

★ Roll Call Number

12-0535

Agenda Item Number

31

Project Name: Page 1

Date April 9, 2012

**APPROVING AN EXCEPTION TO THE PROCUREMENT ORDINANCE COMPETITIVE PROCESS REQUIREMENTS FOR GOOD CAUSE AND APPROVAL OF PROCUREMENT PROCEDURES FOR TITLE AND ABSTRACTING SERVICES FOR THE 2010 HAZARD MITIGATION GRANT PROGRAM (HMGP) FLOOD BUYOUT AND AUTHORIZING CITY ENGINEER TO NEGOTIATE AND EXECUTE CONTRACTS FOR SAME**

**WHEREAS**, on December 19, 2011 by Roll Call No. 11-2117, the City Council approved and authorized execution of grant agreements with Iowa Homeland Security and Emergency Management Division (IHSEMD) and with Iowa Economic Development Authority (IEDA) for federal and state funding for the 2010 Hazard Mitigation Grant Program (HMGP) Flood Buyout Project (a/k/a FEMA 2010 Flood Mitigation Buyout Project) (the "Project"); approved the HGMP Administrative Plan; and authorized voluntary acquisition of property for said Project in the City of Des Moines including the Four Mile Creek, Walnut Creek and Leetown Creek areas; and

**WHEREAS**, IHSEMD and IEDA require specific procurement procedures for all goods and services secured for the Project, and further require that all contracts and/or purchase orders secured for the Project be approved by IHSEMD prior to City execution, and that federal contract provisions relating to both federal FEMA and CDBG funding sources be included in the solicitations and/or contracts or purchase orders for all services; and

**WHEREAS**, there are 61 residential properties to be acquired for the Project for which title and abstracting services must be procured in accordance with the federal grant requirements, prior to the Project completion deadline of December 7, 2014, and the total cost of the title and abstract services is currently undetermined but may exceed the annual threshold of \$25,000, which would typically require a formal bidding process pursuant to Municipal Code Section 2-727; and

**WHEREAS**, unless otherwise required by IHSEMD and/or IEDA, the use of a formal bidding process including publication as required by Municipal Code Sections 2-727 and 2-730 is not in the best interest of the City for purposes of the Project as such bidding process is expected to cause an undue delay in the property acquisition process and increase the bid amounts received from the title and abstracting companies; and

**WHEREAS**, the City Real Estate Division desires to solicit bids electronically for each property to be acquired from at least three title and abstract companies in order to maintain the expediency, lower cost, and quality of services for the Project, and requests a waiver by City Council of the formal bid process as set forth in Municipal Code Sections 2-727 and 2-730 for good cause pursuant to Municipal Code Section 2-710(a); and

**WHEREAS**, the City Manager recommends that the procurement of title and abstracting services for the Project be exempted from the formal, competitive bidding requirement for good cause shown, pursuant to Section 2-710(a) of the Municipal Code of the City of Des Moines.

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

1. That good cause has been shown to waive and exempt the procurement of title and abstracting services for the 2010 Hazard Mitigation Grant Program (HMGP) Flood Buyout Project (a/k/a 2010 FEMA Flood Buyout Project, Project No. DR-1880-77-01) from the City of Des Moines' formal bidding procedure as set forth in Municipal Code Sections 2-727 and 2-730.
2. That the City Real Estate Division is directed to administer procurement of title and abstract services for the Project as set forth herein and in the related Council Communication, and/or as may otherwise be required by IHSEMD and/or IEDA pursuant to the respective grant agreements for the Project.
3. That the City Engineer or his designee and/or the City Procurement Administrator be and are hereby authorized to sign and enter into contracts or purchase orders, as necessary and as may be required by IHSEMD and/or IEDA, to secure said title and abstracting services for the Project, subject to approval as to form by the Legal Department.
4. That the Finance Director is authorized and directed to issue checks in the amounts necessary to pay for these services and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department.
5. That in the event that IHSEMD and/or IEDA pursuant to the respective grant agreements for the Project require that the formal competitive bidding process is required for procurement of such title and abstracting services for the Project in order to comply with their respective grant requirements, the Procurement Administrator is authorized and directed to proceed with such procurement in compliance with the Procurement Ordinance.

(Council Communication No. 12-150) Moved by Hensley to adopt.

APPROVED AS TO FORM:

Ann DiDonato, Assistant City Attorney

psu

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

T. M. Jordan Council 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.

Diane Rauh City Clerk