## OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 411 West Ocean Boulevard, 9th Floor Long Beach. CA 90802-4664

## $\frac{\text{CONTRACT}}{36197}$

THIS CONTRACT is made and entered, in duplicate, as of January 25, 2022 for reference purposes only, pursuant to Resolution No. RES-22-0007, adopted by the City Council of the City of Long Beach at its meeting on January 18, 2022, by and between COMMERCIAL RECREATION SPECIALISTS, INC., a Wisconsin corporation ("Contractor"), with a place of business at 807 Liberty Drive, Suite 101, Verona Wisconsin 53593, and the CITY OF LONG BEACH ("City"), a municipal corporation.

WHEREAS, the City desires to purchase a custom Wibit water playground configuration for the Alamitos Beach Water Playground Project; and

WHEREAS, City did by Resolution No. RES-22-0007 determine that the City's need to purchase the Wibit water playground configuration could only be met by Contractor and, by reason of the foregoing, no useful purpose would be served by advertising for bids to purchase the Wibit water playground configuration, and to do so would constitute an idle and useless act and an unnecessary expenditure of public funds;

NOW, THEREFORE, in consideration of the mutual terms and conditions contained herein, the parties agree as follows:

- 1. Contractor shall sell, furnish and deliver to City custom Wibit water playground configuration, attached hereto as Exhibit "A" and incorporated herein by reference, as authorized by Resolution No. RES-22-0007.
- 2. City shall pay Contractor in due course of payments, following receipt of an invoice from Contractor and upon acceptance from City, for the custom Wibit water playground configuration, the prices shown in Exhibit "A", an amount of One Hundred Twenty-Six Thousand One Hundred Seventy-Nine Dollars (\$126,179), with a fifteen percent (15%) contingency in the amount of Eighteen Thousand Nine Hundred Twenty-Seven Dollars (\$18,927), for a total not to exceed amount of One Hundred Forty-Five Thousand One Hundred Six Dollars (\$145,106).
  - 3. The term of this Contract shall commence on February 1, 2022, and

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shall terminate at midnight on January 31, 2023 unless sooner terminated as provided herein. The City may terminate this Contract by giving thirty (30) days prior notice of termination to Contractor.

- 4. Neither this Contract nor any of the moneys that may become due Contractor hereunder may be assigned without the prior written consent of City.
- 5. Any notices required hereunder or desired to be given by either party shall be in writing and personally delivered or deposited in the U.S. Postal Service, first class postage prepaid, addressed to Contractor at the address stated herein, and to City at 411 West Ocean Boulevard, Long Beach, California 90802 Attn: City Manager. Notice shall be deemed given on the date personal delivery is made or on the date of deposit in the mail, whichever first occurs.
- 6. City shall have the benefit of any warranty from the manufacturer on the custom Wibit water playground configuration, and Contractor warrants that the custom Wibit water playground configuration are in good working order and free from defect at the time of delivery.

OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney A11 West Ocean Boulevard, 9th Floor Lond Beach, CA 90802-4664 6 2 2 2 6 7 7 8 9 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	COMMERCIAL RECREATION SPECIALISTS, INC., a Wisconsin corporation  Reference 2, 2022 By Reference Reserved Title Princest  Title Princest  "Contractor"  CITY OF LONG BEACH, a municipal corporation  City ManageExecuted Pt TO Section 301 OF THE CITY CHARTER.  This Contract is approved as to form on February 3, 2022.  CHARLES PARKIN, City Attorney  By Deputy  Deputy
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## EXHIBIT "A"

OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 411 West Ocean Boulevard, 9th Floor Long Beach. CA 90802-4664



Commercial Recreation Specialists 807 Liberty Dr., Ste 101 Verona, WI 53593-9160 Ph: (877) 896-8442 Fx: (608) 848-8782 43-2046045

Bill To:

City of Long Beach Public Works (Amelia Bodek) 411 W Ocean Blvd 5th Floor Long Beach, CA 90806

## **Invoice**

Sales Order Number: Sales Order Date: 0018989

1/21/2022

Ship To:

City of Long Beach
Lenny Arkinstall
Alamitos Beach
700 Shoreline Drive
Long Beach, CA 90806

Customer ID	Customer PO Number	Sales Rep Name
CITY OF LONG BEACH		Bill Spencer
Required By Date	Shipping Method	Payment Terms
2/18/2022	BEST WAY	Per Purchase Order

Item	Description	Quantity	Unit Cost	Amount
WS 30001	WS Action Tower XXL	1.00	14,740.00	14,740.00
WS 30131	WS Base SUS	4.00	2,920.00	11,680.00
WS 30014	WS Cliff	1.00	2,805.00	2,805.00
WS 30147	WS Deck 3	2.00	2,915.00	5,830.00
WS 30078	WS Dome	1.00	5,395.00	5,395.00
WS 30135	WS L Connect SUS	2.00	3,885.00	7,770.00
WS 30072	WS Monkey Bars	1.00	8,585.00	8,585.00
WS 30129	WS Peak	1.00	6,205.00	6,205.00
WS 30136	WS R Connect SUS	2.00	3,885.00	7,770.00
WS 30087	WS Roundabout	1.00	6,910.00	6,910.00
WS 30040	WS Side Kick - 90 Degrees	2.00	1,780.00	3,560.00
WS 30042	WS Slide	1.00	2,155.00	2,155.00
WS 30044	WS Slope	1.00	2,755.00	2,755.00
WS 30120	WS Springboard	1.00	15,655.00	15,655.00
WS 30104	WS Step	1.00	1,460.00	1,460.00
WS 30121	WS Target	1.00	3,730.00	3,730.00
WS 30128	WS Twist	1.00	3,775.00	3,775.00
WSX 40017	WSX Bungee - 2M w/Shackle (1pc)	9.00	70.00	630.00
WSX 40121	Pump without Manometer	2.00	97.00	194.00
WSX 40237	Shackle (large)	31.00	8,00	248.00
				Continued

Page:

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Sales Order Number:

0018989

Sales Order Date:

1/21/2022

City of Long Beach Lenny Arkinstall Alamitos Beach 700 Shoreline Drive Long Beach, CA 90806	

Customer ID	Customer PO Number		Sales Rep Na	me	
CITY OF LONG BEA	СН		Bill Spence	r	
Required By Date	Shipping Method	Shipping Method		Payment Terms	
2/18/2022	BEST WAY	BEST WAY		Per Purchase Order	
tem	Description	Quantity	Unit Cost	Amou	

Ship To:

Item	Description	Quantity	Unit Cost	Amount
WSX 10561	Basic Open Water Accessories Kit	1.00	0.00	0.00
/DISCOUNT CA	Discount	1.00	194.00-	194.00-
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Note: Please review the above information carefully. If satisfactory, please sign and	date below and fax to Net Order:	111,658.00
608-848-8782, email back to your sales representative, or send a copy with your depo		
above. We will begin processing your order upon receipt of both your deposit and ap surcharges may apply depending on final delivery address, actual delivery requireme		2,790.04
method.	Sales Tax:	11,730.96
	Order Total:	126,179.00
Customer Acceptance: D	ate:	