

This Settlement Agreement (Agreement) is entered into between American Sewer Services (the Contractor) and the City of Milwaukee, acting by and through its Department of Public Works (DPW) as of the date executed by all of the parties below.

The parties acknowledge certain incidents have taken place in connection with two contracts performed by Contractor for DPW. Contractor has taken steps to mitigate the conduct of its employees in connection with these incidents, and further agrees to the following:

ON #107-1-2017


1. Contractor agrees that contract ON #107-1-2017 (sewer main lining on N 45th & Wells, etc.) will be re-bid. While Contractor submitted the low bid at \$405,268.00, the contract will not be executed or awarded to American Sewer Services for this project. Contractor agrees not to file any protest with the City in connection with DPW's decision not to award contract ON #107-1-2017 to Contractor, or to rebid the contract, either via any City appeals process, or in state or federal court.
2. The City will rebid substantially all or part of the work that currently forms contract ON #107-1-2017 in one bid package this year. Contractor agrees that it will not submit a bid or compete for that work, and will not contest the award of that work to any other party in any venue.

Contract # C683170089 – Open Cut sewers and 30" Liners (various locations)

1. Contractor agrees that all work on this Contract will cease as of January 8, 2018 and that final invoices will be submitted for payment by January 29, 2018.
2. Contractor agrees that the Contract for this project will be terminated by mutual agreement. Contractor will not contest the termination of this Contract in any venue.
3. There is currently \$486,318.06 in unexpended allocation for this project.
4. That invoices submitted by Contractor shall apply only to work completed as of January 8, 2018.
5. If there are any remaining Contract issues, they will be decided pursuant to the terms and conditions of Contract C683170089.
6. The City will rebid the remainder of the work on the project uncompleted as of January 8, 2018, and Contractor agrees that it will not submit a bid or compete for work that is currently a part of Contract #C683170089, and will not contest the award of that work to any other party, and will not contest the award of that work to any other party in any venue.

Contractor agrees that this Agreement constitutes the full and final settlement and agreement of the parties with respect to the matters covered in bid ON #107-1-2017 and Contract #C683170089, and subsequent awards of work covered by those contracts, except as otherwise indicated with respect to work completed on Contract #C683170089. Invalidity or unenforceability of one or more provisions of this Agreement shall not affect any other provision of this Agreement. This Agreement will be interpreted pursuant to the laws of the State of Wisconsin.

Signed:

 1/11/18

American Sewer Services Date

Signed:

 1/11/18

City of Milwaukee-Department of Public Works Date