



Date May 22, 2023

**APPROVING AN EXCEPTION TO THE PROCUREMENT ORDINANCE
COMPETITIVE BIDDING REQUIREMENT AND AUTHORIZING THE EXECUTION
OF AN AGREEMENT BY AND BETWEEN THE CITY OF DES MOINES, IOWA, AND
THE DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT FOR
SHARING THE COST OF THE SCHOOL CROSSING GUARD PROGRAM**

WHEREAS, the City desires to reimburse the Des Moines Independent Community School District for half the cost of operating a school crossing guard program at high traffic locations near the school buildings to allow for the safe passage of students and staff to and from school; and

WHEREAS, previously, the City of Des Moines contracted with an outside vendor, ACMS to handle school crossing guard services where the District and the City entered into a split cost sharing agreement which ended August 2022; and

WHEREAS, the District agreed to take over the contract and the City agreed to reimburse the District. On August 23, 2022, the District's Board approved an agreement with ACMS for a temporary term while a request for proposals was issued. On August 6, 2022 a public solicitation delivered two responses, both proposals were carefully reviewed and the District's Board found it was in the best interest of the District to award school crossing guard services to ACMS for the remainder of FY22-23 school year and FY23-24; and

WHEREAS, Municipal Code section 2-726(b)(19) provides that the procurement administrator is hereby expressly authorized to procure from any federal, state, county or local government unit or agency thereof, without conforming to the competitive bidding requirements of this division, such goods and/or services as are authorized by the city manager, provided that the city manager determines and declares in writing that such goods and/or services were competitively procured by such unit or agency pursuant to competitive procurement procedures substantially equivalent to those set forth in this division, and can be procured without mark-up from such other federal, state, county, or local government unit or agency; and

WHEREAS, the City Manager supports this service being procured and finds that such services were competitively procured by the District pursuant to competitive procurement procedures substantially equivalent to those set forth in Des Moines Municipal Code; and

WHEREAS, funding is available from City of Des Moines Adopted Operating Budget FY2023, page 182; and

WHEREAS, said reimbursement will require a Cost Sharing Agreement between the City and the Des Moines Independent Community School District; and



Roll Call Number

23. 0756

Agenda Item Number

48

Date May 22, 2023

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

- 1. The City Council approves the reimbursement of crossing guard services for a total not-to-exceed cost of \$230,00.00 per year with a yearly 5% increase cap to be paid to Des Moines Independent Community School District; and
2. The Cost Sharing Agreement between the City and the Des Moines Independent Community School District is hereby accepted and adopted with the Mayor authorized to execute the Agreement between the City and the Des Moines Independent Community School District, and the City Manager is authorized and directed at his discretion to execute yearly extensions on behalf of the City following approval as to form by the Legal Department with yearly increases not to exceed 5%.

(Council Communication No. 23- 265)

Moved by Gatto to adopt.

Second by Boesen.

APPROVED AS TO FORM:

/s/Megan Norberg

Megan Norberg

Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

CERTIFICATE

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.

J. M. Franke, Mayor

Laura Baumgartner, City Clerk