

ORDINANCE NO. 15,527

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Section 2-746, relating to procurement by request for proposals.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Section 2-746, relating to procurement by request for proposals, as follows:

**Sec. 2-746. Procurement of goods, services and concessions subject to the request for proposals (RFP) process; exceptions.**

- (a) In procuring goods and/or services under the request for proposals (RFP) process, selection of the successful proposal may be based upon criteria in addition to cost to the city and compliance with specifications, including but not limited to experience, expertise and/or qualifications of the provider; quality of the goods and/or services; and the quality and availability of training or repair services. In procuring concessions at city facilities, selection of the successful proposal may be based upon criteria in addition to revenue to the city and compliance with specifications, including but not limited to capital investment, experience, financial resources, business plan, and involvement of Disadvantaged Business Enterprises.
- (b) The procurement of goods and/or services for the city or concessions, wherein criteria in addition to cost or revenue to the city and compliance with specifications will be considered in selecting from among competing proposers, and wherein the cost or revenue to the city is estimated to exceed \$25,000 annually, shall be accomplished under the RFP process outlined in this part, with the following exceptions:
  - (1) The procurement of legal services shall be exempt from the RFP process and shall be administered by the city attorney.
  - (2) The procurement of professional engineering or architectural services which will result in the design and construction of public improvements shall be accomplished pursuant to the engineering department's RFP process, which shall be administered by the city engineer, who shall be governed by the same requirements as the procurement division regarding advertisement, authorization limits and change orders.

- a. The city council may, on a case-by-case basis, upon the recommendation of the city engineer for good cause shown, exempt negotiated contracts for professional engineering or architectural services which will result in the design and construction of public improvements from the requirements of the engineering department's RFP process and the advertising requirement of subsection (b)(2) above.
  - b. The procurement of professional engineering or architectural services which will result in the design and construction of public improvements, where the total estimated cost will not exceed \$25,000, shall be administered by the city engineer and accomplished pursuant to the engineering department's process which shall be reasonably calculated to assure the best interests of the public.
- (3) The procurement of other professional services (e.g. conceptual design services, program consulting services, etc.) where the total anticipated cost of those services will not exceed \$25,000, shall be exempt from the RFP process outlined in this part and shall be administered by the director of the department procuring those services in a manner reasonably calculated to assure the best interests of the public, under the oversight of the procurement division.
  - (4) The procurement of goods and/or services, where the total anticipated cost of those goods and/or services will not exceed \$25,000, shall be exempt from the RFP process outlined in this part and shall be administered by the director of the procuring department in a manner reasonably calculated to assure the best interests of the public, under the oversight of the procurement division.
  - (5) The procurement of sponsorship services which provide funding and/or promotion, marketing or assistance with the implementation of events, services or programs undertaken by the park and recreation department.
  - (6) The sale of advertising under guidelines approved by the procurement administrator.
  - (7) The procurement of entertainers or performing artists for civic programs and events, when the availability of such person does not lend itself to competitive procurement.
  - (8) The procurement of professional services being funded by federal funds, and where applicable federal law or regulation requires the use of a request for qualifications process.
  - (9) The procurement of concessions at the airport pursuant to section 22-50 of this Code.

- (c) The procurement of concessions for the city, wherein criteria in addition to revenue to the city and compliance with specifications will be considered in selecting from among competing proposers, shall be accomplished under the RFP process outlined in this part, with the following exceptions:
- (1) A nonprofit agency or organization need not complete the RFP process but must obtain written permission from the city manager to sell consumer goods and/or services to its members or the public on city property.
  - (2) A temporary concession may be granted through a written agreement approved by the city manager, or the director of the procuring department if authorized by the city manager, without completing the RFP process.
- (d) Concessions involving the lease or exclusive use of city property for a period of more than three years shall be subject to approval of the city council, as provided by Section 364.7 of the Iowa Code.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 16-1920), passed by the City Council of said City at a meeting held November 7, 2016 signed by the Mayor on November 7, 2016 and published and provided by law in the Des Moines Register on November 16, 2016. Authorized by Publication Order No.9805.

Diane Rauh, City Clerk