



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 15280

File ID: 15280

File Type: Resolution

Status: Items Referred

Version: 1

Reference:

Controlling Body: BOARD OF ESTIMATES

File Created Date : 06/30/2009

File Name: Fire Department Tank Inspections

Final Action:

Title: Extension of the contract with the Department of Commerce for the tank program.

Notes:

Sponsors: David J. Cieslewicz, Paul E. Skidmore and Lauren Cnare

Enactment Date:

Attachments:

Enactment Number:

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Hearing Date:

Entered by: rjohnson@cityofmadison.com

Published Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Fire Department	06/30/2009	Referred for Introduction				
	Action Text:		This Resolution was Referred for Introduction				
	Notes:		Board of Estimates				
1	COMMON COUNCIL	07/07/2009	Referred	BOARD OF ESTIMATES			
	Action Text:		This Resolution was Referred to the BOARD OF ESTIMATES				
	Notes:						
1	BOARD OF ESTIMATES	07/13/2009					

Text of Legislative File 15280

Fiscal Note

The 2009 Fire Department Operating Budget includes revenue of \$25,000 in anticipation of continuation of the current contract. The proposed indemnification language has been reviewed by the City's Risk Manager. The City's risk exposure is increased by this agreement, but the exposure is covered by insurance, subject to its terms and conditions.

Title

Extension of the contract with the Department of Commerce for the tank program.

Body

The Fire Department is currently providing professional services under contract with the State of Wisconsin Department of Commerce. This contract extension expires on June 30, 2009. The Fire Department has been notified by the Department of Commerce of another extension of the

contract to provide professional services for plan review and approval of tank systems and to conduct required inspections. The term of every contract is July 1 2009 through June 30, 2010.

Contract language as to indemnification and insurance provisions does not comply with the City's standard policy for contracts. The language is contained in Section I (R) of the contract.

NOW THEREFORE BE IT RESOLVED that City approve acceptance of extension of the contract awarded by the State of Wisconsin Department of Commerce.

BE IT FURTHER RESOLVED THAT the City approve the following indemnification and insurance provisions contained in Section I (R) of the contract:

Disclaimer of Liability and Hold Harmless Provision. Neither the Department, nor any of its officers employees shall be held liable for any improper or illegal, intentional, negligent incorrect performance of the Contract by the Contractor. The Contractor further AGREES TO INDEMNIFY AND HOLD HARMLESS the Department and all of its employees from any loss, liability, costs (including court costs) and attorneys' fees, for any direct, indirect, incidental, special, exemplary, or consequential damages (including, but not limited to, procurement of services, loss of profits or business interruption) however caused and on any theory of liability, whether in contract, strict liability, or tort (including negligence or otherwise) arising in any way out of the performance and/or non-performance of the Contract by the Contractor.

BE IT STILL FURTHER RESOLVED that the Mayor, Clerk and other designated City officials are authorized to execute the execute the extension of this contract.