

★ Roll Call Number

23-1442

Agenda Item Number

44

Date October 23, 2023

APPROVING AN EXCEPTION TO THE PROCUREMENT ORDINANCE COMPETITIVE PROCESS FOR GOOD CAUSE AND APPROVAL OF AMENDMENT TO EXTEND AGREEMENT FOR STATE LEGISLATIVE LOBBYING SERVICES WITH CARNEY & APPLEBY, P.L.C.

WHEREAS, on November 7, 2016, by Roll Call No. 16-1928, the City Council accepted the proposal from Carney & Appleby, P.L.C. to provide State legislative lobbying services representing the City's interests with the Iowa Legislature and authorized the City Manager to negotiate and execute an agreement for such services ("the Agreement"), which Agreement has previously been amended three times; and

WHEREAS, on December 7, 2020, by Roll Call No. 20-2017, the Agreement was extended through December 31, 2023, with three 1-year renewal options and annual fees of \$69,000.00 during the through December 31, 2023 and an annual increase of three percent (3%) per renewal year permitted; and

WHEREAS, the parties desire to extend the term of the Agreement for three years until December 31, 2026, with three 1-year renewal options thereafter, and to increase the price paid by the City to \$85,000.00 annually during the initial term, with an annual increase of up to five percent (5%) per renewal term, and have negotiated a Fourth Amendment to the Agreement, on file in the office of the City Clerk, setting forth these new terms; and

WHEREAS, the City Manager recommends that the procurement of such State legislative lobbying services be exempted from the competitive procurement requirements for good cause shown, pursuant to Section 2-710 of the Municipal Code of the City of Des Moines, and that it is in the best interest of the City to extend the Agreement, pursuant to Section 2-717(a) of the Municipal Code of the City of Des Moines.

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

1. Good cause has been shown to exempt the procurement of the above-described State legislative lobbying services from the Procurement Ordinance competitive procurement requirements.
2. It is deemed to be in the best interest of the City to extend the term of this Agreement for an additional 3-year initial term through December 31, 2026, with up to three 1-year renewal terms through December 31, 2029.
3. The Fourth Amendment to Agreement for State Legislative Lobbying Services by and between the City of Des Moines, Iowa and Carney & Appleby, P.L.C., extending the Agreement term and increasing the price paid to the consultant to \$85,000.00 annually for the initial term, with an annual increase of up to five percent (5%) for each of the three 1-year renewal terms, is hereby approved.
4. The City Manager is hereby authorized and directed to execute the Fourth Amendment, and to consider, approve and execute addenda providing for up to three 1-year renewals, including price increases as described above, on behalf of the City through December 31, 2029, if the City Manager deems such renewal(s) to be in the best interest of the City.

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(Council Communication No. 23-485)

MOVED BY Gatto to adopt.

SECOND BY Voss

Approved as to form:

/s/ Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

CERTIFICATE

I, Laura Baumgartner, 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.

MOTION CARRIED

APPROVED

M. Franklin Cownie Mayor

Laura Baumgartner City Clerk