

## COUNCIL WORKSHOP ITEM

**ITEM:** Heritage Festival Fireworks display  
**DATE:** March 19, 2002  
**PREPARED BY:** Mary Scalzetti, Director Tourism and Events  
**PURPOSE:** Firework Displays on June 28, 29, & 30, 2002  
**BID AMOUNT:** **\$15,000** **ACCOUNT:** 108.163.000.5410

### DISCUSSION:

Four companies bid on the fireworks display to be held during Heritage Festival June 28, 29, and 30, 2002. They are similar, as we ask for a display, which meets the requirement for NFPA Code 1123, Class C, and stay within a \$5,000, budget per night. They are low- level close proximity fireworks. The display will be held at 10:30pm on Friday and Saturday night and at 10:00 pm on Sunday night, on Warren Avenue between Main Street and Highland.

After reviewing the bids with Richard Berndt, Division Chief of Fire Prevention, he concluded that the bids were similar in that the fireworks were called by different names but were still low proximity in nature. He also advised that Lumina provided a wonderful show last year and worked well with him in satisfying all codes both local and state. I concur with Division Chief Berndt and recommend using Lumina, Inc. as the vendor for the 2002 Heritage Festival Fireworks show.

At their meeting on March 18, 2002, the Tourism and Events Commission unanimously recommended the services of Lumina Inc. as the vendor of the fireworks display at Heritage Festival.

As a side note, Lumina is also giving back to our community by way of entertainment sponsorship at the festival in the amount of \$500.

### ATTACHMENT:

Description listing from Lumina is enclosed.

### RECOMMENDATION:

Review and place on Council Agenda

## **FIREWORKS AGREEMENT**

This Agreement made this \_\_\_\_ day of April 2002, by and between Lumina, Inc. (the “fireworks vendor”), and the Village of Downers Grove.

In consideration of the mutual covenants and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by, Lumina, Inc. and the Village of Downers Grove agree as follows:

1. **Set Up of Fireworks:** The fireworks shall be set up between noon and 6:00 p.m. on June 28 and 29, 2002 and after 5:00 p.m. following the Car Show on June 30, 2001.

2. **Fireworks Program:** Lumina, Inc. shall furnish, erect, and fire under the direction of the Village of Downers Grove, a fireworks display including all items listed on the attached Lumina Inc. fireworks item list attached hereto as Exhibit A and incorporated herein by reference, in the downtown area on Warren Avenue Between Main Street and Highland Avenue. Contractor shall provide a fireworks display lasting approximately seven minutes of continuous firing beginning at 10:30 p.m. on Friday and Saturday, June 28, 29, 2002 and at 10:00 pm on Sunday, June 30, 2002. Program objective shall be to create a spectacular, continuous fire, aerial display visible to an audience viewing from many vantagepoints.

3. **Technicians:** Lumina, Inc. shall provide a chief pyrotechnician, one (1) assistant pyrotechnician and two (2) additional qualified pyrotechnician aides to assist in the erection and firing of the display. Each person shall be an employee of the contractor.

4. **Testing:** Contractor shall perform tests before beginning the official program in order to determine that winds will not carry hot or burning matter where it can cause damage to persons or property. No aerial display may be fired when winds exceed 20 mph or when conditions are deemed unsafe by the Village of Downers Grove.

5. **Safety:** Contractor shall provide at all times in preparation, during and after the fireworks display, a safe and clean operating environment in accordance with the Village of Downers Grove Fire Prevention safety ordinances. Contractor shall provide for his employees and the public safety at all times.

6. **Payment:** The Village of Downers Grove shall pay Lumina, Inc. the sum of \$15,000.00 for three fireworks displays. A check will be sent in the amount of \$15,000.00 within ten days following the Festival.

7. **Insurance:** Lumina Inc. shall, prior to June 20, 2002, provide the Village of Downers Grove with a certificate of insurance demonstrating the following coverage for the event:

- A) a comprehensive general liability insurance policy providing bodily injury, personal injury and property damage coverage in the amount of \$1,000,000.00 per occurrence. Such policy shall be obtained from an insurer acceptable to the Village, shall name the Village of Downers Grove as additional insured, shall be effect during the entire term of the agreement, and shall not be canceled or altered without giving the Village of Downers Grove thirty (30) days prior written notice thereof.
- B) workmen's compensation insurance in the statutory amount and employer's liability coverage in the amount of \$500,000 per occurrence. Such policy shall be obtained from an insurer acceptable to Village, shall name the Village of Downers Grove as an additional insured, shall be in effect during the entire term of the agreement, and shall not be canceled or altered without giving the Village of Downers Grove thirty (30) days prior written notice thereof.

8. **Indemnity:** Lumina, Inc. shall indemnify and hold harmless the Village of Downers Grove, and all of its officers, employees, or agents from any and all suits, actions, and damages and costs which may arise as a result of this agreement, whether caused by negligence or willful conduct of Lumina, Inc., its agents or employees.

9. **Inspection:** The agents of the Village of Downers Grove may, at any time, enter upon the Lumina, Inc. set up area for the purpose of inspecting the equipment and fireworks display to determine public safety and the manner in which it is being used.

10. **Transportation and Storage:** The transportation of fireworks shall be in compliance with the regulations of the U.S. Dept. of Transportation and all state and local motor vehicle laws applicable to the area through which the fireworks are transported. Contractor shall provide necessary safety equipment, proper storage or materials, and security for fireworks at site. Fire extinguishers shall be in plain view and adequate to the size of the display.

11. **Removal of Fireworks:** Removal of the fireworks display debris shall begin following the each nights display which are scheduled to begin at 10:30 p.m. on June 28, 29, and 10:00 pm on June 30, 2002. All cleanup must be completed by 4:00 a.m. on July 1, 2002.

12. **Termination:** the Village of Downers Grove shall have the right to terminate this agreement upon ten (10) day written notice to Lumina, Inc. Should inclement weather prevent this fireworks display on June 28, 29, and /or June 30, 2002, then both parties shall agree on a mutually convenient alternate date within six (6) months of the original dates.

13. **Notification of Village of Downers Grove Fire Dept.:** The Downers Grove Fire Department will be notified of the intent of this fireworks display and request the appropriate fire apparatus be on site during the display. Upon receipt of the contract, Lumina, Inc. shall contact Richard Berndt, Director of Fire Prevention at 630-434-5975, to apply for a permit to conduct a fireworks display, arrangements for review of pyrotechnics set up plan and site inspection on the event day. It is the responsibility of the contractor to provide all required and relevant information. Application for permit shall be no later than June 1, 2002.

14 **Notices:** All notices regarding defaults or breaches under this agreement shall be properly given in writing and either delivered personally or sent registered or certified mail, postage pre-paid to:

Lumina, Inc.  
P.O Box 47146  
Chicago, Illinois 60647  
312-829-8970

Village of Downers Grove  
Community Events  
801 Burlington Avenue  
Downers Grove IL 60515

15. **Choice of Law:** The laws of the State of Illinois shall govern all questions regarding this Agreement.

16. **Entire Agreement:** This Agreement constitutes the entire agreement between the Village of Downers Grove and Lumina, Inc., superceding all other written or oral representations and understandings not included herein. No additional terms or conditions in Lumina, Inc. forms shall be of any effect.

In witness whereof the parties have executed this agreement.

FIREWORKS VENDOR:

Subscribed and sworn to

before me this \_\_\_\_ day

BY: \_\_\_\_\_  
of \_\_\_\_\_, 2002

TITLE: \_\_\_\_\_  
\_\_\_\_\_

Notary Public

VILLAGE OF DOWNERS GROVE

ATTEST: \_\_\_\_\_

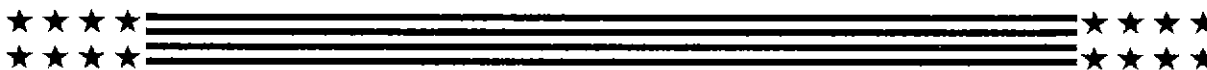
Village Clerk

BY: \_\_\_\_\_

Mayor, Village of Downers Grove

**VILLAGE OF DOWNERS GROVE HERITAGE FESTIVAL**

*JUNE 28, 29 AND 30, 2002*



**NO. OF SHOTS**

**DESCRIPTION**

200	CRACKLING SILVERY
200	RED TIP COMET W/SIL./TAIL
200	MULTI-COLORED CRACKLING PEARLS
200	SPRING HAPPINESS W/WHISTLES
200	CHRISTMAS IN JULY
400	GOLDEN SPIDER
350	FORTUNE SNOW
350	WHITE GLITTERING W/CRACKLING TAIL
200	CENTURY PARTY
100	GOLDEN RAIN
300	CRACKLING TAIL TO REPORT
300	CRACKLING TAIL TO COLOR BOMBETTE
300	CRACKLING SHIMMERING GOLD
960	THUNDEROUS TORCH ROMAN CANDLE BARRAGE
300	WILD MUSHROOM
400	RED, WHITE & BLUE
350	BLUE THUNDER ICEBERG
400	WHISTLING TO THE SKY
200	STORM IN THE DESERT
2000	THUNDERKING

PREPARED BY ROCCO SALIANO  
LUMINA, INC. CHICAGO, ILLINOIS 60647 (312) 829-8970