


January 23, 2001

To Whom It May Concern:

City of Milwaukee Invoice Number 71714 was issued to M. J. Construction on September 10, 1999. The invoice was to recover the cost of repairing a damaged cable and conduit in the area of West Lloyd Street and West Lisbon Avenue. The Contractor, M. J. Construction admitted hitting the cable and conduit during their installation of an underground sewer line for the City of Milwaukee under contract C990047. However, M. J. Construction challenged their responsibility for the damage and disputed the invoice. M. J. Construction claimed that the cable had not been marked properly by the City of Milwaukee prior to the construction of the sewer and therefore they could not have known that it was there.

The Department of Public Works investigated the disputed invoice. In searching through the project inspector's reports from the sewer installation contract, notations on those reports indicated some problems in the marking of cable locations at this intersection. Specifically, there were two conduits buried at this location approximately two feet apart. However, there was only one marking on the pavement. When the contractor uncovered the first conduit, he proceeded assuming there were no other conduits. The contractor then hit the second cable.

Because there was a problem with the marking of existing facilities by the City of Milwaukee, the contractor was not responsible for the damage. The contractor could not be expected to not hit a cable that he was not aware was there. The inspector's reports verified the information provided by the contractor, therefore the invoice was ordered to be cancelled.



Thomas R. Rowe  
Supervising Engineer

# INVOICE

CITY OF MILWAUKEE

DEPARTMENT OF PUBLIC WORKS  
ADMINISTRATION DIVISION

Contracts and Permits Section

841 N. Broadway Room 507  
Milwaukee, Wisconsin 53202  
(414) 286 - 3311

FORM DPW - 104

BLUE - BUR.  
GOLD - D.P.W.  
CANARY - COMPT  
GREEN - D.P.W.  
WHITE - D.P.W.  
WHITE - STUB

M. J. Construction  
12419 W. Hampton Ave.  
Butler WI 53007

No. 71714

September 10 19 99  
B & F

THIS BILL MUST BE PAID WITHIN 30 DAYS

Project #RM545188167  
Center of W. Lisbon N.S. of W. Lloyd.  
2 - 24 pr lead cables,  
1 - 3 pr 19 ga. plastic cable.  
2 - 4" clay tile ducts damaged.

Labor  
Materials  
Total

5181.64  
1064.18  
6245.83

NOTICE If this invoice is NOT paid  
within 30 days of the above date, it  
can be deducted from any payments by  
the City to the above named

94305-0007-5456-9901-1999-RM545188167-\$5651.10

941091-0001-5140-0700-1999-\$594.73