

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	April 20, 2009
	Agenda Item No. 32C Roll Call No. <u>09-</u> Communication No. <u>09-251</u> Submitted by: Jeb E. Brewer, P.E. City Engineer	

AGENDA HEADING:

Approving Change Order No. 3 with Pinnacle Construction Group, LLC for additional work on the John & Mary Pappajohn Sculpture Park for a total not to exceed \$164,485.

SYNOPSIS:

Recommend approval of Change Order No. 3 in an amount not to exceed \$164,485 with Pinnacle Construction Group, LLC, Shane E. Madison, President, 10626 Justin Drive, Urbandale, Iowa 50322, for additional work on the John & Mary Pappajohn Sculpture Park.

FISCAL IMPACT:

Amount: \$164,485

Funding Source: 2009-10 CIP, Page Parks-17, Pappajohn Sculpture Garden, PKS169, being privately funded with collection and disbursement of the private funds by the Greater Des Moines Community Foundation.

ADDITIONAL INFORMATION:

In February 2007, the City of Des Moines and the Des Moines Art Center announced that Des Moines philanthropists John and Mary Pappajohn would be donating 17 significant pieces of sculpture to the Des Moines Art Center. This donation offers the City an opportunity to showcase one of the most significant collections of art in the United States. To best showcase this art, a portion of the Western Gateway Park from 13th Street to 15th Street is being reconstructed into an outdoor art gallery in which these pieces of art and sculptures will be permanently displayed. The reconstructed two block area of the Western Gateway Park has been renamed the John and Mary Pappajohn Sculpture Park.

John and Mary Pappajohn have recently agreed to add to their donation by replacing one of the original sculptures and adding six new sculptures to the sculpture park. With the addition of these new sculptures, the sculpture park will now have a total of 23 pieces of art on permanent display.

The Engineering Department has modified the construction plans to accommodate the addition of the new sculptures. This change order represents all of the changes to the sculpture bases, PCC sidewalks, plantings, earthwork, sodwork, surveying, plaza, subdrain system, irrigation system, electrical system, security system and sculpture lighting that are necessitated by the replacement of one sculpture and the addition of six new sculptures to the sculpture park.

With the addition of this extra work, it is necessary to add an equivalent amount of construction time to

the project completion date. The design team has estimated that the work added to this contract by change order represents approximately 42 calendar days. With the addition of these 42 calendar days, the project completion date will change from August 1, 2009 to September 12, 2009.

The extra work added by change order makes the original early completion bonus requirements impossible to be met. Staff recommends that the City Council revise the early completion bonus by approval of this change order, including the following new milestones which must be met. 1) All original and added sculpture bases must be completed and ready for sculpture placement by the planned sculpture placement date of May 11, 2009. 2) All contract work including all work added by change order must be 100% complete by July 13, 2009. This revised schedule and bonus completion allow the current sculpture placement to proceed, and also complete the project in time for the grand opening.

PREVIOUS COUNCIL ACTION(S):

Date: September 22, 2008

Roll Call Number: 08-1697

Action: On John & Mary Pappajohn Sculpture Park: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Pinnacle Construction Group, LLC, (Shane E. Madison, President), \$2,014,500. (Council Communication No. 08-574) Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.

Date: August 11, 2008

Roll Call Number: 08-1399

Action: John & Mary Pappajohn Sculpture Park – Receiving of bids, (9-9-08), and Setting date of hearing, (9-22-08). (Construction Estimate - \$2,641,500). (Council Communication No. 08-495). Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Normal Council actions on construction contracts.

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