15, 1939. 1939**

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12-7-39  
SPECIAL MEETING OF THE EXECUTIVE COMMITTEE

Madison, Wisconsin

Wednesday, March 15, 1939

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

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

A RESOLUTION WAIVING LIQUIDATED DAMAGES AND EXTENDING THE  
TIME FOR COMPLETION OF HEATING PLANT EQUIPMENT CONTRACT ON  
DOCKET WIS. 1594-F, HEATING PLANT

WHEREAS, The Regents of the University of Wisconsin, a corporation, (hereinafter referred to as "Owner"), and the Worthington Pump and Machinery Corporation, (hereinafter referred to as "Contractor"), have entered into a contract for certain equipment in connection with the heating plant project of the Owner;

WHEREAS, It is provided in the said contract that, in the event the said equipment is not delivered 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 for each day the equipment remains undelivered after the aforesaid date; and

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

Settlement of questions of interpretation of specifications necessary before award of the contract.

Protests of contract award.

Contract held up in Governor's office for signature for about a week.

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

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED by the Regents of the University of Wisconsin: (1) that the contractual date for completion of the said contract be extended to the first day of June, 1939; (2) that the Regents of the University of Wisconsin waives any and all claims for liquidated damages arising out of the failure of the Contractor to complete the work prior thereto.

The resolution was unanimously approved by a vote as follows:

3 Ayes  
0 Nays.

The meeting

A D J O U R N E D .

M. E. McCaffrey,

Secretary.