

**CITY OF MARATHON, FLORIDA
RESOLUTION 2013-28**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CERTAIN PURCHASES IN EXCESS OF \$10,000 AND LESS THAN \$25,000; WAIVING THE CITY'S PURCHASING POLICIES AND PROCEDURES AND AUTHORIZING A SOLE SOURCE PURCHASE FROM FIREWORKS DISPLAYS UNLIMITED, LLC.; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO AGREEMENTS IN CONNECTION THEREWITH AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Marathon, Florida (the "City"), adopted Purchasing Policies and Procedures after determining that it was fiscally prudent and in the best interests of the City's residents for the City to adopt policies and procedures for City employees and officials regarding the purchasing and acquisition of contractual services, equipment, goods, professional services and other similar types of services; and

WHEREAS, pursuant to Resolution 2007-156, the City Council amended the Purchasing Policies and Procedures to provide that any purchases over \$10,000 and less than \$25,000 must be placed on a City Council agenda as a consent item for approval prior to execution of the contract or consummation of the purchase; and

WHEREAS, the City Manager recommends the City Council waive the City's purchasing policies and procedures due to the sole source status of the vendor listed in Exhibit "A," and

WHEREAS, the City Manager has authorized staff to prepare purchase orders for those items set forth on Exhibit "A," attached hereto and now wishes to bring them before City Council as a consent item.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Based upon the recommendation of the City Manager the City Council finds that Fireworks Displays Unlimited, LLC is a sole source vendor because it is uniquely and singularly capable of meeting the requirements of the City for this purchase.

Section 3. The City's purchasing policies and procedures are hereby waived and the City Council hereby approves the purchases set forth in Exhibit "A," attached hereto and incorporated herein.

Section 4. The City Manager or designee is authorized to execute any agreements in connection with this purchase and expend budgeted funds on behalf of the City.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 26th DAY OF MARCH, 2013.

THE CITY OF MARATHON, FLORIDA



Mike Cinque, Mayor

AYES: Keating, Ramsay, Snead, Cinque
NOES: None
ABSENT: Bull
ABSTAIN: None

ATTEST:



Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



City Attorney

Exhibit "A"

Item 1	Fireworks Display Unlimited LLC	\$18,500

FIREWORKS DISPLAYS UNLIMITED, LLC

SPECTACULAR CUSTOM FIREWORKS DISPLAYS AND SPECIAL FX
FOR ANY OCCASION
STRICTLY ELECTRONICALLY FIRED DISPLAYS

PROPOSAL FOR FIREWORKS DISPLAY

Sponsors : **City of Marathon**
Contact : Jimmy Schmitt
Date of Display : July 4th, 2013
Location : Sombrero Beach
Time : 9:00 pm
Duration : Approximately 40 minutes
Show Price : \$18,500.00
Remarks : **Includes labor, transport, insurance, pyrotechnician with crew, and equipment rental.**

We the undersigned, being interested in a fireworks display for **City of Marathon**, agree to pay a price of **\$18,500.00** for the display agreed upon, which will be furnished by Fireworks Displays Unlimited, LLC.

The undersigned, intending to be legally bound, agree as follows:

1. Sponsor to make payment in full of the contract price at time of display or no later than 10 days post event.
2. SPONSOR'S AGENT: **Jimmy Schmitt** shall be designated as sponsor's agent to whom all questions and inquiries shall relay all questions and inquiries. Sponsor's agent shall be the only agent of sponsor authorized to request rescheduling of the delivery and exhibition of the fireworks on the part of sponsor.
3. If event is on land, sponsor to furnish police and/or crowd security personnel, provide proper parking supervision and insure adequate patrol of the safety zone as marked and secured by the sponsor until Fireworks Displays Unlimited, LLC. advises that it is no longer necessary. Fireworks Displays Unlimited, LLC is not responsible for clean-up of land based shows other than company equipment, supplies and packing materials. A land based fireworks show produces debris. Sponsor shall be responsible for the clean-up of any such debris.
4. If event is over water, Fireworks Displays Unlimited will be responsible for marine permit and control of safety zone.

5. Fireworks Displays Unlimited, LLC reserves the right to terminate the display in the event persons, vehicles, or animals enter the secured safety zone and security is unable or unwilling to remove them and enforce the safety regulations.
6. Fireworks Displays Unlimited, LLC. will furnish all applicable licenses, permits and \$1,000,000 liability insurance and pyrotechnicians for your electronically fired display.
7. Hold harmless Fireworks Displays Unlimited, LLC from any claims that do not directly or indirectly relate to damages produced by its staff, equipment or pyrotechnic material subject to the statutory limits pursuant to section 768.28, Florida Statutes.
8. CREDITS: As a material inducement to Fireworks Displays agreeing to enter into this agreement, Sponsor shall give Fireworks Displays program credit as sole fireworks supplier and producer in all press releases, advertising and any other program announcements, printed or otherwise.
9. If show is cancelled, sponsor is responsible for any permit, fire watch or barge/tug fees, if applicable. Additionally, sponsor will be responsible for load in/ load out expenses not to exceed 50% of budget.
10. If wind exceeds 20 miles per hour, fireworks display will be postponed to an agreed date between sponsor and Fireworks Displays Unlimited, LLC.
11. Rain date policy is as follows: Postponement time is 11:30am day of display.
12. If the delivery and/or exhibition of the fireworks is postponed by reason of inclement weather, it shall be re-scheduled to the Inclement Weather Date set forth above.
13. **IMPORTANT NOTE:** Items listed in this proposal assume a firing area that conforms to NFPA Code 1123-1995, which states that there must be at least 70 feet per inch of shell diameter between firing site and any spectators, cars or buildings. This program requires a safety zone that has a radius of 420 feet because of the inclusion of 6-inch shells. Adjustments will be made to the content of this program if necessary to conform to NFPA 1123-1995.

Firepower Displays Unlimited, Inc., upon acceptance of this contract in writing, agrees to fulfill the contract in a workmanlike and professional manner.

Accepted this day of 27th of March 2013

On behalf of City of Marathon, [Signature]

On behalf of Fireworks Displays Unlimited, LLC. [Signature],
 Gary Avins, President

OPENING BARRAGE

60 - THREE INCH SHELLS - **TITANIUM SALUTES** – these shells explode into a burst of brilliant white lights and booming reports, **ASSORTED COLOR, PEONIES & CHRYSANTHEMUMS** – bursts resembling a round and weeping flower pattern.

18 - FOUR-INCH SHELLS - **ASSORTED COLOR, PEONIES & CHRYSANTHEMUMS** – bursts resembling a round and weeping flower pattern, **WHISTLES** – a break of color followed by whistles.

8 - FIVE-INCH SHELLS - **FANCY STAR SHELLS** – Assorted brilliant colors in various patterns, **ASSORTED TWO, THREE & FOUR COLOR CHANGING CHRYSANTHEMUMS & PEONIES** – two, three or four distinct color changes that resemble a round and weeping flower pattern.

9 - SIX-INCH SHELLS - **FANCY STAR SHELLS** - Assorted brilliant colors in various patterns, **ASSORTED TWO, THREE & FOUR COLOR CHANGING CHRYSANTHEMUMS & PEONIES** – two, three or four distinct color changes that resemble a round and weeping flower pattern.

BODY OF SHOW

270 - THREE INCH SHELLS - **ASSORTED COLOR, PEONIES & CHRYSANTHEMUMS** – bursts resembling a round and weeping flower pattern, **ASSORTED COLOR & CRACKLING EFFECTS** – assorted color peonies and chrysanthemums with crackling effects, **FANCY STAR SHELLS** – Assorted brilliant colors in various patterns, **SPIDERWEBS** – long hanging fine webs of gold, silver or assorted colors, **GOLDEN, SILVER, GLITTERING OR CRACKLING PALM TREES** – a palm tree image with different forms with trunk-like rising effect, **ASSORTED TWO COLOR CHANGING CHRYSANTHEMUMS & PEONIES** – two distinct color changes that resemble a round and weeping flower pattern, **ASSORTED COLOR BROCADES** – a dense golden, silver or assorted color effect ending at the tips with an umbrella-like canopy cascading and falling low, **ASSORTED COMETS**, bright luminous thick tail with comet-like appearance with various colors, **ASSORTED TIGERTAILS**, similar to comets, **ASSORTED MINES**, projects various types of effect and colored stars that are launched and ignited at a low altitude.

180 - FOUR INCH SHELLS - **ASSORTED COLOR, PEONIES & CHRYSANTHEMUMS** – bursts resembling a round and weeping flower pattern, **WHISTLES** – a break of color, followed by whistles, **SCREAMING DRAGONS** – a break of bright magnesium colors followed by loud screaming whistle, **GOLD FLITTER, SILVER OR GLITTER CROSSETTES** - exploding comets crackling into criss-crossing effects, **FANCY STAR SHELLS** – Assorted brilliant colors in various patterns, **SPIDERWEBS** – long hanging fine webs of gold or silver, **TOURBILLIONS** – titanium silver spinning effects, **WILLOWS** – golden, silver or assorted colors of very fine lines with an umbrella like effect cascading slowly, **RINGSHELLS** – assorted ring patterns of different colors of one, two, three or five different colors, **GOLDEN, SILVER, GLITTERING OR CRACKLING PALM TREES** – a palm tree image with trunk-like different forms, **ASSORTED TWO and THREE COLOR CHANGING CHRYSANTHEMUMS & PEONIES** – two or three distinct color changes that resemble a round and weeping flower pattern, **STROBES** – a variety of bright twinkling shells, **ASSORTED COLOR BROCADES** – a dense golden, silver or assorted color effect ending at the tips with an umbrella-like canopy cascading and falling low, **MULTI-BREAK SALUTE SHELLS** – a variety of salute effects that incorporate multiple powerful reports into the display, **ASSORTED COMETS**, bright luminous thick tail with comet-like appearance with various colors, **ASSORTED TIGERTAILS**, similar to comets, **ASSORTED MINES**, projects various types of effect and colored stars that are launched and ignited at a low altitude.

88 - FIVE INCH SHELLS - **FANCY STAR SHELLS** – Assorted brilliant colors in various patterns, **SPIDERWEBS** – long hanging fine webs of gold or silver, **TOURBILLIONS** – titanium silver spinning effects, **GOLD FLITTER, SILVER OR GLITTER CROSSETTES** – exploding comets crackling into criss-crossing effects, **WILLOWS** - golden, silver or assorted colors of very fine lines with an umbrella like effect cascading, **RINGSHELLS** – assorted ring patterns of different colors of one, two, three or five different colors, **GOLDEN, SILVER, GLITTERING OR CRACKLING PALM TREES** – a palm tree image with different forms with trunk-like rising effect, **GOLD OR SILVER RAIN** – slow cascading gold or silver effect, **ASSORTED TWO, THREE & FOUR COLOR CHANGING CHRYSANTHEMUMS & PEONIES** – two, three or four distinct color changes that resemble a round and weeping flower pattern, **STROBES** – a variety of bright twinkling shells, **ASSORTED COLOR BROCADES** – a dense golden, silver or assorted color effect ending with an umbrella-like canopy cascading and falling low, **MULTI-BREAK SALUTE SHELLS** – a variety of salute effects that incorporate multiple powerful reports into the display, **STAR FISH** – group of large glittering tail comet stars, **CRISS-CROSS OR BEES**, assorted color bees or criss-cross.

117 - SIX INCH SHELLS - **FANCY STAR SHELLS** – Assorted brilliant colors in various patterns, **SPIDERWEBS** – long hanging fine webs of gold or silver, **TOURBILLIONS** – titanium silver spinning effects, **GOLD FLITTER, SILVER OR GLITTER CROSSETTES** – exploding comets crackling into criss-crossing effects, **WILLOWS** - golden, silver or assorted colors of very fine lines with an umbrella like effect cascading slowly, **RINGSHELLS** – assorted ring patterns of different colors of one, two, three or five different colors, **GOLDEN, SILVER, GLITTERING PT CRACKLING PALM TREES** – a palm tree image of different forms with trunk-like rising effect, **GOLD OR SILVER RAIN** – slow cascading gold or silver effect, **ASSORTED TWO, THREE & FOUR COLOR CHANGING CHRYSANTHEMUMS & PEONIES** – two, three or four distinct color changes that resemble a round and weeping flower pattern, **STROBES** – a variety of bright twinkling shells, **ASSORTED COLOR BROCADES** – a dense golden effect with an umbrella-like canopy cascading and falling low, **ASSORTED COLOR PARACHUTE** – assorted cascading effect from parachute, **SHELL OF SHELLS OR THOUSAND FLOWER** – multi-color star shell with additional smaller shells dispersed outside resembling blooming flowers, **MULTI-BREAK SALUTE SHELLS** – a variety of salute effects that incorporate multiple powerful titanium reports into the display, **ASSORTED COLOR & CRACKLING EFFECTS** – assorted color peonies and chrysanthemums with crackling effects, **WILLOWS** - very fine lines with an umbrella like effect cascading slowly, **FANCY PATTERNS** – five pointed star shapes, hearts, smiling face, etc..., **STAR FISH** – group of large glittering tail comet stars. effect with an umbrella-like canopy cascading and falling low, **SHELL OF SHELLS** – multi-color star shell with additional smaller shells dispersed outside.

GRAND FINALE

420 - THREE INCH SHELLS - **TITANIUM SALUTES** – these shells explode into a burst of brilliant white lights and booming reports, **ASSORTED COLOR, PEONIES & CHRYSANTHEMUMS** – bursts resembling a round and weeping flower pattern, **FANCY STAR SHELLS** – Assorted brilliant colors in various patterns, **SPIDERWEBS** – long hanging fine webs of gold or silver, **ASSORTED COLOR & CRACKLING EFFECTS** – assorted color peonies and chrysanthemums with crackling effects, **WILLOWS** - very fine lines with an umbrella like effect cascading slowly, **ASSORTED COLOR BROCADES** – a dense golden, silver or assorted color effect ending at the tips with an umbrella-like canopy cascading and falling low, **WILLOWS** - very fine lines with an umbrella like effect cascading slowly,

72 - FOUR INCH SHELLS - **ASSORTED COLOR, PEONIES & CHRYSANTHEMUMS** – bursts resembling a round and weeping flower pattern, **FANCY STAR SHELLS** – Assorted brilliant colors in various patterns, **SPIDERWEBS** – long hanging fine webs of gold or silver, **ASSORTED COLOR & CRACKLING EFFECTS** – assorted color peonies and chrysanthemums with crackling effects, **WILLOWS** - very fine lines with an umbrella like effect cascading slowly, **ASSORTED COLOR BROCADES** – a dense golden, silver or assorted color effect ending at the tips with an umbrella-like canopy cascading and falling low.

24 - FIVE INCH SHELLS - **FANCY STAR SHELLS** – Assorted brilliant colors in various patterns, **ASSORTED TWO and THREE COLOR CHANGING CHRYSANTHEMUMS & PEONIES** – two or three distinct color changes that resemble a round and weeping flower pattern.

18 - SIX INCH SHELLS - **FANCY STAR SHELLS** – Assorted brilliant colors in various patterns, **ASSORTED TWO and THREE COLOR CHANGING CHRYSANTHEMUMS & PEONIES** – two or three distinct color changes that resemble a round and weeping flower pattern.

OVER 1,200 SHOTS – Assorted Finale Barrage, Titanium Reports, Whistles, Assorted Color, Tourbillions.

TOTAL SHELLS

	OPENING	BODY	FINALE	TOTAL SHELLS
3" SHELLS	60	270	420	750
4" SHELLS	18	180	72	270
5" SHELLS	8	88	24	120
6" SHELLS	9	117	18	144
CAKES	2	6	4	12