



5200 Civic Center Dr., Waterford, MI 48329 • Main 248-674-5441 • Fax 248-618-7674 • [waterfordmi.gov/parks](http://waterfordmi.gov/parks)

## CONTRACTUAL SERVICE AGREEMENT

**BACKGROUND CHECK** - Each Contractor and their assistants must submit to a background check that the Waterford Parks and Recreation Department will run prior to program start date. Said background check will be valid for a period of 1-year. Contractor will be sent a link to the online site where they will be required to enter their personal information for said background check to be processed.

### **PROPOSAL DEADLINES**

- |                        |            |                                   |                          |
|------------------------|------------|-----------------------------------|--------------------------|
| • Spring Proposals Due | February 1 | Programs run April – May          | Digital Publication Only |
| • Summer Proposals Due | April 1    | Programs run June – August        | Digital Publication Only |
| • Fall Proposals Due   | July 1     | Programs run September – December |                          |
| • Winter Proposals Due | October 1  | Programs run January – March      |                          |

**PROGRAM CONTENT & CONTRACTOR CONDUCT** - Programs are to be educational in nature while maintaining a professional, ethical and impartial learning environment.

- Contractor must insure that all activities are age and skill level appropriate and safely done in the facility provided.
- Contractor must teach the entire advertised and agreed upon length of time for each program session.
- Contractor must be present at every class and does not leave any group of participants unsupervised.
- Contractor will be responsible for insuring that a participant taking his/her program is registered with the Waterford Parks and Recreation Department.
- Contractor will be responsible for providing all materials for class unless participants are specifically instructed to bring supplies with them to class.
- Contractor must dress appropriately for the program that will be taught. Attire should be appropriate for the functions of the position. It is important that a professional appearance and manner is upheld at all times
- Contractor will not prior to or during program being taught, consume alcoholic beverages or use illegal substances that impair his/her ability to effectively teach said program.

**COVID-19 PROGRAM PROTOCOL** – All Contractors must follow all COVID-19 program policies, protocols and restrictions that are in place from the Waterford Parks and Recreation Department, Oakland County, and State of Michigan at the time the program(s) Contractor is teaching occurs. This includes but is not limited to the following:

- Making sure all participants to wear masks during the program.
- Contractor wearing a mask during the program.
- Sanitizing any equipment that is touched by more than one participant.
- Not allowing a participant that doesn't have a signed Liability Waiver on file to participate in a program.
- Submitting to health screenings that include questions about general health, symptoms, and temperature checks.
- Notifying the Waterford Parks and Recreation Department of any possible exposure to COVID-19 that Contractor may experience.
- Notifying the Waterford Parks and Recreation Department if a program participant becomes ill and/or is exposed to or contracts COVID-19.

### **INCLEMENT WEATHER, HOLIDAYS & PROGRAM SCHEDULES**

Inclement Weather Policy is listed below. **For updated Inclement Weather information call the Inclement Weather Line at (248)618-7671.**

- Monday-Friday daytime activities (8:00a.m.-4:00p.m.) will be cancelled if the Waterford School District cancels due to weather related conditions. Day trips and extended travel will be determined on an individual basis.
- Monday-Friday evening activities (starting time of 4:00pm or later): A decision on canceling WPRD evening activities will be made by 1:00pm based on weather conditions at that time.
- Saturday & Sunday activities: A decision on canceling WPRD Saturday and/or Sunday activities will be made one (1) hour prior to the activity start time based on weather conditions at that time.

Cancelation Notification - In instances of cancellation, notification will be made on the Waterford Parks and Recreation Department's Inclement Weather Hotline at 248-618-7671. The Inclement Weather Hotline will be listed on the bottom of the registration receipt that participants receive. WPRD will also make other efforts to notify activity participants of cancellations such as, social media, email blasts and text messages, when possible.

Holiday Dates - Programs will not be held on the following dates: Good Friday, Saturday before Easter, Easter Sunday, Memorial Weekend, Independence Day, the weekend falling closest to Independence Day, Labor Day weekend, Thanksgiving weekend, and Christmas Eve through New Year's Day.



## **CONTRACTUAL SERVICE AGREEMENT (CON'T.)**

Program Schedules – Contractor will honor all schedules in regards to days, dates and times as sent out in writing from the office of Parks and Recreation regarding the programs being offered. No deviation from the written schedules will be allowed and should unauthorized deviation occur it could be considered grounds for termination of this Agreement.

**MAKE-UP DATES** - Make-up dates will only be offered if Contractor left a 1-2 week buffer in-between class sessions offered when originally providing class schedule to the Waterford Parks and Recreation Department. If a class(es) is cancelled and a make-up date(s) does not occur, the class participant will receive a prorated refund for the missed class(es). If this should occur, Contractor would be paid for their percentage of the prorated class(es).

**IF YOU ARE GOING TO BE LATE** - You must contact the Recreation Supervisor you are assigned to if your class is held at the Waterford Recreation Center, 5640 Williams Lake Road. The Recreation Supervisor will then contact the custodian on schedule to inform the participants. If you run a daytime class at the Waterford Recreation Center, please contact 248-674-4881.

**CANCELLATION BY CONTRACTOR** – Contractors are required to notify the Waterford Parks and Recreation Department in writing or by phone of any and all program cancellations or late starts. Any cancellations or late starts without prior notification as indicated above will be considered grounds for termination of this Agreement.

- Illness or schedule change: Contractor must contact the Parks and Recreation Office and contact program participants to notify them of the cancellation or schedule change.
- Enrollment minimums: Contractor must call the Parks and Recreation Office one week prior to the program start date. If program doesn't meet enrollment minimum program may be cancelled. Parks and Recreation Department would then notify program enrollees.

**BUILDING & ROOM USAGE** – Contractor must complete the Classroom Set-Up sheet showing tables and chairs, if needed and return to the Parks and Recreation Department one week prior to program start date. Contractor is required to pick up room used after program is done. Contractor must use the room that has been assigned, do not change rooms. If Contractor requests a different room or space in our facility, they must contact the Parks and Recreation Department to inquire if an alternate space or room is available. Contractor should communicate with the custodian on-staff if there are concerns with the facility.

**REFUND POLICY** – Participants may request a refund before the second time program meets, unless it is advertised in our brochure that no refunds are offered for said program. If a class(es) is cancelled and a make-up date(s) does not occur, the class participant will receive a prorated refund for the missed class(es). If this should occur, Contractor would be paid for their percentage of the prorated class(es).

**ROSTERS** – Contractor is responsible for contacting the Waterford Parks and Recreation Department no less than 4 business days prior to program start date, at that time, Contractor will be required to make a determination to run or cancel the program based on enrollment numbers. Contractors will need to obtain access to our "Instructor Portal" that will allow access to program enrollment numbers. It is the Contractor's responsibility to check these numbers. Please contact the Waterford Parks and Recreation Department at 248-674-5441 or [cwhite@waterfordmi.gov](mailto:cwhite@waterfordmi.gov) to obtain access to the "Instructor Portal". The program roster will serve as an attendance record. Contractor is responsible for taking attendance at the start of each class. Only participants that have preregistered with the Waterford Parks and Recreation Department for a class and appear on the program roster may attend class (unless said class is run on a drop-in basis). The program roster must be turned into the Parks and Recreation Department after the final program date.

**MUSIC LICENSING** – The Waterford Parks & Recreation Department has music licenses from ASCAP and BMI. Any music used in your program material must be on the ASCAP and BMI list of approved music found on the following websites <https://www.ascap.com/repertory> <http://repertoire.bmi.com/StartPage.aspx>

**AUDIO/VISUAL EQUIPMENT** - Waterford Parks and Recreation does not provide Contractors with any audio/visual equipment for program.

**INJURIES & PROPERTY DAMAGE** – Contractor must ensure that all personal injuries and property damage instances are reported to the Waterford Parks and Recreation Department immediately after they occur. The custodian on-staff has the Incident Report Form that should be completed and you will also be required to follow-up with the department's Recreation Supervisor within 24 hours of the occurrence by calling 248-674-5441.



**CONTRACTUAL SERVICE AGREEMENT (CON'T.)**

**QUESTIONNAIRES & EVALUATIONS** – The Waterford Parks and Recreation Department will send via email to program participants a questionnaire and evaluation after the program has ended.

**PAYMENT** - Processing of payment to Contractor will begin upon receipt of invoice by the Waterford Parks and Recreation Department that must include: company or Contractor name and address, where check should be mailed, program name, dates and costs, number of students. This must be submitted within 30-days of program end date. Contractor will receive payment based on the percentage of the registration fee per participant agreed upon on the Class Proposal Form provided to the Waterford Parks and Recreation Department. Payments will be made to Contractor with a check from Waterford Township that takes between 3-4 weeks to be processed, cut and mailed after Contractor submits their invoice. Additional fees such as non-resident and administrative fees that are added to that set rate will be collected by the Township exclusively.

The Waterford Parks and Recreation Department will be the collection and disbursement agent for all program payments, with the exception of any drop-in fees and book or material fees paid on-site during program. No money shall be accepted or returned by Contractor at a program site, with the exception of any drop-in fees and book or material fees paid on-site during program. Contractor will collect any additional book or material fees from students on-site during program. This fee will not be included in the registration cost that is paid to the Waterford Parks and Recreation Department. Participants must remit their program registration fee to the Waterford Parks and Recreation Department. If contractor accepts drop-in fees during a program, those drop-in fees must be remitted to the Waterford Parks and Recreation Department within seven (7) days.

- **The agreed upon payment split for programs offered in 2021 will be:**  
 \_\_\_\_\_% paid to Contractor \_\_\_\_\_% kept by Waterford Parks and Recreation Department

**INSURANCE REQUIREMENTS** – Contractor and any and all of their subcontractors, shall not commence work under this Agreement until they have obtained the insurance required under this paragraph, and shall keep such insurance in force during the entire life of this Agreement. All coverage shall be with insurance companies licensed and admitted to do business in the State of Michigan and acceptable to Waterford Township. The requirements below should not be interpreted to limit the liability of the Contractor. All deductibles and SIRs are the responsibility of the Contractor.

- **Worker's Compensation Insurance:** Including Employers' Liability Coverage, in accordance with all applicable statues of the State of Michigan. Waterford Parks and Recreation Department is required to maintain verification regarding workers' compensation coverage for all of our independent contractors. Fill out required information below.

- Check one**     I am a sole proprietor with employees.  
 I am a sole proprietor with no employees, and do not carry workers' compensation insurance.

Name of Sole Proprietor: \_\_\_\_\_

SSN or Federal Tax ID Number: \_\_\_\_\_

I am doing business as: \_\_\_\_\_

Please attach **one** of the following:

- A copy of the assumed name certificate you file with the county; or
- Your business card; or
- A copy of your advertisement (newspaper flyer, etc.); or
- List one other business or private homeowner you have worked for during the period of

July 1, through current date, including the name and address: \_\_\_\_\_

- **Additional Insured:** Contractor must provide a current Certificate of Insurance that includes an endorsement with not less than \$1,000,000 coverage per occurrence and \$3,000,000 coverage comprehensive: for personal injury, bodily injury and property damage, that names the Charter Township of Waterford as primary and non-contributory additional insured 14-days before the program being offered by Contractor begins.
- **Cancellation Notice:** Policies described above, shall be endorsed to state the following: It is understood and agreed Thirty (30) days, Ten (10) days for non-payment of premium, Advance Written Notice of Cancellation, Non-Renewal, Reduction and/or Material Change shall be sent to: Waterford Parks and Recreation Department, 5200 Civic Center Drive, Waterford, MI 48329.



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**CONTRACTUAL SERVICE AGREEMENT (CON'T.)**

**CONTRACTUAL SERVICE AGREEMENT, HOLD HARMLESS AGREEMENT & LIABILITY WAIVER**

THIS AGREEMENT, is made and entered into on the below date, by and between the Waterford Parks and Recreation Department (WPRD) and the below named Contractor and shall be valid for one year from the date signed below. **WHEREAS**, the WPRD and the below named Contractor are mutually interested in providing a quality recreational service to residents, and **WHEREAS**, WPRD and Contractor are authorized to enter into a cooperative effort to provide programming to the residents of the Township of Waterford, and **NOW THEREFORE**, WPRD and Contractor do now agree to cooperate with each other, and to that end, agree to the above guidelines contained in this Agreement.

IT IS FURTHER UNDERSTOOD AND AGREED that below named Contractor is an Independent Contractor, not an employee of the Waterford Parks and Recreation Department or the Township of Waterford. Therefore, Contractor is responsible for maintaining their own unemployment insurance, worker's compensation insurance and liability insurance. It is understood that Contractor is not entitled to worker's compensation benefits under Michigan's Law, therefore, is personally responsible for any injuries/illnesses he or she may sustain while performing services to said WPRD.

Either party may at any time, terminate this Agreement upon giving notice in writing to the other party 30-days prior to the beginning of the next program session or at any time if any portion of this Agreement has been violated. Any changes in operating procedures will be discussed and agreed, to in writing, as a form of amendment to this Agreement before implementation.

The party executing this Agreement and the joint entity on behalf of whom it is executed jointly agree to hold harmless the Charter Township of Waterford and its employees and agents from any and all claims for injury, including personal injury and bodily injury, which indemnification shall include all judgments, interest, costs, settlements, claims including actual attorney fees for attorneys selected by the Township for defense of any claim.

\_\_\_\_\_  
Name of Contractor (Print)

\_\_\_\_\_  
Signature of Contractor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Waterford Parks and Recreation Supervisor (Print)

\_\_\_\_\_  
Signature of Waterford Parks and Recreation Supervisor

\_\_\_\_\_  
Date



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## ROOM SET-UP SHEET

*(Not required, only fill out if there is a special set-up need to run your program)*

Contractor Name \_\_\_\_\_ Program Name \_\_\_\_\_