

BILL NO. 471

ORDINANCE NO. 452

INTRODUCED BY: Trustees Slama, Young, Graves, Fortune and Whitmore

**AN ORDINANCE APPROVING SELECTION OF J & M DISPLAYS, INC. AS DISPLAY OPERATOR FOR THE 2015 VILLAGE FIREWORKS DISPLAY, AUTHORIZING NOTICE OF INTENT TO AWARD AND EXECUTION OF NEGOTIATED CONTRACT**

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WHEREAS, an invitation for public bids was published and issued on Monday, January 12, 2015, and were received and opened Monday, February 2, 2015; and

WHEREAS, J & M Displays, Inc. was deemed to be the best and most responsive bidder in the sum of \$19,900 for the 2015 Fireworks Display; and

WHEREAS, the Board of Trustees wishes to accept such bid

NOW THEREFORE, BE IT ORDAINED, by the Board of Trustees of the Village of Twin Oaks, St. Louis County, Missouri, as follows:

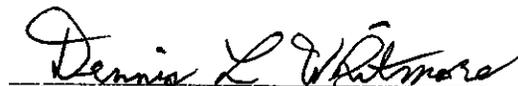
Section 1. The bid of J & M Displays, Inc. as referenced above and incorporated herein as EXHIBIT "A", is accepted by the Board of Trustees.

Section 2. The Village Clerk/Controller is authorized to give Notice of Intent to Award subject to final contract terms to be negotiated between Village Counsel and bidder. Said Contract, upon review of the Board of Trustees shall be appended to this Ordinance and incorporated herein as EXHIBIT "B".

Section 3. The Board Chairman and Village Clerk are hereby authorized and directed to execute said Contract.

Section 4. This Ordinance shall be in full force and effect from and after its passage as by law provided.

PASSED and APPROVED this 4 day of March, 2015.



Dennis L. Whitmore, Chairman  
Board of Trustees

ATTEST:

First Reading 3-4-2015

Kathy A. Runge  
Kathy A. Runge  
Village Clerk/Controller

Second Reading 3-4-2015

# EXHIBIT "A"

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NOTE: Contains the following documents:

- 1) Two page letter from J & M Displays dated January 15, 2015 responding to Bid Invitation;
- 2) E-mail from Tim Zurmuehlen dated February 18, 2015 with Five page Amended Display Proposal



January 15<sup>th</sup>, 2015

Attn: Kathy Runge, Village Clerk  
Village of Twin Oaks  
1393 Big Bend Rd. Ste. F  
Twin Oaks, MO 63021

RE: 2015 Fireworks

Dear Fireworks Committee:

Thank you for giving J&M Displays the opportunity to present a bid for the Village of Twin Oaks July 3<sup>rd</sup>, 2015 fireworks display. A brief history and description of J&M Displays, Inc. and its operation can be found on the inside cover of this bid package.

It has been J&M's pleasure to present the annual Independence Day fireworks display for the Village of Twin Oaks in the past and we would love to resume that tradition.

Enclosed are two proposals for your review, one proposal would be shot to a 20 minute soundtrack and the other is a fully choreographed pyromusical at no extra cost. These custom designed displays will last a minimum of 20 minutes and be electronically fired using state-of-the-art pyrodigital software. This allows for a precisely paced and seamless presentation. A description of our choreography service is enclosed.

Each show also includes a good variety of the popular J&M brand shells, known for their bright hues and dense star bursts. These proposals include a breakdown of the show into the opening, main body and finale with a complete listing of shell sizes, quantities and descriptions. A photo from our Fair St. Louis show is included, highlighting the vivid colors and pattern uniformity of the J&M brand shells.

J&M Displays stores the largest inventory of 1.3G display grade fireworks in the Midwest. Our shows are designed using a vast array of unique special effect shells with little to no repetition. In addition, J&M has extended our largest discounts bringing the value of these shows to over \$29,000 for \$19,900. The large discount is in lieu of bonus product, which you have gotten in the past. Since this is a 1-year contract, we didn't want to require your participation in the two bonus programs for 2015.

J&M Displays presents over 100 displays in the State of Missouri throughout the year, including the July 4<sup>th</sup> display in downtown St. Louis. Often, in the bid requests we receive for MO shows they cite the MO statute regarding companies that utilize MO products and manufacturers. A copy is enclosed for your review. Much of the product included in your proposal was produced by Global Pyrotechnic Solutions (GPS), which is headquartered in Dittmer, MO. We have also enclosed a copy of our membership letter for the West St. Louis Chamber of Commerce. It has been J&M's pleasure to be a longtime supporter of Missouri based businesses and organizations.

As requested, we have enclosed a list of references and letters of recommendation for your review.

Below is a list of additional contract extensions included with this proposal:

- Professional pyrotechnicians will set up, fire, and clean up after the display. Matt Zurmuehlen, who has been the lead technician in the past, is familiar with the shoot site and will again assemble an experienced team of local MO technicians to fire the show. Because this is their hometown, these local technicians take personal pride in presenting the best show possible to their community! A copy of Matt's resume is enclosed. If awarded the bid, J&M will provide a complete list of personnel assigned to the show upon request.

10064 170th Avenue  
Des Moines, Iowa 52660-9772  
1-800-648-3890  
Fax: 1-319-394-3265  
Email: main@jandmdisplays.com  
www.jandmdisplays.com

Fireworks Committee

January 15th, 2015

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- Fireworks will be delivered by a Department of Transportation HazMat certified driver and vehicle covered under our \$10,000,000 insurance policy. Our general liability insurance is through Everest, which carries a rating of A++XIV. A copy is included for your review.
- J&M guarantees product quality and performance. The dollar value of any unfired product may be refunded or credited to the following year's display.
- J&M personnel will be available for any pre-show meetings with City officials and sponsors.
- J&M pyrotechnicians are covered under \$10,000,000 of workers compensation insurance.
- If your event cannot be held because of inclement weather, a rain date of July 5<sup>th</sup>, 2015, can be designated on the insurance certificate.
- The cost of this electronically fired display is all-inclusive and will not exceed \$19,900. All prices will remain firm for 2015.
- The J&M shoot team will arrive the day before the display to begin set-up of the firing equipment. Set up will resume the following morning. Once product has been loaded, the site will be manned until clean up after the show. J&M abides by all regulations as put forth in the NFPA 1123 code for fireworks displays. A written safety plan has been included for your review.
- J&M will obtain all necessary permits.
- Payment may be made up to 30 days after your display.

We appreciate the opportunity to present a bid for the Village of Twin Oaks 2015 Independence Day Display. Should you have any questions regarding this information, please do not hesitate to contact us.

Regards,



James J. Oetken  
President

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Enclosures

# J & M Displays Proposal For: Village of Twin Oaks

## Main Event

### Multi-shell Barrage Units

Quantity	Name	Rising Effect	Price	Total
2	Red and silver crossette 100 shot Z shape		\$136.90	\$273.80
2	Assorted effects 100 shot Z shape		\$178.40	\$356.80
1	Color crackling and reports 100 shot Z shape		\$245.70	\$245.70
Category shell Count: 500				\$876.30

### 3 Inch Salutes

Quantity	Name	Rising Effect	Price	Total
20	Silver sparked salute with rising crackling tail		\$8.85	\$177.00
Category shell Count: 20				\$177.00

### 3 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
2	Brocade crown with silver strobing pistil		\$18.30	\$36.60
2	Crackling Kamuro Chrysanthemum		\$18.30	\$36.60
2	Crackling small flowers		\$18.30	\$36.60
2	Crossette assorted		\$18.30	\$36.60
4	Crown to glittering		\$18.30	\$73.20
2	Glittering gold to Emerald kamuro w/ strobe pistil		\$18.30	\$36.60
2	Glittering willow	glitter tail	\$18.30	\$36.60
2	Glittering willow ring		\$18.30	\$36.60
2	Glittering willow waterfall	glitter tail	\$18.30	\$36.60
4	Gold willow (waterfall) to variegated		\$18.30	\$73.20
2	Green chrysanthemum with crackling		\$18.30	\$36.60
4	Half red half blue with silver peony ring		\$18.30	\$73.20
4	Multi-color comets		\$18.30	\$73.20
2	Nishiki kamuro niagara falls		\$18.30	\$36.60
2	Nishiki kamuro niagara falls with variegated pistils		\$18.30	\$36.60
2	Purple kamuro chrysanthemum with silver pistil		\$18.30	\$36.60
2	Red and blue chrysanthemum with crackling		\$18.30	\$36.60
2	Red gamboge to variegated		\$18.30	\$36.60
2	Reddish gamboge to blue to red		\$18.30	\$36.60
2	Reddish gamboge to purple to golden strobing		\$18.30	\$36.60
4	Silver Flower Wave Coconut		\$18.30	\$73.20
2	Variegated kamuro with variegated pistil		\$18.30	\$36.60
2	Variegated meteor		\$18.30	\$36.60
2	Varigated peony to crackling		\$18.30	\$36.60
2	White flashing willow		\$18.30	\$36.60
2	Willow with strobe pistil	gold tail	\$18.30	\$36.60
2	Assortment C of 20 different J&M Brand shells ELECTRIC FIRE		\$192.00	\$384.00
2	Assortment F of 20 different J&M Brand Shells ELECTRIC FIRE	mixed tails	\$192.00	\$384.00
2	Assortment G Of 20 different J&M shells ELECTRIC FIRE		\$192.00	\$384.00
2	Assortment K Of 20 different J&M Brand shells ELECTRIC FIRE		\$192.00	\$384.00
2	Assortment M of 20 different J&M Brand Shells ELECTRIC FIRE	mixed tails	\$192.00	\$384.00
2	Assortment Y of 10 pairs of 3" J&M shells ELECTRIC FIRE		\$192.00	\$384.00
Category shell Count: 302				\$3,438.60

# J & M Displays Proposal For: Village of Twin Oaks

## Main Event

### 3 Inch Special Effect Shells

Quantity	Name	Rising Effect	Price	Total
2	GPS 3in Chartreuse and white flitter		\$25.15	\$50.30
2	GPS 3in Lagoon Lime and gold flitter		\$25.15	\$50.30
2	GPS 3in Lagoon lime pumpkin and white		\$25.15	\$50.30
2	GPS 3in Lavender and gold flitter		\$25.15	\$50.30
2	GPS 3in Orange and white flitter		\$25.15	\$50.30
2	GPS 3in Pink and white flitter		\$25.15	\$50.30
2	GPS 3in Pumpkin and white flitter		\$25.15	\$50.30
2	GPS 3in Purple green and gold flitter		\$25.15	\$50.30
2	GPS 3in Red		\$25.15	\$50.30
2	GPS 3in Red white and blue		\$25.15	\$50.30
2	GPS 3in White		\$25.15	\$50.30
2	GPS 3in White glass		\$25.15	\$50.30
2	Happy face pattern		\$25.15	\$50.30
2	Lemon strobe		\$25.15	\$50.30
Category shell Count: 28				\$704.20

### 4 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
2	Blue lemon and pink glittering coconut	strobe tail	\$30.95	\$61.90
4	Colored Bees assorted		\$30.95	\$123.80
2	Glitter crossette	flower crown tail	\$30.95	\$61.90
2	Magenta sky blue and lemon dahlia with white glitter pistil		\$30.95	\$61.90
2	Orange violet and lime dahlia with white glitter pistil		\$30.95	\$61.90
2	Rainbow crossette		\$30.95	\$61.90
2	Red and blue crossette		\$30.95	\$61.90
2	Red and blue dahlia with silver bees		\$30.95	\$61.90
2	Red Bees		\$30.95	\$61.90
2	Red Coco Crossette	red tail	\$30.95	\$61.90
2	Red purple and yellow dahlia with white glitter pistil		\$30.95	\$61.90
2	Red to dark to blue		\$30.95	\$61.90
2	Silver Flower Wave Coconut		\$30.95	\$61.90
2	Spiral ring pattern		\$30.95	\$61.90
2	Super Splendid Flowers- Red & Blue to Silver Strobe		\$30.95	\$61.90
2	Three color comet shell with pistil assorted		\$30.95	\$61.90
2	Tracer assorted		\$30.95	\$61.90
2	Twitter glitter to blue with red strobe pistil		\$30.95	\$61.90
2	White flashing willow	silver tail	\$30.95	\$61.90
2	Willow with strobe pistil	gold tail	\$30.95	\$61.90
2	Assortment C of 20 different J&M Brand Shells ELECTRIC FIRE		\$332.00	\$664.00
2	Assortment F of 20 different J&M Brand shells ELECTRIC FIRE	mixed tails	\$332.00	\$664.00
2	Assortment G of 20 different J&M Brand Shells ELECTRIC FIRE		\$332.00	\$664.00
2	Assortment K Of 20 different J&M Brand shells ELECTRIC FIRE		\$332.00	\$664.00
2	Assortment P of 20 different J&M Brand shells ELECTRIC FIRE	mixed tails	\$332.00	\$664.00
2	Assortment Q of 10 Patriotic pairs of 4" J&M Brand shells		\$332.00	\$664.00
Category shell Count: 282				\$5,283.90

# J & M Displays Proposal For: Village of Twin Oaks

## Main Event

### 4 Inch Special Effect shells

Quantity	Name	Rising Effect	Price	Total
4	Blue and red meteor shower		\$38.90	\$155.60
2	Crackling coconut		\$38.90	\$77.80
2	Crackling Kamuro Chrysanthemum		\$38.90	\$77.80
2	Glittering silver to blue to red with strobing pistol		\$38.90	\$77.80
4	Glittering silver to red to blue		\$38.90	\$155.60
2	GPS 4in Blue		\$38.90	\$77.80
2	GPS 4in Chartreuse and white flitter		\$38.90	\$77.80
2	GPS 4in Gold flitter		\$38.90	\$77.80
2	GPS 4in Kaleidoscope		\$38.90	\$77.80
2	GPS 4in Lagoon Ilme and gold flitter		\$38.90	\$77.80
2	GPS 4in Lagoon Ilme pumpkin and white flitter		\$38.90	\$77.80
2	GPS 4in Lavender and gold flitter		\$38.90	\$77.80
2	GPS 4in Orange and white flitter		\$38.90	\$77.80
2	GPS 4in Pink and white flitter		\$38.90	\$77.80
2	GPS 4in Pumpkin and white flitter		\$38.90	\$77.80
2	GPS 4in Purple and gold flitter		\$38.90	\$77.80
2	GPS 4in Purple green and gold flitter		\$38.90	\$77.80
2	GPS 4in Red		\$38.90	\$77.80
2	GPS 4in Red white and blue		\$38.90	\$77.80
2	GPS 4in White canister shell		\$38.90	\$77.80
2	GPS 4in White glass		\$38.90	\$77.80
3	Artillery		\$52.30	\$156.90
2	Diamond screamer and variegated stars		\$52.30	\$104.60
2	Go-getter assorted colors		\$52.30	\$104.60
2	Green and purple with artillery		\$52.30	\$104.60
2	Green and purple with silver serpents		\$52.30	\$104.60
2	Green with whistles		\$52.30	\$104.60
2	Lemon and purple with artillery		\$52.30	\$104.60
2	Lemon with whistles		\$52.30	\$104.60
2	Multi color dahlia with spangle crackling pistol		\$52.30	\$104.60
2	Orange and green with artillery		\$52.30	\$104.60
2	Red and blue with artillery		\$52.30	\$104.60
2	Red and blue with whistles		\$52.30	\$104.60
2	Red gamboge to crackling with red swimming		\$52.30	\$104.60
2	Red Gamboge to multi color swimming chrysanthemum		\$52.30	\$104.60
Category shell Count: 75				\$3,306.10
Section shell Count: 1207				\$13,786.10

## Walls

### 3 Inch Mines and Comets

Quantity	Name	Rising Effect	Price	Total
10	White Strobe Comet		\$18.05	\$180.50
10	Gold glitter comet		\$26.15	\$261.50
10	Green glitter comet		\$26.15	\$261.50
10	Red glitter comet		\$26.15	\$261.50
Category shell Count: 40				\$965.00
Section shell Count: 40				\$965.00

## J & M Displays Proposal For: Village of Twin Oaks

### **Finales**

#### **3 Inch Finales**

Quantity	Name	Rising Effect	Price	Total
20	Color finale red white and blue 10 shot	mixed tails	\$115.00	\$2,300.00
Category shell Count: 200				\$2,300.00

#### **4 Inch Finales**

Quantity	Name	Rising Effect	Price	Total
10	Red white and blue dahlia finale 8 shot	mixed tails	\$181.95	\$1,819.50
16	Red white and blue dahlia finale 8 shot	mixed tails	\$181.95	\$2,911.20
6	Artillery finale 8 shot		\$198.40	\$1,190.40
Category shell Count: 256				\$5,921.10
Section shell Count: 456				\$8,221.10

### **Miscellaneous**

#### **Ignition Items**

Quantity	Name	Rising Effect	Price	Total
600	Igniter 2 meter leads		\$1.90	\$1,140.00
205	Igniter 3 meter leads		\$1.90	\$389.50
1	Wire 22 gauge copper duplex 500 foot		\$28.70	\$28.70
Category shell Count: 0				\$1,558.20
Section shell Count: 0				\$1,558.20

## J & M Displays Proposal For: Village of Twin Oaks

**This proposal includes an extension of our \$10,000,000.00 spectator liability insurance, and workers compensation on our shoot team.**

Fireworks price:	\$24,530.40	Total shell count:	1703
Discount:	<u>\$9,730.40</u>	Packing check:	1154
Sub-total Fireworks:	<b>\$14,800.00</b>	Date of display:	7/3/2015
Sales tax:		Customer number:	10896
Option sales tax:			
Insurance processing :	\$2,000.00		
License and permit:	\$200.00		
Shoot fee	\$2,100.00		
Delivery:	\$800.00		
Musical firing:			
Shoot cost:			
Total price of show:	<b>\$19,900.00</b>		

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**Total value of show is \$29,630.40. Your price is \$19,900.00**

Free Items Summary

### **Please note the following comments:**

The data in this proposal is confidential, and is to be accorded confidential treatment and shall not be disclosed other than to the official representative of the organization listed on the cover, and only then when in the evaluation of this proposal. Any reproduction of the contents of this proposal, whether in whole or in part, is expressly forbidden. J & M Displays, Inc. requests that all information be safeguarded from release pursuant to any request under the Freedom of Information Law of this state or any other state or jurisdiction; as it may cause competitive disadvantage to our company. The enclosed concepts and materials are the sole and exclusive property of J & M Displays, Inc. We reserve the right to make substitutions of equal or greater value. Prices and specifications are subject to change without notice.

**FIREWORKS DISPLAY AGREEMENT**

THIS AGREEMENT is made and entered into this 23 day of April, 20 15, by and between J & M Displays, Inc., an Iowa corporation, having its principal place of business at Yarmouth, Iowa, hereinafter referred to as "Seller", and the Village of Twin Oaks, Missouri, hereinafter referred to as "Buyer".

Seller shall furnish to Buyer one (1) fireworks display, as per the \$19,900.00 program submitted and accepted by the Buyer, and which by reference is made a part hereof as Exhibit "A". The display is to take place on the evening of July 3, 2015, at approximately \_\_\_\_\_:\_\_\_\_\_ pm, weather permitting.

IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. **Firing of Display.** Seller agrees to furnish all necessary fireworks display material and personnel for a fireworks display in accordance with the program approved by the parties. Seller agrees to comply with all local, state, and federal guidelines pertaining to the storing and displaying of fireworks and to obtain all required permits. The program shall be fully assembled and ready to fire by 6:30 pm on the date of performance.

2. **Payment.** The sum of \$9,950.00 as a down payment is due upon execution of this Agreement. The balance of \$9,950.00 shall be due and payable in full within thirty (30) days after the date of the fireworks display. A service charge of one and one-half percent (1 ½%) per month shall be added to the unpaid balance if the account is not paid in full within thirty (30) days from the date of the show. If this account remains unpaid and is turned over to a collection agency for non-payment, all fees incurred in collecting the balance will be at the Buyer's expense. All returned checks will be assessed a \$30.00 fee.

3. **Weather Delay/Cancellation.** If Buyer postpones or cancels the fireworks display after the Seller has arrived on site and began setting up the display, the Buyer shall pay to the Seller the amount of the shoot fee \$2,100.00 as payment in full for the postponement/cancellation fee. If the Buyer postpones or cancels the display prior to Seller arriving on site for set up, there will be no charge for rescheduling. No explosives shall be stored in the park overnight.

4. **Rain Date.** Should inclement weather prevent the firing of the display on the date mentioned herein, the parties agree to a mutually convenient rain date of July 5, 2015 or another date as agreed to by both parties. The determination to cancel the fireworks display because of inclement weather or unsafe weather conditions shall rest within the sole discretion of the Seller. In the event the Buyer does not choose to reschedule another date or cannot agree to a mutually convenient date with the Seller, then the Seller shall be entitled to thirty percent (30%) of the contract price for full settlement of this Agreement.

5. **Insurance.** Seller agrees to provide, at its expense, general liability insurance coverage, in an amount not less than \$10,000,000, and within two (2) weeks prior to the date of the fireworks display, shall submit to the Buyer, if requested in writing, a certificate of insurance. All entities listed on the certificate of insurance will be deemed an additional insured. In the event of a claim by Buyer, the applicable deductible shall be paid by the Seller.

The Seller agrees to defend, indemnify and hold harmless the Buyer and its agents, and employees from and against all claims, costs, judgments, damages and expenses, including reasonable attorney fees that may or shall arise from the performance of the fireworks by the Buyer. The Buyer agrees to give the Seller prompt notice of any claims or demands and to cooperate with the Seller or its successors in interest or assigns, if any, in the defense of any such claims and/or demands.

6. **Buyer agrees to provide:**

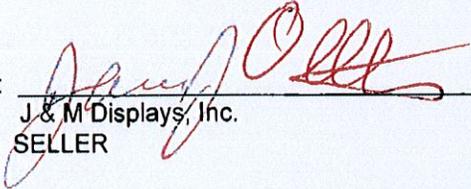
- (a) sufficient area for the display, including a minimum spectator set back as determined by Seller.
- (b) protection of the display area by roping off or similar facility.
- (c) adequate police protection to prevent spectators from entering display area.

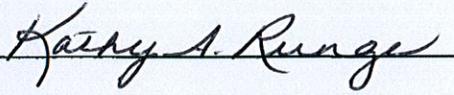
7. No representation of affirmation of fact, including but not limited to statement regarding capacity, suitability for use, or performance of equipment or products shall be, or deemed to be a warranty by the Seller for any purpose, nor give rise to any liability or obligation of the Seller whatsoever, except for acts of Seller's negligence as above stated.

8. It is further understood and agreed that nothing in this Agreement shall be construed or interpreted to mean a partnership. Both parties hereto being responsible for their separate and individual debts and obligations, and neither party shall be responsible for any agreements not stipulated in this Agreement.

9. The parties hereto do mutually and severally guarantee terms, conditions, and payments of this Agreement. This document shall be binding upon the parties, themselves, their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

BY:   
J & M Displays, Inc.  
SELLER

BY:   
BUYER

Please include the DISPLAY INFORMATION form with this Agreement so your order is processed accurately.