

**(ATTACHMENT 63) ACTION ON THE AWARD OF PROFESSIONAL SERVICES CONTRACTS
RELATED TO SCHOOL NUTRITION**

Purchase Requisition Number: CR024078
Contract Number: B0001206
Vendor Number: V027798

**MILWAUKEE BOARD OF SCHOOL DIRECTORS
PROFESSIONAL SERVICES CONTRACT FIRST EXTENSION & MODIFICATION**

On July 1, 2016, the Milwaukee Board of School Directors and Out of The Shell, LLC d/b/a Yangs 5th Taste f/k/a Ling's ("Contractor") entered into Blanket Contract ("Contract") number B0001206, with a term of July 1, 2016 through June 30, 2017. The Contract, ¶ 2, provided for up to two additional one-year extensions by mutual consent and with Board approval.

The parties now mutually agree to extend the Contract for an additional one-year term, from July 1, 2017 through June 30, 2018, under the same terms and conditions as set forth in the original Contract, except for those specifically modified below.

In accordance with ¶ 20 of the Contract, the parties modify those terms and conditions identified below.

MODIFIED TERMS:

1. The table found in Paragraph 1 of the Contract is deleted in its entirety and replaced with:

Category	Vendor	Product #	Product	2017-2018 Commodity Delivery Price Into US Foods	2017-2018 Commercial Price
A518/100113 Chicken Legs Chill (all dark meat)	YANG'S 5 th TASTE	15554-8	BBQ Teriyaki Chicken (non- breaded)	\$91.20	\$108.20
		15563-0	General Tso's Chicken (breaded)	\$106.58	\$120.67
		15555-5	Mandarin Orange Chicken JR	\$96.23	\$110.32

2. Paragraph 8 of the Contract is deleted in its entirety and replaced with the following:

"Contractor understands and agrees that financial responsibility for claims or damages to any person, or to Contractor's employees and agents, shall rest with the Contractor. Contractor and its subcontractors shall effect and maintain any insurance coverage, including, but not limited to, Workers' Compensation, Employers' Liability, General Liability, Contractual Liability, Automobile Liability and Umbrella Liability to support such financial obligations. The indemnification obligation, however, shall not be reduced in any way by existence or non-existence, limitation, amount or type of damages, compensation, or benefits payable under Workers' Compensation laws or other insurance provisions.

The minimum limits of insurance required of the Contractor by MPS shall be:

Workers' Compensation	Statutory Limits
Employers' Liability	\$100,000 per occurrence
General Liability	\$1,000,000 per occurrence/\$2,000,000 aggregate
Auto Liability	\$1,000,000 per occurrence

Umbrella (excess) Liability \$1,000,000 per occurrence

The Milwaukee Board of School Directors shall be named as an additional insured under Contractor's and subcontractors' general liability insurance and umbrella liability insurance. Evidence of all required insurances of Contractor shall be submitted electronically to MPS via its third party vendor, EXIGIS Risk Management Services. Waivers and exceptions to the above limits will be in the sole discretion of MPS and shall be recorded in the EXIGIS system, which records are incorporated into this Contract by reference. The certificate of insurance or policies of insurance evidencing all coverages shall include a statement that MPS shall be afforded a thirty (30) day written notice of cancellation, non-renewal or material change by any of Contractor's insurers providing the coverages required by MPS for the duration of this Contract."

CONTRACTOR

By: Aduana Brenes

Date: 6/30/17
Out of The Shell, LLC d/b/a Yangs 5th Taste
9646 Remer Street
South El Monte, CA 91733
(407) 221-7372

Tax ID: XXXXXXXXXX

Budget code(s): BKF-0-0-BKF-DW-EFOD
LNC-0-0-LNH-DW-EFOD
DNR-0-0-DNR-DW-EFOD

MILWAUKEE BOARD OF SCHOOL DIRECTORS

By: Kari H. Race
*Kari H. Race, J.D., Acting Director
Procurement & Risk Management*

Date: 07/10/17

By: Darrienne B. Driver
*Darrienne B. Driver, Ed.D.
Superintendent of Schools*

Date: 7/17/17

By: Mark A. Sain
*Mark A. Sain, President
Milwaukee Board of School Directors*

Date: 7-18-17

Board Approval Date: 6/29/17

Reviewed By: Shirlean Clayton
Risk Management

Date: 7/25/17