

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: May 2, 2023 (B of T) Date: May 4, 2023
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 Tuesday, July 4, 2023 at a cost of \$45,360.

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, Deputy Village Manager *NA*
DATE: May 2, 2023
SUBJECT: **APPROVAL OF A FIREWORKS PRODUCTION AGREEMENT
MAD BOMBER FIREWORKS PRODUCTIONS – JULY 4, 2023 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, 2023 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, 2023. All approvals would be subject to consent and approval of the Lombard Park District. The cost of the proposed fireworks display is \$45,360 and the terms of the proposed agreement are identical to those proposed for the 2022 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 2015-2021 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 last year 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 July 4, 2023 at a cost of \$45,360. 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 _____ 23

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, 2023 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 _____, 2023.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____, day of _____, 2023.

Keith Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

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

Tuesday, JULY 4th, 2023 At 9:30 pm
Or a FALL date in SEPTEMBER 2023

.SAME EXACT SHOW THAT WAS PRESENTED IN 2022
FIREWORKS 1.3G, UN0335, PGH

\$45,360 w/7/4/23 date \$40,860 w/FALL 2023 date

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

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, ILLINOIS

TUESDAY JULY FOURTH, 2023

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 \$45,360.00

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 2023 year.

Choreographed Display Production.

MAD BOMBER FIREWORKS PRODUCTIONS AGREEMENT

This contract entered into this 3rd day of APRIL, 2023 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, 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 \$45,360 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 FOURTH day of JULY 2023, 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: _____ 2023.

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 BUYER

By 
Sr. Vice President

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

Date: 04/03/23

Date: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/6/2023

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).

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|---|--|---|--|
| PRODUCER Britton-Gallagher and Associates, Inc. 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 | |
| INSURED Mad Bomber Fireworks Planet Productions 3999 E. Hupp Rd, Building R-3-1 La Porte IN 46350 #23-0043 | | INSURER(S) AFFORDING COVERAGE INSURER A: Everest Indemnity Insurance Co. NAIC # 10851 INSURER B: Everest Denali 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: 63399127 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 | ADOL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|--|-----------|----------|---|----------------------------------|----------------------------------|--|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | Y | | SBGL01480-231 | 2/4/2023 | 2/4/2024 | 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 - COM/PROP 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 | | | SB6CA00185-231 | 2/4/2023 | 2/4/2024 | COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ |
| E | UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$ | | | P-001-000243093-03 | 2/4/2023 | 2/4/2024 | EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 \$ |
| C D D | 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 | N/A | WC539S-714854-012 WC5-34S-524813-031 WC5-34S-311836-052 | 2/4/2023 2/4/2023 2/4/2023 | 2/4/2024 2/4/2024 2/4/2024 | <input checked="" type="checkbox"/> WC-STALL-TORY LIMITS <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 |
| A | Excess Liability #2 | | | SB6EX01319-231 | 2/4/2023 | 2/4/2024 | Each Occ 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.

VILLAGE OF LOMBARD and its officials/officers/agents/volunteers and employee's LOMBARD PARK DISTRICT

on a primary & non-contributory basis.

CERTIFICATE HOLDER CANCELLATION

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| VILLAGE OF LOMBARD and its officials officers/agents/volunteers and employees 255 E. WILSON STREET LOMBARD IL 60144 ... | 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 |
|--|---|