


# COUNCIL COMMUNICATION

	Number:	<b>23-176</b>	Meeting:	<b>April 10, 2023</b>
	Agenda Item:	<b>70B</b>	Roll Call:	<b>23-0551</b>
	Submitted by:	<b>John F. TeKippe, Fire Chief, James M. Hoff, Facilities Manager, and Steven L. Naber, P.E., City Engineer</b>		

## AGENDA HEADING:

Authorizing issuance of a Notice of Intent to Enter into a Guaranteed Maximum Price Contract Pursuant to Iowa Code Chapter 26A for the Des Moines Fire Station No. 4 Replacement and authorization for staff to proceed pursuant to Iowa Code Chapter 26A.

## SYNOPSIS:

Recommend the City Council authorize issuance of a Notice of Intent to Enter into a Guaranteed Maximum Price Contract Pursuant to Iowa Code Chapter 26A for the Des Moines Fire Station No. 4 Replacement, and authorization for staff to proceed pursuant to Iowa Code Chapter 26A.

## FISCAL IMPACT:

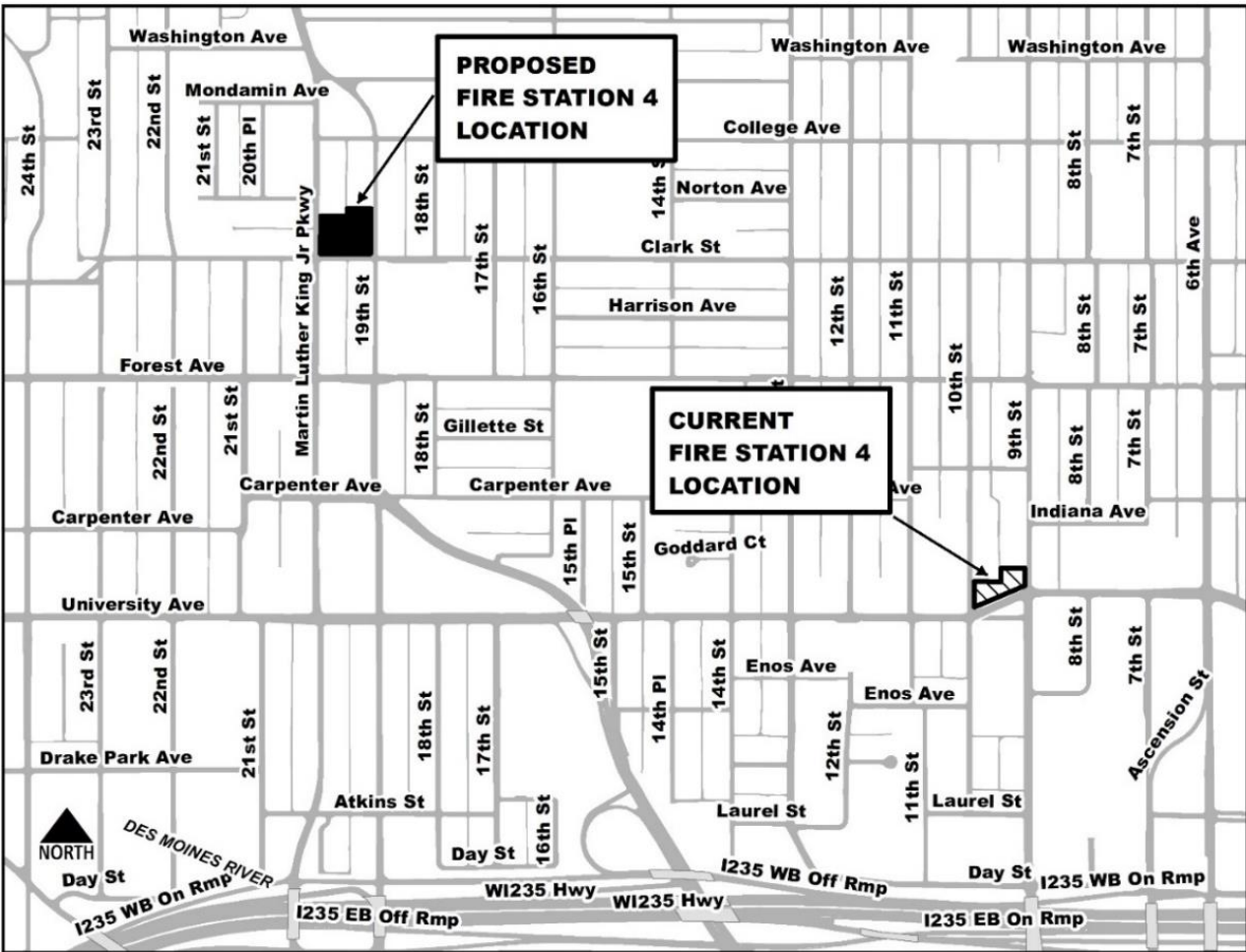
Amount: \$7,850,000 – City Engineer’s Construction Estimate

Funding Source: 2023-24 CIP, Page 65, Fire Station 4, BL136, Being: Ground Emergency Medical Transportation Funds transferred from 2023-24 CIP, Page 52, Fire Building Improvements, BL063

## ADDITIONAL INFORMATION:

- On July 1, 2022, Senate File 183 established a new Chapter 26A of the Iowa Code, which allows and authorizes public improvement projects to be constructed under the Construction Manager at Risk (“CMaR”) project delivery method.
- CMaR is defined in Iowa Code Chapter 26A as a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for construction, rehabilitation, alteration, or repair of a project and provides consultant services to the government entity in the project development and design phases, working collaboratively with the design professionals involved. A CMaR project delivery method involves the negotiation of a Guaranteed Maximum Price (“GMP”) for the project with a construction manager who agrees to complete the project for the public entity-owner within the GMP. The GMP includes the cost of the construction work (including work performed by subcontractors and any self-performed work by the construction manager), plus the construction manager’s negotiated fee. CMaR cannot be used on highway, bridge or culvert construction projects.

- As a starting point, under Chapter 26A, if the City intends to utilize the CMaR method and enter into a GMP contract, the City must publicly disclose its intent to do so and the City's selection criteria at least 14 days prior to posting a Request for Statement of Qualifications seeking a contractor to serve as a CMaR. The City is required to publicly disclose the intent in a relevant construction lead generating service with statewide circulation, and on an internet site sponsored by either the City or a statewide association that represents the City.
- City staff have prepared a Notice of Intent, Request for Qualifications, and Request for Proposals (RFP) with the intention of being used to procure a CMaR. It is anticipated that City staff will interview and select a CMaR in July 2023 to enter into negotiations of an Agreement for subsequent City Council consideration, with an anticipated issuance of a Notice to Proceed in August 2023.
- An RFP soliciting design consultant proposals for professional services to provide architectural and engineering design services for the Fire Station No. 4 Design Project was previously posted and proposals were received on March 30, 2023. It is anticipated City staff will select a Consultant in April 2023 to enter into negotiations of a Professional Services Agreement for subsequent City Council consideration, with an anticipated issuance of a Notice to Proceed in June 2023.
- As part of the Fire Department's long-term planning for fire station replacement, this project provides for the replacement and relocation of Fire Station No. 4. The new station will be similar in size to the newly constructed Fire Station No. 11 but will also include the addition of a fourth apparatus bay and a stair training tower.
- Fire Station No. 4 has been identified as the highest priority replacement project for the Fire Department for two (2) main reasons:
  - The ability to improve service delivery to the residents and guests of Des Moines in that area of the city; and
  - The opportunity to replace the second oldest fire station in the City.
- A project page was established on the City's website in May 2022. A virtual public meeting was held May 26, 2022, to share information regarding site selection and project planning with neighborhood residents. A recording of that meeting was posted to the project page. City staff also attended a meeting of the King Irving Neighborhood Association on June 16, 2022, to present the project and answer questions. Project information and updates may be found at this link: [https://www.dsm.city/departments/engineering - division/fire\\_station\\_no\\_4.php](https://www.dsm.city/departments/engineering - division/fire_station_no_4.php).
- The estimated construction cost is \$7,850,000. The Consultant will prepare proposed plans, specifications, and form of contract documents available for public inspection.
- Property acquisition for this project is currently underway and is expected to be completed by fall of 2023, with construction expected to begin in 2024 and be completed in 2025.



**PREVIOUS COUNCIL ACTION(S):**

Date: August 8, 2022

Roll Call Number: [22-1292](#)

Action: [Authorization](#) to proceed with acquisition of the necessary property interests for the Fire Station 4 Relocation Project. ([Council Communication No. 22-362](#)) Moved by Sheumaker to adopt. Second by Boesen. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Anticipated actions include approving contract and approving Guaranteed Maximum Price Amendment to contract; also partial payments to the CMaR and final acceptance of work.

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