



Legislation Text

File #: 00980, **Version:** 1

Fiscal Note

Revenue and expenditures associated with this contract are accounted for in a segregated fund and are not subject to the Expenditure Restraint Program limits. The City's existing insurance policy protects the City from the risk imposed by the indemnification and insurance provisions.

Title

Approving the City of Madison to contract with the State of Wisconsin Department of Military Affairs, Division of Emergency Management for the Fire Department services as a Regional Hazardous Materials Team.

Body

The City of Madison has received notification from the State of Wisconsin, Department of Military Affairs, Division of Emergency Management that the Fire Department is again selected as a regional hazardous materials response team. The Fire Department has provided these services since July 1, 1995. Resolution No. 59559 approved the current contract which expires on June 30, 2005. The new contract covers the period July 1, 2005 to June 30, 2007. The annual contract amount is \$196,432 or \$392,864 over two years.

Contract language as to indemnification and insurance provisions does not comply with the City's standard policy for contracts. The language in the new contract is the same language as in the current contract.

NOW THEREFORE BE IT RESOLVED that the City approve a two year contract with the State of Wisconsin, Department of Military Affairs, Division of Emergency Management for the Fire Department to provide services as a regional hazardous materials team.

BE IT STILL FURTHER RESOLVED that the City approve the following contract language on indemnification and insurance:

5.4 Contractor Indemnification of State: When acting as other than an agent of the Division under this Agreement, and when using the State's or Division's vehicles or equipment, the Contractor shall indemnify, defend and hold harmless the State, Division, its officers, Divisions, agents, employees and the members from all claims, suits, or actions of any nature arising out of the activities or omissions of Contractor, its officers, subcontractors, agents or employees.

7.7 Hold Harmless: The Division of Emergency Management, the Department of Military Affairs, and the State of Wisconsin shall be held harmless in any disputes the team and/or Fire Department may have with their employees. This shall include, but not be limited to, charges of discrimination, harassment, and discharge without just cause.

BE IT STILL FURTHER RESOLVED THAT the Mayor and other necessary City officials are authorized to execute the necessary contract documents.