

Date April 10, 2023

**APPROVING THE PURCHASE OF PLAYGROUND EQUIPMENT FOR MCHENRY PARK FROM LANDSCAPE STRUCTURES INC. (LSI) C/O OUTDOOR RECREATION PRODUCTS, APPROVING THE USE OF THE NATIONAL COOPERATIVE PURCHASING ALLIANCE CONTRACT (NCPA) NUMBER 10-03, AND AUTHORIZING NEGOTIATION AND EXECUTION OF SUPPLEMENTAL AGREEMENT WITH LANDSCAPE STRUCTURES, INC.**

**WHEREAS**, the Parks and Recreation Department requested the Finance Department, Procurement Division to procure Landscape Structures playground equipment, play structures and freestanding play features as part of the McHenry Park Playground Improvements, to be installed as a volunteer park project in fall 2023; and

**WHEREAS**, the Procurement Administrator has determined that the requested Landscape Structures playground equipment has been competitively bid and is available from Landscape Structures c/o Outdoor Recreation Products, Steve King, Founder, Chairman of the Board, 601 7th Street South Delano, MN 55328, using NCPA cooperative purchasing contract to provide playground and outdoor fitness equipment, site accessories, surfacing, and related products and services between Landscape Structures c/o Outdoor Recreation Products and Region XIV Education Service Center, Abilene, TX (Contract No. 10-03) as amended; and

**WHEREAS**, Des Moines Municipal Code Section 2-726(m) provides for the procurement of goods or services from contracts that have been competitively established through cooperative group contracting consortiums for State government departments, institutions, agencies and political subdivisions, such as NCPA Contract through Region XIV Education Service Center, Abilene, TX, without conforming to the competitive bidding requirements of the Procurement Division; and

**WHEREAS**, the Landscape Structures playground equipment, play structures and freestanding play features will be purchased from Landscape Structures c/o Outdoor Recreation Products in the total amount of \$186,202.00 using NCPA Contract No. 10-03; and

**WHEREAS**, said purchase may require a Short Form Agreement- City Contract No. D23-462 between the City and Landscape Structures, Inc. c/o Outdoor Recreation Products, supplementing said NCPA Contract with terms specific to the City's procurement, with said agreement to be negotiated by the City's Finance and Parks and Recreation Departments; and

**WHEREAS**, funding for said purchase is available from CIP PK185, G.O. Bonds

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

1. The purchase of Landscape Structures playground equipment, play structures and freestanding play features as part of the McHenry Park Playground improvements, at a total cost of \$186,202.00 from Landscape Structures c/o Outdoor Recreation Products, and per the general terms and pricing of NCPA Purchasing Contract #10-03 with Landscape Structures c/o Outdoor Recreation Products, is hereby approved.

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- To the extent determined necessary by the Legal Department and the Finance Department, the Finance Department and Parks and Recreation Department are hereby authorized and directed to proceed with negotiation of a Short Form Agreement or similar agreement between the City and Landscape Structures, Inc. c/o Outdoor Recreation Products, supplementing NCPA Purchasing Contract No. 10-03 with terms specific to the City's procurement, and the Finance Director is authorized and directed to execute said Agreement on behalf of the City following approval as to form by the Legal Department.

(Council Communication No. 23- 167 )

Moved by \_\_\_\_\_ to adopt.

Second by \_\_\_\_\_.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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