

**Event Vendor Agreement**  
2018 City of Waukesha Oktoberfest

This Agreement is by Friends of Waukesha Parks, Recreation & Forestry, Inc., 1900 Aviation Dr., Waukesha, Wisconsin, 53188, 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 21 and 22, 2018, and is willing to allow the Vendor to participate as a vendor of wristbands; and to share with the Vendor a percentage of 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 Vendor represents to the City of Waukesha, acknowledges, and agrees as follows:

1. **Vendor Responsibilities.** The Vendor shall be responsible for the following duties, at its sole expense:
  - a. Provide sufficient numbers of volunteers and ensure that no fewer than 4 and no more than 10 persons will be working at the vending locations assigned by the City between 4 pm and 11 pm on September 21, and between 12:30 pm and 11 pm on September 22.
  - b. Sell to attendees ages 21 and older of the Oktoberfest wristbands as approved for sale by City, at the assigned vending location. Product pricing shall be as determined by the City.
  - c. Accept only tickets in payment of all sales and deliver tickets to City ticket booth no later than 11:30 pm each night.
  - 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. Comply with all statutes and regulations concerning the collection and payment of state sales taxes.
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:
  - a. Mount signs, banners and flags identifying the Vendor's organization.
  - b. Distribute literature promoting the Vendor's organization and membership in the organization.
4. **Compensation for Vendor's Services.** Vendor acknowledges that it will be paid 70% of the face value of the official tickets collected in payment for sales of product by Vendor at its assigned vending locations. The amount to be paid to Vendor shall be determined following the counting of wristbands and tickets on September 24, 2018, and payment shall be made no later than October 12, 2018.
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 food and serving supplies; all ticket sales; all product

pricing; 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.

Acknowledged and agreed to this \_\_\_\_\_ day of August, 2018.

**Friends of Waukesha Parks, Recreation & Forestry, Inc.**

\_\_\_\_\_  
(print name) \_\_\_\_\_  
President

\_\_\_\_\_  
(print name) \_\_\_\_\_  
Secretary