

56A

Date..... March 20, 2006

RESOLUTION APPROVING FORM AND AUTHORIZING EXECUTION OF A
LEASE AGREEMENT BETWEEN THE CITY OF DES MOINES AND
E-Z-GO DIVISION OF TEXTRON INC. FOR THE RENTAL OF ONE-HUNDRED SEVENTEEN
(117) GOLF CARTS FOR A THREE (3) YEAR PERIOD AND ALLOWING FOR ONE (1)
THREE (3) YEAR EXTENSION THEREOF, SAID LEASE AGREEMENT CALLS FOR SIX
LEASE PAYMENTS PER YEAR OF \$12,365.73 EACH (EXTENDED ANNUAL PRICE OF
\$74,194.38 ANNUALLY) AND FUNDING FOR THE LEASE AGREEMENT IS TO COME
FROM THE GOLF ENTERPRISE FUND.

WHEREAS, the Park and Recreation Department requested the Purchasing
Division to solicit bids for a three (3) year lease with one three
renewal option of one-hundred and seventeen (117) golf carts to be
used by the Park and Recreation Department at the Waveland and
Grandview Golf Courses; and

WHEREAS, the Purchasing Division solicited bids by advertisement and
mailing Invitation to Bid V06-088 to nine (9) potential bidders with
three (3) bids received; and

WHEREAS, the low dollar compliant bid was received from E-Z-GO Division
of Textron Inc., 24404 N. Hwy. 12, Lake Zurich, Illinois, 60047 at a
cost of six (6) payments per year of \$12,365.73 (extended annual price
of \$74,194.38) and said bid allows for one (1) additional three (3)
year extension; and

WHEREAS, funding is available from PKS010704 and PKS 010707, Grandview
Golf Course and Waveland Golf course; and

WHEREAS, the Purchasing Agent concurs with the recommendation from the
Park and Recreation Department to award the low compliant bid; and

WHEREAS, the City of Des Moines, Iowa (the "City") is in need of
renting one-hundred and seventeen (117) Golf Carts to be used by the
Park and Recreation Department at Waveland and Grandview Golf Courses,
and it is deemed necessary and advisable that a lease agreement in the
principal amount of \$222,583.14, with one (1) additional three (3) year
extension, be entered into for the purpose of renting the one-hundred
and seventeen (117) golf carts; and

WHEREAS, pursuant to notice published as required by Sections 364.4,
364.6 and 384.83 of the Iowa Code, this Council has held a public
meeting and hearing upon the proposal to institute proceedings for the
authorization of the Lease for such purpose, and the Council is
therefore now authorized to proceed with the authorization of said
Lease; and

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WHEREAS, the City will agree in the Lease to pay six (6) rent payments per year to E-Z-GO Division of Textron Inc. or its assignee in the principal sum of \$12,365.73 for six (6) months, resulting in total rental payments of \$74,194.38 per year for three (3) years as set forth in the Lease; and

WHEREAS, this Council has determined that the term of the Lease does not exceed the economic life of the property being acquired pursuant thereto; and

WHEREAS, all payments of rent due under the Lease shall be paid solely and only out of the Golf Enterprise Fund; and

WHEREAS, there has been presented to this meeting the form of Lease which the City proposes to enter into; and

WHEREAS, it appears that such instrument is in appropriate form and is an appropriate instrument for the purposes intended.

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

Section 1. Bid Award. The Des Moines City Council hereby accepts and awards the low compliant bid to E-Z-GO Division of Textron Inc. to pay six (6) rent payments per year for three (3) years in the annual principal sum of \$74,194.38, with one (1) additional three (3) year renewal option, resulting in total annual rental payments of \$74,194.38 as set forth in the Lease.

Section 2. Authority and Purpose. The Lease authorized by this resolution shall be issued pursuant to Sections 364.4, 364.6 and 384.83 of the Code of Iowa, and in compliance with all applicable provisions of the Constitution and laws of the State of Iowa. The Lease is hereby authorized to be issued in the principal amount of \$74,194.38 annually for three (3) years, with one (1) three (3) year renewal option (said renewal option upon joint agreement of the parties), for the purpose of paying the costs of renting the one-hundred and seventeen (117) golf carts thereunder.

Section 3. Source of Payment. Rental payments due under the Lease shall be payable solely and only out of the Golf Enterprise Fund resulting in total annual rental payments of \$74,194.38.

Section 4. Additional Documents. The Mayor and the City Clerk are hereby authorized and directed to sign the Lease Agreement, and any

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renewal option thereof, on behalf of the City, evidencing the City's obligations to the principal amount of six rental payments of \$12,365.73 (resulting in total rental payments of \$74,194.38 per year), and to take all action necessary to permit the completion of the Lease, and any renewal options thereof, on a basis favorable to the City and acceptable to the Council. The City Manager is authorized and directed to sign an assignment of the Lease to a financing company on behalf of the City if the purpose of the assignment is for the financing the golf carts and the City will receive the same service, subject to the approval as to form of the Legal Department. The Park and Recreation Director or his or her designee is hereby authorized to sign agreements on behalf of the City for additional golf cars for tournaments and other special events.

Moved by _____ to adopt

(Council Communication No. 06-146)

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, 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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

March 20, 2006
Date.....

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on behalf of the City, evidencing the City's obligations to the principal amount of six rental payments of \$12,365.73 (resulting in total rental payments of \$74,194.38 per year), and to take all action necessary to permit the completion of the Lease, and any renewal options thereof, on a basis favorable to the City and acceptable to the Council. The City Manager is authorized and directed to sign any renewal of the lease, and an assignment of the Lease to a financing company on behalf of the City if the purpose of the assignment is for the financing the golf carts and the City will receive the same service, subject to the approval as to form of the Legal Department. The Park and Recreation Director or his or her designee is hereby authorized to sign agreements on behalf of the City for additional golf cars for tournaments and other special events.

Moved by _____ to adopt

(Council Communication No. 06-)

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLISSIS				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

.....Mayor

_____ City Clerk

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CITY OF DES MOINES - DEPARTMENT OF FINANCE - PURCHASING DIVISION

<p>Bidder Address City Terms FOB: Delivery:</p>	<p>6 Month Golf Car Lease 72 Units at Blank Golf Course 117 Units at Waveland and Grandview Golf Courses Golf Car Make/Model</p>	<p>Golf Car Lease</p>	<p>Parks Department</p>	<p>Bid No. V06-88</p>
<p>E-Z-Go Textron 24404 N. Hwy. 12 Lake Zurich, IL 60047 Ship pt. 45 days</p>	<p>Harris Golf Cars 9875 Kapp Ct. Peosta, IA 52068 Net 45 days</p>	<p>Date Opened: 02/24/06</p>	<p>Opened by: rt</p>	<p>Req. # -</p>
<p>\$48,479.04 \$74,194.38 2006E-Z-Go TXT Gas</p>	<p>\$47,160.00 \$77,805.00 Yamaha G22A G-Max 4 Stroke</p>	<p>M & M golf Cars IA LLC 5727 NE 16th Street Des Moines, IA 50313</p>	<p>NO BIDS" FROM: New Golf Cars of Iowa Yamaha Golf & EQ. Speeds Golf Cars</p>	<p>NO RESPONSE FROM: Golifarama Perry Golf Sales Skips Golf Cars</p>