



Administrative Report

H.11., File # 24-0296

Meeting Date: 3/5/2024

To: MAYOR AND CITY COUNCIL
From: TED SEMAAN, PUBLIC WORKS DIRECTOR

TITLE

APPROVE AN AMENDMENT TO THE AGREEMENT WITH PLAYCORE WISCONSIN, INC. FOR INSTALLATION OF FIVE UMBRELLA SHADE STRUCTURES AT FRANKLIN PARK

EXECUTIVE SUMMARY

Approval of the proposed amendment to the Agreement with Playcore Wisconsin, Inc. (Playcore) for installation of five umbrella shade structures at Franklin Park would modify language in the liability insurance requirements section of the contract. Following City approval of the original contract and concerns raised by the vendor, representatives from Playcore and the City Attorney's Office have worked together to develop language that is acceptable to both parties.

BACKGROUND

On November 21, 2023, the City Council awarded an agreement to Playcore to install five cantilever umbrella shade structures at Franklin Park. The umbrellas will replace three large wooden trellis structures that provide shade in the playground and picnic areas. The trellis structures have been in a place for a number of years and are significantly deteriorated. The cost for procurement and installation of the umbrella structures will not exceed \$147,395.

Subsequent to the Council's approval of the Agreement, Playcore objected to certain language contained in the City's standard liability insurance requirements. After extensive discussions, the vendor and staff in the City Attorney's Office and Human Resources Department were able to agree on revised contract language in the following areas:

- Adding the CNA 103809MT form as an acceptable insurance services office form
- Removal of certain language applicable to deductibles
- Replacing "insureds" with "additional insureds" in the Endorsement section

Approval of the amendment would implement these language changes and allow the project to move forward.

COORDINATION

The Public Works Department coordinated this item with the City Attorney's Office and the Human Resources Department.

FISCAL IMPACT

There are no fiscal impacts associated with the proposed amendment. The cost for procurement and installation of the five cantilever umbrella shade structures at Franklin Park will not exceed \$147,395. Funding is available in the Franklin Park Improvements Capital Improvement Project Budget.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

- Agmt - First Amendment Playcore Wisconsin, Inc.
- Agmt - Original Agreement Playcore Wisconsin, Inc., November 21, 2023
- City Council Administrative Report, November 21, 2023
- Insurance - Playcore Wisconsin, Inc.