

ORDINANCE NO. 14,109

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,848, passed August 7, 2000, by repealing Section 2-723 thereof and enacting a new Section 2-723, relating to competitive bidding and advertisement.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by repealing Section 2-723 thereof and enacting a new Section 2-723, relating to competitive bidding and advertisement, as follows:

**Sec. 2-723. Competitive bidding and advertisement.**

(a) Except as otherwise provided, all purchase orders or contracts of whatever nature, made by or on behalf of the city, for independent contractors' services or work or the purchase, lease or sale of personal property, materials, equipment or supplies or the granting of any concession, involving amounts in excess of \$15,000.00, shall be let by free and open competitive bidding after advertisement, to the lowest responsible or, in the appropriate instance, to the highest responsible bidder, depending upon whether the city is to expend or receive money. All purchase orders or contracts, as defined in this division, which shall involve amounts of \$15,000.00 or less, shall be let in the manner described above whenever practicable, except that they may be let in the open market in a manner calculated to insure the best interests of the public, after solicitation of bids by mail, telephone, facsimile, e-mail, or otherwise.

(b) Concessions at the Des Moines International Airport shall be procured

pursuant to a competitive solicitation, but may be awarded to a bidder other than a bidder making the highest dollar bid. In competitive solicitations for Airport concessions, selection criteria other than compensation to the City may be considered, including but not limited to capital investment, experience, financial resources, business plan, and involvement of Disadvantaged Business Enterprises.

(c) For purposes of subsection (b) above, the term concession shall not include aeronautical functions, as defined in Federal Aviation Administration regulations, or the lease of property or space at the Airport to companies where the leased property or space is not used for direct sales to the public or for direct provision of services to the public.

(d) Notwithstanding subsection (a) above, in recognition of the tragic events that transpired on September 11, 2001 and the resulting effect on the airport and airport concessions, non aeronautical concession agreements at the airport in existence on September 11, 2001, in which the concessionaire has made \$500,000 or more in capital improvements for the airport, may be extended for a period of up to three years when it is determined to be in the best interest of the City.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Kathleen Vanderpool, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Donna V. Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 02-1572), passed by the City Council of said City at a meeting held June 17, 2002 signed by the Mayor on June 17, 2002 and published as provided by law in the Business Record on July 1, 2002 Authorized by Publication Order No. 3316.

Donna V. Boetel-Baker, City Clerk