


COUNCIL COMMUNICATION

	Number:	24-143	Meeting:	April 1, 2024
	Agenda Item:	34	Roll Call:	24-0507
	Submitted by:	Steven L. Naber, P.E., City Engineer		

AGENDA HEADING:

Approval of Agreement for Professional Services for maintenance of the Engineering Database and Report Generator Applications with Nestingen Inc. d/b/a RelyDB, and Approving Good Cause Exception to Procurement Ordinance.

SYNOPSIS:

Recommend approval of a new maintenance agreement for the Engineering Database and Report Generator Applications (Engineering Database) with Nestingen Inc., d/b/a RelyDB (Carl Nestingen, President, 8498 NW Beaver Drive, Johnston, Iowa 50131). The Engineering Database supports the needs of the Engineering Department to manage the bidding, contracting, and administration processes required for the implementation and construction of public improvement projects. The new maintenance agreement (Agreement) has an initial term of five (5) years with a three (3)-year renewal option.

FISCAL IMPACT:

Amount: The Agreement is subject to the following payments being made by the City:

- \$9,000 one-time payment for nine (9) report generator applications developed in May 2023.
- \$8,000 per year for years one (1) through three (3) of the Agreement.
- \$9,000 per year for years four (4) through five (5) of the Agreement.
- \$10,000 per year for years six (6) through (8) of the renewal period, if exercised.
- City may terminate the Agreement at any time, including an option to purchase the current version of the software, as of the date of termination, at the following cost:
 - \$80,000 in years one (1) through three (3) of the Agreement.
 - \$50,000 in year four (4) or after of the Agreement and the renewal option period.

Funding Source: Fiscal Year (FY) 2023-2024 Operating Budget, Page 53, Engineering Department, Contracts and Compliance, EG001071

ADDITIONAL INFORMATION:

- On December 5, 2016, by Roll Call No. 16-2086, the City Council approved an Agreement for Professional Services with Nestingen Inc. d/b/a Rely DB to develop a contract management database for the Engineering Department, which included database maintenance services through February 29, 2024.

- The City Engineer recommends that the procurement of database maintenance services for use by the Engineering Department be exempted from the competitive bidding requirements for good cause shown, pursuant to Section 2-726(b)(1)(A) of the Municipal Code of the City of Des Moines, based upon the extensive experience of Nestingen Inc. with the Engineering Database.
- City staff has negotiated a new Agreement that will provide ongoing database maintenance services for the Engineering Database and for Report Generator Applications from Nestingen Inc. d/b/a Rely DB, effective March 1, 2024, with an initial term of five (5) years, plus a three (3)-year renewal option at the above costs.
- City may terminate the Agreement at any time, including an option to purchase the current version of the software, as of the date of termination, at the above costs.
- The City's ownership of the original 2016 Application and Database is unchanged by the new Agreement, and said 2016 database shall remain active and/or be archived for potential future use by the City in the event the City elects to terminate the Agreement without exercising the above-referenced options to purchase the updated version of the Engineering Database. The City is solely responsible for archiving and restoring the 2016 Application and Database.
- In addition to data collection, project management, and reporting capabilities, the Engineering Database allows for the efficient and cost-effective generation of required Council documents and over 70 other contract related documents and forms required for the administration of public improvement construction projects. Without the Engineering Database, additional staff would be required to manually prepare and complete all of the forms and documents required for implementation of the City's public improvement construction projects.

PREVIOUS COUNCIL ACTION(S):

Date: December 5, 2016

Roll Call Number: [16-2086](#)

Action: [Procurement](#) of Database Programming Services for the Engineering Department from Nestingen Inc. d/b/a RelyDB for good cause shown, \$48,384. ([Council Communication No. 16-687](#)) Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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