



Agenda Item:

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## **COUNCIL COMMUNICATION City Manager's Office**

### **GENERAL INFORMATION**

Agenda Date: 03/07/05  
No.: 05-114  
Agenda Item Type: Resolution  
No.:

Communication

Roll Call

Submitted by: William G. Stowe, Wastewater Reclamation Authority Director

### **SUBJECT—**

Resolution Approving Amendment No. 1 to Wastewater Reclamation Authority (WRA) Operating Contract to Allow the WRA Board to Adopt and Apply a Preference in the Procurement of Goods and Services for Bidders or Proposers Located Within any Participating Community

### **SYNOPSIS—**

Approval of Amendment No.1 to WRA Operating Contract to allow the WRA Board to develop its own policy with respect to giving of a preference for local goods and services to bidders or proposers located within any participating WRA Community.

### **FISCAL IMPACT—**

Minimal

### **RECOMMENDATION—**

Approval

## **BACKGROUND—**

The City of Des Moines, as Operating Contractor for the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), is authorized, pursuant to Division 9, Section 2.47 of the Initial Operating Contract (Operating Contract), to procure goods and services on behalf of the WRA pursuant to the procedures and policies reflected in the City's Procurement Ordinance (Chapter 2, Article V, Division 3, Subdivision V of the Des Moines City Code).

Section 2-705 of the Des Moines City Code, entitled "Preference for local goods and services", provides that in the procurement of goods and services by competitive bid, "the procurement administrator shall give preference to a responsive bid from a business located within the corporate limits of the city over an acceptable low bid submitted by a business located outside of the corporate limits, where the local bidder's bid exceeds the acceptable low bid by no more than one percent...", and further provides with respect to the procurement of goods or services pursuant to request for proposals, "a local preference equivalent to one percent of all points available to competing proposers under the evaluation criteria adopted for each procurement shall be awarded to each proposer whose business is located within the corporate limits of the city".

The application of such a preference to bids or proposals received from businesses located within the corporate limits of the City of Des Moines would not be appropriate in the context of the procurement of goods and services on behalf of the WRA, whose membership is comprised of cities and counties in the Des Moines metropolitan area.

It has been proposed that the Operating Contract be amended to provide that the local preference provisions of the City of Des Moines Procurement Ordinance will not be applicable to procurements made by the City of Des Moines, as Operating Contractor, on behalf of the WRA, that the WRA Board shall have the discretion to develop its own policy with respect to the giving of a preference for local goods and services, and that the City's procurement administrator be required to apply any such policy adopted by the WRA Board in the selection and recommendation of goods and/or services to be procured by the WRA.

It has further been proposed that the Operating Contract be amended to provide that the WRA Director shall have and exercise the same powers as are assigned to the City Manager under the Procurement Ordinance, including but not limited to powers relating to bidder and proposer appeals.

"Amendment No. 1 to WRA Operating Contract", incorporating the above referenced amendments to Section 2.47 of the Operating Contract, has been prepared and is now on file in the office of the City Clerk.