

Event Vendor Agreement
2023 City of Waukesha Oktoberfest

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 an Oktoberfest event at Frame Park, free and open to the public, on September 22 (5 p.m. to 10 p.m.) and 23 (noon to 10 p.m.), 2023, 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 Oktoberfest 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 90 minutes for the duration of the event on Friday, September 22, 2023, from 5:00 p.m. to 10:00 p.m. and Saturday, September 23, 2023, from noon to 10:00 p.m.
 - b. Vendor shall provide a glass pickle to the City, approximately 21-24" long and 10 to 12" in diameter. All necessary materials including logs shall be supplied by Vendor.
 - c. Vendor shall accept green and clear bottles from the City to incorporate into the glass pickle.
 - d. Vendor will be allowed to blow and sell custom glassware, such as steins and ornaments, for event attendees.
 - e. Provide all inventory to be sold by Vendor at its assigned vending area and sell and sell to attendees of the Oktoberfest event a variety of glassware items, at the vending location assigned by the City. Items and pricing shall be shared with the City no later than August 11, 2023. All items shall be priced in \$1 increments.
 - f. Vendor will utilize a Square register provided by the City and accept only Oktoberfest gift cards and credit cards for payment.
 - g. Vendor will provide all sources of power needed to power the glass blowing equipment including the kiln.
 - h. 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.
 - i. Comply with all statutes and regulations that may apply to Vendor's performance.
 - j. Promptly pay all suppliers and indemnify the City from claims for payment by any of Vendor's suppliers.
 - k. Maintain in force at all times during the Oktoberfest 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 Oktoberfest 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 Oktoberfest 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 \$7,500.00 for performance services and for the glass pickle. Payment shall be made in the following manner: four thousand dollars (\$4,000) by September 15, 2023; balance of three thousand five hundred dollars (\$3,500) on September 23, 2023. In addition, vendor shall be paid 90% of the sales value collected in payment for sales of products by Vendor at its assigned vending location. The amount to be paid to Vendor shall be determined by sales report on City equipment and payment shall be made no later than October 20, 2023.
5. **City Obligations.** Event obligations for which the City, and not the Vendor, shall be responsible include Promotion and marketing of the Oktoberfest event; all ticket sales; tents, tables, and chairs, and set-up and tear-down of them; music and entertainment; wristbands for attendees; signs, pedestrian control, and traffic control; and security and safety services. 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: _____