



1997 ASSEMBLY BILL 702

January 13, 1998 - Introduced by Representative ALBERS. Referred to Joint committee on Finance.

- 1 **AN ACT relating to:** the expenditure of a sum sufficient from the transportation
2 fund for payment of a claim against the state made by Mews Companies, Inc.

Analysis by the Legislative Reference Bureau

This bill directs expenditure of a sum sufficient consisting of \$114,212.74, plus 12% interest compounded monthly from October 31, 1992, to the date of payment, from the transportation fund in payment of a claim made by Mews Companies, Inc., against the department of transportation (DOT). The claimant was a contractor on an improvement project for STH 190 (Capitol Drive) in Waukesha County in 1992. The claimant asserts the it was not paid for unscheduled borrow excavation that it was required to perform (\$56,371.32), that DOT improperly denied to the claimant access to a median strip that it was required to fill during a time when free fill was available to it, thereby increasing its costs to obtain fill and delaying construction to a point when it incurred additional weather-related costs (\$56,694.75), and that the claimant was required to supply additional crushed aggregate for the highway shoulder that was not included in its contract (\$25,046.37). The claimant's claim totaled \$138,112.32. DOT paid the claimant \$23,900 for the additional crushed aggregate, thereby reducing its claim to \$114,212.74. DOT asserts that the claimant accepted the payment of \$23,900 under a contract change order that released DOT from any further liability for all of the contractor's claims in connection with the project. The claims board recommended denial of this claim on December 4, 1996 (see *Senate Journal*, p. 6).

