

ORDINANCE NO. 14,999

An Ordinance entitled, "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, as heretofore amended, by amending Sections 2-63, 2-168 and 2-728, relating to emergency proceedings and bidding requirements".

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, as heretofore amended, by amending Sections 2-63, 2-168 and 2-728, relating to emergency proceedings and bidding requirements, as follows:

Sec. 2-63. Orders for public works.

The council shall make all orders for the doing of work or the making or construction of any public improvement, including highway, bridge or culvert improvements, except those below the thresholds set forth in Chapter 26 or 314.1B of the Iowa Code.

Sec. 2-168. Powers during emergency.

- (a) When the mayor determines in his or her sole discretion that a state of public emergency exists within the city, the mayor may by proclamation:
 - (1) Declare a state of emergency;
 - (2) Take command of the police and fire departments;
 - (3) Govern the city; and
 - (4) Exercise all emergency powers, including but not limited to those outlined in subsection (b) of this section.
- (b) The emergency powers conferred upon the mayor pursuant to this section include the power to:
 - (1) Direct emergency response activities by the police and fire departments and by such emergency services personnel as the mayor may designate or appoint, with the assistance of the city manager acting in the capacity of director of disaster services as provided by section 2-291.
 - (2) Execute contracts for the emergency repair of public improvements in accordance with section 94-360.

- (3) Procure by purchase or lease or authorize procurement by purchase or lease of goods and services deemed necessary to the city's emergency response effort or for the repair of city buildings or facilities, all as provided by subsection 2-727(c) of this chapter.
- (4) Lease or authorize the lease of property and/or buildings deemed necessary for the city's emergency response effort or for the continued operation of city government.
- (c) The violation of a mayoral proclamation of emergency or of any subsidiary proclamation thereto evidencing the exercise of emergency powers or of any rule or order issued pursuant thereto by the mayor or the city manager or of any order issued pursuant thereto by any peace officer or of any directive issued by designated emergency services personnel pursuant thereto shall constitute a violation of this section and shall be punishable as a misdemeanor as provided by section 1-15 of this Code.
- (d) Mayoral proclamations issued pursuant to this section shall remain in effect until withdrawn by the mayor; provided, however, that such proclamations shall be withdrawn and the mayor shall cease to exercise emergency powers at such time as the conditions giving rise to the emergency are no longer present.

Sec. 2-728. Annual purchase agreements and contracts for demolition and repair services.

- (a) The procurement administrator is authorized to enter into annual purchase agreements for the procurement of goods and/or services that are consistently needed by city departments, but where the type or quantity of goods and/or services are unknown and where a purchase agreement for a fixed amount is not reasonable or cost efficient. Competitive bidding procedures shall be followed in entering into the annual purchase agreement. Such annual purchase agreements shall state that the city manager may purchase necessary goods and/or services with the successful bidder for those particular goods and/or services at the determined price as needed by the city. Annual purchase agreements where the estimated cost exceeds \$25,000.00 must be approved by the city council. Annual purchase agreements where the estimated cost will not exceed \$25,000.00 may be approved by the procurement administrator. Annual purchase agreements shall be negotiated or rebid annually, unless renewed as provided in the purchase agreement.
- (b) The city manager is hereby expressly authorized to enter into annual demolition contracts for demolition projects where the estimated cost to demolish each project does not exceed \$100,000.00 or each project has a total estimated cost equal to or less than the competitive bid threshold as established

in Section 314.1B. The city manager shall procure such contracts by mailing and publishing annually, a solicitation for annual demolition contracts, which solicitation shall be mailed to all demolition contractors providing such service to the city within the last year, and shall be published once in a newspaper of general circulation in the county, which mailing and publication shall occur not less than five business days prior to the required response date. The city manager may solicit separate contracts for "demolition - structure removal" and for "demolition - asbestos removal". In responding to such solicitation, demolition contractors shall be required to execute a blanket form of demolition contract in the form approved by the city manager and the legal department, shall be required to submit a certificate of insurance evidencing the coverages and endorsements required by the city, and shall be required to submit a performance, payment and maintenance bond on the form provided, and in the amount required, by the city. If two or more demolition contractors respond to such solicitation and submit executed contracts, insurance certificates, and performance, payment and maintenance bonds as above provided, the city manager may execute such contracts on behalf of the city. Upon execution of such contracts, the city manager may, as needed, obtain competitive proposals from said contractors for demolition projects within the city, and may enter into a contract addendum for a demolition project with a responsible contractor submitting the lowest responsive proposal therefor, provided that the proposed cost of each demolition project does not exceed \$100,000.00, or each project has a total estimated cost equal to or less than the competitive bid threshold as established in Section 314.1B. If the cost of demolishing a demolition project will exceed \$100,000.00, the engineering department shall procure competitive bids therefore for award by the city council pursuant to chapter 26 Public Construction Bidding.

- (c) The city manager is hereby expressly authorized to enter into annual rehabilitation and/or repair contracts for the repair and/or renovation of city-owned municipal housing agency units, where the cost to repair and/or renovate any single unit does not exceed \$25,000.00. The city manager shall procure such contracts by mailing and publishing annually, on or before April 1st of each year, a solicitation for annual repair and/or renovation contracts, which solicitation shall be mailed to all contractors providing such service to the city within the last year, and shall be published once in a newspaper of general circulation in the county, which mailing and publication shall occur not less than five business days prior to the required response date. In responding to such solicitation, contractors shall be required to execute a blanket form of agreement in form approved by the city manager

and the legal department, shall be required to submit a certificate of insurance evidencing the coverages and endorsements required by the city, and shall be required to submit a performance and maintenance bond on the form provided, and in the amount required, by the city. If two or more contractors respond to such solicitation and submit executed contracts, insurance certificates and performance and maintenance bonds as provided above, the city manager may execute such contracts on behalf of the city. Upon execution of such contracts, the city manager may, as needed, obtain competitive proposals from said contractors for the repair and/or renovation of city-owned municipal housing agency units and may enter into a contract addendum for the repair and/or renovation of a particular unit or units with a responsible contractor submitting the lowest, responsive proposal therefor, provided that the proposed cost of repairing and/or renovating any single unit does not exceed \$25,000.00. If the cost of repairing and/or renovating any single unit will exceed \$25,000.00 the city manager shall procure competitive bids therefor for award by 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, Deputy City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, 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. 11-0380), passed by the City Council of said City at a meeting held February 28, 2011 signed by the Mayor on February 28, 2011 and published as provided by law in the Business Record on March 18, 2011. Authorized by Publication Order No. 7460.

Diane Rauh, City Clerk

