

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

 X Resolution or Ordinance (Blue) _____ *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: March 28, 2018 (B of T) Date: April 5, 2018
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, 2018 at a cost of \$35,000.

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

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.

**MEMORANDUM**

TO: Scott Niehaus, Village Manager
FROM: Nicole Aranas, Assistant Village Manager *NA*
DATE: March 28, 2018
SUBJECT: **APPROVAL OF A FIREWORKS PRODUCTION AGREEMENT
MAD BOMBER FIREWORKS PRODUCTIONS – 4TH OF JULY 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 on July 4, 2018 in Madison Meadow Park.

In 2016, the Village issued a Request for Proposals (RFP) seeking qualified vendors for a computer choreographed and electronically fired fireworks production and display to take place on July 4, 2016 with a renewal option for Wednesday, July 4, 2018. Multiple pyrotechnics vendors were solicited to provide proposals for the provision of a fireworks display for the Village. A contract was awarded to Mad Bomber Fireworks Productions for 2016 with an option to renew under the same terms for 2017 and 2018.

It is the recommendation of Fire Marshal Jerry Howell to proceed with a renewal of the contract with Mad Bomber Fireworks Productions for 2018. 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 the last decade and the vendor for the Village of Lombard display in 2015, 2016 and 2017, Mad Bomber Fireworks Productions has significant experience in Lombard at the Madison Meadow location and will provide a display of the same caliber as past years.

The proposed Fireworks Production Agreement with Mad Bomber provides for the production and display of a thirty minute fireworks display at a cost of \$35,000. 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 _____ 18

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, 2018 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 of 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 _____, 2018.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____, day of _____, 2018.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

MAD BOMBER FIREWORKS PRODUCTIONS AGREEMENT

This contract entered into this 23RD day of MARCH, 2018 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

Herein after referred to as Buyer, of VILLAGE OF LOMBARD State ILLINOIS

Witness: Seller agrees to provide and Buyer agrees to purchase certain Fireworks Display in accordance with the Program. Buyer will pay Seller a sum of \$35,000.00 for said Display. Upon acceptance of this agreement Buyer will 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.

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 FOURTH day of JULY, 2018, 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 Display Date agreeable to both the Seller and Buyer.
2. The Fee for cancellation for any reason of the Fireworks Display is 40% of the agreement price if Buyer chooses to not select another Display Date within six months of the original Display Date.
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.
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: EXHIBIT A

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.

MAD BOMBER FIREWORKS PRODUCTIONS

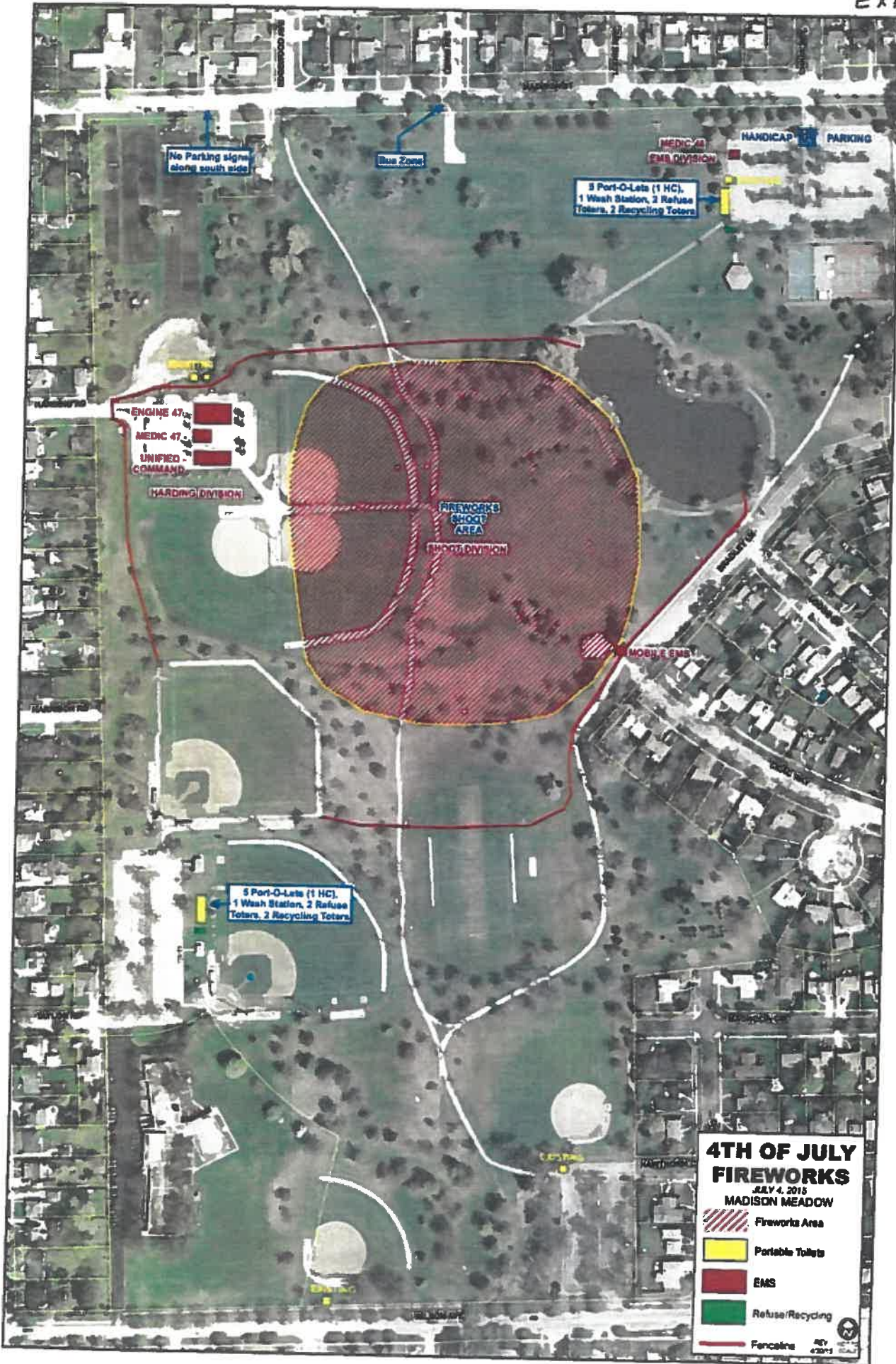
By [Signature]
Sr. Vice President

BUYER

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

Date: 03/23/18

Date: _____





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/27/2018

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 have ADDITIONAL INSURED provisions or 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 Arthur J. Gallagher Risk Management Services, Inc. 777 108th Ave NE, #200 Bellevue WA 98004		CONTACT NAME: Kristen Look PHONE (A/C, No, Ext): 425-586-1016 FAX (A/C, No): 425-451-3716 E-MAIL ADDRESS:	
INSURED Mad Bomber Fireworks Productions 3999 E. Hupp Road, Building R-3-1 La Porte, IN 46350		INSURER(S) AFFORDING COVERAGE	
MIANINC-01		INSURER A: T.H.E. Insurance Company	NAIC # 12866
		INSURER B: Travelers Property Casualty Co of America	25674
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES **CERTIFICATE NUMBER: 367085568** **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 INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Per Show Agg GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		CPP010529802	2/4/2018	2/4/2019	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$5 PRODUCTS - COMP/OP AGG \$2,000,000 S
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY		CPP010529802	2/4/2018	2/4/2019	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ S
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTIONS		ELP001210402	2/4/2018	2/4/2019	EACH OCCURRENCE \$9,000,000 AGGREGATE \$9,000,000 S
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input type="checkbox"/> N/A		6JUB9F3366418	2/4/2018	2/4/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
OPERATIONS: FIREWORKS DISPLAY						

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Certificate holder is named as additional insured on the General Liability policy per form number CG133F (07/95)
ADDITIONAL INSUREDS: VILLAGE OF LOMBARD AND ITS OFFICIALS, OFFICERS, AGENTS, VOLUNTEERS, AND EMPLOYEES. LOMBARD PARK DISTRICT ON A PRIMARY AND NON-CONTRIBUTORY BASIS.

CERTIFICATE HOLDER VILLAGE OF LOMBARD AND ITS OFFICIALS, OFFICERS, AGENTS, VOLUNTEERS, EMPLOYEES. 255 EAST WILSON STREET LOMBARD, IL 60148 C/O NICOLE ARANAS/KAREN ELLIS	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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