

Date August 22, 2022

**APPROVING EXCEPTION TO THE CITY'S REQUEST FOR PROPOSAL (RFP)
PROCESS FOR GOOD CAUSE AND APPROVING A
PROFESSIONAL SERVICES AGREEMENT (PSA) WITH
FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC FOR
PROFESSIONAL SERVICES FOR
E. ARMY POST ROAD TRUNK SEWER,
FOR AN AMOUNT NOT TO EXCEED \$300,000**

WHEREAS, Foth Infrastructure and Environment, LLC was previously selected to design the E. Army Post Road Trunk Sewer via an RFP process in 2009; and

WHEREAS, the project was postponed and ultimately closed out which resulted in the design not being completed; and

WHEREAS, Foth Infrastructure and Environment has obtained knowledge of the project during their prior involvement in the design; and

WHEREAS, for project design, schedule efficiencies and the history and knowledge gained by Foth Infrastructure and Environment, LLC from being engaged in the initial preliminary design of the E. Army Post Road Trunk Sewer, the City Engineer recommends that Foth Infrastructure and Environment, LLC be retained for this project; and

WHEREAS, for the above-stated good cause, the City Engineer recommends that the procurement of professional services for the E. Army Post Road Trunk Sewer be exempted from the requirements of the Engineering Department's Request for Proposal (RFP) process and advertising requirement for good cause shown, pursuant to Section 2-726(b)(1)(a) of the Municipal Code of the City of Des Moines.

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 services from the requirements of the Engineering Department's RFP process and the advertising requirement of such Section.

BE IT FURTHER RESOLVED: That Professional Services Agreement between the City of Des Moines and Foth Infrastructure and Environment, LLC, Randall J. Homel, President, 2121 Innovation Court, Suite 300, De Pere, Wisconsin 54115 for a total cost not to exceed \$300,000, based on hourly rates and reimbursable costs, to provide professional services for E. Army Post Road Trunk Sewer, a copy of which is on file in the office of the City Clerk, is hereby approved as to form and content.

 **Roll Call Number**

Agenda Item Number
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Date August 22, 2022

BE IT FURTHER RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said Professional Services Agreement for and on behalf of the City of Des Moines, Iowa.

(City Council Communication Number 22-384 attached)
 Activity ID 01-2022-047

Moved by _____ to adopt. Second by _____

FORM APPROVED: s/Kathleen Vanderpool
 Kathleen Vanderpool
 Deputy City Attorney

 Funding Source: 2022-2023 CIP, Page 94, Sanitary Sewer Trunk Sewers, SS120, Sanitary Sewer Fund

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

MOTION CARRIED APPROVED
 _____ Mayor

CERTIFICATE

I, Laura Baumgartner, 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