

.....
Date November 20, 2023

APPROVING FIRST ADDENDUM TO AGREEMENT FOR TREE PLANTING SERVICES WITH TREES FOREVER, INC., AND AUTHORIZING CITY MANAGER TO EXECUTE SAME

WHEREAS, in 2010 the City established a City Tree Replacement Fund (“CTRF”); and

WHEREAS, Trees Forever, Inc. is a nonprofit organization with a mission to plant and care for trees and the environment by empowering people, building community, and promoting stewardship; and

WHEREAS, on January 14, 2019, by Roll Call No. 19-0060, the City Council approved an exception to the Procurement Ordinance competitive bid process for good cause, pursuant to Des Moines Municipal Code Section 2-710(a), and approved an Agreement for Tree Planting Services with Trees Forever, Inc. (“Agreement”), authorizing the Public Works Department to engage Trees Forever, Inc. to provide the services of purchasing, planting, watering and maintaining a minimum goal of at least 533 trees per year on City-owned property in exchange for City payment of CTRF funds annually for the purchase and planting of trees at \$275.00 per tree and to water those trees planted annually at \$5.00 per tree up to 20 times in the planting year, and also authorized the City Manager to negotiate and approve changes in unit tree pricing in Agreement years 2-5 by which the planting payment has increased to \$375.00 per tree as of January 2019; and

WHEREAS, the initial term of said Agreement is through November 30, 2023, with the option for two successive one-year terms, and the City Forester has determined that it is appropriate to again increase the unit tree pricing due to market fluctuation; and

WHEREAS, the Public Works Department, Forestry Division and Trees Forever, Inc. have agreed to the First Addendum, in form on file in the office of the City Clerk, exercising the first one-year renewal option to extend the Agreement to November 30, 2024, and increasing the per-tree cost to be paid by the City to Trees Forever, Inc. from \$375.00 to \$450.00; and

WHEREAS, the Public Works Department Director recommends approval of said First Addendum.

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

1. That the above-described First Addendum to Agreement for Tree Planting Services between the City of Des Moines, Iowa, and Trees Forever, Inc., on file in the City Clerk’s Office, is hereby approved, and the City Manager is authorized and directed to execute the First Renewal Addendum.
2. That the City Manager is authorized to approve and execute addenda for the second renewal term, and to negotiate and execute on behalf of the City addenda to change the unit tree pricing in renewal years 1 and 2, if there are fluctuations of unit tree pricing by a minimum of plus or minus 5% in a calendar year, if the City Manager deems such renewal and/or price adjustment to be in the best interest of the City.

★ **Roll Call Number**

Agenda Item Number

25

Date November 20, 2023

(Council Communication No. 23-520)

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				
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.

Laura Baumgartner, City Clerk