

**CITY COUNCIL
COMMUNICATION:**

03-357

AGENDA:

JULY 28, 2003

SUBJECT:

HOLD HARMLESS
AGREEMENT—
FEDERAL SIGNAL
CORPORATION

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

WILLIAM MCCARTHY
CHIEF OF POLICE

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

SYNOPSIS —

The Des Moines Police Department is in the process of purchasing Federal Signal Corporation light bar equipment for six fleet patrol cars. This equipment will be installed and maintained by the Radio Services Section. For radio technicians to repair and maintain the equipment, it is necessary to acquire schematic drawings to understand how this equipment functions. In the past, the drawings were included with the delivered equipment. A recent policy change in the Federal Signal Corporation requires a Hold Harmless Agreement be established between Federal and the buyer before the schematic drawings can be released. An agreement has been documented with the input and approval of the Police Legal Advisor and the Risk Manager. Federal has signed the agreement. The Police Department requests that the Council vote approval for the Mayor to sign this agreement and have it filed in the City Clerk's Office.

FISCAL IMPACT —

None.

RECOMMENDATION —

Approval for the Mayor to sign said agreement.

BACKGROUND —

The Police Department requires six more light bars and accessories to finish equipping the last of the new patrol cars purchased this last fiscal year. The company that makes this equipment is Federal Signal Corporation who sells their product through licensed dealers. In the past, schematic drawings associated with the design and construction of this equipment was delivered to the buyer upon request. The drawings are imperative to our radio shop technicians who repair and maintain this equipment.

Recently, Federal Signal Corporation determined acquisition of these drawings must be associated with a Hold Harmless Agreement acceptable to their company. After exchanging contract drafts between the Police Department and Federal Signal Corporation, acceptable language was constructed and approved by the Police Legal Advisor and the City of Des Moines Risk Manager. The Federal Signal Corporation representative has signed the agreement. The agreement holds Federal Signal Corporation harmless from any modifications made to the equipment by the City. Any failures due to inaccurate drawings or shoddy design is still the responsibility of the manufacturer.

For completion of the agreement, the City Council is being requested to empower the Mayor to sign this contract as the City representative.