



Roll Call Number

20-1586

Agenda Item Number

42

Date October 5, 2020

RESOLUTION APPROVING SECOND AMENDMENT TO DIGITECH AGREEMENT TO PROVIDE FOR ADDITIONAL BILLING SERVICES, ADDITIONAL COMPENSATION FOR THOSE SERVICES AND TO AGREE TO EXTEND THE CONTRACT FOR ITS EXISTING EXTENSION PERIOD

WHEREAS, on June 26, 2017, by Roll Call No. 17-1108, the City Council approved an agreement for the provision of ambulance billing services to Digitech Computer, Inc.; and,

WHEREAS, the parties desire to amend the agreement to provide for additional billing services for GEMT reimbursement payments and renew the agreement pursuant to the extension provisions.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the Second Amendment to Digitech Agreement between the City and the Digitech is hereby approved. The City Manager and City Clerk are hereby authorized and directed to execute the Second Amendment on behalf of the City of Des Moines and the City Manager or his designees are hereby authorized and directed to administer the agreement as amended on behalf of the City.

(Council Communication No. 20- 438)

MOVED by Gatto to adopt.

FORM APPROVED:

/s/ Thomas G. Fisher Jr.

Thomas G. Fisher Jr. Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7 yeas).

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.

MOTION CARRIED APPROVED J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk

SECOND AMENDMENT TO DIGITECH AGREEMENT

This **SECOND AMENDMENT (“SECOND AMENDMENT”)** to the September 13, 2017 Agreement (“Agreement”) by and between **DIGITECH COMPUTER, INC. (“CONTRACTOR”)** maintaining its principle place of business at 480 Bedford Road, Bldg. 600, 2nd floor, Chappaqua, NY and **CITY OF DES MOINES, IOWA (“CITY”)**, maintaining a place of business at 400 Robert D. Ray Drive, Des Moines, Iowa and is dated this 29 day of September, 2020.

WHEREAS, CITY and CONTRACTOR wish to amend the Agreement in certain respects to provide for additional billing services, additional compensation for those services and to agree to extend the contract for its existing extension period without the requirement of periodic notices of extension.

NOW THEREFORE, in consideration of the mutual promises and other goods and valuable consideration, the sufficiency of which is acknowledged.

1. Section 1: Scope of Services to be rendered is amended to include the following additional service: Contractor will additionally code all billing for GEMT reimbursement payments and provide billing services to traditional Medicaid providers and any Managed Care Organizations authorized by the State of Iowa to be remitted to the City of Des Moines as otherwise provided in the Agreement (“GEMT Services”).

2. Section 3: Term of Contract is amended by changing the term of the Agreement to expire on August 30, 2023, without further renewal.

3. Section 4: Payment to Contractor for Services is amended to add the following payment for the services discussed in section 2 of this Second Amendment: The City will pay Contractor 1% of all amounts collected pursuant to the GEMT Services provided pursuant to Section 1 of the Agreement as amended in the Second Amendment.

4. All other Terms and Conditions of the Agreement are unaffected by this Amendment, will remain the same.

IN WITNESS WHEREOF, the parties hereto have executed this **SECOND AMENDMENT** on the effective date.

[Signature page follows]

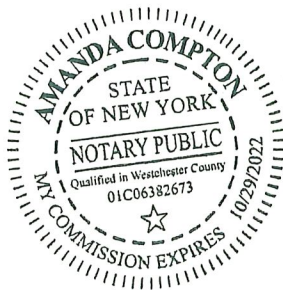
DIGITECH COMPUTER, INC.



Mark D. Schiowitz
President & CEO

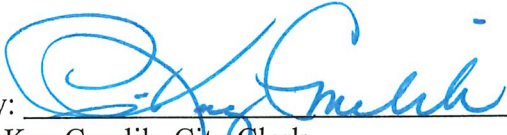
STATE OF New York }
COUNTY OF Westchester } SS:

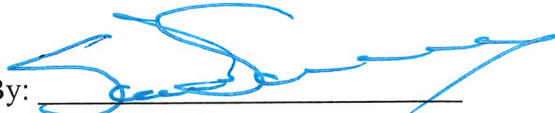
This instrument was acknowledged before me on 29 of September, 2020, by Mark D. Schiowitz as President & CEO of **DIGITECH COMPUTER, INC.**, a New York Corporation, on behalf of whom the instrument was executed.



Notary Public in the State of New York
My commission expires: 10/29/2022
CITY OF DES MOINES, IOWA

ATTEST:

By: 
P. Kay Cmelik, City Clerk


By: 
Scott Sanders, City Manager

STATE OF IOWA }
COUNTY OF POLK } SS:

On this 5th day of October , 2020, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared SCOTT SANDERS and P. KAY CMELIK, to me personally known, and who, being by me duly sworn did state that they are the City Manager and City Clerk, respectively, of City of Des Moines, Iowa, a municipal corporation; that the instrument was signed on behalf of City of Des Moines, Iowa, by authority of its City Council, as contained in the Resolution adopted by City Council under Roll Call No. 20- 1586 of City Council on the 5th day of October, 2020, and that SCOTT SANDERS and P. KAY CMELIK acknowledged the execution of the instrument to be the voluntary act and deed of City of Des Moines, Iowa, by it and by them voluntarily executed.


Notary Public in the State of Iowa

APPROVED AS TO FORM:


Thomas G. Fisher Jr.
Assistant City Attorney

