



ARTS IN THE PARK
FOOD VENDOR AGREEMENT
Rob Fleming Park • The Woodlands
Saturday, September 14, 2019 • 6 to 8:30 p.m.

EVENT

The 2019 fall Arts in the Park event will feature Shakespeare in the Park on Saturday, September 14, 2019 6 to 8:30 p.m. with a live theatre performance of *Macbeth* at dusk (approximately 7 p.m.) by UpStage Theatre and The Woodlands Symphony Orchestra. The event will attract nearly 1,000 attendees. Arts in the Park will take place in Rob Fleming Park at The Lodge.

FOOD VENDOR FEE*- \$75

- Ability to have dedicated parking area for mobile vendors.
- Ability to sell food during event.
- PSA recognition at event.
- One (1) reserved parking space.

*Maximum of three (3) Food Vendors.

RULES & REGULATIONS

- **Permits:** All Food Vendors must have proper permits from Harris County Health Department. These will be checked by staff prior to set-up.
- **Insurance:** The vendor must provide a certificate of insurance showing proof of a minimum \$1,000,000 General Liability Policy coverage for vendor. The certificate must list "The Woodlands Township" as additionally insured.
- **Alcohol:** Vendors will not be allowed to sell alcohol onsite.
- **Attendance:** Vendors can begin set up at 4 p.m. Vendors must be set up and ready to sell by 6 p.m.
- **Sales:** Vendor sales in park allowed from 6 to 8:30 p.m. Shakespeare's *Macbeth* will begin at approximately 7 p.m. Vendors will not be allowed to break down or leave after that time.
- **Cleanup:** Vendors may not begin breakdown before 8:30 p.m. Vendors are responsible for removing their own boxes, trash and refuse from Rob Fleming Park and leaving their preparation area/parking area as found.
- **Printed Material:** No petitions or printed material, political or otherwise may be displayed or distributed at Arts in the Park.
- **Pricing:** Pricing of goods sold at Arts in the Park (and any applicable taxes) is the sole responsibility of the Vendor. Pricing must be readily visible.
- **Health Practices:** Any Vendor found selling contaminated, unfit or illegal items will be suspended from selling at Arts in the Park and may be asked to leave immediately without refund of Vendor Fees. All Vendors must wear shirts and shoes.
- **Smoking:** Smoking is discouraged, but allowed no less than 30' away from kitchen area.
- **Not allowed:** Unlawful drug/alcohol possession will not be tolerated. No pets are allowed in kitchen.
- The Township reserves the right to change policies and procedures at any time.
- **Food Vendor Applications are due no later than Friday, September 6, 2019.**



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CONSIDERATION

In consideration of Vendor's Agreement to pay a fee of (\$ 75.00) cash to the Township ("Vendor Fee")/provide the services and/or products described above, the Township grants Vendor a non-exclusive right and license to engage in certain advertising and promotional activities in connection with the Event. Vendor agrees to pay the Vendor Fee to the Township by the specified deadline as outlined by the Township. Any amounts due from Vendor but unpaid, if any, will accrue interest at the maximum rate of interest allowed by law. Should it be necessary for the Township to refer any unpaid fees to an attorney for collection, Vendor hereby agrees to pay all costs of collection, including reasonable attorneys' fees, whether or not suit is brought. The Vendor Fee is shall not be refunded or returned by the Township on account of cancellation of the Event for any reason whatsoever, including without limitation, force majeure.

TERMINATION

This Agreement may be terminated by: (a) automatic termination in the event that the Vendor Fee is not received on time according to this agreement, or in the event the Township fails to obtain necessary permitting or authorization for the Event; or (b) optional termination at the sole discretion of the Township. In the event of termination, the parties shall have no further obligations under this agreement.

LEGAL COMPLIANCE

All of Vendor's rights are subject to any federal, state, and local laws and ordinances applicable to and during the Event. Vendor agrees to comply with all such laws and ordinances, as well as any rules or regulations required by the Township or previously provided to Vendor.

INDEMNITY

VENDOR AGREES TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE WOODLANDS TOWNSHIP AND ITS AFFILIATES, OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, ATTORNEYS, SUCCESSORS, AND ASSIGNS FROM AND AGAINST ANY AND ALL SUITS, ACTIONS, CLAIMS, LOSSES, DEMANDS, DAMAGES, LIABILITIES, COSTS, AND REASONABLE EXPENSES, INCLUDING REASONABLE ATTORNEYS' FEES, THAT RELATE TO OR RESULT FROM VENDOR'S PARTICIPATION IN THE EVENT, INCLUDING, BUT NOT LIMITED TO, BODILY INJURY OR PROPERTY DAMAGE, WHICH ARE DUE TO VENDOR'S (OR ANY OF VENDOR'S REPRESENTATIVES AT THE EVENT) NEGLIGENCE OR WILLFUL MISCONDUCT.



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LIABILITY

In no event, shall The Woodlands Township, nor their representatives, contractors, nor corporate sponsors of the Event be responsible for any injury, loss nor damage that may occur to the Vendor's employees, agents, contractors, representatives, or property from any cause whatsoever. It is the Vendor's responsibility to protect machinery, perishables, and exhibits so that no injury will result to the public visitors, guests, or persons, or property. If property does not appear to be properly maintained, it will be promptly withdrawn from the Event site. All property of the Vendor is understood to remain in Vendor's care, custody and control in transit to, from, or within the confines of the Event area. The Vendors, on signing the Agreement expressly release, hold, keep, save harmless and indemnify the foregoing persons and entities, named organizations and committees, and individuals from and against all claims for such a loss, damage, or injury.



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VENDOR

Menu Items _____

Name _____ Title _____

Company _____ Phone _____

E-mail Address _____

Address _____

City _____ State _____ Zip _____

Vendor's Signature _____ Date _____

THE WOODLANDS TOWNSHIP

Accepted By _____ Date _____

Printed Name and Title _____

Please make checks payable to The Woodlands Township.

Please email or mail this document to:

George Azar, Special Events Coordinator
The Woodlands Township Parks & Recreation Department
2801 Technology Forest Boulevard; The Woodlands, Texas 77381
Email: gazar@thewoodlandstowship-tx.gov