

Event Vendor Agreement
2022 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 Wandering Cow Mobile Food LLC, W9506 County Road X, Portage, Wisconsin 53901, 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 23 (5 p.m. to 10 p.m.) and 24 (noon to 10 p.m.), 2022, and is willing to allow the Vendor to participate as a vendor of non-competing food; and to have the Vendor share the revenues generated by their sales, provided the Vendor abides by rules set by the City.

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. Contact and work with the Waukesha County Health Department for all necessary inspections and ensure all necessary safe food handling practices are in place and being followed.
 - b. Provide all inventory to be sold by Vendor at its assigned vending area and sell and serve to attendees of the Oktoberfest event non-competing food items approved for sale by City, at the assigned vending location. Product pricing information shall be shared with the City. Items shall be sold in \$1.00 increments.
 - c. Accept only official gift cards or credit cards in payment of all sales, process credit card sales on point-of-sale equipment provided by the city and return the point-of-sale equipment to the city.
 - d. 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.
 - e. Promptly pay all suppliers and indemnify the City from claims for payment by any of Vendor's suppliers.
 - f. 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.** Vendor acknowledges that it will be paid 80% of the face value of the official tickets collected by it from attendees in payment for sales of products by Vendor at its assigned vending

location. The amount to be paid to Vendor shall be determined by the City on Monday, September 26, 2022, and payment to the vendor shall be made no later than October 21, 2022.

- 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; point-of-sale equipment to process credit card sales and security and safety services. City shall pay all sales taxes and credit-card fees associated with ticket sales, and Vendor shall not be responsible for payment of such expenses.

Wandering Cow Mobile Food LLC

Joseph Krasovec
Managing Member
Date: _____

City of Waukesha

By Shawn N. Reilly, Mayor
Date: _____

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