

May 18, 2009

Date

APPROVING AN EXCEPTION TO THE PROCUREMENT ORDINANCE COMPETITIVE PROCUREMENT REQUIREMENTS FOR GOOD CAUSE AND APPROVING PAYMENT OF \$90,703.90 TO GREATER DES MOINES BASEBALL CO. (IOWA CUBS) FOR FLOOD RELATED PREPAREDNESS AND REPAIRS

WHEREAS, the Greater Des Moines Baseball Company (Iowa Cubs) manages and operates the Principal Baseball Park; and

WHEREAS, in order to prepare for the impending flood of June 2008 and during the Operating Emergency period of June 9, 2008 – July 23, 2008, with the approval of the Park and Recreation Department Director, the Iowa Cubs implemented precautionary measures to decrease the imminent damages of the rising flood levels around the Principal Baseball Park and stadium, and, after the flood undertook the repair and replacement of certain equipment in order to restore the facilities to their pre-flood condition, as described in the attached Council Communication; and

WHEREAS, the Iowa Cubs have submitted invoices for such work and equipment requesting reimbursement in the amount of \$90,703.90; and

WHEREAS, the invoices for the \$90,703.90 include charges in the amount of \$38,591.00 for work related to fountain reinstallation for work performed during and after the Operating Emergency period; and

WHEREAS, the Park and Recreation Department recommends that the Iowa Cubs be reimbursed in the amount of \$90,703.90 for such work to protect and restore the Principal Baseball Park, because, due to being engaged in other priority flood protection measures, the Park and Recreation Department staff were not able to directly provide such flood protection measures when the need was immediate, and the subsequent flood related repairs were managed by the Iowa Cubs in an efficient and cost effective manner; and

WHEREAS, the City Manager recommends that the procurement of services in the amount of \$38,591.00 for fountain reinstallation be exempted from the competitive bidding requirements for good cause shown, pursuant to Section 2-710 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 good cause has been shown to exempt the procurement of the above described fountain protection and reinstallation services and equipment be exempt from the Procurement Ordinance competitive bidding requirements and that payment be made to the Greater Des Moines Baseball Co. in the amount of \$90,703.90 for the above described services and equipment.

(Council Communication No. 09-309) Moved by _____ to adopt.

Approved as to Form: Ann DiDonato
Ann DiDonato, Assistant City Attorney

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