

**(ATTACHMENT 1) ACTION ON MONTHLY FACILITIES MATTERS: FMS AWARD OF PROFESSIONAL SERVICES, TECHNICAL AMENDMENT AND MATERIAL PURCHASE RECOMMENDATION**

**AWARD OF CONTRACTS**

The contract award recommendations for the January 2023 Regular Board meeting are listed below for your review. Adequate funding is available in the accounts as noted.

**PROFESSIONAL SERVICES CONTRACTS**

The Administration requests that the Board approve the following professional services contracts:

**RFP #23-002R      Design Services for Playground Improvements - Division 1 - Bryant Playfield**

A request for Proposal (RFP) was issued by Facilities and Maintenance Services to obtain a firm to provide Design Services for Playground Improvements - Division 1 - Bryant Playfield.

Selected firm: Stantec Consulting Services Inc.

Contract Amount: \$477,703.00

Contract Period: January 27, 2023 - November 18, 2024

Budget Code: STS 00 RFI RC ECNC

**RFP #23-002R      Design Services for Playground Improvements - Division 2 - Metcalfe Playfield**

A request for Proposal (RFP) was issued by Facilities and Maintenance Services to obtain a firm to provide Design Services for Playground Improvements - Division 2 - Metcalfe Playfield.

Selected firm: SWA Group

Contract Amount: \$540,000.00

Contract Period: January 27, 2023 - November 18, 2024

Budget Code: STS 00 RFI RC ECNC

**RFP #8168      Technical Amendment to AiM Standard Data Connectors & Development Upgrades - DFMS**

A request for Proposal (RFP) was issued by Facilities and Maintenance Services to AssetWorks to provide AiM Standard Data Connectors & Development Upgrades per the National Cooperative Purchasing Alliance contract number 2022-

1436493614 and shall be in accordance with the unit pricing on the quote, dated September 9, 2022.

Selected firm: AssetWorks

Contract Amount: \$82,872.00

Contract Period: January 27, 2023 – October 31, 2023

Budget Code: MBM OA 8M3 FM ECNC

## TECHNICAL AMENDMENT

On November 17, 2022, the Milwaukee Board of School Directors approved Contract A1004141 (“Contract”) with AssetWorks (Contractor). Contract was sent to the Contractor for final review in early October of 2022, and noticed that it would be uploaded by November 1, 2022, if no objections were made. The Contract was uploaded and approved to go to Committee as a Professional Service Contract by the Department of Facilities and Maintenance (DFMS) on November 1, 2022. The Contractor emailed DFMS on November 4, 2022, requesting additional redlines. MPS explained that the Contract was already sent for Board approval and could no longer be modified; the Board approved on November 17, 2022.

Per MPS’ normal contractual process, the Contractor was sent the said Board approved Contract for signature; however, the Contractor has refused to sign the Contract as written as they petition that the provision they require is the same provision they have requested in the previously executed contracts (i.e. CR041795). The requested provision is as follows:

**Add a 3rd paragraph under Section 6. Indemnity:** *“In the event of any claim brought by one party against another hereunder, a party will be liable only for actual, direct losses or damages incurred (including cost of cover), limited to the amount of the fees paid to Contractor under the applicable Statement of Work or Proposal. Irrespective of the basis of the claim, neither party will be liable for any special, indirect, incidental, or consequential damages of any kind, including, without limitation, lost profits, or loss of data. The foregoing limitations shall not apply to claims for indemnification of third-party claims under this Section 6.”*

MPS Legal and Milwaukee City Attorney’s Office have reviewed the above provision, and the Contract in its entirety, and determined the insertion of said provision is not detrimental to MPS’ risk of liability given the services are remote and the risk of injury or damage to property is low. Thus, it is both offices’ position that the insertion is acceptable.

Because the Parties do not have a signed Contract, services have not commenced; therefore, a new Contract has also been modified to include the new start and end dates (January 27, 2023 – October 31, 2023).

Thus, DFMS is issuing a Technical Amendment to null and void the previously approved Contract and replace it with the attached updated version, with new Term Date and inserting the above limitation of liability provision to Section 6 of the Contract. No other changes have been made.

**MATERIAL PURCHASE**

CONCRETE BOLLARDS  
Various MPS Sites

Prime Contractor

Wausau Tile  
9001 Business Highway 51  
Rothschild, WI 54474

Authorization to enter into a blanket contract to approve the purchase of additional bollards various MPS Schools.

Spending Authority Requested: \$350,000.00

Budget Code: OPR0A9J2FMECNC

DFMS reviewed and obtained informal quotes from three companies in April of 2022 in an emergency response to the need for a more permanent, aesthetically pleasant and manageable solution to safeguard MPS sites against city wide reckless drivers. Design consideration was related to durability (ability to hold up, edges, etc.) and ability to easily move units using equipment owned by MPS. Proposals were solicited from the companies both locally and out of state. Of the three companies, Wausau Tile had the ability to provide a product that would meet our aggressive time frame and design requirements. Wausau Tile is a member on a General Services Administration (GSA) Federal Acquisition Service, but the purchase is being made due to the continuity with an emergency purchase of a proven product.