



## Legislation Text

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**File #: 55870, Version: 1**

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The proposed resolution approves a contract with the State of Wisconsin, Department of Military Affairs for the Fire Department to provide regional hazardous materials response system services for the period of July 2019 through June 2021. The annual cost of providing the services is approximately \$160,000 and is reimbursed by the State of Wisconsin. Funding for the 2019 portion of the contract is included in the Fire Department's budget.

Approving a contract with the State of Wisconsin, Department of Military Affairs for the Fire Department to provide regional hazardous materials response system services. The contract with the City for Fire Department Regional Hazardous Materials Response Team services expires on June 30, 2019. The new contract is with the State of Wisconsin, Department of Military Affairs, Division of Emergency Management. The contract period starts on July 1, 2019 and is through June 30, 2021. The contract funding is \$160,085.71 annually.

The contract is to subsidize the costs for team training, employee stipend as a certified responder and medical examinations as required for team members and equipment supplies used in hazardous materials responses. Also, the City is permitted to claim reimbursement for any response costs from the responsible party.

Current contract language as to indemnification and insurance provisions does not comply with the City's standard policy for contracts. The language would be the same as contained in the current agreement and has been reviewed by Risk Management and the City Attorney's Office.

WHEREAS, the City and the Fire Department wish to continue as a Regional Hazardous Materials Response Team for the State of Wisconsin.

NOW, THEREFORE, BE IT RESOLVED, that the City approve the 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 for the contract period of July 1, 2019 through June 30, 2021.

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.

The City will indemnify the State and hold harmless the State of Wisconsin and all of its officers, agents and employees from all suits, actions or claims as stated in Exhibit A (32) of the contract.

BE IT FURTHER RESOLVED, that the funding for July 1 to December 31, 2019 is included in the 2019 Fire Department Operating Budget,

BE IT STILL FURTHER RESOLVED, that the Fire Department will include the annual program budgets for the State Regional Hazardous Materials Team for 2020 and 2021 in the operating budget requests.

BE FINALLY RESOLVED, that the Mayor and City Clerk are authorized to execute the necessary contract documents.

The two-year contract budget is:

7/1/19-6/30/20

	AMOUNT	
Premium Pay	70,000.00	12203011-51120
Overtime Salaries	16,000.00	12203011-51310
Benefits	35,000.00	12203011-52000
Cell phones	1,500.00	12203011-54121
Equip repair	3,000.00	12203011-54330
Training/Travel	2,500.00	12203011-54520
Medical services	22,000.00	12203011-54545
Other Services	1,000.00	12203011-54810
Memberships	1,210.00	12203011-54535
Gen Equip supp	6,075.71	12203011-53413
Work Supplies	1,800.00	12203011-53210
Revenue	(160,085.71)	30022

7/1/20-6/30/21

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