

★ Roll Call Number  
18-1361

Agenda Item Number  
45B

Date August 6, 2018

**APPROVING EXCEPTION TO CITY'S REQUEST FOR PROPOSAL (RFP) PROCESS FOR  
GOOD CAUSE AND APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH  
CALHOUN-BURNS & ASSOCIATES, INC. FOR  
DESIGN AND CONSTRUCTION PHASE SERVICES FOR  
FLEUR DRIVE PASSAGEWAY, NOT TO EXCEED \$286,363**

WHEREAS, on April 23, 2018, by Roll Call Number 18-0724, City Council approved the Intergovernmental 28E Agreement with Des Moines Water Works and Des Moines Water Works Park Foundation (hereinafter as "DMWWF") for construction and funding of the Fleur Drive Passageway; and

WHEREAS, the Fleur Drive Passageway includes construction of a passageway structure beneath Fleur Drive to connect Water Works Park to Gray's Lake Park; and

WHEREAS, programming, preliminary design, hydraulic modeling, and jurisdictional coordination and permitting services for the Fleur Drive Passageway were previously completed by the DMWWF's consultant team; and

WHEREAS, the City is desirous of hiring members of the DMWWF's consultant team to complete final design and provide construction phase services for the Fleur Drive Passageway; and

WHEREAS, the City Engineer recommends that the procurement of professional services for the Fleur Drive Passageway be exempted from the requirements of the Engineering Department's Request for Proposal (RFP) process and advertising requirement for good cause shown, pursuant to Section 2-726(b)(1)(a) of the Municipal Code of the City of Des Moines.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That good cause has been shown to exempt the procurement of design and construction phase services from the requirements of the Engineering Department's RFP process and advertising requirements of such Section.

BE IT FURTHER RESOLVED: That the Professional Services Agreement between the City of Des Moines and Calhoun-Burns and Associates, Inc., Michael Vander Wert, President, 1500 30<sup>th</sup> Street, West Des Moines, Iowa, 50266, for a total cost not to exceed \$286,363, based on hourly rates, to provide design and construction phase services for Fleur Drive Passageway, a copy to be placed on file in the office of the City Clerk upon final approval by the City Engineering Department and approval as to form by the Legal Department, be and are hereby approved subject to final approval as to form by the City Legal Department and final approval as to form by the City Engineering Department.

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BE IT FURTHER RESOLVED: That, upon final approval by the City Engineering Department and approval as to form by the Legal Department, the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said Professional Services Agreement for and on behalf of the City of Des Moines, Iowa.

(Council Letter Number 18-401 attached)  
 Activity ID 04-2018-013

Moved by Mandelbaum to adopt.

FORM APPROVED: Kathleen Vanderpool by AD  
 Kathleen Vanderpool  
 Deputy City Attorney

Funding Source: 2018-2019 CIP, Page Miscellaneous Improvements-7, Fleur Drive  
 Passageway, MS019

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
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