

★ Roll Call Number

10-395

✓
Agenda Item Number

48

Date March 8, 2010

**RESOLUTION APPROVING MULTI-YEAR CONTRACT WITH
CREATIVE OUTDOOR ADVERTISING OF AMERICA TO PROVIDE
BUS BENCHES ON DES MOINES STREETS SERVED BY PUBLIC TRANSIT**

WHEREAS, pursuant to a Request for Proposals (RFP) issued in May of 2009, Creative Outdoor Advertising of America, 1200 U.S. Highway 1, North Palm Beach, Florida (COA) submitted proposals whereby COA would:

1. Replace existing bus benches on streets served by public transit with new and more aesthetically pleasing benches at approved sites;
2. Inspect and maintain each bus bench on a weekly basis; and
3. Guarantee an annual return to the City of \$20,000 for the first three years of the agreement and \$30,000 per year in years four and five. The parties will review the circumstances and engage in good faith negotiations to determine the feasibility of projected \$40,000 annual payments during years six through ten of the contract; and

WHEREAS, COA was the only company which responded to the RFP; and

WHEREAS, City staff from Traffic and Transportation, Purchasing, Legal and City Manager's Office reviewed COA's proposals and recommended that the proposals be given approval and that the City Council authorize the City Manager to negotiate a contract with COA regarding the bus benches and related services and amenities; and

WHEREAS, on October 26, 2009, by Roll Call No. 09-1970 the City Council authorized and directed the City Manager to negotiate an Agreement with OCA for new bus benches and related services and to submit the negotiated contract for City Council approval; and

WHEREAS, the City and COA have negotiated a contract with a ten-year term (April 1, 2010 through March 31, 2020) which provides that in consideration for the right to install and maintain approximately 150-175 bus benches at public transit stops in Des Moines, COA will pay the City \$20,000 per year in years 1 through 3 of the contract and \$30,000 in years 4 and 5 of the contract. With regard to the remaining term, City staff and COA have agreed to review the circumstances and engage in good faith negotiations to determine projected annual payments for years 6 through 10.

(Continued on Page 2)

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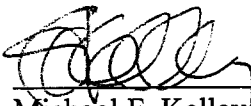
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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa as follows:

1. The contract between the City and COA, a copy of which is on file in the City Clerk's Office, is hereby approved.
2. The Mayor is authorized and directed to execute the above-referenced contract and the City Clerk to attest to his signature.
3. The City Manager or his designee is authorized and directed to administer the contract according to its terms.

APPROVED AS TO FORM:


 Michael F. Kelley
 Assistant City Attorney

Moved by Griess to refer to the City Manager to include a provision in the contract to assess a \$50 penalty for failure to remove snow from bench areas.

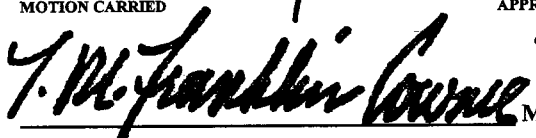
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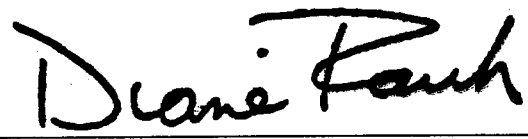
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			

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.


 T. M. Franklin
 Mayor


 Diane Rauh
 City Clerk