

Date June 8, 2020

**APPROVING AN EXCEPTION TO THE PROCUREMENT ORDINANCE
REQUEST FOR PROPOSALS REQUIREMENT FOR GOOD CAUSE AND APPROVING
AN AMENDMENT FOR EXTENSION OF AGREEMENT WITH NESTINGEN, INC.
D/B/A RELYDB FOR DATABASE ADMINISTRATIVE SERVICES**

WHEREAS, the City of Des Moines Information Technology Department has an immediate and continuing need for database administrative services to support the current and future City Information Technology projects; and

WHEREAS, the skills required to perform these services are highly technical, are unique to the individual possessing such skills, and are developed over a substantial period of time; and

WHEREAS, the required skills are not currently available in the Information Technology Department; and

WHEREAS, Nestingen, Inc. d/b/a RelyDB (Carl Nestingen, President, Clive, Iowa) possesses the required skills and abilities to furnish database administration services and has provided such services to the City for approximately 20 years under separate multi-year agreements; and

WHEREAS, on June 12, 2017, by Roll Call No. 17-1002, the City Council approved an agreement with Nestingen, Inc. for such services which will expire on June 30, 2020 (the Agreement); and

WHEREAS, Nestingen, Inc. has indicated a need to reduce consulting hours after expiration of the current Agreement and its intention to end consulting services to the City by June 30, 2023, and has additionally proposed a software licensing agreement for software developed by Nestingen, Inc.; and

WHEREAS, Nestingen, Inc. and the Information Technology Department desire to extend the Agreement until September 30, 2020 in order to maintain sufficient database support while the City Information Technology Director evaluates Nestingen, Inc.'s proposal, and have negotiated an extension amendment to the Agreement in which the hours of work during the three month extension will not exceed 250 hours at an hourly rate for such services at \$140; and

WHEREAS, the City Manager and the Information Technology Director recommend that the above described procurement be exempted from the Request For Proposals requirements for good cause shown, pursuant to Section 2-710(b) of the Municipal Code of the City of Des Moines.

Date June 8, 2020

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

1. That good cause has been shown to exempt the procurement of database administration services from the Procurement Ordinance Request For Proposals requirements.
2. That the City Council hereby accepts and approves the procurement of services for database administration from Nestingen Inc., d/b/a RelyDB, as described above.
3. That the Amendment for Extension of Agreement for Database Administrative Services Between City of Des Moines and Nestingen, Inc. d/b/a RelyDB, a copy of which is on file in the City Clerk's Office, is hereby approved and the Information Technology Director is hereby authorized and directed, on behalf of the City, to execute such Amendment, and addendums to the Exhibit C Copyright License attached to the Agreement as new works are created for which the City will receive a perpetual, non-exclusive license that are at no further cost to the City, with such agreement and addendums approved as to form by the Legal Department.

(Council Communication No. 20- **243**)

MOVED BY _____ TO ADOPT.

APPROVED AS TO FORM:

Ann DiDonato
 Ann DiDonato, Assistant 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

AMENDMENT FOR EXTENSION
OF
AGREEMENT FOR DATABASE ADMINISTRATIVE SERVICES
BETWEEN

CITY OF DES MOINES
AND
NESTINGEN, INC. D/B/A RELYDB

THIS AMENDMENT FOR EXTENSION is made as of _____, 2020, to the Agreement for Database Administrative Services Between City of Des Moines, Iowa (Client) and Nestingen, Inc., d/b/a RelyDB (RelyDB) dated June 26, 2017 (the "Agreement").

WHEREAS, the parties entered into the Agreement in which RelyDB provides Database Administrative services to implement various projects as assigned by Client for information systems; and

WHEREAS, the Agreement expires on June 30, 2020, and the parties desire to extend the Agreement until September 30, 2020, for up to 250 hours of database administrative services.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Agreement is renewed as follows:

1. The Agreement shall be extended from July 1, 2020 until September 30, 2020.
2. Sections 1 and 2 of Exhibit A, Scope of Services, shall be amended by changing the hours of work during the three month period of this Amendment to be not to exceed 250 hours and the hourly rate for such services to be \$140.
3. Except as set forth above, all other terms of the Agreement are unchanged.

IN WITNESS WHEREOF, the parties hereto affixed their signatures hereto have executed this Addendum to be executed on its behalf by its duly authorized representatives.

CITY OF DES MOINES

NESTINGEN, INC. D/B/A RELYDB

Anna Whipple, Chief Information Officer

Carl Nestingen, President