

Event Vendor Agreement
2024 City of Waukesha JanBoree

This Agreement is by and between, the City of Waukesha, a Wisconsin municipal corporation, 201 Delafield Street, Waukesha, Wisconsin, 53188 and Robert T. Elliott, a sole proprietor doing business as The Elliott Organization, W4417 Laurel Street, Lake Geneva, Wisconsin, 53147, referred to herein as the Vendor.

Recitals

The City of Waukesha, referred to herein as the City, is conducting a JanBoree winter festival event at Lowell Park, free and open to the public, on January 19 (5 p.m. to 9 p.m.) and 20 (3:00 to 9 p.m.), 2024, and is willing to allow the Vendor to participate as a glass blowing performer during the event.

The Vendor is willing to provide such vendor services during the JanBoree winter festival event, and to abide by the terms of this Agreement.

Therefore, the City and Vendor agree, and contract as follows:

- 1. Vendor Responsibilities.** The Vendor shall be responsible for the following duties, at its sole expense:
 - a. Glass blowing demonstrations every 60 minutes for the duration of the event on Friday, January 19, 2024, from 5:00 p.m. to 9:00 p.m. and Saturday, January 20, 2024, from 3:00 to 10:00 p.m.
 - b. Vendor shall provide one hundred (100) custom glass icicles to the City, approximately 12-14" long. All necessary materials shall be supplied by Vendor.
 - c. Vendor will be allowed to blow and sell custom glassware, such as steins and ornaments, for event attendees.
 - d. Provide all inventory to be sold by Vendor at its assigned vending area and sell and sell to attendees of the JanBoree event a variety of glassware items, at the vending location assigned by the City.
 - e. Vendor will provide all sources of power needed to power the glass blowing equipment including the kiln.
 - f. Vendor will appropriately manage the safety and security of all vendor equipment.
 - g. Keep the assigned vending area clean and free of waste and debris. All waste and debris shall be collected and placed in the appropriate solid waste or recyclables containers provided by the City.
 - h. Comply with all statutes and regulations that may apply to Vendor's performance.
 - i. Promptly pay all suppliers and indemnify the City from claims for payment by any of Vendor's suppliers.
 - j. Maintain in force at all times during the JanBoree event a policy of public liability insurance, naming the city as an additional insured, with limits of not less than \$1,000,000 per incident and \$2,000,000 aggregate. Policies shall be occurrence, and not claims-made, and Vendor's insurance shall be primary, not excess, and non-contributory. The policy shall be from an insurer licensed to issue such policies in Wisconsin. Prior to the JanBoree event, Vendor shall deliver a certificate of insurance to City showing that all requirements of this section are met.
- 2. Indemnification.** Vendor shall indemnify and hold the City of Waukesha harmless from any and all liabilities, lawsuits, damages and costs, including court costs and actual attorney fees, arising from the acts or omissions of Vendor or any of Vendors members or volunteers, occurring during Vendor's performance of vending services at the JanBoree event.

3. **Vendor Additional Activities.** Vendor may, at its option, conduct the following activities at its assigned vending location: Mount signs, banners and flags identifying the Vendor's business.
4. **Compensation for Vendor's Services.** The City agrees to pay Vendor the sum of \$10,500.00 for performance services and for the one hundred (100) glass icicles. Payment shall be made in the following manner: six thousand five hundred dollars (\$6,500) by December 15, 2023; balance of four thousand dollars (\$4,000) on January 20, 2024.
5. **City Obligations.** Event obligations for which the City, and not the Vendor, shall be responsible include Promotion and marketing of the JanBoree event; tent, entertainment; signs, pedestrian control, and traffic control. In addition, the City shall provide Vendor with a three-sided 20' x 20' tent with lighting, and space for a truck and trailer.

Vendor

Robert T. Elliott
Date: _____

City of Waukesha

By Shawn N. Reilly, Mayor
Date: _____

Attested by Gina L. Kozlik, City Clerk
Date: _____