

## COMMISSIONERS' PROCEEDINGS

## SPECIAL MEETING

The Board of County Commissioners met April 26, 1940, Commissioners Hansen and McCarthy present, Gooldy absent, at 10:00 o'clock A. M., Fred F. Hansen presiding.

County Attorney Hickey and Mr. E. F. Sullivan, P. W. A. Engineer met with The Board to discuss extension of completion date on docket Wyo. - 1083-F. The following resolution was introduced by Commissioner McCarthy and seconded by Fred F. Hansen, Commissioner Gooldy absent; vote resulted in two yeas.

RESOLUTION EXTENDING THE TIME FOR COMPLETING THE PROJECT ON  
DOCKET WYO. - 1083-F

WHEREAS, Carbon County (hereinafter referred to as "Owner") and U. S. Government (hereinafter referred to as "U. S. Government", in connection with the construction of a certain Project of the Owner;

WHEREAS, it has been determined for the reasons hereinafter enumerated that it has become impossible for the OWNER to perform the said contract within the contractual date for completion; Viz.

The project was suspended from January 19th, 1939 to April 13th, 1939 due to inclement weather and time lost in awarding contract No. 2 (General Construction), a loss of approximately three months. This loss of time was beyond the control of the Owner, and construction work or awarding contract No. 2 could not be expedited at an earlier date.

On June 22nd, 1939 we made application to P. W. A. for amendatory application to enlarge the scope of the project; taking in office equipment, elevator, two-car garage, sidewalks, curbs and landscaping. After many weeks of delay the application was approved on October 28th, 1939, a delay of some eighteen weeks, which delay was not the fault of the Owner.

On approval of this amendatory application, bids for office equipment had to be taken, in order to see how much funds would then be available for elevator, garage and other outside work. Bids for office equipment were received on January 4th, 1940. After this date plans were made to take bids on elevator, two-car garage, sidewalks, curbs and landscaping. These bids were received on April 8, 1940. The bid for two-car garage, sidewalks, curbs and excavation was disapproved, so it was necessary to again take bids on this work. These bids will be received on May 18th, 1940.

In view of the fact that date of taking bids is beyond the date of project completion, May 15th, 1940, we ask for further project time extension.

WHEREAS, with date submitted herewith relative to construction delay, it appears that the Owner is not responsible for such delays, and the delays encountered were beyond the control of Carbon County; WHEREAS, it now appears that the contracts for elevator, two-car garage, excavation, walks, drives and landscaping cannot be completed by May 15th, 1940.

NOW THEREFORE BE IT RESOLVED BY The Board of County Commissioners of Carbon County:

(1) That the extension of time on the project be granted to June 30th, 1940.

A resolution extending the time of the Otis Elevator Co. contract from May 15, 1940 until June 29, 1940 was introduced by McCarthy and seconded by Hansen. McCarthy and Hansen voting "aye", Gooldy absent.

A resolution extending the time of L. J. Keefe's contract from May 15, 1940 to June 15, 1940 on account of delay in awarding sidewalk contract, was introduced by McCarthy, seconded by Hansen. McCarthy and Hansen voting "aye", Gooldy Absent.

The request of Otis Elevator Co., L. J. Keefe and Dawson and Corbett to pay their employees by check instead of in cash, was granted by the Board on motion by McCarthy, seconded by Hansen, Gooldy absent.

On the recommendation of Architect Porter, a resolution was introduced by McCarthy and seconded by Hansen and so carried, that change orders to Spiegelberg Lumber & Building Co. contract No. 2 be approved.

## RESOLUTION AUTHORIZING CONTRACT CHANGES

FOR

CARBON COUNTY COURTHOUSE

RIVIERA, WYOMING

BE IT RESOLVED by the Board of County Commissioners of the County of Carbon, State of Wyoming, as follows:

1. That it is deemed advisable and for the best interest of said County that the contract between the said County and the Spiegelberg Lumber and Building Company, Contractors, covering the work on the Carbon County Courthouse and Jail Building Project of said County, be changed in the following respects:

- (a) Install entrance steps at the South entrance of Terrazzo to match granite step at the end of platform. CREDIT OF (\$53.00)
- (b) To omit flag stone surfacing on concrete sub-base of Sheriff's Residence to last property line. CREDIT OF (\$25.00)
- (c) Bronze tablets furnished and erected in accordance with approved plans. \$105.00
- (d) Credit for elevator machine room concrete slab not installed under this contract CREDIT OF \$ 26.82
- (e) Electric light globes not specified to be furnished in this contract throughout building. \$ 69.00
- (f) Drawer pulls for wood desks not specified to be furnished under this contract for furniture. \$ 44.95
- (g) Credit for non-use of linoleum paste as specified to be used. CREDIT OF \$ 18.30
- (h) Credit for cement floor in assembly room which is cracked. CREDIT OF \$181.82

Contract on or before the contract completion date and that the imposition of any penalty upon the Contractors by reason of the Contractors' delay in the completion of the contracts as follows:

Contract No. 2	Specified completion date	January 12, 1940
Contract No. 3	Specified completion date	March 18, 1940
Contract No. 4	Specified completion date	March 18, 1940
Contract No. 8	Specified completion date	March 18, 1940

would be illegal and unjust; and

WHEREAS the Owner through its proper representatives has made a study of the facts relating to the delay in the completion of such contracts by the Contractors and has given consideration to its rights and privileges under such contract and to the Contractors' duties and responsibilities thereunder in the light of the applicable law;

NOW, THEREFORE, BE IT RESOLVED by The Board of County Commissioners of the County of Carbon as follows:

(1) That it has been satisfactorily determined that the causes for the Contractors' failure to complete the contracts on the contract completion date and the delay in the completion of their contracts are properly specified in the preamble of this resolution;

(2) That it is hereby determined that as a matter of law the Contractors cannot and should not be subjected to the payment of any damages or to the imposition of any penalty for said failure to complete the contracts on or before the contract completion date for the reasons aforementioned, and that the delays in completion of such contracts as shown above, does not legally and should not properly subject the Contractors to the payment of any damages to the Owner or to the Owner's imposition or any other penalty by reason thereof;

(3) That the Contractors' completion of said contracts on dates as specified herewith is otherwise approved;

Contract No. 2	from January 12, 1940	to March 15, 1940
Contract No. 3	from March 18, 1940	to April 15, 1940
Contract No. 4	from March 18, 1940	to April 13, 1940
Contract No. 8	from March 18, 1940	to March 22, 1940

## RESOLUTION AUTHORIZING CONTRACT CHANGES

FOR

CARBON COUNTY COURTHOUSE

RIVLIN, WYOMING

BE IT RESOLVED by the Board of County Commissioners of the County of Carbon, State of Wyoming, as follows:

1. That it is deemed advisable and for the best interest of said County that the contract between the said County and the Spiegelberg Lumber and Building Company, Contractors, covering the work on the Carbon County Courthouse and Jail Building Project of said County, be changed in the following respects:

(a) Install entrance steps at the South entrance of Terrazzo to match granite step at the end of platform. (\$33.00)

(b) To omit flag stone surfacing on concrete sub-base of Sheriff's Residence to last property line. CREDIT of (\$25.00)

(c) Bronze tablets furnished and erected in accordance with approved plans. \$105.00

(d) Credit for elevator machine room concrete slab not installed under this contract. CREDIT OF \$ 26.82

(e) Electric light globes not specified to be furnished in this contract throughout building. \$ 69.00

(f) Drawer pulls for wood desks not specified to be furnished under this contract for furniture. \$ 44.95

(g) Credit for non-use of linoleum paste as specified to be used. CREDIT OF \$ 18.30

(h) Credit for cement floor in assembly room which is cracked. CREDIT OF \$181.82

2. That it is hereby determined that all the data necessary to obtain a comprehensive and intelligent bid, which data, prepared and assembled by Frederic Hutchinson Porter, are referred to herein and made a part hereof, were properly submitted to said Contractor with a request that such Contractor submit a proposal to said County covering such proposed changes.

3. That the proposals of said Contractor, copies of which are hereto attached, and made a part hereof, to make the said changes, and accept therefor an increase in the contract price of one cent only, (\$00.1) be and the same is hereby accepted for and in behalf of said County.

4. That such acceptance of the Contractor's proposal shall become effective only when a certified copy of this resolution is sent to the Contractor by the Architect.

CERTIFICATE

I, R. G. Engstrom, the duly qualified and acting County Clerk of the County of Carbon, State of Wyoming, do hereby certify that the above and foregoing resolution is a true and compared correct copy of the resolution which was duly adopted by the Board of County Commissioners of said County on the 26th day of April, 1940, and which is now on file in my office as part of the official records of said County.

IN WITNESS WHEREON, I have hereunto set my hand and the official seal of said County this 26 day of April, 1940.

By R. G. Engstrom  
R. G. Engstrom  
County Clerk

OFFICIAL SEAL

(4) That certified copies of this resolution be forwarded by the recording officer to the Public Works Administration.

Fred F. Hansen  
Chairman of The Board of Commissioners

CERTIFICATE

I, R. G. Engstrom, the duly acting County Clerk of the County of Carbon, DO HEREBY CERTIFY that the foregoing is a true and correct copy of the resolution which was adopted on the 26th day of April, 1940, by a vote of 2 Yeas, Commissioner, John Gooldy absent, by the Board of County Commissioners of the County of Carbon at a properly convened Special Meeting of said Board of County Commissioners, all as appears from the official records of said County of Carbon which are in my custody and control.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal this 26th day of April, 1940, in Rawlins, Carbon County, Wyoming.

(Seal)

R. G. Engstrom  
County Clerk

Thereupon The Board adjourned, subject to the call of the Chairman.

Attest: R. G. Engstrom  
County Clerk

Fred F. Hansen  
Chairman of The Board of Commissioners