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 RELYUTIL SOFTWARE LICENSE AND MAINTENANCE AGREEMENT

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, 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 August 17, 2020, the City Council approved an agreement with Nestingen, Inc. for such services for the period from September 1, 2020, until May 31, 2023 (the Services Agreement); and

WHEREAS, Nestingen, Inc.'s performance of the Services Agreement requires the City to license from Nestingen, Inc. certain database administration software called the RelyUtil Suite; and

WHEREAS, Nestingen, Inc. is the owner and only licensor of RelyUtil Suite Software and has proposed a RelyUtil Suite Software License and Maintenance Agreement (the Software Agreement) in which Nestingen, Inc. gives the City a three year non-exclusive, non-transferable, limited license to use the RelyUtil Suite software for the period from September 1, 2020 until August 31, 2023 for the annual cost of $1,000 per SQL Server Instance; and

WHEREAS, the first-year cost of the Software Agreement for September 1, 2020 to August 31, 2021 will be $38,000; and

WHEREAS, the second year and third-year costs of the Software Agreement will be recalculated (the Annual True-Up) based on the number of actual SQL Server Instances on August 1, 2021 and August 1, 2022 respectively; and

WHEREAS, the second year and third-year costs are both estimated to be $45,000 such that the total estimated cost of the three-year Software Agreement is $128,000; 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.

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 RelyUtil Suite database administration software from the Procurement Ordinance Request For Proposals requirements.

2. That the City Council hereby accepts and approves the procurement of RelyUtil Suite database administration software and the Chief Information Officer is authorized and directed to execute the above described Software 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 authorize and make the Annual True-Up payments, if needed.

(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	7			

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