

Date May 9, 2022.....

**APPROVAL OF FIRST AMENDMENT TO AGREEMENT (CONTRACT NO. J20-96)  
WITH CLARKE MOSQUITO CONTROL PRODUCTS FOR  
MOSQUITO CONTROL PRODUCTS AND APPLICATION SERVICES**

**WHEREAS**, the Neighborhood Inspections Division (NID) of the Community Development Department (now Neighborhood Services Department) previously requested the Finance Department – Procurement Division to solicit bids for procurement of mosquito control products and application services, resulting in Invitation to Bid J20-96; and

**WHEREAS**, on March 9, 2020, by Roll Call No. 20-0451, the City Council approved an award of contract to low dollar compliant bidder Clarke Mosquito Control Products, 675 Sidwell Court, Saint Charles, IL, 60174, J. Lyell Clark III, President (“Contractor”), for procurement of mosquito control products and application services, and authorized the Procurement Administrator to execute agreements with the Contractor for an initial 12-month term with two optional 12-month renewal periods at an annual estimated amount of \$75,000.00; and

**WHEREAS**, in accordance with said Council direction, the Procurement Administrator and Contractor negotiated and executed a Short Form Agreement (Contract No. J20-96)(“Contract”) setting forth the terms of procurement of mosquito control products and application services in accordance with the specifications, terms and conditions of Invitation to Bid J20-96 and Contractor’s response thereto, which Contract has been renewed effective March 1, 2022 through February 28, 2023; and

**WHEREAS**, the Neighborhood Services Department has determined that it is necessary and cost-effective to amend said Contract to add procurement of ground chemical application and advanced monitoring services to be provided by the Contractor, as part of an integrated mosquito management services program, rather than to continue with NID performance and management of said operations; and

**WHEREAS**, Des Moines Municipal Code Section 2-72 (d) provides for the non-competitive procurement of goods and/or services that are of such a nature that they are the only goods and/or services which will fit and comply with the required use, or are an integral part of a total system so as to be uniquely compatible with existing City needs, materials or equipment to be cost-effective; and

**WHEREAS**, in accordance with Section 2-72(d), the Neighborhood Services Department has determined, and the Procurement Administrator has affirmed, that ground chemical application and advanced monitoring services via an integrated mosquito management services program, in form compliant with the requirements of the City’s Mosquito Control Program, is only offered by the Contractor; and

**WHEREAS**, the Neighborhood Services Department and Finance Department are negotiating a First Amendment to the Contract, in substantially the form on file in the office of the City Clerk, with the Contractor for the addition of ground chemical application and advanced monitoring services by the Contractor for the 2022 season in accordance with the specifications, terms and conditions of Invitation to Bid J20-96 and Contractor’s response dated February 19, 2020, and Exhibit A, “Technical Proposal/Project Approach”, and Exhibit B, “2022 Professional Services Outline”, both Exhibits as submitted by Contractor to City on April 8 and April 22, 2022 respectively, and all on file in the Finance Department, Procurement Division; and

**WHEREAS**, said First Amendment provides that in exchange for the additional services procured, the City will compensate the Contractor in the estimated total additional amount of \$285,000.00, as follows:

- Contractor Exhibit B, “2022 Professional Services Outline”, Parts I and II – General Service and Adult Control, shall be invoiced when treatment, or additional treatment beyond the core program if applicable, is completed: Six (6) community-wide truck ULV treatments of up to 750 miles of streets using Biomist®



**Roll Call Number**

22-0721

**Agenda Item Number**

47

Date May 9, 2022

3 + 15 or synthetic pyrethroid insecticide at \$29,000.00 per treatment; Any additional authorized community ULV treatments will be priced at \$30,000.00 per treatment. Any additional miles over the 750 miles will be charged \$40.00 per mile; and

- Contractor Exhibit B, "2022 Professional Services Outline", Part III – Laval Control and Field Inspections, shall be invoiced in six equal payments, monthly for a period of six months, at a rate of \$18,500.00 per month, for a total cost of \$111,000.00.

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

1. The above-described First Amendment to the Short-Form Agreement (Contract No. J20-96) by and between the City and Clarke Mosquito Control Products, which Amendment will add ground chemical application and advanced monitoring services for the control of mosquito populations in the City of Des Moines to be procured from the Contractor, is hereby approved in the estimated total additional amount of \$285,000.00, for a total estimated contract amount of \$295,000.00.
2. Following receipt of executed agreement from the Contractor and final approval as to form by the City Legal Department, the Mayor is authorized and directed to execute the First Amendment for and on behalf of the City and the City Clerk is authorized to attest to his signature.
3. The Neighborhood Services Department and Procurement Administrator are directed to administer, monitor and make payment under said Contract, as amended, in accordance with its terms.

(Council Comm. No. 22-201 )

Moved by Boesen to adopt  
Second by Gatto

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
BOESEN	✓			
GATTO	✓			
SHEUMAKER	✓			
MANDELBAUM		✓		
VOSS	✓			
WESTERGAARD	✓			
TOTAL	5	1		1

**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.

John Fubelli  
MAYOR PRO TEM

P. Kay Cmelik  
City Clerk