

Date May 6, 2024

**AUTHORIZING AND APPROVING AGREEMENT WITH
J.E. DUNN CONSTRUCTION COMPANY FOR CONSTRUCTION
MANAGER AT RISK SERVICES FOR THE
NORTH SIDE COMMUNITY RECREATION CENTER,
WITH PRE-CONSTRUCTION SERVICES,
NOT TO EXCEED \$60,518**

WHEREAS, on June 14, 2022, the Governor of Iowa signed SF 183 which created Chapter 26A of the Iowa Code, Guaranteed Maximum Price Contracts, allowing for a governmental entity to follow the process set out in Chapter 26A to select a construction manager at risk for the construction of public improvements and providing for a guaranteed maximum price; and

WHEREAS, on May 22, 2023, the City Council authorized issuance of a Notice of Intent (NOI) to Enter into a Guaranteed Maximum Price Contract for North Side Community Recreation Center, including the City's selection criteria and further authorized staff to proceed in accordance with Chapter Iowa Code Chapter 26A, including issuing Request for Qualifications (RFQ), and Request for Proposals (RFP) to procure a Construction Manager at Risk (CMR), for the North Side Community Recreation Center, including the process of securing a guaranteed maximum price contract in accordance with Chapter 26A of the Iowa Code for recommendation to the City Council; and

WHEREAS, following the requirements of Chapter 26A, staff prepared and issued a Notice of Intent (NOI), Request for Qualifications (RFQ), and Request for Proposals (RFP) to procure a Construction Manager at Risk (CMR) process for the North Side Community Recreation Center and the selection committee evaluated responses to the RFQ and RFP in accordance with criteria set forth therein and interviewed three firms; and

WHEREAS, the selection committee has selected and recommends the proposal submitted by J.E. Dunn Construction Company for Construction Manager-At-Risk Services for the North Side Community Recreation Center; and

WHEREAS, the City and J.E. Dunn Construction Company have negotiated the terms of a contract for CMR Services which includes the following terms:

- (A) Pre-construction services shall be performed at a cost not to exceed \$60,518; and
- (B) The intent, but not the right, on completion of the construction design documents, for J.E. Dunn Construction Company to provide construction services for the North Side Community Recreation Center under a Guaranteed Maximum Price (GMP) in accordance with the contract documents, such GMP not to be binding on the Authority until approved by the City Council.

Date May 6, 2024

WHEREAS, staff is recommending approval of the contract for CMR Services with J.E. Dunn Construction Company

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


1. That the contract to provide Construction Manager at Risk (CMR) services for the construction of the North Side Community Recreation Center between the City of Des Moines and J.E. Dunn Construction Company, Gordon E. Lansford III, President, 1001 Locust Street, Kansas City, MO 64106, for an amount not to exceed \$60,518 for pre-construction phase services, a copy of which is on file with the City Clerk, is hereby approved 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.
2. That the contract shall be subject to review and approval prior to the City entering into a GMP Amendment for the construction phase of the North Side Community Recreation Center.

(City Council Letter Number 24-201 attached)
Activity ID 10-2023-002

Moved by _____ to adopt. Second by _____

FORM APPROVED: s/Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

 Funding Source: 2024-25 CIP, Page 34, Northside Community Recreation Center, BL135, G.O. Bonds, Local Option Sales and Service Tax (LOSST), and General Fund

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
SIMONSON				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ 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.

_____ City Clerk