

ORDINANCE NO. 16,264

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 Section 2-201 and 2-726, relating to the city manager's authority for executing agreements necessary and required to facilitate the construction of public improvements and to identify certain professional services to be administered by the engineering department and increasing the dollar value of contracts for such services that are administratively approved.

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 Section 2-201 and 2-726, relating to the city manager's authority for executing agreements necessary and required to facilitate the construction of public improvements and to identify certain professional services to be administered by the engineering department and increasing the dollar value of contracts for such services that are administratively approved, as follows:

Sec. 2-201. Powers and duties.

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- (h) The city manager or his or her designee may, in his or her discretion, make application and execute agreements with other public entities, utility companies and railroad companies necessary and required to facilitate the construction of public improvements provided that the compensation paid by the city for such rights does not exceed \$100,000 and provided that such documents shall be subject to review and approval by the legal department.

Sec. 2-726. Exceptions to Procurement of goods and services under competitive bidding or request for proposals process.

- (a) The procurement of goods and/or services or concessions, wherein cost to the city and compliance with specifications will be the only criteria considered in selecting among competing bidders, or wherein criteria in addition to cost or revenue to the city and compliance with specifications will be considered in selecting from among competing proposers, and wherein the cost or revenue to the city is estimated not to exceed \$100,000 annually, shall be an exception from the formal competitive bidding and the RFP procedure outlined in this subdivision, unless the procurement administrator reasonably determines that such procedures shall be followed in order to assure the best interests of the public. Procurements which are excepted from the formal bidding or RFP procedure shall be administered by the procurement administrator in a manner reasonably calculated to assure the best interests of the public, and shall include the following:
- (1) The procurement of other professional services (e.g. planning services, program consulting services, etc.) where the total anticipated cost of those services will not exceed \$100,000.
 - (2) The procurement of printing or engraving of bonds, official statements and other evidences of indebtedness.

- (3) The procurement of printing or procurement of special materials, supplies, or postage to be used in connection with an election or referendum.
 - (4) The procurement of utility services, including natural gas, electric, water, cable, and land telephone lines, and fuel and fuel services for vehicles, equipment, and facilities and landfill dumping fees.
 - (5) Contracts for the procurement of goods and/or services through which nonprofit associations, established to aid or assist governmental bodies or other governmental agencies have secured special rates or provisions for the purchase of goods and/or services for the benefit of governmental bodies or agencies.
- (b) The following procurements shall be exceptions to the competitive bidding and RFP competitive procedure in this subdivision and shall be administered by the director of the procuring department in a manner reasonably assuring the best interests of the public:
- (1) The procurement of professional services for the engineering department, including but not limited to inspection, surveying, commissioning, televising, and engineering or architectural services which will result in the design and construction of public improvements, shall be accomplished pursuant to the engineering department's RFP process, which shall be administered by the city engineer, who shall be governed by the same requirements as the procurement division regarding advertisement, authorization limits, change orders and contract approval and execution.
 - A. The city council may, on a case-by-case basis, upon the recommendation of the city engineer for good cause shown, exempt negotiated contracts for professional services for the engineering department, including but not limited to inspection, surveying commissioning, televising, and engineering or architectural services which will result in the design and construction of public improvements, from the requirements of the engineering department's RFP process and the advertising requirement of section 2-730.
 - b. The procurement of professional services for the engineering department, including but not limited to inspection, surveying commissioning, televising, and engineering or architectural services which will result in the design and construction of public improvements, where the total estimated cost will not exceed \$100,000, shall be administered by the city engineer and accomplished pursuant to the engineering department's process which shall be reasonably calculated to assure the best interests of the public.

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Section 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, Laura Baumgartner, 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. 23-1048), passed by the City Council of said City at the meeting held on July 17, 2023 and signed by the Mayor on July 17,

2023 and published and provided by law in the Business Record on August 4, 2023. Authorized by Publication Order No. 12363.

Laura Baumgartner, City Clerk