



Date April 1, 2024

**APPROVAL OF AGREEMENT FOR PROFESSIONAL SERVICES
FOR MAINTENANCE OF THE ENGINEERING DATABASE AND REPORT
GENERATOR APPLICATIONS WITH NESTINGEN INC. D/B/A RELYDB, AND
APPROVING GOOD CAUSE EXCEPTION TO PROCUREMENT ORDINANCE**

WHEREAS, on December 5, 2016, by Roll Call No. 16-2086, the City Council approved an Agreement for Professional Services with Nestingen Inc. d/b/a RelyDB, Carl Nestingen, President, 8498 NW Beaver Drive, Johnston, Iowa 50131 to develop a contract management database for the Engineering Department, which included database maintenance services through February 29, 2024; and

WHEREAS, the Engineering Database supports the needs of the Engineering Department to manage the bidding, contracting, and administration processes required for the implementation and construction of public improvement projects; and

WHEREAS, in addition to data collection, project management, and reporting capabilities, the Engineering Database allows for the efficient and cost-effective generation of required Council documents and over 70 other contract related documents and forms required for the administration of public improvement construction projects, and without the Engineering Database, additional staff would be required to manually prepare and complete all of the forms and documents required for implementation of the City's public improvement construction projects; and

WHEREAS, City staff has negotiated a new maintenance agreement (Agreement) that will provide ongoing database maintenance services for the Engineering Database and for related report generator applications from Nestingen Inc. d/b/a Rely DB, effective March 1, 2024 with an initial term of five (5) years, plus a three (3)-year renewal option; and

WHEREAS, the Agreement is subject to the following payments being made by the City:

- \$9,000 one-time payment for nine (9) report generator applications developed in May 2023.
- \$8,000 per year for years one (1) through three (3) of the Agreement.
- \$9,000 per year for years four (4) through five (5) of the Agreement.
- \$10,000 per year for years six (6) through (8) of the renewal period, if exercised.
- City may terminate the Agreement at any time, including an option to purchase the current version of the software, as of the date of termination, at the following cost:
 - \$80,000 in years one (1) through three (3) of the Agreement.
 - \$50,000 in year four (4) or after of the Agreement and the renewal option period; and

WHEREAS, the Engineering and Information Technology Departments recommend approval of the Agreement; and



Roll Call Number

24-0507

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WHEREAS, the City Engineer recommends that the procurement of database maintenance services for use by the Engineering Department be exempted from the competitive bidding requirements for good cause shown, pursuant to Section 2-726(b)(1)(A) of the Municipal Code of the City of Des Moines, based upon the extensive experience of Nestingen Inc. with the Engineering Database.

NOW THEREFORE, BE IT RESOLVED BY THE DES MOINES CITY COUNCIL:

1. That good cause has been shown to exempt the procurement of the above-described database maintenance services from the Procurement Ordinance competitive bidding requirements.
2. That the Agreement for Professional Services for Maintenance of the Engineering Database and Report Generator Applications with Nestingen Inc. D/B/A RelyDB is hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said Agreement for and on behalf of the City of Des Moines, Iowa.
3. That the City Engineer is hereby authorized to take all necessary actions to terminate the Agreement in the future, including execution of a mutual termination agreement, and to exercise and make payment on the option to purchase the software in accordance with the terms of the Agreement.

(Council Communication No. 24-143 attached)

Moved by Mandelbaum to adopt. Second by Gatto

and refer to the City Manager and staff to look at adding additional FORM APPROVED:

tracking of some key metrics, including change orders, liquidated damages and time-
liness of completion.

SLN_{pw} /s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
MANDELBAUM	✓			
SIMONSON	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>Connie Boesen</u>		Mayor		

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.

Laura Baumgartner City Clerk