

★ Roll Call Number
16-1064

Agenda Item Number
47

Date June 27, 2016

**APPROVAL OF TERMINATION AGREEMENT TO CANCEL BID ACCEPTANCE
AND AWARD TO ROSENBAUER SOUTH DAKOTA, LLC FOR BID #16-021 FOR MID-
MOUNT AERIAL LADDER TRUCK**

WHEREAS, by Roll Call No. 15-1797 on October 26, 2015, the City Council approved the procurement of one replacement mid-mount aerial ladder truck from Rosenbauer South Dakota, LLC, 100 Third Street, Lyons, SD, Harold Boer, CEO, in the amount of \$833,069 and Purchase Order #16004833-00 was issued for such procurement; and

WHEREAS, Rosenbauer South Dakota, LLC (Rosenbauer) has requested changes to the Bid specifications in order to meet weight and other design requirements, which the Fire Department determined to be substantial deviations from the Bid specifications and did not accept; and

WHEREAS, due to mutual concerns that Rosenbauer would not be able to fabricate a mid-mount aerial ladder truck in full compliance with the Bid specifications, Rosenbauer and the Fire Department staff agreed to terminate the Bid acceptance, award and Purchase Order pursuant to a Termination Agreement, a copy of which is on file in the City Clerk's Office, in which both parties release the other from liability or any payment resulting from such termination.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Termination Agreement, a copy of which is on file in the City Clerk's Office, is hereby approved and the City Manager is authorized and directed to execute same on behalf of the City and the City Clerk to attest to his signature.

BE IT FURTHER RESOLVED that the Performance and Payment Bond (Surety Bond No. 106303117) may be released by the Procurement Administrator.

(Council Communication No. 16-329

Moved by Gatto to adopt.

Approved as to Form:

Ann DiDonato

Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			
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