★ **Roll Call Number**

Agenda Item Number
33

Date January 11, 2016

APPROVING THE LEGAL DEPARTMENT'S RECOMMENDATION TO ADDRESS CERTAIN RISK MANAGEMENT ISSUES OCCASIONED BY THE LACK OF A FULL-TIME RISK MANAGER AND PRESSING DATA MANAGEMENT NEEDS, APPROVING AN EXCEPTION TO COMPETITIVE PROCUREMENT PROCESS, AND APPROVING LICENSE AGREEMENT WITH CYCOM DATA SYSTEMS, INC. TO PROVIDE SOFTWARE FOR LITIGATION MANAGEMENT SOFTWARE SERVICES

WHEREAS, upon the retirement of the Risk Manager in June 2013 some of the duties of that position devolved to the Finance Director and some were and remain non-assigned because of budget requirements; and

WHEREAS, a confidential litigation audit revealed that system administration was inefficient and insufficient for asset protection and claims processing as well as litigation case management; and

WHEREAS, the City of Des Moines Litigation Division has no digital means of tracking its docket of cases, preparing reports, establishing reserves and with the increased demand for risk management and audit data, manual searches of individual case files is neither efficient nor desirable; and

WHEREAS, in 2014, the City Attorney and Litigation Division attorneys and staff members worked with the IT Department to determine whether existing products used by the City would meet the City's needs with respect to certain and limited areas of asset protection and claims and litigation management satisfactory to the insurance industry without the need to procure additional software; and

WHEREAS, by 2015, working with such internal products was unsuccessful and thereafter, staff worked to investigate and review products on the market; and

WHEREAS, while other products exist for general litigation management in the private sector which devote much of the product to billing measures used in the private practice of law, Cycom Data Systems, Inc. ("Cycom"), P.O. Box 802, Richmond, KY 40476, possesses a litigation management product unique to the needs of a public agency with a combination of self-insured and insured cases; and

WHEREAS, Cycom's billing is tailored to the specific needs of the City, thereby making it the most reasonable of those products reviewed by staff and approved of by the City Attorney and City Manager; and

★ **Roll Call Number**

Agenda Item Number
33

Date January 11, 2016

WHEREAS, it is recommended that a license agreement with Cycom be approved for $33,930.00 for licensing and implementation, and an annual maintenance fee of $6,786.00 due after one year with subsequent annual maintenance fees negotiated, approved and authorized for payment by the City Manager; and

WHEREAS, Des Moines Municipal Code Subsection 2-710(b) authorizes the City Council subject to the recommendation of the City Manager, to waive the RFP process upon good cause shown; and

WHEREAS, the City Manager recommends that due to the unique and pressing needs for asset protection more consistent with insurance industry standards pursuant to a public litigation management program, the above described procurement be exempted from the RFP requirements for good cause shown, pursuant to Des Moines Municipal Code Subsection 2-710(b); and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1) That good cause has been established to exempt the procurement of a litigation management product from the competitive procurement requirements of Des Moines Municipal Code Subsection 2-710(b); and

2) That a license agreement for CityLaw Case Management and Administrative Support System, a litigation management product installed, implemented and supported by Cycom Data Systems, Inc., Bob Jones, President, P.O. Box 802, Richmond, KY, 40476, is approved and the Mayor is authorized and directed to execute the License Agreement on behalf of the City of Des Moines; and

3) That the City Manager is authorized to negotiate, approve and execute subsequent annual support and maintenance fees as needed subject to review and approval of the Legal Department.

★ **Roll Call Number**

Agenda Item Number
33

Date January 11, 2016

Moved by _____ to adopt.

Approved as to form:

Carol J. Moser, Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

_____ Mayor

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.

_____ City Clerk