

TAB 9



City of Palmetto Agenda Item

Meeting Date

5/7/12

Presenter: Allen Tusing

Department: Public Works

Title:

Background:

The 3-year agreement for our Fireworks Display expired with last year's performance. The City continues to outsource these services and will need the approval of City Commission and Mayor to execute a new contract.

In accord with the purchasing ordinance, the Purchasing Department requested quotes from five vendors currently registered to provide these services. One vendor did not respond, another responded with a "no bid" response and the other three submitted quotes. All vendors were given the same specifications which included exact shell sizes, descriptions and counts.

After reviewing all quotes, Bell's Fireworks Display Co. Inc. provided the best quote based on the cost per shell. This would be a new vendor to the City; however, their references gave them very positive recommendations and City staff also met with them as part of selection.

Budgeted Amount: \$33,000 **Budget Page No(s):** **Available Amount:** **Expenditure Amount:** \$29,500

Additional Budgetary Information: 1/3 Being reimbursed from Manatee County and 1/3 from City of Bradenton

Funding Source(s): **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A

Motion/Direction Requested: Staff recommends Commission award the July 4th Fireworks Display to Bell's Fireworks Display Co. Inc. for an amount of \$29,500 and authorize the Mayor to execute the contract between Bell's Fireworks and the City of Palmetto; with the option to renew for two consecutive one year terms upon approval by City Commission..

Staff Contact: Nixa Haisley Purchasing Agent 723-4570 Ext 7112

Attachments: Quote Tabulation Spreadsheet
Bell's Fireworks Display Co. Inc. Quote
Bell's Fireworks Display Co. Inc. Contract

QUOTE TABULATIONS	VENDOR NAME:		
	Bell's	Creative	Pyrotecnico
OPENING			
60 – 3" Assorted Color Changing Star Shells and Titanium Salutes	60	60	60
18 – 4" Color Peony Shells	18	20	18
6 – 5" Two-Color Peony Shells	10	10	10
6 – 6" Large Spreading Chrysanthemum	9	8	8
300 – 3" In Main Body	400	300	270
BODY 4" SHELLS			
150 – Multi Color Star Shells	150	150	140
150 – Fancy and Color Changing Shells	150	150	140
25 - Special Effect Shells	25	25	20
25 - Variegated Crackling Shells	25	36	20
25 - Pattern Shells	25	36	20
25 - Assorted Stickless or Comets	25	36	20
BODY 5" SHELLS			
80 – Multi Color Star Shells	80	80	70
80 – Fancy and Color Changing Shells	80	80	70
14 - Special Effect Shells	20	15	14
14 - Variegated Crackling Shells	20	25	14
12 - Pattern Shells	20	12	12
BODY 6" SHELLS			
40 – Multi Color Star Shells	60	48	38
30 – Fancy and Color Changing Shells	40	30	28
10 - Special Effect Shells	20	10	8
10 - Variegated Crackling Shells	10	10	8
10 - Pattern Shells	10	10	8
BODY 8" SHELLS			
5 – Color Changing Chrysanthemum Shells w/Pistol & Tails	6	6	5
5 – Color Changing Peony Shells w/Pistol & Tails	6	5	5
5 – Pattern Shells	6	5	5
5 – Assorted Color Changing	6	6	5
BODY 10" SHELLS			
1 – Color Changing Chrysanthemum Shells w/Pistol & Tails	1	2	2
1 – Color Changing Peony Shells w/Pistol & Tails	1	1	1
1 – Pattern Shells	1	1	1
BODY 12" SHELLS			
1 – Color Changing Peony Shells w/Pistol & Tails	1	1	0
1 – Pattern Shells	1	1	0
1 – Assorted Color Changing	1	1	0
GRAND FINALE			
1000 – 1 1/4" Shot in Finale	1500	1200	1000
500 – 3" Assorted Color Star Shells and Titanium Salutes	600	500	500
60 – 4" Color Changing Chrysanthemum Shells	90	100	60
24 – 5" Flowering Peony Shells	30	35	24
18 – 6" Large Multi Color Chrysanthemum Shells	21	20	20
ADDITIONAL: VENDOR ADDED			
	3	0	0
GRAND TOTAL	\$29,500	\$29,000	\$30,000

**CITY OF PALMETTO
BID FORM
FIREWORKS DISPLAY**

The Request for Quote, General Provisions, Instruction to Bidders, Bid Specifications, and/or any other pertinent document forms a part of this bid and by reference are made a part hereof.

Anti-Collusion Statement: The below signed bidder has not divulged to, discussed or compared his bid with other bidders and has not colluded with any other bidder or parties to a bid whatever. (NOTE) No premiums, rebates or gratuities permitted either with, prior to, or after any request for bid. Any such violation will result in the cancellation of the contract and removal from bid list(s).

To the Purchasing Agent of the City of Palmetto: We (I) have read ALL attachments including the specifications and FULLY understand what is required to provide FIREWORKS DISPLAY as follows:

From GREEN BRIDGE FISHING PIER Total \$ 29,500.00
2% deduction from total cost on consecutive year renewals.

Can you guarantee delivery to meet July 4th dates as set forth in this bid? YES

Indicate time you will begin setup time Equipment Setup 7/3/2012 10AM
Show Loading (Live Material) 7/4/2012 7AM

COMPANY NAME (Print) Bell's Fireworks Display Co. Inc.

ADDRESS 7901 N. Armenia Avenue Tampa, FL 33604

ADDRESS _____

NAME & TITLE Robert M. Stahl, President

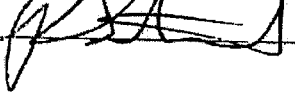
SIGNATURE & DATE  2/21/2012

(continued)

FIREWORKS DISPLAY

Company Bell's Fireworks Display Co, Inc. Date 3/21/2012

Authorized Bidder's Name & Title Robert M. Stahl, President

Authorized Bidder's Signature 

OPENING

- 60 60 - 3" Assorted Color Changing Star Shells and Titanium Salutes
- 18 18 - 4" Color Peony Shells
- 10 6 - 5" Two-Color Peony Shells
- 9 6 - 6" Large Spreading Chrysanthemum
- 400 300 - 3" In Main Body

BODY (FOUR INCH SHELLS)

- 150 150 - Multi Color Star Shells
- 150 150 - Fancy and Color Changing Shells
- 25 25 - Special Effect Shells
- 25 25 - Variegated Crackling Shells
- 25 25 - Pattern Shells
- 25 25 - Assorted Stickless or Comets

BODY (FIVE INCH SHELLS)

- 80 80 - Multi Color Star Shells
- 80 80 - Fancy and Color Changing Shells
- 20 14 - Special Effect Shells
- 20 14 - Variegated Crackling Shells
- 20 12 - Pattern Shells

FIREWORKS DISPLAY

BODY (SIX INCH SHELLS)

<u>60</u>	40 – Multi Color Star Shells
<u>40</u>	30 – Fancy and Color Changing Shells
<u>20</u>	10 - Special Effect Shells
<u>10</u>	10 - Variegated Crackling Shells
<u>10</u>	10 - Pattern Shells

BODY (EIGHT INCH SHELLS)

<u>6</u>	5 – Color Changing Chrysanthemum Shells w/Pistol & Tails
<u>6</u>	5 – Color Changing Peony Shells w/Pistol & Tails
<u>6</u>	5 – Pattern Shells
<u>6</u>	5 – Assorted Color Changing

BODY (TEN INCH SHELLS)

<u>1</u>	1 – Color Changing Chrysanthemum Shells w/Pistol & Tails
<u>1</u>	1 – Color Changing Peony Shells w/Pistol & Tails
<u>1</u>	1 – Pattern Shells

BODY (TWELVE INCH SHELLS)

<u>1</u>	1 – Color Changing Peony Shells w/Pistol & Tails
<u>1</u>	1 – Pattern Shells
<u>1</u>	1 – Assorted Color Changing

GRAND FINALE PRESENTATION

<u>1500</u>	1000 – 1 1/4” Shot in Finale
<u>600</u>	500 – 3” Assorted Color Star Shells and Titanium Salutes
<u>90</u>	60 – 4” Color Changing Chrysanthemum Shells
<u>30</u>	24 – 5” Flowering Peony Shells
<u>21</u>	18 – 6” Large Multi Color Chrysanthemum Shells

Note: This is an example of the quality show that has been displayed in the past and may be used. Please provide complete description of any variations from the suggested program in the areas provided.

3 - 8" Glittering Gold Brocade Crown Shells



Bell's Fireworks Display Co. Inc

7901 N. Armenia Avenue Tampa, FL 33604
Phone: (813) 935-8810 Fax: (813) 933-8536
Email: bellsfireworks@tampabay.rr.com
www.bellfireworks.com

To: Nixa Haisley, CPPB
City of Palmetto
516 8th Ave W.
Palmetto, FL 34220

April 5, 2012
DISPLAY DATE: 07/4/2012
RAIN DATE: TBD
DISPLAY TIME: 9:15 PM As directed.

Phone # (727) 587-6740 Ext: 5014
Fax # (727) 586-7406

DISPLAY CONTRACT

1.) Bell's Firework Display Co. will provide the following:

One electrically fired Firework Display to last 40 minutes. The display will be fired from the Green Bridge Fishing Pier in Palmetto, FL as of sponsor request, provided it meets or exceeds the minimum standard requirements of National Fire Protection Association codes 1123.2010 edition and/or 1126.2010 edition. The display will include but is not limited to 3,531 rounds of premium display fireworks. The display will start with a traditional show opening and then continue at a consistent pace through out the main-body of the display, ending the display in a spectacular finale of lights, colors, and sound. The display will contain an assortment of premium grade display shells, which will consist of different effects, colors, and patterns.

City of Palmetto July 4th 2012 Display Program

Display Grand Opening:

SIZE	DESCRIPTION	AMOUNT	DISPLAY TIME
3"	Assorted Color Changing Star Shells and Salute	60	40 Minutes
4"	Color Peony Shells	18	
5"	Two Color Peony Shells	10	
6"	Large Spreading Chrysanthemum	9	
3"	Assorted Star Shells in Main Body	400	
		497	



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Display Mainbody:

<u>SIZE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>DISPLAY TIME</u>
4"	Multi Color Star Shells	150	40 Minutes
4"	Fancy and Color Changing Shells	150	
4"	Special Effect Shells	25	
4"	Variegated Crackling Shells	25	
4"	Pattern Shells	25	
4"	Assorted Stickless or Comets	25	
		<hr/>	
		400	
5"	Multi Color Star Shells	80	
5"	Fancy and Color Changing Shells	80	
5"	Special Effect Shells	20	
5"	Variegated Crackling Shells	20	
5"	Pattern Shells	20	
		<hr/>	
		220	

Display Mainbody: Continued

<u>SIZE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>DISPLAY TIME</u>
6"	Multi Color Star Shells	60	40 Minutes
6"	Fancy and Color Changing Shells	40	
6"	Special Effect Shells	20	
6"	Variegated Crackling Shells	10	
6"	Pattern Shells	10	
		<hr/>	
		140	
8"	Color Changing Chrysanthemum Shells w/ Pistils and Tails	6	
8"	Color Changing Peony Shells w/ Pistils and Tails	6	
8"	Pattern Shells	6	
8"	Assorted Color Changing	6	
		<hr/>	
		24	



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Display Mainbody: Continued

SIZE	DESCRIPTION	AMOUNT	DISPLAY TIME
10"	Color Changing Chrysanthemum Shells w/ Pistils and Tails	1	40 Minutes
10"	Color Changing Peony Shells w/ Pistils and Tails	1	
10"	Pattern Shells	1	
		<hr/> 3	
12"	Color Changing Peony Shells w/ Pistils and Tails	1	
12"	Pattern Shells	1	
12"	Assorted Color Changing	1	
		<hr/> 3	

Display Grand Finale:

SIZE	DESCRIPTION	AMOUNT	DISPLAY TIME
1.25"	Assorted Finale	1500	40 Minutes
3"	Assorted Color Star Shells and Titanium Salutes	600	
4"	Color Changing Chrysanthemum Shells	90	
5"	Flowering Peony Shells	30	
6"	Large Multi Color Chrysanthemum Shells	21	
8"	Glittering Gold Brocade Crown Shells	3	
		<hr/> 2244	

Bell's Firework Display Company reserves the right to substitute shell's of equal or greater value in the event of shortages and/or if the minimum viewing distance listed is less than the minimum standard requirement of the N.F.P.A. codes 1123.2010 and/or 1126.2010 edition. (Minimum viewing distance required 840 Ft.)



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2.) Transportation and storage:

All transportation to and from the display in approved storage containers. \$5,000,000.00 in Commercial Auto Insurance required by DOT to transport 1.3G display fireworks.

3.) Certified crew:

All labor to set up and fire the display, including certified pyrotechnicians to supervise and assist in the entire operation. All operators and assistants will either meet or exceed the minimum required standards of the National Fire Protection Association and comply with all FEDERAL, STATE, and LOCAL laws governing fireworks displays.

4.) Firework display liability:

Five million dollars in firework display liability insurance. The City of Palmetto, FL will be listed as additional insured under the certificate of insurance. The insurance will be activated at the time of acceptance of this contract and immediately upon receipt of sponsor's deposit payable to Bell's Firework Display Co., Inc.

5.) Bell's Fireworks company promise: "Exceeding Your Expectations"

Over the past 29 years, Bell's Fireworks has earned the reputation for reliability, dependability, and top quality in every aspect of the fireworks industry. Each and every display, whether outdoor or indoor, is a unique creation custom tailored for the occasion. There is not one display done twice. Our products may change as manufacturers come and go, but our time-tested commitment to quality and service remains the same.

1.) The City of Palmetto, FL will provide the following:

A 840-foot minimum viewing distance from the discharge site to the public viewing area, along with ample security to maintain the entire display site. Bell's Fireworks will assist in blocking off the display area with Danger Do Not Enter banner guard. Security must be hired for crowd control before, during, and after the display.

2.) Local permits:

Bell's Fireworks will obtain all necessary permits for fireworks displays, provided they are local (within 100 miles).

3.) Display amount and terms of payment:

A display price in the sum of \$29,500 dollars and 00/100.

A deposit of 50% with acceptance of contract in cash or check, and balance to be paid in full within 7 days after completion of display. 2% deduction from total cost on consecutive year renewals.



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4.) Rain date and cancellation clause:

In the event of inclement weather or postponement, there will be a zero-percent charge applied for resetting the display on a different date. The sponsor may postpone the display at his/her discretion, provided that the display is postponed to a date no longer than seven days after the first scheduled date, unless other arrangements have been made between the sponsor and Bell's Firework Display Co. The postponed display must take place at the original display site. If no rain date is set the deposit will be used to cover all reasonable expenses incurred by Bell's Firework Display Co, in preparation for the City of Palmetto fireworks display. Any portion of the deposit not used to cover Bell's Fireworks Display Company's expenses shall be reimbursed to the City of Palmetto within fourteen (14) days of the original display date. Expenses defined as being labor, used material, and transportation in preparation for the fireworks both off and on site.

5.) Inventory confirmation:

Person responsible for inventory confirmation, Nixa Haisley his/her appointee.

6.) Hazardous Conditions:

The City of Palmetto reserves the right to cancel the fireworks display and/or display contract at any time if the City of Palmetto, Manatee County, or State of Florida determine that the fireworks are unsafe due to drought or other hazardous conditions. If these conditions do arise the City of Palmetto will be charged 25% of the display contract in the amount of \$7,375.00 and/or the difference of this amount will be deducted from the deposit and refunded back to The City of Palmetto.

7.) Display Site Cleanup: Bell's Fireworks Display Co. Inc. will be **not** be responsible for display site cleanup or debris removal except as otherwise provided herein. Please make arrangements for the clean up of your display site area and venue after the display is finished and the fireworks staff have deemed the area safe for the cleaning personnel to enter. Bell's Fireworks Display Co. Inc. will remove any large debris such as wood, boxes, and foil when the equipment is removed form the display site area.



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8.) Indemnification:

The parties recognize that Bell's Fireworks Display Co. is an independent contractor. Bell's Fireworks Display Co. agrees to assume liability for and indemnify, hold harmless, and defend the City of Palmetto, its commissioners, mayor, officers, employees, agents, and attorneys of, from, and against all liability and expense, including reasonable attorney's fees, in connection with any and all claims, demands, damages, actions, causes of action, and suits in equity of whatever kind or nature, including claims for personal injury, property damage, equitable relief, or loss of use, arising directly or indirectly out of or in connection with any negligent and/or deliberate act or omission of Bell's Fireworks Display Co., its officers, employees, agents, and representatives. Bell's Fireworks Display Co.'s liability hereunder shall include all attorney's fees and costs incurred by the City of Palmetto in the enforcement of this indemnification provision. This includes claims made by the employees of Bell's Fireworks Display Co. against the City of Palmetto and Bell's Fireworks Display Co. hereby waives its entitlement, if any, to immunity under Section 440.11, Florida Statutes. The obligations contained in this provision shall survive termination of this Agreement and shall not be limited by the amount of any insurance required to be obtained or maintained under this Agreement.

9.) Venue and Applicable Law:

This Agreement shall be construed by and controlled under the laws of the State of Florida. Venue for the purposes of any suit, action or other proceeding arising out of, or relating to, this Agreement shall be exclusively in the 12th Judicial Circuit Court in and for Manatee County, Florida for state actions, and the United States District Court for the Middle District of Florida, Tampa Division for federal actions.

Bell' Firework Display Co. reserves the right to terminate the display at any time in the event that person(s) enter the secured danger zone(s) and security is unable or unwilling to enforce the safety regulations, or other conditions (wind or rain) that would pose a safety hazard to any person(s) or property, with out any penalty what so ever directed towards Bell's Firework Display Co., Inc.



04/17/2012
Date
Robert M. Stahl
President
Bell's Firework Display Co. Inc.

Shirley Groover Bryant
Mayor
City of Palmetto

Contract void if not executed 75 days prior to display date.

Nixa Haisley

From: Scott Rudacille [srudacille@blalockwalters.com]
Sent: Friday, April 13, 2012 11:16 AM
To: Nixa Haisley
Cc: Mark Barnebey; Lera Castleman
Subject: RE: JULY 4TH FIREWORKS CONTRACT

Nixa, this contract looks good.

Scott

Scott E. Rudacille
Board Certified in City, County and Local Government Law



802 11th Street West | Bradenton, FL 34205
2 North Tamiami Trail, #408 | Sarasota, FL 34236

Office 941.748.0100 | Facsimile 941.745.2093
srudacille@blalockwalters.com

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From: Nixa Haisley [mailto:nhaisley@palmettofl.org]
Sent: Monday, April 09, 2012 9:10 AM
To: Mark Barnebey
Cc: Scott Rudacille
Subject: FW: JULY 4TH FIREWORKS CONTRACT

I believe I sent to Kirk Pinkerton emails; did you receive this email last week?

From: Nixa Haisley
Sent: Thursday, April 05, 2012 12:40 PM
To: Mark Barnebey; Scott Rudacille
Cc: Jim Freeman; Geoff Seger; Allen Tusing
Subject: RLS: JULY 4TH FIREWORKS CONTRACT

Mark/Scott,

We have selected a new vendor to do our fireworks display this year; attached for your review is their contract. Geoff and I will review the itemized portion of the contract relating to the actual display and

costs. If you could review the rest, we would like to have Allen present to Commission on May 7th and, as such, would need to have back from your office by the end of this month.

Thank you,
Nixa

From: Bell's Fireworks - Robert M. Stahl [<mailto:bellsfireworks@tampabay.rr.com>]
Sent: Thursday, April 05, 2012 12:13 PM
To: Nixa Haisley
Subject: RE: CITY OF PALMETTO FIREWORKS DISPLAY

Nixa,

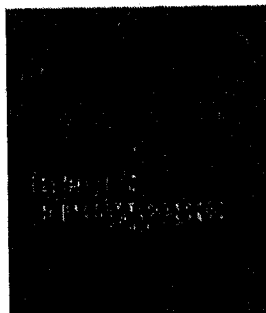
Please see attached fireworks display contract that I have prepared for your review.

Please contact me at any time if you may have any questions.

Thank you,

Robert M. Stahl
President
Bell's Fireworks Co.
Bell's Fireworks Display Co.
7901 N. Armenia Avenue
Tampa, FL 33604
Phone: (813) 935-8810
Fax: (813) 933-8536
www.bellsfireworks.com

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Nixa Haisley

From: Nixa Haisley
Sent: Monday, April 23, 2012 8:39 AM
To: Nixa Haisley
Subject: FW: FY12 City of Palmetto Fireworks

From: Karen Kyser [<mailto:kkyser@ddabradenton.com>]
Sent: Monday, April 23, 2012 7:52 AM
To: Cheryl Miller
Cc: David Gustafson
Subject: RE: FY12 City of Palmetto Fireworks

Cheryl,
We have budgeted \$10K for this year for fireworks.
Thanks,
KK

From: Cheryl Miller
Sent: Wednesday, April 18, 2012 3:17 PM
To: 'Mike Kennedy'
Subject: FY12 City of Palmetto Fireworks

Mike:

Our commissioner would like confirmation that City of Bradenton/Downtown Development has budgeted for this FY12 fireworks display. We are entering into a contract with Bells Fireworks Display company in the amount of \$29,500. Your share would be \$9,833.34.

Cheryl A. Miller, CGFO, MBA
Senior Accountant
Finance Dept
City Hall x7111

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in a public records request, do not send electronic e-mail to this entity, contact this office by phone or writing.

Nixa Haisley

From: Nixa Haisley
Sent: Friday, April 20, 2012 10:52 AM
To: Nixa Haisley
Subject: FW: FY12 City of Palmetto Fireworks Display

From: candice.cruz@mymanatee.org [mailto:candice.cruz@mymanatee.org]
Sent: Thursday, April 19, 2012 1:17 PM
To: Cheryl Miller
Cc: angie.bibler@mymanatee.org
Subject: Re: FY12 City of Palmetto Fireworks Display

Hi Cheryl -

I apologize for not getting back to you sooner, but to answer your question, yes Manatee County has budgeted in FY12 for the fireworks display. Please let me know if you need anything further from me.

Thank you,
Candi

Candi Cruz
Budget Technician
Financial Management Department
candice.cruz@mymanatee.org
Ph. 941-745-3733, Fax 941-742-5826
1112 Manatee Avenue West
Bradenton, FL 34205

From: Cheryl Miller <cmiller@palmettofl.org>
To: "candice.cruz@mymanatee.org" <candice.cruz@mymanatee.org>, "angie.bibler@mymanatee.org" <angie.bibler@mymanatee.org>
Date: 04/18/2012 03:15 PM
Subject: FY12 City of Palmetto Fireworks Display

Angie/Candice:

Our commissioner would like confirmation that Manatee County has budgeted for this FY12 fireworks display. We are entering into a contract with Bells Fireworks Display company in the amount of \$29,500. Your share would be \$9,833.34.

Cheryl A. Miller, CGFO, MBA
Senior Accountant
Finance Dept
City Hall x7111