

CONSTRUCTION BLOG

Fairness Prevails

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In a case that pitted statutory prerequisites for a school district to engage construction work against the equitable principal of fairness, the Illinois Supreme Court has held that fairness wins out. Restore Construction Company, Inc. and its subcontractors performed emergency repair and reconstruction work, on behalf of Board of Education, after a serious fire at Proviso East High School. Due to the emergency nature of the work, the Board of Education had failed to follow the strict statutory requirements for bidding and approval of construction contracts. The Illinois Supreme Court held that the construction companies involved were entitled to be paid by the Board, based on the equitable principal known as quantum meruit. Bottom line: The construction companies had furnished valuable services which the Board of Education and school received, under circumstances that would make it unjust for the school to retain the work without paying a reasonable sum in compensation. The Court found that the statutory provisions were not a bar to the contractor's claims. The Court remanded the case to the circuit court to determine what fair compensation would be. Restore Construction Company, Inc. v. Board of Education of Proviso Township High Schools District 209, 2020 IL 125133 (April 16, 2020) Cook Co.