



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#22-0701

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Greg Chavarria, City Manager

DATE: August 16, 2022

TITLE: Motion to Ratify Terminating for Cause the Agreement with Exposhows Inc. and Retroactively Approving an Emergency Agreement with Pyrotecnico Fireworks, Inc. for Fireworks Display, 4th of July - \$130,000 - (**Commission District 2**)

Recommendation

Staff recommends the City Commission approve a motion to ratify terminating for cause the Agreement with Exposhows Inc. and retroactively approve an emergency agreement with Pyrotecnico Fireworks, Inc. for Fireworks Display, 4th of July in the amount of \$130,000.

Background

On December 22, 2021, the Procurement Services Division issued the Request for Proposal (RFP) No. 12607-523 Fireworks Display, 4th of July. On April 5, 2022, the City Commission approved an agreement with Exposhows Inc. in the amount of \$113,600.

On June 26, 2022, City staff was notified by Exposhows Inc. that their display fireworks had been seized by the state of California Fire Officials for failure to maintain a specific California fire permit among other of the licenses and permits. Consequently, they would no longer be able to fulfill the terms of the agreement. On the same day, Staff met virtually with the City Manager and the Chief Procurement Officer to discuss a possible solution. Staff quickly transitioned and contacted the former vendor, Pyrotecnico Fireworks, Inc. ("Pyrotecnico") who also submitted a competitive proposal in response to RFP No. 12607-523. Pyrotecnico confirmed that they would be able to produce the 4th of July Fireworks Display even though the event was approximately a week away. The City and Pyrotecnico agreed to utilize their competitive proposal (which includes pricing) in response to RFP No. 12607 -523 and incorporate it into an Emergency Agreement.

Therefore, pursuant to Section 2-181 (f)(4) of the Procurement Ordinance, an emergency procurement was deemed necessary to move forward with the 4th of July Fireworks Display. Based on these circumstances, the Chief Procurement Officer followed-up by sending a letter to Exposhows Inc. informing them their agreement for the 4th of July Fireworks Display was terminated effective immediately, pursuant to Section VI.,

subsection C., of the Agreement.

Resource Impact

Funds for this agreement in the amount of \$130,000 are available in the FY2022 Budget in the account listed below:

<i>Funds available as of July 15, 2022</i>					
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
001-PKR033401-3299	Community Events	Services-Materials / Other Services	\$2,951,981	\$591,080	\$130,000
TOTAL AMOUNT ►					\$130,000

Strategic Connections

This item is a 2022 Top Commission Priority, advancing the Parks and Public Places initiative.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Public Places Focus Area
- Goal 3: Building a healthy and engaging community.
- Objective: Offer a diverse range of recreational and educational programming

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Here*.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Public Places Focus Area
- The Parks, Recreation & Open Spaces Element
- Goal 1: Be a community where persons of all ages are able to partake in a fun and healthy lifestyle.

Attachments

- Exhibit 1 - Solicitation
- Exhibit 2 - Bid Tabulation
- Exhibit 3 - Termination for Cause Letter
- Exhibit 4 - Agreement

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