

Debbie Galeazzi

From: Don Merkes
Sent: Thursday, September 02, 2010 12:46 PM
To: Debbie Galeazzi
Subject: FW: 2011 & 2012 Fireworks Proposal
Attachments: MenashaMulti-YearCont11.doc

September 2nd, 2010

City of Menasha
Attn: Mayor Donald Merkes
140 Main St.
Menasha, WI 54952

Dear Mayor Merkes:

Thank you for the opportunity to submit the attached proposal for your consideration and approval. This proposal offers you a \$18,000.00 Aerial & Ground Fireworks Display and is a duplication of Proposal D that was provided to you in 2010. This program is being offered to you at a set price of \$18,000.00 for a two-year period.

This proposal contains every firework that was shot in your 2010 display except for the items listed in the \$1,000.00 addition to your order as shown on confirmation number 10Me852. This addition had consisted of six shell flights that were added onto the base program this past year.

If the proposal meets your approval please sign the attached two-year contract to accept this program for your 2011 & 2012 fireworks displays. Note that your insurance certificate will be sent to you in April of each year of the contract.

Note that the program being offered again includes the items we added to arrive at the final proposal we ended up going with in 2010. Those items include:

1. Four barrage boxes added to the opening of the display
2. Four three-inch 25 shot boxes added to the midlevel portion of the display as well as six inch shells to canopy those boxes with
3. A handful of San Tai shells added in the 3, 4, 5, and 6-inch sizes
4. 26 eight-inch shells added.

I believe we have created a program that works very well for your event and I would be proud to be given the opportunity to supply it to you over the next two years.

Sincerely,

Patrick W. Spielbauer
Vice President



SPIELBAUER FIREWORKS CO., INC.

DISTRIBUTORS & EXHIBITORS

WISCONSIN'S OLDEST EXHIBITION FIREWORKS CO.

Office: 1976 Lane Road
Green Bay, WI 54311

Factory & Warehouses: Bellevue

Telephone 1-920-336-0446

Fax 1-920-336-1214

Menasha

(Village)

WI

(Location)

Contract entered onto this 3rd day of **September** A.D., **2010** by and between Spielbauer Fireworks Co., Inc. party of the first part, and the **City of Menasha**.

Authorized Agent Mayor Don Merkes
(Official in Charge)

Party of the first part agrees to furnish party of the second part Fireworks per program submitted, said display to be given on the evenings of **July 4th, 2011 & July 4th, 2012** weather permitting. It should be understood that should inclement weather prevent the giving of said display on date herein mentioned, the program would be given on the next clear night falling during the above week, for the additional sum of two hundred dollars, to cover auxiliary costs suffered by party of the first part. If said display is not rescheduled, a cancellation fee of 20% of the contract price shall be charged.

Party of the second part agrees to furnish party of the first part sufficient space for the proper giving of said displays, also to furnish dry space to store and prepare said fireworks; furnish necessary police protection and necessary lumber that may be required for erecting the displays, to help our expert display man that we send to superintend said displays.

The party of the first part agrees that proper protection for the benefit of spectators will be covered by bodily injury and property damage insurance at the time of displays, automobiles excluded. It is further agreed and understood that the party of the second part is to pay the party of the first part the sum of **\$18,000.00** for each of the above displays, same to be paid **\$18,000.00 due by July 4th, 2011 and \$18,000.00 due by July 4th, 2012**.

The parties hereto do mutually and severally guarantee the terms, conditions, and payments of this contract, their articles to be upon the parties themselves, their heirs, executors, administrators and assigns.

IN WITNESS WHEREOF we set our hands and seals in duplicate hereof this 3rd day of **September, A.D., 2010**.

WITNESSES:

ACCEPTED BY X

(Official in Charge)

Spielbauer Fireworks Co., Inc. REP

REMARKS:

Fireworks as per itemized proposal number 11Me949 dated 9/2/10. Note that this is a two-year contract for July 4th, 2011 and July 4th, 2012. Note that Spielbauer will be allowed to make equal price substitutions during the term of the contract in order to introduce new items into the 2011 and 2012 displays.