

FIREWORKS DISPLAY AGREEMENT

THIS AGREEMENT is made and entered into this 20th day of May, 2020, by and between J & M Displays, Inc., an Iowa corporation, having its principal place of business at Yarmouth, Iowa, including its employees, owners, and agents, hereinafter referred to as "Seller" and City of Columbia, Missouri, hereinafter referred to as "Buyer".

Seller shall furnish to Buyer one (1) fireworks display, as per the \$28,000.00 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 4, 2020, at approximately 9:15 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.
- 2. Payment.** The Buyer shall pay to the Seller (***Check one of the below options:***):

_____ the sum of \$14,000.00 as a down payment upon execution of this Agreement. The balance of \$14,000.00 shall be due and payable in full within fifteen (15) 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 the fifteen (15) 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.

 X \$28,000.00 in full by June 30, 2020. The Buyer will receive the 8% prepayment bonus product in this fireworks display.
- 3. Postponement/Cancellation.** Displays postponed to an alternate date will be charged an additional 15% of the total contract price for additional expenses incurred in presenting the display on an alternate date.
- 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, 2020 or another date as agreed to by both parties. Once display setup has begun, the determination to cancel the fireworks display because of inclement weather or unsafe weather conditional shall rest within the sole discretion of the AHJ, Seller, and the lead pyro-technician.

5. **Insurance.** If Seller is firing the show, 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, judgment, damages and expenses, including reasonable attorney fees that may or shall arise out of any negligent or wrongful act or omission by the Seller related to the performance or 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 and its successors in interest or assigns, if any, in the defense of any such claims and/or demands.

6. **Buyer agrees to provide:**

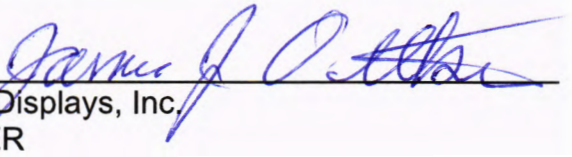
- (a) Sufficient area for the display, including a minimum spectator set back as determined by Seller.
- (b) Protection of the display area by roping off or similar facility.
- (c) Adequate police protection to prevent spectators from entering display area.
- (d) Dry, clean sand, if needed, for firing.
- (e) Persons to assist in the inspection and cleanup of fireworks debris in the fallout zone of the shoot site at first light in the morning following the display for anything that may have been missed at the night search.
- (f) Necessary local permits.

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 agreement not stipulated in the Agreement. The Agreement shall not be construed to have been drafted, authored, or written by any specific Party. Rather, the Agreement shall be construed as co-drafted, co-authored, or co-written by the Parties. Therefore, the Agreement shall not be construed against any Party on the claim or basis the Agreement was drafted, written, or authored by any specific Party.

9. The parties hereto do mutually and severally guarantee terms, conditions, and payments of the 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 date and year first above written.

BY: 
J & M Displays, Inc.
SELLER

CITY OF COLUMBIA, MISSOURI:

BY: _____
John Glascock, City Manager

ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Nancy Thompson, City Counselor *NT*

CERTIFICATION: I, hereby certify that this contract is within the purpose of the appropriation to which it is to be charged, Account Number 55205575 504990 4THJULY, and that there is an unencumbered balance to the credit of such appropriation sufficient to pay therefor.

Matthew Lue, Director of Finance

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



EXHIBIT A

NFA, IAFF, NACA, IMTA, BBB



J&M Displays Proposal for: City of Columbia

Flights

4 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
5	Colored Bees assorted		\$37.70	\$188.50
5	Golden kamuro to white strobe	Gold tail	\$37.70	\$188.50
Category Shell Count: 10				\$377.00

5 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
3	Golden kamuro to white strobe	Silver tail	\$61.40	\$184.20
Category Shell Count: 3				\$184.20
Section Shell Count: 13				

Main Event

Ignition Items

Quantity	Name	Rising Effect	Price	Total
425	Igniter 3 meter leads		\$1.95	\$828.75
165	Igniter 4 meter leads		\$2.20	\$363.00
Category Shell Count: 0				\$1,191.75

3 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
2	Assortment B of 20 (5 report& 15 color) Patriotic shells ELECTRIC FIRE	mixed tails	\$229.00	\$458.00
1	Assortment M of 20 different J&M Brand Shells ELECTRIC FIRE	mixed tails	\$230.00	\$230.00
1	Assortment P of 10 pairs (20 shells) of J&M Brand shells	mixed tails	\$230.00	\$230.00
2	Assortment Q of 20 different J&M Brand Shells ELECTRIC FIRE	mixed tails	\$230.00	\$460.00
1	Assortment T of 20 different J&M Brand Shells ELECTRIC FIRE	mixed tails	\$230.00	\$230.00
Category Shell Count: 140				\$1,608.00



J&M Displays Proposal for: City of Columbia

Main Event

4 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
4	CHANSHAN SHELL - Mixed color peony		\$22.30	\$89.20
2	Crown to glittering		\$22.30	\$44.60
2	Gold willow with color pistil	Gold tail	\$22.30	\$44.60
2	Golden wave to green and purple chrysanthemum		\$22.30	\$44.60
2	Red and Blue Dahlia with silver glitter	Gold tail	\$22.30	\$44.60
2	Wave to variegated	Silver tail	\$22.30	\$44.60
2	Blue to dark to red		\$37.70	\$75.40
2	Brocade Crown with silver strobe pistils		\$37.70	\$75.40
2	Brocade Waterfall to Blue		\$37.70	\$75.40
2	Brocade Waterfall to Red		\$37.70	\$75.40
2	Brocade Waterfall to White		\$37.70	\$75.40
2	Glitter crossette	flower crown tail	\$37.70	\$75.40
2	Glittering silver to blue and red chrysanthemum		\$37.70	\$75.40
4	Glittering willow	glitter tail	\$37.70	\$150.80
2	Glittering willow with blue pistil	glitter tail	\$37.70	\$75.40
2	Green ring inside brocade to purple ring		\$37.70	\$75.40
2	Lemon and pink ring with crackling pistils	whistling tail	\$37.70	\$75.40
2	Orange Crackling Willow Flower w/Green Strobe Pistil		\$37.70	\$75.40
2	Pink and Lemon crossette		\$37.70	\$75.40
2	Rainbow colored dahlia w/glittering pistil		\$37.70	\$75.40
2	Red Coco Crossette	red tail	\$37.70	\$75.40
2	Red purple and yellow dahlia with white glitter pistil		\$37.70	\$75.40
2	Six angle chrysanthemum	Gold tail	\$37.70	\$75.40
2	White strobe and red dahlia	whistling tail	\$37.70	\$75.40
2	Assortment M of 10 different J&M Brand shells ELECTRIC FIRE	mixed tails	\$210.00	\$420.00
2	Assortment U of 10 different J&M Brand shells ELECTRIC FIRE	mixed tails	\$210.00	\$420.00
2	Assortment E of 20 different J&M Brand shells ELECTRIC FIRE		\$420.00	\$840.00

Category Shell Count: 132

\$3,424.80

4 Inch Special Effect shells

Quantity	Name	Rising Effect	Price	Total
2	1/2 blue to green & 1/2 green to blue peony w/strobing pistil		\$47.35	\$94.70
2	1/4 red/green/blue/yellow peony w/strobing pistil		\$47.35	\$94.70
2	Blooming Flowers		\$47.35	\$94.70
2	Blue to crackle w/ crackle pistil		\$47.35	\$94.70
2	Crackling small flowers		\$47.35	\$94.70
2	Double Crackle		\$47.35	\$94.70
4	Ghost Orange to crackle peony		\$47.35	\$189.40
2	Gold Strobe		\$47.35	\$94.70
2	Golden wave to blue chrys		\$47.35	\$94.70
2	Golden wave to lemon swimming		\$47.35	\$94.70
2	Golden wave to red chrys		\$47.35	\$94.70
2	Green strobe		\$47.35	\$94.70
4	Heart Pattern, Red		\$47.35	\$189.40
2	Artillery (cylinder)		\$63.60	\$127.20
2	Blue stars with whistles (cylinder)		\$63.60	\$127.20
4	Blue to Red to Crackling Ghost Lamp		\$63.60	\$254.40
2	Golden wave to Green flying dragon		\$63.60	\$127.20
2	Golden wave to Purple flying dragon		\$63.60	\$127.20
2	Green and purple with silver serpents (cylinder)		\$63.60	\$127.20
2	Lemon Glitter with Blue Chry		\$63.60	\$127.20
2	Lemon and purple with artillery (cylinder)		\$63.60	\$127.20
1	Silver tourbillions with report and orange peony ELECTRIC FIRE ONLY (cylinder)		\$63.60	\$63.60
1	Silver wasp and diamond screamer		\$63.60	\$63.60



J&M Displays Proposal for: City of Columbia

Main Event

4 Inch Special Effect shells Continued

Quantity	Name	Rising Effect	Price	Total
2	Silver whirl with report w/ red & blue stars		\$63.60	\$127.20
1	Silver whirl with report w/ variegated stars		\$63.60	\$63.60
2	Diamond screamer and red tailed thunder		\$101.90	\$203.80
1	Gold glitter to green ring and purple serpents to report ELECTRIC FIRE ONLY (cylinder)		\$101.90	\$101.90
4	Lampare (ELECTRIC FIRE ONLY)		\$101.90	\$407.60
1	Pixie Dust Willow with Green Go Getters		\$101.90	\$101.90
Category Shell Count: 61				\$3,698.50

5 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
2	Chartreuse pistil with sun ring	Gold tail	\$61.40	\$122.80
2	Crackling Willow Flower w/Big Multicolor Pistil		\$61.40	\$122.80
1	Glittering to sea blue saturn with willow ring		\$61.40	\$61.40
2	Ring to dark to peony assorted		\$61.40	\$122.80
2	Rising Flowers to Glitter Silver to Blue to Red Chrysanthemum w/White Pistil		\$61.40	\$122.80
2	Six Angle brocade crown		\$61.40	\$122.80
1	White strobe and red dahlia	blue tail	\$61.40	\$61.40
1	White with silver strobe pistil	Silver tail	\$61.40	\$61.40
1	Assortment M of 10 different J&M Brand shells ELECTRIC FIRE	mixed tails	\$360.00	\$360.00
1	Assortment Q of 10 different J&M Brand shells ELECTRIC FIRE	mixed tails	\$360.00	\$360.00
2	Assortment Z of 10 different J&M Brand Shells ELECTRIC FIRE	mixed tails	\$360.00	\$720.00
2	Assortment A of 15 Patriotic J&M shells ELECTRIC FIRE		\$540.00	\$1,080.00
2	Assortment E of 15 different J&M Brand Shells ELECTRIC FIRE		\$540.00	\$1,080.00
2	Assortment P of 10 Special J&M Brand pattern shells ELECTRIC FIRE		\$600.00	\$1,200.00
Category Shell Count: 133				\$5,598.20

5 Inch Special Effect Shells

Quantity	Name	Rising Effect	Price	Total
1	Blooming Flowers		\$72.35	\$72.35
1	Blue to Crackle w/crackle pistil		\$72.35	\$72.35
2	Glitter Silver to Blue Chrysanthemum w/Red to White Strobe Pistil w/Silver Tail		\$72.35	\$144.70
2	Glitter rays with magenta pistil	Strobe flower tail	\$72.35	\$144.70
1	Glittering silver to red chrys		\$72.35	\$72.35
1	Glittering willow with red and blue dahlia pistils	glitter tail	\$72.35	\$72.35
1	Golden wave to blue chrys		\$72.35	\$72.35
2	Heart Pattern, Red to crackle		\$72.35	\$144.70
2	Kamuro with Happy Face pattern		\$72.35	\$144.70
1	Nishiki kamuro to silver		\$72.35	\$72.35
Category Shell Count: 14				\$1,012.90
Section Shell Count: 480				

False Finales

3 Inch Finales

Quantity	Name	Rising Effect	Price	Total
6	Color 10 Shot finale chain	silver tail	\$139.80	\$838.80
Category Shell Count: 60				\$838.80
Section Shell Count: 60				



J&M Displays Proposal for: City of Columbia

Finales

3 Inch Finales

Quantity	Name	Rising Effect	Price	Total
6	Color red white and blue peony 10 Shot finale chain	mixed tails	\$139.80	\$838.80
6	Red salute and blue dahlia 10 Shot finale chain	mixed tails	\$139.80	\$838.80
6	Report 10 Shot finale chain (343-B)	Pink tails	\$139.80	\$838.80
6	Spiderweb 10 Shot finale chain		\$139.80	\$838.80
Category Shell Count: 240				\$3,355.20

4 Inch Finales

Quantity	Name	Rising Effect	Price	Total
6	Red white and blue dahlia 8 shot finale chain	mixed tails	\$221.15	\$1,326.90
6	Spiderweb 8 shot finale chain		\$221.15	\$1,326.90
Category Shell Count: 96				\$2,653.80

5 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
20	Glittering willow	glitter tail	\$61.40	\$1,228.00
Category Shell Count: 20				\$1,228.00
Section Shell Count: 356				

Miscellaneous

Ignition Items

Quantity	Name	Rising Effect	Price	Total
50	Igniter 5 meter leads		\$2.30	\$115.00
1	Wire 22 gauge copper duplex 500 foot		\$29.55	\$29.55
Category Shell Count: 0				\$144.55
Section Shell Count: 0				

8% Free for Early Payment

5 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
2	Silver wave to Red ring with blue saturn		\$61.40	\$122.80
Category Shell Count: 2				\$122.80

6 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
1	Blue eddy in chrys w/red pistil		\$86.80	\$86.80
1	Blue peony w/golden palm tree & red pistil		\$86.80	\$86.80
1	Blue peony w/silver palm tree & red pistil		\$86.80	\$86.80
2	Glittering silver to blue chrysanthemum		\$86.80	\$173.60
2	Glittering silver to red chrysanthemum		\$86.80	\$173.60
2	Glittering silver to white chrysanthemum		\$86.80	\$173.60
1	Red saturn w/blue circle		\$86.80	\$86.80
Category Shell Count: 10				\$990.80



J&M Displays Proposal for: City of Columbia

8% Free for Early Payment

6 Inch Special Effect Shells

Quantity	Name	Rising Effect	Price	Total
1	1/2 lemon 1/2 magenta peony w/crackling pistil w/blue chrys. tail		\$119.70	\$119.70
1	Aqua magic peony w/purple pistil		\$119.70	\$119.70
1	Glittering silver to red to blue chrys		\$119.70	\$119.70
1	Purple to crackling ghost peony		\$119.70	\$119.70
2	Red magic peony w/smiling face		\$119.70	\$239.40
Category Shell Count: 6				\$1,709.00
Section Shell Count: 18				

15% Free for Multiple Year Agreement

4 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
5	Red green and blue moving stars		\$37.70	\$188.50
1	Assortment S of 10 different pairs of J&M Brand shells ELECTRIC FIRE		\$735.00	\$735.00
Category Shell Count: 25				\$923.50

4 Inch Special Effect shells

Quantity	Name	Rising Effect	Price	Total
7	Hummer & Report (Cyl)		\$63.60	\$445.20
5	Screaming with Color Moving Star (Green, Purple)		\$63.60	\$318.00
Category Shell Count: 12				\$1,686.70

5 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
5	Dragon Dance (Silver Whistle Tourbillion) w/Silver Tail		\$61.40	\$307.00
2	Assortment X of 10 different J&M Brand shells ELECTRIC FIRE		\$600.00	\$1,200.00
Category Shell Count: 25				\$3,193.70
Section Shell Count: 62				



J&M Displays Proposal for: City of Columbia

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

Fireworks Price: \$25,315.70
 Discount: \$4,335.70
 Subtotal Fireworks: \$20,980.00
 Sales Tax:
 Local Sales Tax:
 Insurance Processing: \$2,800.00
 License and Permit:
 Shoot Fee: \$2,800.00
 Delivery: \$1,120.00
 Musical Firing:
 Shoot Cost: \$300.00
 Equipment Rental:
 Barge/Pontoon Fee:
 Total Price of Show: \$28,000.00

Total Shot Count: 989
 Packing Check: 922
 Date of Display: 07/04/20
 Customer Number: 10264

Summary of Free Items Added to Your Show

See Previous Pages for a Listing of Free Items

Free Items are Based on the \$20,980.00 Fireworks Subtotal

\$1,709.00 8% Free for Early Payment
 \$3,193.70 15% Free for Multiple Year Agreement
 \$4,902.70 Total Free

Total Value of Show is \$37,238.40. Your Price is \$28,000.00

Please Note the Following Comments:

~~The data in this proposal is confidential and shall not be disclosed to any other person or organization listed on the cover, and only then when in the evaluation of this proposal. Any request for the release of this information shall be requested from release pursuant to any request under the Freedom of Information Act, 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. For choreographed displays the quantity of product may change based on the music selected; however, the dollar value of the product will remain the same.~~