

LRB-FISCAL REVIEW SECTION ANALYSIS

SEPTEMBER 14, 2001

ITEM 2, FILE 010664

JUDICIARY & LEGISLATION COMMITTEE

MARK A. RAMION

File # 010664 is a resolution authorizing the expenditure of funds from the Outside Counsel/Expert Witness Fund for the purpose of retaining expert witnesses relative to the lawsuit of Super Excavators, Inc. v. City of Milwaukee.

Background

1.

The Outside Counsel/Expert Witness Fund covers the cost of hiring expert witnesses and outside counsel in legal cases. Funds are approved on a case-by-case basis and appropriated to a sub-account under City Attorney expenditure authority by Common Council resolution.

2. This file will authorize the expenditure of \$50,000 by the City Attorney for the purpose of retaining expert witnesses for Case No. 01-CV-001325, Super Excavators, Inc. v. City of Milwaukee.

Discussion

1. In 1997, the City of Milwaukee Department of Public Works awarded a contract to Super Excavators, Inc. for sewer construction on West Brown Street from North 26th Street to North 29th Street. The contract total was \$5,412,049.
2. Super Excavators, Inc. claims that work in excess of \$880,000 was completed beyond the contract parameters. This extra work included excavation of a recovery shaft to retrieve a tunnel-boring machine and resulted in extended expenses for labor, equipment, supplies and overhead.
3. This resolution will also authorize the City Attorney to pay other litigation expenses related to this lawsuit.

Fiscal Impact

1. The total funding for this resolution is \$50,000 to be appropriated from the Outside Counsel/Expert Witness Fund.
2. If this appropriation is approved, the Outside Counsel/Expert Witness Fund will have a balance of \$382,000.

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LRB-Fiscal Review Section
September 10, 2001

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