

1. Requested Motion:

Meeting Date: May 7, 2012

Authorize staff to enter into an agreement to purchase fireworks from Garden State Fireworks, Inc. of Millington, NJ for the 4th of July fireworks show; purchase price not to exceed \$31,500.

Why the action is necessary: Garden State Fireworks, Inc. has produced the 4th of July show for over 20 years under the direction of local volunteers.

What the action accomplishes: Permits staff to work with the Garden State Fireworks, Inc. to develop the agreement, plan and cost of the July 4th fireworks show.

2. Agenda:

- Consent
- Administrative

3. Requirement/Purpose:

- Resolution
- Ordinance
- Other

4. Submitter of Information:

- Council
- Town Staff
- Town Attorney

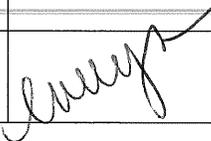
5. Background: The annual Fort Myers Beach 4th of July Fireworks Show has traditionally been a volunteer event orchestrated by many local volunteers and sponsors under the leadership of Bill Semmer and his family. Following the New Year's Eve Celebration, the Town was advised that the Semmer Family no longer could continue this effort. Garden State Fireworks, Inc. has been the "pyrotechnics of choice" for more than 20 years. Garden State is familiar with the launch site, the transportation issues and set-up details. The cost of the 4th of July fireworks celebration is expected to be in excess of \$25,000. The purchasing policies allow the Town to purchase goods under a contract awarded by another governmental entity if the purchase is advantageous for the Town. Staff has identified another governmental entity – *the City of Las Cruces, New Mexico* - who has contracted with Garden State Fireworks, Inc. for a fireworks show similar to the Town's program. The Finance Director has reviewed the bid package from Las Cruces and determined that the purchase would be advantageous to the Town for the current year. (Memo attached)

6. Alternative Action:

- Option #1: Deny this request and do not enter into any agreements to secure a fireworks program.
- Option #2: Deny this request and direct staff to prepare a Request for Proposal.

7. Management Recommendations: Approve requested motion

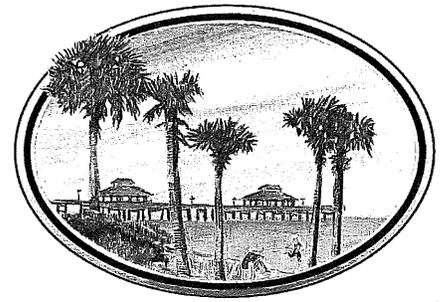
8. Recommended Approval: Authorize staff to work with Garden State Fireworks, Inc. to develop a Professional Services Contract to produce the 2012 Fort Myers Beach 4th of July Fireworks Show.

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

9. Council Action:

- Approved
- Denied
- Deferred
- Other

Town of Fort Myers Beach



Memo

To: Terry Stewart, Town Manager

From: Evelyn Wicks, Finance Director

Date: April 25, 2012

Re: Fireworks Program July 4th, 2012

Evelyn Wicks

Fireworks displays in Fort Myers Beach have traditionally been volunteer events. We were informed recently that the volunteer group would not be able to continue so the Town would be required to take over the programs. The anticipated cost of the show will exceed \$25,000 for the July 4th show. It became readily apparent that time was of the essence for the event planning for this year. Because the anticipated cost would require a sealed competitive bid, which may be time consuming, we looked for other alternatives. The purchasing manual specifically addresses purchases of goods from contracts awarded by other governmental entities by competitive bid.

Section 5, part F: *The purchase of goods under a contract awarded by another governmental entity is authorized provided the Finance Director makes a written determination that time and expense factors make it financially advantageous for the Town to do so. In making that determination, the Finance Director shall consider the number of bids so solicited by the other governmental entity and whether the Town's Vendor list includes entities that did not submit a bid to such other entity. Contract(s) awarded by another governmental entity which exceed \$25,000 must be approved by Town Council.*

The City of Las Cruces, New Mexico entered into an agreement with Garden State Fireworks, Inc. of Millington, New Jersey for a choreographed fireworks display. The City issued a request for proposal to solicit bids to choreograph, program, store, wire and fire the display for the Fourth of July Celebration. The Contractor shall provide all qualified personnel, transportation, storage, locating equipment, and any other required materials to perform the services as required in accordance with the applicable laws.

I have reviewed the documents (*listed below*) from Las Cruces, New Mexico.

- Request for Proposal
- Addendums to the RFP
- Authorization to utilize Contract # 09-10-476 Las Cruces, NM
- Proposal Evaluation Report
- Professional Services Agreement which includes the following:
 - 1) Project description
 - 2) Scope of Services
 - 3) Compensation
 - 4) Changes and Extra Services
 - 5) Schedule
 - 6) Delays
 - 7) Disclosure & ownership of documents, products, design, electronic files
 - 8) Scope of agreement
 - 9) Independent Contractor
 - 10) Devotion of adequate time
 - 11) Insurance
 - 12) Indemnity and limitation
 - 13) No joint venture or partnership
 - 14) Extensions, changes and amendments
 - 15) Termination
 - 16) Breach
 - 17) Disputer Resolutions
 - 18) Assignment
 - 19) Records and Audits
 - 20) Appropriations
 - 21) Applicable Law
 - 22) Notifications

I have determined that the RFP process and the Professional Services Agreement are consistent with the Town's purchasing procedures and policies. For the current year, it will be advantageous both financially and time-wise to "piggy back" with the Las Cruces agreement.

Please let me know if I can provide any additional information or answer any questions. The documents from Las Cruces are available in my office for your review.
