



Legislation Details (With Text)

**File #:** 15228      **Version:** 1      **Name:** Fire State Regional Hazardous Materials Contract  
**Type:** Resolution      **Status:** Passed  
**File created:** 6/26/2009      **In control:** BOARD OF ESTIMATES (ended 4/2017)  
**On agenda:** 7/21/2009      **Final action:** 7/21/2009  
**Enactment date:** 7/27/2009      **Enactment #:** RES-09-00639

**Title:** Approving the City of Madison to contract with the State of Wisconsin, Department of Military Affairs, Division of Emergency Management for Fire Department services as a Regional Hazardous Materials Response Team and approving the 2009-2011 program budget and amending the 2007-2009 program budget.

**Sponsors:** David J. Cieslewicz, Lauren Cnare

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/21/2009	1	COMMON COUNCIL	Adopt	Pass
7/13/2009	1	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
7/7/2009	1	COMMON COUNCIL	Referred	
6/26/2009	1	Fire Department	Referred for Introduction	

**Fiscal Note**

Revenue and expenditures associated with this contract are accounted for in a special revenue fund and are not subject to the Expenditure Restraint Program limits. The City's existing insurance policy applies, subject to its terms and conditions, to the risk imposed by the indemnification and hold harmless provisions.

**Title**

Approving the City of Madison to contract with the State of Wisconsin, Department of Military Affairs, Division of Emergency Management for Fire Department services as a Regional Hazardous Materials Response Team and approving the 2009-2011 program budget and amending the 2007-2009 program budget.

**Body**

The City has received notification from the State of Wisconsin, Department of Military Affairs, Division of Emergency Management that the Madison Fire Department is again selected as a regional hazardous materials response team. The total amount of the contract is \$428,944 and covers the period July 1, 2009 to June 30, 2011.

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 that expires on June 30, 2009.

The budget for the new contract covers July 1, 2009 to June 30, 2011. The proposed budget is

SO29	ACCOUNT	7/1/2009-6/30/2010	7/1/2010-6/30/2011	TOTAL
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51110	Perm Sal	27,000	27,810	54,810
51120	Prem Pay	69,000	71,070	140,070
	<b>TOTAL PERM SAL</b>	<b>96,000</b>	<b>98,880</b>	<b>194,880</b>
51300	Overtime	8,000	8,240	16,240
52000	Benefits	41,576	42,823	84,399
54201	Cell Phones	1,000	1,100	2,100
54301	Repairs & Mtce	2,100	2,310	4,410
54671	Medical Exams	40,000	44,000	84,000
54967	Memberships	2,000	2,200	4,200
	<b>PURCHASED SERV</b>	<b>45,100</b>	<b>49,610</b>	<b>94,710</b>
51110	Office Supplies	600	660	1,260
55120	Sub/Books	500	550	1,050
55155	Computer hardware	500	550	1,050
55210	Gen Equip Supp	450	495	945
55270	Safety Equip	30,000	15,440	20,440
55510	Work Supplies	1,800	2,024	3,824
55570	Safety Supp	2,000	2,200	4,200
	<b>SUPPLIES</b>	<b>35,850</b>	<b>21,919</b>	<b>32,769</b>
58585	Fire Equipment	7,946	13,000	20,946
			-	
	<b>Total New Contract</b>	<b>234,472</b>	<b>234,472</b>	<b>468,944</b>

The Fire Hazardous Materials Team has a 1982 Eagle bus in need of replacement. Fleet Services has approximately \$108,000 to replace the bus. The bid specifications will include a trade-in of the bus that was purchased from State contract funds. The plan is to replace the bus with a trailer and tow vehicle. The estimated purchase price range is \$350,000 - \$375,000 before the trade-in allowance. Current funds from the State Regional Hazardous Materials Contract can cover up to \$250,000 over the \$108,000 in Fleet Services budget. It is requested that the current budget in SO29 be amended to allow \$250,000 to be used to supplement the Fleet Services amount for this purchase. Funds should be transferred to SO29-58610-722230.

WHEREAS, the City and Fire Department wishes to continue to be Regional Hazardous Materials Response Team for the State of Wisconsin.

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 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 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 Council approve the Program budget for the Fire Department State Regional Hazardous Materials Team for the contract years July 1, 2009 to June 30, 2011 and the amendment to supplement funding from prior contract funds of up to \$250,000 (SO29-58610) over the \$108,000 in the Fleet Services Budget for a replacement vehicle.

BE IT FINALLY RESOLVED that the Mayor and other necessary City officials are authorized to execute the necessary contract documents.