



**City of Waukesha**  
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<b>Committee:</b> Common Council	<b>Date:</b> 4/4/2024
<b>Common Council Item Number:</b> ID#	<b>Date:</b> 4/3/2024
<b>Submitted By:</b> Alex Damien & Jennifer Andrews	<b>City Administrator Approval:</b> <b>Anthony Brown</b>
<b>Finance Department Review:</b> <a href="#">Click here to enter text.</a>	<b>City Attorney's Office Review:</b> <a href="#">Click here to enter text.</a>
<b>Subject:</b> <b>Consideration and Possible Action on a Three-Party Construction Contract between the City of Waukesha, the Waukesha County Community Foundation, and VJS Construction Services for the Waukesha Parade Memorial at Grede Park.</b>	

<p><b>Details:</b></p> <p>The contract under consideration is a collaborative effort between the City of Waukesha, the Waukesha County Community Foundation, Inc. ("Foundation"), and VJS Construction Services, Inc. ("VJS"). The primary objective of the contract is to identify how the construction of the "Parade Memorial at Grede Park" will be completed to commemorate the individuals who tragically lost their lives during the 2021 Waukesha Christmas Parade. The contract includes provisions for competitive bidding exemption, detailing contractor obligations, city contributions, foundation responsibilities, and payment terms. This summary below provides an overview of the contract's key components.</p> <ol style="list-style-type: none"> <li><b>1. Parties Involved:</b> <ul style="list-style-type: none"> <li>• The City of Waukesha</li> <li>• The Waukesha County Community Foundation, Inc.</li> <li>• VJS Construction Services, Inc.</li> </ul> </li> <li><b>2. Project Description:</b> <ul style="list-style-type: none"> <li>• The project involves the construction of the "Parade Memorial at Grede Park" to honor those who lost their lives, those injured and those impacted in the 2021 Waukesha Christmas Parade tragedy.</li> </ul> </li> <li><b>3. Fundraising and Contributions:</b> <ul style="list-style-type: none"> <li>• Significant private contributions, including money and pledges of in-kind donations, have been received for the construction of the memorial. The Contractor, VJS Construction Services, Inc., has contributed both money and in-kind donations of materials and volunteer labor. The City has pledged a monetary contribution towards the memorial.</li> </ul> </li> <li><b>4. Competitive Bidding Exemption:</b></li> </ol>
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- Due to substantial pledges from contributors and volunteers, an exemption from competitive bidding requirements is being utilized to ensure the project's success while remaining compliant with the law.

**5. Contractor Obligations:**

- VJS Construction Services, Inc. will act as the general contractor responsible for procurement, construction, coordination, safety, and other related aspects of the project.
- Contractor obligations include timely completion, payment of bills, site cleanliness, safety, and compliance with all laws and regulations.

**6. City Obligations:**

- The City will contribute \$600,000 to the Foundation, earmarked specifically for material costs only.
- City responsibilities include providing access to the construction site, information sharing, permitting assistance and some construction work (erosion control, storm sewer etc.).

**7. Foundation Obligations:**

- The Foundation will collect and administer donated funds exclusively for the construction of the project.
- Detailed financial statements will be provided regularly to track fund usage and ensure transparency.

**8. Payment Terms:**

- Payment to the contractor will be made in progress-payment installments upon monthly invoicing, subject to City approval.
- Total payments will not exceed the total project cost, and invoices must be accompanied by supporting documentation.

The timeliness of approving the agreement is related to not only the beginning of the construction season, but out of necessity to order the materials for the project. At this time, the Foundation and VJS have reviewed the contract and have since executed it.

**Options & Alternatives:**

**Financial Remarks:**

The cost to complete the Memorial, minus in-kind donations, is \$1,066,063.

<b>REVENUE</b>	
<b>Donations</b>	<b>\$430,000</b>
<b>City Contribution (Materials)</b>	<b>\$600,000</b>
<b>TOTAL</b>	<b>\$1,030,000</b>
<b>EXPENDITURES</b>	
<b>Construction Costs</b>	<b>\$1,026,358</b>
<b>Insurance, Contingency, Etc.</b>	<b>\$40,305</b>
<b>TOTAL</b>	<b>\$1,066,663</b>

There are ongoing discussions regarding additional in-kind donations for services, and the City and Foundation continue to request donations. This is all to say, there is a high level of confidence the remaining gap will be closed very soon.

**Executive Recommendation:**

Approve the Three-Party Construction Agreement to complete the construction of the Parade Memorial at Grede Park.