

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott Niehaus, Village Manager
DATE: April 24, 2024 (B of T) Date: May 2, 2024
TITLE: A Resolution Authorizing Signature of the Village President on a Fireworks Production Agreement (Mad Bomber Fireworks Productions)

BACKGROUND/POLICY IMPLICATIONS:

Attached please find information regarding a recommendation to approve a Fireworks Production Agreement with Mad Bomber Fireworks Productions for the provision of a fireworks display in Madison Meadow Park on Wednesday, July 4, 2024 at a cost of \$47,500.

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X Scott Niehaus _____ Date 4/24/24

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



#240157

MEMORANDUM

TO: Scott Niehaus, Village Manager
FROM: Nicole Aranas, Deputy Village Manager *NA*
DATE: April 24, 2024
SUBJECT: **APPROVAL OF A FIREWORKS PRODUCTION AGREEMENT
MAD BOMBER FIREWORKS PRODUCTIONS – JULY 4, 2024 FIREWORKS DISPLAY**

Attached please find information recommending approval of a Fireworks Production Agreement with Mad Bomber Fireworks Productions for the production of a fireworks display to take place in celebration of Independence Day on July 4, 2024 in Madison Meadow Park.

Pending final approval of the contracts with the Park District for a display, it is recommended that the Village Board authorize execution of a Fireworks Production Agreement with Mad Bomber to take place on July 4, 2024. All approvals would be subject to consent and approval of the Lombard Park District. The cost of the proposed fireworks display is \$47,500 and the terms of the proposed agreement are identical to those proposed for the 2023 Fireworks Display.

Mad Bomber has an established history of dependability, safety, cooperation with Village and Fire Department Staff as well as a record of an enjoyable fireworks production. Having been the fireworks vendor for the Taste of Lombard for more than a decade and the vendor for the 2015-2023 Village of Lombard displays, Mad Bomber Fireworks Productions has significant experience in Lombard at the Madison Meadow location and has stated that they will provide a display of the same caliber as past years. Further, Mad Bomber, worked with the Village in 2022 to cancel and reschedule the July 4, 2022 Fireworks display to September 4, 2022 at no additional cost to the Village.

The proposed Fireworks Production Agreement with Mad Bomber provides for the production and display of a twenty-five minute fireworks display on Wednesday, July 4, 2024 at a cost of \$47,500. The attached Resolution authorizes execution of an agreement with Mad Bomber pending development and final approval of a Fireworks Display Agreement between the Village of Lombard and the Lombard Park District.

Please let me know if you have any questions or concerns.

R E S O L U T I O N
R _____ 24

A RESOLUTION AUTHORIZING SIGNATURE OF THE VILLAGE PRESIDENT ON A FIREWORKS PRODUCTIONS AGREEMENT

WHEREAS, the Village of Lombard desires to contract with Mad Bomber Fireworks Productions for a fireworks display to take place on July 4, 2024 in Madison Meadow Park,

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: That the Village President be and hereby is authorized to sign on behalf of the Village of Lombard a Fireworks Production Agreement with Mad Bomber Fireworks Productions as attached hereto pending final approval the Fireworks Production Agreement with the vendor and a Fireworks Display Agreement between the Village of Lombard and the Lombard Park District.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval as provided by law.

Adopted this _____ day of _____, 2024.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2024.

Keith Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

MAD BOMBER

FIREWORKS PRODUCTIONS

3999 E. HUPP ROAD BLDG. R-3-1 LAPORTE, IN 46350

11N485 HUNTER TRAIL, ELGIN, IL 60124 Ph.(847) 464-1442 Fax 847 464-1388

PG. 1 of 7

To: VILLAGE OF LOMBARD Fax #630 620-3085

ATTN: NICOLE ARANAS

Re; 2024' PROPOSED FIREWORKS DISPLAY – Thurs. 07/04/24

- **(Please Sign & Return Contact Agreement)**
- **With Same Crew of Local Operators**
- Certificate of Insurance to be processed upon return
- Largest shell size is 6" Diameter
- 420' Distance N.F.P.A. #1123

WE HAVE A DEDICATED FAX LINE
PLEASE RE-SUBMIT YOUR FAX TO THIS # 847 464-1388

THANK YOU, DAN P. MILLER
E-Mail dan@madbomberfireworks.com

P.S. PLEASE CALL ME IF YOU HAVE ANY QUESTIONS AT ALL...

MAD BOMBER

FIREWORKS PRODUCTIONS

3999 E. HUPP ROAD BLDG. R-3-1 LAPORTE, IN 46350
11N485 HUNTER TRAIL * ELGIN, IL 60124 * (847) 464-1442 Fax (847) 464-1388

THIS SPECIALLY PREPARED PROPOSAL
IS FOR THE

VILLAGE OF LOMBARD ANNUAL INDEPENDENCE DAY CELEBRATION @ MADISON MEADOWS PARK, in LOMBARD, ILLINOIS

THURSDAY JULY 4th, 2024

Only the finest selection of assorted types of display fireworks have been submitted in this proposal, with an EMPHASIS on Multiple Break, and Special Effect Display Barrages. Plus a complete line on oriental & imported pattern products from China, Japan, and Taiwan. Also included are the latest brilliant Colored Effects from the leading manufactures in the United States.

TOTAL PRICE \$47,500.00

INCLUDES THE FOLLOWING:

25 – Minutes of Intense Presentation

Ten Million Dollars Liability Insurance.

Same Crew of Experienced, Licensed Pyrotechnic Operators to Deliver, Set-up, and Execute the entire Display Production.

Clean-up of the firing area immediately following the display.

Crew of operators covered under Workman's Compensation.

D.O.T. Certified drivers with Five Million Dollars road liability.

Rain Dated during 2024 Year

Choreographed Display Production.

MAD BOMBER

FIREWORKS PRODUCTIONS

KINGSBURY INDUSTRIAL PARK P.O. BOX 418 Kingsbury, IN 46345
11N485 HUNTER TRAIL * ELGIN, IL 60124 * (847)464-1442

VILLAGE OF LOMBARD FIRE DEPARTMENT
LISTING OF SHELLS

At MADISON MEADOWS PARK

TASTE OF LOMBARD JAYCEE'S CELEBRATION

THURSDAY JULY 4th 2024

.SAME EXACT SHOW THAT WAS PRESENTED IN.
FIREWORKS 1.3G, UN0335, PGII

\$47,500.00

192 - 3" Shells
150 - 4" Shells
108 - 5" Shells
36 - 6" Shells
(900) 75 - 3" Finale Groups (75 x 12)
(216) 6 - 2.5" Finale Boxes (6 x 36)

ENTIRE PROGRAM IS AN ELECTRONICALLY FIRED DISPLAY
MEETS N.F.P.A. #1123 DISTANCE REQUIREMENT OF 420 FEET

* Multiple Shot Barrage Boxes, Exhibition Candles, Comets, and Floral Mines

OS.F.M. LICENCEED PYROTECHNICIANS ASSIGNED:

LEAD Harley DeJong
#IL-06-O-00029-00139
Cell #630 212-1021 On Site*
LEAD Dave Scofield
#IL-06-O-00029-00581
Cell # 630 835-2632 On Site*

Request for (10) PARKING SPACES for Crew Assistants

MAD BOMBER FIREWORKS PRODUCTIONS AGREEMENT

This contract entered into this 11th day of April, 2024 by and between Mad Bomber Fireworks Productions of Kingsbury, Indiana hereinafter to as Seller, and VILLAGE OF LOMBARD 255 E. Wilson Street Lombard, IL 60148 Hereinafter referred to as Buyer, of VILLAGE OF LOMBARD, ILLINOIS.

Witness: Seller agrees to provide and Buyer agrees to purchase certain Fireworks Displays in accordance with the Program. Buyer will pay Seller a sum of \$47,500.00 for said Display. Upon acceptance of this agreement Buyer will not pay Seller a sum of (waived) as an Earnest Money Deposit with the Balance due and payable within 30 days after the display date agreed upon. A late charge of 1½% per month will be assessed on accounts not paid within thirty days of display date. Buyer agrees to pay any and all collection costs, including reasonable attorney's fees and court cost incurred by Seller in the collection or attempted collection of any amount due under this agreement and invoice.

Both Seller and Buyer mutually agree to the following terms, conditions, and stipulations:

1. Seller will present said Fireworks Display on the evening of the 4th day of JULY 2024, it being understood that should there be inclement weather the day of the display the Seller has sole discretion to cancel display. An alternate display date will be given within six months of the original date agreeable to both the Seller and Buyer.
2. For inclement weather or any other reason there will be a 15% Fee of the Agreement price when alternate date is scheduled within six months of original display date. If Buyer chooses not to reschedule an alternate date within six months of original date, there will be a 50% Fee of Agreement price for cancellation of Display.
3. Buyer will provide a sufficient area for the Display, including a minimum spectator set back of 420' feet at all points from the discharge area. Buyer will provide protection of the display by roping-off or other suitable means. Buyer will provide adequate police protection to prevent spectators from entering display area. Buyer agrees to search the fallout area at first light following a night display.
4. Seller reserves the right to terminate the Display in the event that persons enter the secured Danger Zone and Security is unable to secure the Danger Zone.
5. Seller agrees to provide Qualified Technicians to take charge of and present said Display.
6. Seller agrees to provide Liability Insurance in the amount of \$10,000,000.00 for the benefit of both the Buyer and Seller All individual entities listed on the Certificate of Insurance will be deemed and additional insured per this contract..
7. Mad Bomber Firework Productions retains the right to substitute product of equal or greater value in the event of shortage. or unavailability of any particular item on the proposal.
8. Seller and Buyer agree to include Attachments, if any See Attachments: Electronically Fired Display _____
Display price does not include local fire protection permit fees. RAIN DATE _____ 2024.

Both Seller and Buyer hereto do mutually and severally guarantee terms, conditions, and payments of this contract, these articles to be binding upon the parties, themselves, their heirs, executors, administrators, successors and assigns.

MIANO, INC. MAD BOMBER FIREWORKS

BUYER

By Sam P. Miller
Sr. Vice President

By _____
(is duly authorized agent, who represents that he/she has full authority to bind the Buyer)

Date: 04/11/24

Date: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/13/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Acrisure, LLC dba Britton Gallagher & Associates One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114	CONTACT NAME: PHONE (A/C No. Ext): 216-658-7100 FAX (A/C No): 216-658-7101 E-MAIL ADDRESS: info@brittongallagher.com	
	INSURER(S) AFFORDING COVERAGE	
INSURED Miand, Inc. dba Mad Bomber Fireworks Planet Productions 3999 E. Hupp Rd, Building R-3-1 La Porte IN 46350 #24-0038	2321	INSURER A: Everest Indemnity Insurance Co. NAIC # 10851 INSURER B: Everest Detail Insurance Company 16044 INSURER C: Liberty Mutual Insurance Co INSURER D: Liberty Mutual Insurance Co 25035 INSURER E: Axis Surplus Ins Company 26620 INSURER F:


COVERAGES **CERTIFICATE NUMBER: 1877279374** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR (INSR LTR)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC	Y	Y	SIBGL01489-241	2/4/2024	2/4/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	Y	Y	SIBCA00185-241	2/4/2024	2/4/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
E	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB CLAIMS-MADE DED RETENTION \$	Y	Y	P-001-000243693-05	2/4/2024	2/4/2025	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in IN) If yes, describe under DESCRIPTION OF OPERATIONS below	Y	N/A	WCC395-714854-013 WCC-345-624912-052 WCC-345-311838-053	2/4/2024 2/4/2024 2/4/2024	2/4/2025 2/4/2025 2/4/2025	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER EL EACH ACCIDENT \$ 1,000,000 EL DISEASE - EA EMPLOYEE \$ 1,000,000 EL DISEASE - POLICY LIMIT \$ 1,000,000
A	Excess Liability #2	Y	Y	SIBEXD1319-241	2/4/2024	2/4/2025	Each One/Aggregate Total Limits \$5,000,000 \$10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.
OPERATIONS: FIREWORKS DISPLAY

VILLAGE OF LOMBARD and its officials/officers/agents/volunteers and employee's LOMBARD PARK DISTRICT
 on a primary & non-contributory basis.

CERTIFICATE HOLDER VILLAGE OF LOMBARD and its officials officers/agents/volunteers and employee's 255 E. WILSON STREET LOMBARD IL 60144	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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MAD BOMBER

FIREWORKS PRODUCTIONS

KINGSBURY INDUSTRIAL PARK 3999 E HUPP RD R-3-1 LAPORTE, IN 46350
PHONE (219) 393-5851 Toll Free (877) MAD-BOMB FAX (219)393-3177

VILLAGE OF LOMBARD

PROPOSAL

THURS. JULY 4th

MAD BOMBER FIREWORKS PRODUCTIONS IS PLEASED TO PRESENT FOR YOUR CONSIDERATION THIS EXCEPTIONAL PROPOSAL FOR A SPECTACULAR FIREWORKS SHOW TO BE PRESENTED FOR INDEPENDENCE DAY.

FIREWORKS SHOW	\$47,500.00
PROFESSIONAL PRESENTATION	INCLUDED
\$10,000,000 LIABILITY INSURANCE	INCLUDED
POST DISPLAY CLEANUP	INCLUDED
EARNEST MONEY DEPOSIT	<u>\$WAIVED</u>
BALANCE DUE AFTER PRESENTATION	\$47,500.00

Mad Bomber Fireworks will also supply the following:

1. We will secure all permits.
2. CDL driver with a Hazmat endorsement.
3. Registered with the USDOT to haul hazmat. (mandatory by Federal Law)
4. Carry \$5,000,000.00 auto insurance to haul hazmat. (mandatory by Federal Law)
5. Haul hazmat material in a properly placarded vehicle.


Dan Miller



STATE OF ILLINOIS
OFFICE OF THE STATE FIRE MARSHAL
DIVISION OF FIRE PREVENTION

1035 Stevenson Drive • Springfield, IL 62703-4259



Pyrotechnic Distributor License

PLANET PRODUCTIONS/MAD BOMBER FIREWORKS
3999 E HUAPP RD BLDG R-3-1
LA PORTE, IN 46350

IL06-OPF-00029

License #

James A. Rivera

James A Rivera
STATE FIRE MARSHAL

05/15/2027

EXPIRATION DATE

OPF

CLASSIFICATION

This license may be revoked by the Office of the State Fire Marshal for failure to comply with the lawful rules regulating this program.