

★ Roll Call Number

12-0716

Agenda Item Number

41

Date May 7, 2012

WHEREAS, the Park and Recreation Department requested the Finance Department Procurement Division to procure natural gas supplies for city wide use; and

WHEREAS, it is desirous to procure natural gas supplies through a third part marketer in an effort to eliminate the higher than market cost of supply from the local regulated utility and implement an energy risk management program; and

WHEREAS, the Procurement Administrator has determined that natural gas supplies through a third party marketer have been competitively bid and are available from Constellation New Energy, 12120 Port Grace Blvd., La Vista, NE 68128, Kenneth Cornew, President, per State of Iowa Contract number 3696-10; and

WHEREAS, Municipal Code section 2-726 (c) provides for the procurement of goods and/or services from contracts established by the State of Iowa General Services or Department of Transportation, pursuant to procedures established by Iowa Code Chapter 8A and rules and regulations promulgated thereunder, without conforming to the competitive bidding requirements of the Procurement Division; and

WHEREAS, Constellation New Energy has provided a Master Natural Gas Agreement for an initial period of 24 months with subsequent 12 month renewals, a copy of which is on file in the City Clerk's Office; and

WHEREAS, funding is available from various departmental operating budgets.

NOW THEREFORE BE IT RESOLVED, that the Des Moines City Council hereby accepts and approves the procurement of natural gas supplies and services from Constellation New Energy for the administrative fee set by State of Iowa Contract number 3696-10; and

BE IT FURTHER RESOLVED, that the Master Natural Gas Agreement, a copy of which is on file in the City Clerk's Office, is approved and the Finance Director's execution of such Agreement is hereby ratified and approved, and the Finance Director is authorized and directed to negotiate and execute implementing ancillary orders and agreements and up to two 12 month renewal terms at the then current State of Iowa Contract administrative rate, subject to approval as to form by the Legal Department.

(Council Communication No. 12-203)

Moved by Hensley to adopt.

Approved as to Form:

Ann DiDonato  
Ann DiDonato, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         | ✓    |      |      |        |
| COLEMAN        | ✓    |      |      |        |
| GRIESS         | ✓    |      |      |        |
| HENSLEY        | ✓    |      |      |        |
| MAHAFFEY       | ✓    |      |      |        |
| MEYER          | ✓    |      |      |        |
| MOORE          | ✓    |      |      |        |
| TOTAL          | 7    |      |      |        |

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