



CITY OF DELRAY BEACH
100 NW 1st AVENUE, DELRAY BEACH, FL 33444

AMENDMENT NO. 1 TO
SOLICITATION NO. 2016-101
RFP 2016-101 FIREWORKS-4TH OF JULY (2016-2018)

ZAMBELLI FIREWORKS MANUFACTURING CO.

CITY OF DELRAY BEACH
AMENDMENT NO. 1 TO
RFP 2016-101 FIREWORKS-4TH OF JULY (2016-2018)

THIS AMENDMENT NO. 1 to the RFP 2016-101 Fireworks-4th of July (2016-2018) Agreement dated June 1, 2016, by and between City of Delray Beach, a municipal corporation of the State of Florida (hereinafter referred to as "City"), and Zambelli Fireworks Manufacturing Co. (hereinafter referred to as "Contractor"), a Pennsylvania corporation, authorized to do business in the State of Florida, is entered into this ____ day of ____, 20__.

WITNESSETH:

WHEREAS, on July 4, 2016, the City entered into a one-year agreement with Contractor for firework display services (hereinafter referred to as the "Agreement"); and

WHEREAS, the Agreement inadvertently states that the Agreement is effective starting June 1, 2016. However, the actual commencement date for this Agreement is July 4, 2016; and

WHEREAS, on July 3, 2017, Contractor agreed to renew the Agreement for the first one-year renewal term in accordance with the terms and conditions of the Agreement; and

WHEREAS, an amendment to renew the Agreement through July 3, 2018 was not approved and executed by the City Commission; and

WHEREAS, Contractor agrees to continue to provide services to City in accordance with the terms and conditions of the Agreement for the second and final one-year renewal period; and

WHEREAS, the City determines that it is in the best interest of the City to retroactively approve this Amendment No 1 to renew the Agreement through July 3, 2019, and to amend the commencement date thereof.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, the parties do agree that the Agreement is amended as follows:

1. The above recitals are true and correct and are incorporated herein.
2. This Amendment No. 1 retroactively renews the Agreement, under the same terms and conditions, for the period of July 4, 2017 through July 3, 2019.
3. Section 3.1 of the Agreement dated June 1, 2016 shall be amended to read as follows:

~~This contract is in full force and effect upon full contract execution by the City of Delray Beach. The term of this Agreement shall commence on July 4, 2016 and shall remain in effect through July 3, 2017, unless terminated earlier or renewed in accordance with the terms and conditions of this Agreement.~~ The continuation of this Agreement beyond the end of any fiscal year shall be subject to both the appropriation and the availability of funds in accordance with Florida law.

4. Except as provided herein, all other terms and conditions of the Agreement remain in full force and effect and are hereby ratified and confirmed. The Agreement and this Amendment No. 1

represent the entire understanding between the parties on the issues contained herein, either written or oral, and may only be amended by written instrument signed by both parties.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the City and Contractor hereto have set their hands and corporate seals on this _____ day of _____, 20__.

ATTEST:

CITY OF DELRAY BEACH

Katerri Johnson, City Clerk

BY: _____
Shelly Petrolia, Mayor

Approved as to form for legal sufficiency:

R. Max Lohman, City Attorney

CONTRACTOR

By:
Mike Simmons
Printed Name
Project Manager

Title

(SEAL)

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 20th day of March, 2018, by Mike Simmons, as Project Manager (name of officer or agent, title of officer or agent), of Zambelli Fireworks Mfg. Co. (name of corporation acknowledging), a PA (state or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ (type of identification) as identification.



Notary Public – State of Florida



Danielle Frederickson
COMMISSION # FF133725
EXPIRES: Aug. 2, 2018
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