

Date May 9, 2022.....

**APPROVAL OF FIRST AMENDMENT TO AGREEMENT (CONTRACT NO. J20-96)
WITH CLARKE MOSQUITO CONTROL PRODUCTS FOR
MOSQUITO CONTROL PRODUCTS AND APPLICATION SERVICES**

WHEREAS, the Neighborhood Inspections Division (NID) of the Community Development Department (now Neighborhood Services Department) previously requested the Finance Department – Procurement Division to solicit bids for procurement of mosquito control products and application services, resulting in Invitation to Bid J20-96; and

WHEREAS, on March 9, 2020, by Roll Call No. 20-0451, the City Council approved an award of contract to low dollar compliant bidder Clarke Mosquito Control Products, 675 Sidwell Court, Saint Charles, IL, 60174, J. Lyell Clark III, President (“Contractor”), for procurement of mosquito control products and application services, and authorized the Procurement Administrator to execute agreements with the Contractor for an initial 12-month term with two optional 12-month renewal periods at an annual estimated amount of \$75,000.00; and

WHEREAS, in accordance with said Council direction, the Procurement Administrator and Contractor negotiated and executed a Short Form Agreement (Contract No. J20-96)(“Contract”) setting forth the terms of procurement of mosquito control products and application services in accordance with the specifications, terms and conditions of Invitation to Bid J20-96 and Contractor’s response thereto, which Contract has been renewed effective March 1, 2022 through February 28, 2023; and

WHEREAS, the Neighborhood Services Department has determined that it is necessary and cost-effective to amend said Contract to add procurement of ground chemical application and advanced monitoring services to be provided by the Contractor, as part of an integrated mosquito management services program, rather than to continue with NID performance and management of said operations; and

WHEREAS, Des Moines Municipal Code Section 2-72 (d) provides for the non-competitive procurement of goods and/or services that are of such a nature that they are the only goods and/or services which will fit and comply with the required use, or are an integral part of a total system so as to be uniquely compatible with existing City needs, materials or equipment to be cost-effective; and

WHEREAS, in accordance with Section 2-72(d), the Neighborhood Services Department has determined, and the Procurement Administrator has affirmed, that ground chemical application and advanced monitoring services via an integrated mosquito management services program, in form compliant with the requirements of the City’s Mosquito Control Program, is only offered by the Contractor; and

WHEREAS, the Neighborhood Services Department and Finance Department are negotiating a First Amendment to the Contract, in substantially the form on file in the office of the City Clerk, with the Contractor for the addition of ground chemical application and advanced monitoring services by the Contractor for the 2022 season in accordance with the specifications, terms and conditions of Invitation to Bid J20-96 and Contractor’s response dated February 19, 2020, and Exhibit A, “Technical Proposal/Project Approach”, and Exhibit B, “2022 Professional Services Outline”, both Exhibits as submitted by Contractor to City on April 8 and April 22, 2022 respectively, and all on file in the Finance Department, Procurement Division; and

WHEREAS, said First Amendment provides that in exchange for the additional services procured, the City will compensate the Contractor in the estimated total additional amount of \$285,000.00, as follows:

- Contractor Exhibit B, “2022 Professional Services Outline”, Parts I and II – General Service and Adult Control, shall be invoiced when treatment, or additional treatment beyond the core program if applicable, is completed: Six (6) community-wide truck ULV treatments of up to 750 miles of streets using Biomist®

**FIRST AMENDMENT TO SHORT-FORM
AGREEMENT (CONTRACT NO. J20-96)**

**By and Between the City of Des Moines and
Clarke Mosquito Control Products**

For

Mosquito Control Products and Application Services



THIS FIRST AMENDMENT is made as of _____, 2022, to the Short-Form Agreement (Contract No. J20-96) by and between Clarke Mosquito Control Products (“Contractor”) and the City of Des Moines, Iowa (“City”) relating to for Mosquito Control Products and Application Services pursuant to Invitation to Bid J20-96 and Contractor’s response dated February 19, 2020 (“Agreement”).

WHEREAS, on March 9, 2022, by Roll Call No. 20-0451, the City Council approved the Agreement, with effective date of March 1, 2022 and termination date of February 28, 2023, by which Contractor provides mosquito control products and application services to and on behalf of the City; and

WHEREAS the City’s Neighborhood Services Department desires to amend the Agreement to include Ground Application and Advanced Monitoring Services performed by Contractor in exchange for the consideration to be paid to Contractor as identified below.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Agreement is amended as follows:

1. The first paragraph of the “Description of Items Contracted” shall be deleted in its entirety and revised to state the following:

Mosquito control products and application services in accordance with the specifications, terms and conditions of Invitation to Bid J20-96 and Contractor’s response dated February 19, 2020, and Exhibit A, “Technical Proposal/Project Approach”, and Exhibit B, “2022 Professional Services Outline”, both Exhibits as submitted by Contractor to City on April 8 and April 22, 2022 respectively, and all on file in the Finance Department, Procurement Division, all of which are binding on Contractor by this reference.

2. The following shall be added to the pricing and payment provisions of contract J20-96:

Exhibit B, “2022 Professional Services Outline”, Parts I and II, General Service and Adult Control, shall be invoiced when treatment, or additional treatment beyond the core program if applicable, is completed in accordance with Exhibits A and B provided by Contractor to City on April 8 and April 22, 2022, respectively and at a cost as follows:

Six (6) community-wide truck ULV treatments of up to 750 miles of streets using Biomist® 3 + 15 or synthetic pyrethroid insecticide at \$29,000.00 per treatment; Any additional authorized community ULV treatments will be priced at \$30,000.00 per treatment. Any additional miles over the 750 miles will be charged \$40.00 per mile.

Exhibit B, “2022 Professional Services Outline”, Part III, Larval Control and Field Inspections, shall be invoiced in six equal payments, monthly for a period of six months, at a rate of \$18,500.00 per month, for a total cost of \$111,000.00.

3. All other terms, provisions, and conditions originally set forth in the Agreement, including all exhibits and documents incorporated therein, remain effective and binding upon City and Contractor.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as of the day and year first written above.

CITY OF DES MOINES, IOWA

CONTRACTOR: CLARKE MOSQUITO CONTROL PRODUCTS

BY: _____

T.M. Franklin Cownie

Mayor

BY: _____

Rob Olson

Its: _____

Form Approved:

Attest:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

P. Kay Cmelik, City Clerk

Date May 9, 2022

3 + 15 or synthetic pyrethroid insecticide at \$29,000.00 per treatment; Any additional authorized community ULV treatments will be priced at \$30,000.00 per treatment. Any additional miles over the 750 miles will be charged \$40.00 per mile; and

- Contractor Exhibit B, “2022 Professional Services Outline”, Part III – Laval Control and Field Inspections, shall be invoiced in six equal payments, monthly for a period of six months, at a rate of \$18,500.00 per month, for a total cost of \$111,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that:

1. The above-described First Amendment to the Short-Form Agreement (Contract No. J20-96) by and between the City and Clarke Mosquito Control Products, which Amendment will add ground chemical application and advanced monitoring services for the control of mosquito populations in the City of Des Moines to be procured from the Contractor, is hereby approved in the estimated total additional amount of \$285,000.00, for a total estimated contract amount of \$295,000.00.
2. Following receipt of executed agreement from the Contractor and final approval as to form by the City Legal Department, the Mayor is authorized and directed to execute the First Amendment for and on behalf of the City and the City Clerk is authorized to attest to his signature.
3. The Neighborhood Services Department and Procurement Administrator are directed to administer, monitor and make payment under said Contract, as amended, in accordance with its terms.

(Council Comm. No. 22-201)

Moved by _____ to adopt

Seconded by _____.

APPROVED AS TO FORM:

/s/ Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

 Mayor

CERTIFICATE

I, P. Kay Cmelik, 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