



Roll Call Number

19-1551

Agenda Item Number

63

Date September 23, 2019

HEARING AND RESOLUTION TAKING ACTION ON THE PROPOSITION TO AUTHORIZE AND ENTER INTO A LEASE AGREEMENT WITH KOCH BROTHERS, INC. FOR THE LEASE OF 81 MULTI-FUNCTION DEVICES (PRINTER, COPIER, SCANNER AND FACSIMILE) FOR USE IN CITY OPERATIONS FOR A FIVE YEAR PERIOD, IN THE AMOUNT NOT TO EXCEED \$709,391.22

WHEREAS, it is deemed necessary and advisable that the City of Des Moines, Iowa, should enter into a lease agreement for the rental of 81 multi-function devices (printer, copier, scanner and facsimile) for use in city operations for a five year period, in an amount not to exceed \$709,391.22 to be paid in sixty monthly installments during the five year term (the "Lease Agreement" or "Agreement") as authorized by Sections 364.4 and 384.25 of the Code of Iowa for the purpose of providing funds to pay costs of acquiring the devices as hereinafter described; and

WHEREAS, the Procurement Administrator has determined that such multi-function devices (printer, copier, scanner and facsimile) are available from the U.S. Communities Government Purchasing Alliance and are available through Contract ID Number 520712 (the "Contract"), pursuant to the exception to competitive bidding requirements in Section 2-726(m) of the Procurement Ordinance; and

WHEREAS, such multi-function devices are available under the Contract through Koch Brothers, Inc., 325 Grand Avenue, Des Moines, Iowa 50309, Richard Koch, Jr., President; and

WHEREAS, the term of the proposed Agreement will not exceed the economic life of the property to be leased; and

WHEREAS, the Lease Agreement shall be payable solely and only out of the City's general fund and various enterprise funds of the City of Des Moines, and will not cause the total annual lease or lease payments due from the general fund in any single future fiscal year for all lease contracts currently enforced to exceed ten percent of the last certified general fund budget amount; and

WHEREAS, a copy of the proposed Agreement is on file in the Office of the City Clerk which provides that the City shall pay 60 monthly lease payments during the five year term; and

WHEREAS, before the proposed Agreement may be authorized, it is necessary to comply with the provisions of the Code of Iowa Sections 362.4 and 462.25 and to publish a notice of the proposal and of the time and place of the meeting at which the City Council proposes to take action for the authorization of the lease agreement and to receive oral and/or written objections from any resident or property owner of said City to such action.

WHEREAS, pursuant to Sections 364.4 and 384.83 of the Code of Iowa, notice of the hearing on the proposed authorization of a Lease Agreement between the City of Des Moines and Koch Brothers, Inc. for the lease of 81 multi-function devices (printer, copier, scanner and facsimile) for use in city operations for a five year period, in an amount not to exceed \$709,391.22, to be paid in sixty monthly payments to be paid from the general fund and various enterprise funds, and of the proposed action by the City Council to institute proceedings for the authorization of said Lease Agreement for the above purposes, has



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been duly published as provided by law; and

WHEREAS, on September 9, 2019 by Roll Call No. 19-1401, the City Council resolved that the proposition to authorize and enter into the Lease Agreement be set down for hearing on September 23, 2019 at 5:00 p.m. in the Council Chambers at City Hall; and

WHEREAS, due notice of said proposal and the time and place of said hearing was published in the Des Moines Register on September 13, 2019, as provided by law.

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

1. The public meeting and hearing on the City's proposition to authorize and enter into a Lease Agreement with Koch Brothers, Inc. for the purpose of leasing 81 multi-function devices (printer, copier, scanner and facsimile) has been duly held at the time and place provided and in accordance with said notice, oral or written objections from residents or property owners of the City have been received and filed.
2. That the time for receiving oral and written objections from any resident or property owner of the City and the hearing be closed and the proposition to authorize and enter into the Lease Agreement with Koch Brothers, Inc. and all objections thereto are taken into consideration by the City Council.
3. The City hereby takes action to authorize, approve and enter into the Lease Agreement with Koch Brothers, Inc. and all incorporated and ancillary documents and the City Manager is hereby authorized and directed to sign the Master Lease Agreement, Maintenance Agreement, Product Schedule, and Order for Maintenance.
4. The City Manager or his designee is hereby authorized and directed to administer the terms of the Lease Agreement and to sign all other incorporated and ancillary documents thereto including but not limited to, letters, Acknowledgement of Assignment, and certificates as may be required. The Finance Director is authorized to sign Delivery and Acceptance Certificates. The City Risk Manager is authorized to sign Evidence of Insurance documents and letters. The City Clerk is authorized to sign Incumbency Certificate of Incumbency. The Finance Director is authorized and directed to make all rental payments in accordance with the terms of the Lease Agreement.



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(Council Communication No. 19-

408

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Moved by

Boesen

to adopt.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato

Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

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.

J. M. Franklin Cownie Mayor

Diane Rauh

City Clerk