



Date November 4, 2019

ACCEPTING FINANCE DIRECTOR'S DECISION ON APPEAL OF BID AWARD
RECOMMENDATION FOR SIDEWALK SNOW REMOVAL SERVICES TO TRUGREEN AND
APPROVING AWARD OF CONTRACT TO TRUGREEN

WHEREAS, the Public Works Department and the Engineering Department Real Estate Division requested the Finance Department Procurement Division to solicit bids for an annual contract with four (4) additional one- year renewal options to furnish sidewalk snow removal services at various city properties; and

WHEREAS, the Procurement Division solicited bids by advertisement and e-mailing sixteen (16) potential bidders with two (2) compliant bidders responding; and

WHEREAS, requested services were divided into five (5) geographic areas with each area given 1st and 3rd priority ratings for each sidewalk section in order to establish completion times for any given location; and

WHEREAS, estimated annual costs were calculated using National Weather Service historical data; and

WHEREAS, the Procurement Administrator determined that the low dollar compliant bid for areas included in Contracts 1, 5, and 6 was received from TruGreen, 301 SW Oralabor Road, Ankeny, IA 500023, Nick May, General Manager and the low dollar compliant bid for areas included in Contracts 2 and 3 was received from Stone Cross Lawn & Landscape, 3968 NW Urbandale Dr., Urbandale, IA 50322, Brad Puckett, Owner; and

WHEREAS, funding is available from various operating budgets up to \$250,000.00; and

WHEREAS, an appeal was received from Stone Cross Lawn & Landscape ("Stone Cross") from the Procurement Administrator's determination of the low dollar compliant bid based on the ability to award the contracts on an item by item basis ("the Stone Cross Appeal"); and

WHEREAS, the Stone Cross Appeal was considered by the Finance Director and his decision determined that the item by item award was allowed under the bid specifications and Stone Cross did not have the ability to specify after the bid opening that the Stone Cross bid was conditioned as an "all or nothing" bid; and

WHEREAS, Stone Cross has informed the Finance Director that its bid is withdrawn for award on an item by item basis; and



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WHEREAS, the Procurement Administrator has determined that the low dollar compliant bid for the areas included in Contracts 2 and 3 was received from TruGreen; and

WHEREAS, pursuant to the terms of the bid, an appeal of the Finance Director's decision is to the City Council on the date of Council action to consider award of the contract; and

WHEREAS, the Council has considered the Finance Director's decision and the facts and statements presented by Stone Cross and other interested parties regarding the Stone Cross Appeal.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the City Council hereby affirms the decision of the Finance Director that the compliant low bid was received from TruGreen and hereby overrules the objections of Stone Cross.

BE IT FURTHER RESOLVED that the City Council hereby accepts and approves the low compliant bid for sidewalk snow removal services to TruGreen, for Contracts 1, 2, 3, 4 and 5 and further authorizes the Procurement Administrator to enter into annual agreements renewable for four (4) additional twelve (12) month periods, with price increases complying with agreement terms.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

CERTIFICATE

I, P. KAY CMELIK, 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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

City Clerk

Vendor	Stone Cross Lawn & Landscape	TruGreen
Summarized Letter with Company History	Complete	Complete
Section 6 - References	Complete	Complete
Section 7 – Price and Company Information	Complete	Complete
Attachment 1 Non-Collusion Affidavit	Complete	Complete
Attachment 2 Economic Price Adjustment	Complete	Complete
Attachment 3 Certification of Insurance	Complete	Complete
Contract 1	\$76,720.06	\$75,190.00
Contract 2	\$45,068.13	\$51,098.00
Contract 3	\$61,097.49	\$75,147.00
Contract 5	\$75,586.33	\$75,119.00
Contract 6	\$36,183.70	\$35,769.00