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By David R. Ellis
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The lawyer for the Middlesex County Commissioners being questioned by a special Senate committee about the uncompleted and stalled county courthouse building yesterday laid the blame for delays and increased costs on the contractor.

Work has been stopped on the 21-story building in East Cambridge, originally planned to be only 18 stories. The initial estimate of the cost of the building was \$16 million and now the cost has risen to \$27 million.

The general contractor, Gevyn Construction Co. of Mamaroneck, N.Y., stopped work on the building in March.

Robert Popeo, counsel for the Middlesex County Commissioners, outlined more of the background of the planning and construction of the courthouse as he had on the first day of the investigation Wednesday.

Sens. Beryl W. Cohen (D-Brookline), George V. Kennedy Jr. (D-Dorchester) and John D.

Barrus (R-Goshen) are hearing the testimony.

Popeo told the senators that the correspondence on the case between the commissioners and the contractor takes up a full file cabinet.

He said the Gevyn firm was unhappy with foundation work done in preparation for the actual building and as a result 169 change orders were issued for added construction. They totalled \$2,272,240.

About \$1.4 million was needed to make the corrections, Popeo said, and there were no flaws which developed in the substructure.

There was a subsequent six month delay in starting the structural steel work. Popeo told the committee he didn't think the delay was "reasonable."

He said the Gevyn firm claimed there was a misalignment of the structural steel work but an independent study showed there was no misalignment.

Popeo said the firm filed a claim of \$5.5 million in damages against the county, but he pointed out to the investigators that the contract contained a specif-

ic clause against claiming damages for delays.

He said the firm told the commissioners in December 1969 that their "finances were critical" and the firm would "have to shut down operations."

In March, the contractor "left the job, terminated the contract," Popeo said.

Later, when the contractor sought reinstatement and a series of meetings were held, "the three major subcontractors refused to go back to work for Gevyn," Popeo said. Other meetings were held with nearly all the other subcontractors "and almost to a man, they wouldn't go back to work for the contractor."

He told the senators that the commissioners will seek bids to finish the job and the contract award should be "early in September." He said the bids would be open to anyone but the award would not go to Gevyn.

Sen. Cohen was critical of the work of the contractor for the demolition and excavation, the Donoghue Construction Co.

The Donoghue firm was the low bidder at \$149,228 for the demolition and \$444,168 for the excavation, but subcontracted all the work out. Cohen said the Donoghue firm acted simply as a "broker."