



2001 ASSEMBLY BILL 544

October 10, 2001 - Introduced by Representative HOVEN. Referred to Committee on Rules.

- 1 **AN ACT relating to:** expenditure of \$508,323 from the general fund in payment
2 of a claim against the state made by J.T. Roofing, Inc.

Analysis by the Legislative Reference Bureau

This bill directs expenditure of \$508,323 from the general fund in payment of a claim against the department of administration by J. T. Roofing, Inc. The claimant entered into a contract with the department of administration (DOA) for construction work to be performed in connection with the remodeling of Goodland Hall at the Mendota Mental Health Institute in 1998 and 1999. The claimant claimed additional costs resulting from application of a primer and necessary removal of loose vapor retarder (\$166,827), additional costs resulting from limited access to courtyards at the project site (\$252,960), waiting time required by the state for the claimant's employees to gain access to the site (\$14,535), additional costs resulting from conflicting instructions issued by the state (\$8,976), increased costs resulting from untimely review of drawings by the state and documentation required by the state for materials used in the project, an early winter shutdown of the project by the state, and labor strife allegedly caused by racially offensive remarks made by a state supervisor to the claimant's employees (\$65,025). The claimant's claim totaled \$508,323. DOA asserts that application of the primer and removal of the vapor retarder were required in the project specifications, that the claimant was informed in advance that check-in procedures were required and certain courtyards would not be accessible at certain times, that the claimant's drawings were rejected because they were incomplete and incorrect, and that additional documentation was required for certain materials because the materials were not clearly labeled by the

ASSEMBLY BILL 544

manufacturer as required by the specifications. DOA also asserts that the claimant was so far behind schedule when the project was shut down by the state for the winter that it could not have finished before winter set in, and that there were accusations of inappropriate comments made both by the state supervisor and by the claimant's employees, and the supervisor was removed from the project. DOA proposed that the matter be settled for \$50,000. The claims board recommended denial of this claim on June 7, 2001 (see *Senate Journal*, p. 223).

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1. Claim against the state.** (1) There is directed to be expended from
2 the appropriation under section 20.505 (4) (d) of the statutes, as affected by the acts
3 of 2001, \$508,323 in payment of a claim against the state made by J.T. Roofing, Inc.,
4 Saukville, Wisconsin, as reimbursement for additional expenses incurred in
5 executing its contract with the department of administration for the remodeling of
6 Goodland Hall at the Mendota Mental Health Institute in 1998 and 1999 that were
7 not contemplated under the contract. Acceptance of this payment releases this state
8 and its officers, employees, and agents from any further liability resulting from any
9 costs incurred by the claimant under this contract.

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(END)