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Date August 19, 2024

**APPROVING NEGOTIATION AND EXECUTION OF AN AGREEMENT WITH DES MOINES
PARK AND RECREATION FOUNDATION AND PROJECT BACKBOARD
FOR THE EVELYN K. DAVIS BASKETBALL COURT MURAL PROJECT**

WHEREAS, the City owns real property commonly referred to as the Evelyn K. Davis Park and locally known as 1400 Forest Avenue, Des Moines, Iowa, upon which the City intends install and maintain a mural on the two existing full-sized basketball courts and one existing half-basketball court at the Park through its Des Moines Parks and Recreation Department (the “Project”) for the benefit and enjoyment of the residents of the City, subject to availability of funds, with Project installation anticipated to begin in mid-September 2024; and

WHEREAS, the City wishes to hire Project Backboard, a non-profit organization (“Contractor”), to install the mural design for the Project, including cooperation with the City’s design consultant during the installation process, and the Des Moines Park and Recreation Foundation (“Foundation”) intends to pay a portion of the costs related to Contractor’s work for the Project; and

WHEREAS, the City Manager has, upon the recommendation of the Parks and Recreation Department Director for good cause shown, exempted the procurement of the Project installation services by Project Backboard from the competitive bidding process pursuant to Des Moines Municipal Code Section 2-710(c); and

WHEREAS, said procurement will require an agreement between the City, the Contractor and the Foundation (“Agreement”), to be negotiated by the City’s Parks and Recreation Department and subject to approval by the Legal Department, to set forth the anticipated scope of work to be completed by Contractor for the Project in the total amount not to exceed \$56,500.00 for Project mural installation and warranty, with up to \$40,000.00 to be paid by the City and reimbursed by grant funds from BRAVO Greater Des Moines pursuant to the GC24 Public Art Grant Agreement approved by Roll Call No. _____, and the remainder of Contractor’s costs to be paid by the Foundation; and

WHEREAS, funding in the amount of \$40,000.00 is available from fiscal year 2025 Adopted Capital Improvement Plan, page 62, Park Improvements, PK137.

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

1. The procurement of mural installation services and warranty from Project Backboard for use by the Parks and Recreation Department for the Evelyn K. Davis Park Basketball Court Mural Project, in the amount not to exceed \$56,500.00, with up to \$40,000.00 to be paid by the City with reimbursement from BRAVO grant funds and the remainder to be paid by the Foundation, is hereby approved.
2. The Parks and Recreation Department is hereby authorized and directed to proceed with negotiation of an agreement with Project Backboard and the Des Moines Park and Recreation Foundation for mural installation as part of the Evelyn K. Davis Park Basketball Court Mural Project, and the Parks and Recreation Department Director is authorized and directed to execute said Agreement on behalf of the City following approval as to form by the Legal Department.

 **Roll Call Number**

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3. The City Parks and Recreation Department Director and his designee(s) are authorized and directed to administer and monitor the terms of said Agreement on behalf of the City.

(Council Communication No. 24-349)

Moved by _____ to adopt.

Second by _____.

APPROVED AS TO FORM:

/s/ Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
SIMONSON				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, Laura Baumgartner, 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