



1999 SENATE BILL 484

March 21, 2000 - Introduced by Senator ROESSLER. Referred to Joint committee on Finance.

- 1 **AN ACT relating to:** expenditure of \$49,776.35 from the general fund in payment
2 of a claim made by Rosendale Farm Equipment, Inc.

Analysis by the Legislative Reference Bureau

This bill directs expenditure of \$49,776.35 from the general fund in payment of a claim made by Rosendale Farm Equipment, Inc., against the department of administration (DOA). The claimant entered into a contract with DOA dated January 28, 1997. The contract called for construction of a manure storage structure at the Waupun State Prison Farm in Dodge County. During construction of the project, soil compaction tests were performed and the soil failed to meet the compaction standards specified in the contract. The claimant asserts that bedrock was encountered significantly closer to the surface than had been indicated in the request for proposal prepared by DOA. Therefore, the claimant did not anticipate that excessive soil moisture would impact the construction. To address the excessive moisture, the pit area was excavated down to bedrock and the area was filled with stone. The claimant asserts that this work was orally authorized by DOA, but no written change order was issued. DOA asserts that this work was ordered by the claimant's engineer without DOA's knowledge. Although DOA conceded that some form of remedy was required and the remedy employed by the claimant benefitted the project, DOA refused to approve payment for the remedy because it asserts that the claimant had notice of its obligations under the contract and no modification was agreed to. The claimant claimed \$49,776.35, which was the actual cost of the additional excavation and fill billed by the claimant's excavation contractor. On August 16, 1999, the claims board recommended denial of this claim (see *Senate Journal*, p. 240).

