

LRB-FISCAL REVIEW SECTION ANALYSIS

JUDICIARY & LEGISLATION COMMITTEE

ITEM 1, FILE # 021373

JANUARY 13, 2003

MARK A. RAMION

File # 021373 is a resolution authorizing the settlement of the lawsuit of Super Excavators, Inc. v. City of Milwaukee, Case No. 01-CV-001325.

Background

1. This file will authorize the settlement of the lawsuit for Case No. 01-CV-001325, Super Excavators, Inc. v. City of Milwaukee.
2. In 2001, \$75,000 had been appropriated from the Outside Counsel/Expert Witness fund for the purpose of obtaining expert witness services related to this case.

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. had claimed 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. The City Attorney believes that it is in the best interests of the city to settle this claim that represents the mediated amount of \$376,046.

Fiscal Impact

1. The total funding for this resolution is \$376,046 to be appropriated from the Sewer Relief and Relay Fund.
2. The Sewer Relief and Relay Fund has a current balance of \$1,067,081.

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LRB-Fiscal Review Section
January 10, 2003

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