

Event Vendor Agreement
2023 City of Waukesha Oktoberfest

This Agreement is by and between the City of Waukesha, 201 Delafield St., Waukesha, WI 53188, referred to herein as the City; and Mama Ducky's Desserts, LLC, 2557 South 98th Street, West Allis, Wisconsin 53227-2607, referred to herein as the Vendor. The City and Vendor are referred to herein as the Parties.

Recitals

The City will present an Oktoberfest event at Frame Park, free and open to the public, with event to take place on September 22, 2023, 5:00 to 10:00 pm, and September 23, 2023, Noon to 10 pm, and is willing to allow the Vendor to participate as a vendor of non-competing food and to share revenues with the City.

The Vendor is willing to provide such vendor services during the Oktoberfest event.

Therefore, in consideration of the Parties' mutual promises herein, 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. Provide an Oktoberfest-themed cake along with any additional cakes necessary to provide 400 servings of cake free of charge along with necessary plates, napkins, and forks to attendees of Oktoberfest on Saturday, September 23, 2023. Cake is to be unveiled and served at 2:00 p.m.
 - b. Reimburse City for 50% cost of Vendor tent rental, up to \$150.
 - c. Contact and work with the Waukesha County Health Department for all necessary permits and inspections and ensure all necessary safe food handling practices are in place and being followed.
 - d. Arrive on site to prepare for sales no later than 4:00 pm on September 22 and 11:30 am on September 23 and remain on site until at least 10:00 pm.
 - e. Provide all inventory to be sold by Vendor and sell and serve to attendees of the Oktoberfest event a menu of food items pre-approved by the City, at the vending location assigned by the City. Product pricing and product listing shall be shared with the City no later than August 11, 2023. All items shall be priced in even \$1 increments.
 - f. Accept only official event gift cards or credit cards utilizing City equipment in payment of all sales.
 - 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, by 10:30 p.m. each night.
 - h. Comply with all statutes and regulations concerning the collection and payment of state sales taxes.
 - 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 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, mount signs, banners and flags identifying the Vendor's business at assigned vending area.
4. **Compensation for Vendor's Services.** Vendor shall be paid 100% of the sales value collected in payment for sales of products by Vendor. 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.** The City shall be responsible for promotion and marketing of the Oktoberfest event; all gift card sales; sales terminals, 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. City will provide a tent for vendor at least 15'x15'.

City of Waukesha

By Shawn N. Reilly, Mayor

Date: _____

Attested by Gina L. Kozlik, City Clerk-Treasurer

Date: _____

Mama Ducky's Desserts, LLC

By Melissa Jane Lugo, Managing Member

Date: _____