

Hacker, Marsha

From: May, Michael
Sent: Thursday, June 03, 2010 11:02 AM
To: Clear, Mark; Cnare, Lauren; Veldran, Lisa; Berg, Elena
Cc: Phillips, Rob; Hacker, Marsha; Viste, Doran
Subject: Legistar File 18555

Mark and Lauren:

This item was introduced on May 18 and referred to BPW. For some reason, it came up on the Council's agenda earlier this week, June 1, and was approved without ever having come before the BPW. It was set for BPW agenda on June 2. Turns out there is some issue with the resolution, which Engineering needs to resolve. BPW referred the resolution – already approved by the Common Council -- to its June 16 meeting.

To solve this problem, this matter should be on the Council Agenda under Motion for Reconsideration at the June 15 Council meeting. Since Alder Clear made the motion to approve (this must have been on the consent agenda), he can move reconsideration. Once reconsideration passes, the matter should be referred back to BPW. Perhaps the agenda can note that such a referral will be made if the reconsideration motion passes.

I'm copying ACA Viste, who will be at the June 15 CC meeting.

Mike

MPMay
City Attorney
Madison, Wisconsin



City of Madison

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Master

File Number: 18555

File ID: 18555	File Type: Resolution	Status: Passed
Version: 1	Reference:	Controlling Body: BOARD OF PUBLIC WORKS
Lead Referral:	Cost:	File Created Date : 05/17/2010
File Name: Amend MSA contract for Purchase of Services		Final Action: 06/01/2010
<p>Title: To amend ownership and contract product provision of the contract for Purchase of Services between City of Madison and MSA Professional Services, Inc..</p>		

Notes:

Code Sections:	CC Agenda Date: 05/18/2010
Indexes:	Agenda Number: 137.
Sponsors: Marsha A. Rummel	Enactment Date: 06/04/2010
Attachments:	Enactment Number: RES-10-00531
Author:	Hearing Date:
Entered by: phustad@cityofmadison.com	Published Date:

Approval History

Version	Date	Approver	Action
1	05/17/2010	Tim Fruit	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:	
1	Attorney's Office	05/17/2010	Refer	COMMON COUNCIL		06/01/2010		
	Action Text:	This Resolution was Refer to the COMMON COUNCIL						
	Notes:	Refer to June 1 2010 Common Council meeting for adoption						
1	COMMON COUNCIL	05/18/2010	Referred	BOARD OF PUBLIC WORKS			Pass	
	Action Text:	A motion was made by Ald. Rummel, seconded by Ald. Verveer, to Referred to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.						
	Notes:							
1	COMMON COUNCIL	06/01/2010	Adopt				Pass	
	Action Text:	A motion was made by Ald. Clear, seconded by Ald. Cnare, to Adopt. The motion passed by voice vote/other.						
	Notes:							

1	BOARD OF PUBLIC WORKS	06/02/2010	Refer	BOARD OF PUBLIC WORKS	06/16/2010	Pass
	Action Text:	A motion was made by Rewey, seconded by Palm, to Refer to the BOARD OF PUBLIC WORKS, due back on 6/16/2010. The motion passed by voice vote/other.				
	Notes:					

Text of Legislative File 18555

Title

To amend ownership and contract product provision of the contract for Purchase of Services between City of Madison and MSA Professional Services, Inc..

Body

WHEREAS, on January 26, 2010, the City of Madison ("City") and MSA Professional Services, Inc. ("MSA") entered into a contract for Purchase of Services ("Contract") to design a portion of the Central Park in Madison, Wisconsin, including the planning and construction of the Great Lawn, gateway crossing/ "Mile "O" Plaza, the North and South Arrival Plazas, and miscellaneous other improvements; and

WHEREAS, Paragraph 28 of the contract requires that all work product of MSA and its subcontractors is work for hire as defined by Title 17, United States Code, Section 101(2); and shall be the sole property of the City, including the copyright to the work product; and

WHEREAS, Subcontractor, Lorna Jordan ("Jordan") wishes to retain the copyright on all work product under the contract; specifically, her Art Approach and Research Summary ("Work"); and

WHEREAS, City and MSA desire the participation of Jordan.

NOW, THEREFORE, BE IT RESOLVED:

Paragraph 28 is amended to add the following:

1. MSA shall not require Jordan to execute an assignment of copyright for Work to the City.
2. MSA shall require that Jordan grant City an irrevocable license to display work in Central Park and to photograph or otherwise reproduce Work in two-dimensional materials for advertising and publicity purposes.
3. MSA and City agree that Work shall not be a work for hire.

Fiscal Note

No appropriation is required.