

★ Roll Call Number

12.1120

Agenda Item Number

33B

Date July 9, 2012

OVERRULING FINANCE DIRECTOR'S DECISION ON APPEAL OF BID AWARD FOR TOWING AND STORAGE OF JUNK VEHICLES CONTRACT TO CROW TOW, RESCINDING RESOLUTION NO. 12-1007 APPROVING AWARD TO CROW TOW, AND REJECTING ALL BIDS

WHEREAS, the Community Development Department requested the Finance Department Procurement Division to solicit bids for an annual contract with four (4) additional one year renewal options to furnish junk vehicle towing and storage services for use by the Neighborhood Inspection Division; and

WHEREAS, the Procurement Division solicited bids by advertisement and mailing Invitation to Bid V12-083 to ten (10) potential bidders with three (3) bids received; and

WHEREAS, the Procurement Administrator determined that the low dollar compliant bid was received from Crow Tow, based on an annual estimated amount of revenue to the City of \$221,600.00, which was the highest revenue-generating compliant bid paid to the City for such services; and

WHEREAS, on June 25, 2012, by Roll Call No. 12-1007, the City Council accepted the bid of Crow Tow, and authorized the Procurement Administrator to enter into an annual agreement renewable for four (4) additional twelve (12) month periods; and

WHEREAS, such agreement has not been executed by the Procurement Administrator or Crow Tow; and

WHEREAS, an appeal was received from Swift Auto Parts, 1720 E. Washington Avenue, Des Moines, IA 50316 (Mike Swift/Owner), from the City Council's bid award to Crow Tow ("the Swift Auto Appeal"); and

WHEREAS, the Swift Auto Appeal was considered by the Finance Director and his decision upheld the award to Crow Tow, as described in the attached written decision; and

WHEREAS, an appeal was received from Swift Auto Parts from the Finance Director's decision to uphold the award of such contract to Crow Tow; and

WHEREAS, pursuant to the terms of the bid, an appeal of the Finance Director's decision is to the City Council; and

WHEREAS, the Council has considered the comments and written materials presented regarding the Swift Auto Parts Appeal.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the City Council hereby overrules the decision of the Finance Director upholding the award to Crow Tow, as the highest revenue-generating compliant bid.

BE IT FURTHER RESOLVED that the City Council hereby rescinds the acceptance of and approval of award to Crow Tow pursuant to Roll Call No. 12-1007.

BE IT FURTHER RESOLVED that the City Council hereby rejects all bids received in response to Invitation to Bid V12-083 as the Council determines that it is in the best interests of the public to reject all bids.

(Council Communication No. 12- 383 )

Moved by Hensley to adopt, refer to the City Manager and Legal Department to work with the Procurement Officer on appropriate language for the bid specifications, and to encourage use of Pre-Bid Meetings.

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          | 6        |      |      | 1      |
| MOTION CARRIED | APPROVED |      |      |        |

T. M. Franklin 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