

★ **Roll Call Number**

**Agenda Item Number**

**I- B**

Date February 9, 2009

**APPROVING EXCEPTION TO THE PROCUREMENT ORDINANCE RFP PROCESS FOR GOOD CAUSE AND APPROVING MAINTENANCE AGREEMENT BETWEEN THE CITY OF DES MOINES AND THE GREATER DES MOINES BASEBALL COMPANY (IOWA CUBS) TO MAINTAIN VARIOUS ATHLETIC FIELDS**

WHEREAS, the Des Moines Park and Recreation Department is charged with providing recreational and athletic opportunities to the citizens of Des Moines and owns and operates various athletic sport venues; and

WHEREAS, on March 20, 2006, by Roll Call No. 06-568, the City Council approved an agreement with Greater Des Moines Baseball Co. ("GDMBC") to provide horticultural maintenance at the James W. Cownie Soccer Park; and

WHEREAS, on November 20, 2006, by Roll Call No. 06-2313, the City Council approved an Amendment to such Agreement with the GDMBC to include the James W. Cownie Baseball Park; and

WHEREAS, such Agreement terminated on December 31, 2008; and

WHEREAS, the GDMBC grounds crew is recognized as having a very high level of expertise in horticultural field maintenance and has expressed a desire to provide custodial care and horticultural maintenance at other City athletic fields; and

WHEREAS, the Park and Recreation Department staff and the GDMBC have negotiated a Maintenance Agreement for a period of 5 years with an option for one 5 year renewal for the James W. Cownie Soccer and Baseball Parks and various other athletic fields, a copy of which is on file in the City Clerk's Office; and

WHEREAS, it is in the best interests of the City to enter into the Maintenance Agreement; and

WHEREAS, the City Manager recommends that the above described services procurement be exempted from the request for proposals process for good cause shown, pursuant to Section 2-710(b) of the Municipal Code of the City of Des Moines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. Good cause has been shown to exempt the procurement of custodial care and horticultural maintenance services at the James W. Cownie Baseball and Soccer Parks and other athletic fields from the request for proposals process under the Procurement Ordinance.
2. The Maintenance Agreement, which is on file in the City Clerks Office, is hereby approved and the Mayor is hereby authorized and directed to sign such agreement on behalf of the City and the City Clerk is hereby directed to attest to said signature.

Moved by \_\_\_\_\_ to adopt.

(Council Communication No. 09- **053**)

APPROVED AS TO FORM:

Ann DiDonato  
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....  
**Mayor**

**CERTIFICATE**

**I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.**

**IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.**

\_\_\_\_\_  
**City Clerk**