

**Agreement between the
Milwaukee Metropolitan Sewerage District and Milwaukee County for
Installation of a Futsal Court in Pulaski Park**

This Agreement (Agreement) is made by and between the Milwaukee Metropolitan Sewerage District (District), acting through its Executive Director, and Milwaukee County (County), acting through its Director of Parks, Recreation and Culture. This Agreement becomes effective upon execution by the District and the County.

RECITALS

WHEREAS, the District and the County previously entered into an Agreement for Kinnickinnic River Watercourse Restoration in Pulaski Park ("Pulaski Park Project"); and

WHEREAS, after discussions about the County's potential desire to install a futsal court at the site of the current tennis courts at Pulaski Park, the District included the futsal court in its solicitation for bids for the Pulaski Park Project; and

WHEREAS, bids were received and the lowest bidder submitted a price of \$125,000 for the futsal court; and

WHEREAS, the County desires that the District's contractor for the Pulaski Park Project proceed with the futsal court installation.

NOW, THEREFORE, the following tasks and responsibilities are agreed to between the District and the County (Parties):

AGREEMENT

1. Installation of Futsal Court

The County grants the District permission to authorize its contractor to enter Pulaski Park and to construct a futsal court according to Specification 11900 in the District's Contract Number W40002C01 and the associated plan sheets, as updated by Addenda. The Futsal Court will be installed over the existing tennis court surface.

2. Payment

The County shall deposit into an escrow account \$125,000 for the cost of the Futsal Court which shall be released to the District upon written approval of the County and the issuance of a certificate of substantial completion by the District; the District shall forward copies of same to the escrow agent. The District shall provide opportunity for County representatives to inspect and verify that the Futsal Court was installed per the contract documents prior to issuing the certificate of substantial completion for the Futsal Court.

3. Modifications

The District may not authorize any modifications or change orders that would subject the County to costs in addition to the committed amount (\$125,000) without written authorization from the County.

4. Post-Construction Ownership and Maintenance

The Futsal Court shall be owned and maintained by the County.

5. Audit

The District shall allow the County, the Milwaukee County Comptroller’s Audit Services Division, or any other party the County may name, when and as they demand, to audit, examine, access and make copies of, excerpts or transcripts from any records, books, files, premises or other information related to the District’s activities on the Premises. The District shall maintain and make available to the County the above described information for no less than three years after conclusion of the obligations and responsibilities of the District described herein and required by this Agreement. These requirements shall apply to any and all contractors and vendors to the District under this Agreement.

6. Incorporation into Kinnickinnic River Watercourse Restoration in Pulaski Park

The Futsal Court shall be installed as part of the District’s flood management work in Pulaski Park. All terms of the Agreement between the Milwaukee Metropolitan Sewerage District and Milwaukee County for Kinnickinnic River Watercourse Restoration in Pulaski Park are hereby incorporated as if fully set forth herein.

**MILWAUKEE METROPOLITAN
SEWERAGE DISTRICT**

MILWAUKEE COUNTY

By: _____
Kevin L. Shafer, P.E.
Executive Director

By: _____
Guy Smith
Interim Director of Parks, Recreation, and
Culture

Date: _____

Date: _____

Approved as to form:

Approved for Execution:

Attorney for the District

Attorney for Milwaukee County

Approved as compliant per Wis. Stat. sec. 59.42(2)(b)5:

Corporation Counsel

Reviewed by:

Risk Management

Approved as to funds available per Wis. Stat. sec.
59.255(2)(e):

Comptroller

Approved:

County Executive

Approved with regards to County Ordinance Chapter
42:

Community Business Development Partners

SEP 07 2018