Date August 17, 2020

APPROVING AN EXCEPTION TO THE PROCUREMENT ORDINANCE REQUEST FOR PROPOSALS REQUIREMENT FOR GOOD CAUSE AND APPROVING AN AGREEMENT WITH NESTINGEN, INC. D/B/A RELYDB FOR DATABASE ADMINISTRATIVE SERVICES

WHEREAS, the City of Des Moines Information Technology Department has an immediate and continuing need for database administrative services to support the current and future City Information Technology projects; and

WHEREAS, the skills required to perform these services are highly technical, are unique to the individual possessing such skills, and are developed over a substantial period of time; and

WHEREAS, the required skills are not currently available in the Information Technology Department; and

WHEREAS, Nestingen, Inc. d/b/a RelyDB (Carl Nestingen, President, Johnston, Iowa) possesses the required skills and abilities to furnish database administration services; and

WHEREAS, on June 12, 2017, by Roll Call No. 17-1002, the City Council approved an agreement with Nestingen, Inc. for such services, which was extended until September 30, 2020 by Roll Call No. 20-0929 on June 8, 2020 (the Agreement); and

WHEREAS, Nestingen, Inc. and Information Technology Department staff have negotiated an agreement to provide such database administration services for the period from September 1, 2020 until May 31, 2023, a copy of which is on file in the City Clerk's Office; and

WHEREAS, the first-year cost of the agreement for September 1, 2020 to May 31, 2021 will not exceed $70,000; and

WHEREAS, the second year and third year costs of the agreement will not exceed $84,000 annually for a total three year cost of service not to exceed $238,000; and

WHEREAS, such proposed agreement includes a Non-Exclusive, Limited Copyright License in which Nestingen, Inc. gives the City a perpetual, non-exclusive and non-transferable license to use certain software created during the term of the proposed agreement and to prior works; and

WHEREAS, the City Manager and the Chief Information Officer recommend that the above described procurement be exempted from the Request For Proposals requirements for good cause shown, pursuant to Section 2-710(b) of the Municipal Code of the City of Des Moines.

★ **Roll Call Number**

20-1346

Agenda Item Number

43A ✓

Date .... August 17, 2020 ....

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

1. That good cause has been shown to exempt the procurement of database administration services from the Procurement Ordinance Request For Proposals requirements.

2. That the City Council hereby accepts and approves the procurement of services for database administration and the Mayor is authorized and directed to execute the above described Agreement, a copy of which is on file in the City Clerk's Office, and the City Clerk is directed to attest to his signature.

3. That the Chief Information Officer is hereby authorized and directed to execute the Exhibit C Copyright License, attached to the Agreement, and addendums thereto, as new works are created for which the City will receive a perpetual, non-exclusive license, at no further cost to the City.

(Council Communication No. 20- **367**)

Moved by _____*Gatto*_____ to adopt.

APPROVED AS TO FORM:
/s/ *Ann DiDonato*
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
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