

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	May 18, 2009
	Agenda Item No. 54 Roll Call No. <u>09-</u> Communication No. <u>09-309</u> Submitted by: Donald M. Tripp, Director of Parks and Recreation	

AGENDA HEADING:

Approving an exception to the procurement ordinance competitive procurement requirements for good cause and approving payment of \$90,703.90 to Greater Des Moines Baseball Co. aka as the Iowa Cubs for flood related preparedness and repairs.

SYNOPSIS:

Recommend approval of a \$90,703.90 payment to GDMBC. During the 2008 flood, Sam Bernabe, President/General Manager of GRDMBC, One Line Drive, Des Moines, IA 50309, implemented precautionary measures that decreased the imminent damages of the rising flood levels around the stadium and immediate grounds. The GDMBC also undertook a few recovery projects as well to restore City Stadium facilities to their pre-flood condition. The GDMBC is now requesting financial reimbursement through a combination of a Federal Emergency Management Agency (FEMA) claim and the City's 2008 Flood insurance claim.

FISCAL IMPACT:

Amount: \$90,703.90

Funding Source: SP854 – Disaster Fund, 2008 Storm Mitigation Recovery, FY09 Amended Operating Budget, page 115 in FY10 Budget document.

ADDITIONAL INFORMATION:

Prior to the crest of the 2008 flood, Sam Bernabe offered the services of the ICUBS staff and resources to implement flood fighting precautions to minimize the potential damages of flooding at Principal Park.

As the potential for major flooding became imminent, all full-time and seasonal park and recreation staff were pulled from their normal duties to assist with the implementation of flood precautionary measures. As it became an issue in regards to having sufficient City employees at all of the needed sand bagging locations, Don Tripp, Park and Recreation Director, accepted and authorized the ICUBS offer to utilize their employees and resources within the immediate grounds of Principal Park in an attempt to maximize the utilization of the City employees elsewhere.

As result of this authorization, the ICUBS have invoiced the City of Des Moines for their services that has been subdivided into three claims (as submitted to FEMA) that require different approvals for reimbursement. The GDMBC did not fill out the appropriate paperwork with FEMA by the required deadline and consequently is not eligible to be reimbursed directly by FEMA.

- The first claim is for all emergency protection measures that included labor, sand, sand bags, polyurethane and other miscellaneous items totaling \$44,007.05. Since this is over the \$25,000 approve procurement policy, it will require Council approval for reimbursement. The claim also included \$5,355.85 for the removal and installation of the fountain pumps. This claim can be paid through the City Manager's operating emergency procedures. The total claim was \$49,362.90 – including \$481.25 of sales tax. This claim has already been approved and reimbursed by FEMA under the assumption that the GDMBC will be reimbursed.
- The second claim is clean-up after the flood waters subsided that included sweeping of the west and north parking lots totaling, \$2,750. This claim can be paid through the City Manager's operating emergency procedures. This claim has already been approved and reimbursed by FEMA under the assumption that the GDMBC will be reimbursed.
- The third claim is preventative measures at the fountain station at the exterior of the stadium on the confluence side. This work entailed removing expensive mechanicals from the fountains mechanical vault (that did experience flooding) and eventual reinstallation. Unfortunately, none of the electrical components could be saved and were a total loss. This claim totaled \$38,591 – including \$1,101.54 of sales tax. It has been determined by the City's Procurement Agent that this work fell out entirely of the operating emergency period guidelines and should have been handled through normal bidding requirements. This claim would also need Council approval for good cause for exception to the procurement policy. This claim is anticipated to be reimbursed by the City's Insurance carrier.

The work under the third bullet point are services rendered outside the City Manager's declared operating emergency period (June 9, 2008 through July 23, 2008), due to the amount, good cause needs justified under the exception to the procurement ordinance. When reviewing the expenses with FEMA officials, it was noted that the expenses seemed low compared to what was being reported across the metro area. In response, the ICUBS reported that they had developed many business relationships within the City over their history and these relationships were willing to assist in protecting the stadium and grounds as inexpensively as possible during their time of need.

It is important to note that this work was authorized under unusual circumstances that enabled the ICUBS to provide a service that would have been more expensive if the City organized this work. Although it cannot be fully measured, the economic impact for the loss of even one ICUBS game would have been significant to the local economy and Greater Des Moines Baseball Company. Staff will soon work on developing Standard Operating Procedures in working with outside agencies such as the GDMBC for future flood events and other disasters to help ensure that City assets are protected, all procurement rules and regulations are followed, and all other procedures are followed to maximize reimbursement from FEMA, Insurance, and other such agencies.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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