


COUNCIL COMMUNICATION

 CITY OF DES MOINES OFFICE OF THE CITY MANAGER	Number:	23-250	Meeting:	May 22, 2023
	Agenda Item:	8	Roll Call:	23-0701
	Submitted by:	Steven L. Naber, P.E., City Engineer and James M. Hoff, Facilities Manager		

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 North Side Community Recreation Center 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 North Side Community Recreation Center, to be known as Reichardt Community Recreation Center upon completion, and authorization for staff to proceed pursuant to Iowa Code Chapter 26A.

FISCAL IMPACT:

Amount: \$16,500,000 – City Engineer’s Pre-Construction Services & Construction Estimate, including Construction Manager fees and estimated Cost of Work (not including Construction Contingency or FFE)

Funding Source: 2023-24 CIP, Page 64, Northside Community Recreation Center, BL135, Being:

- \$2,000,000 of Local Option Sales and Service Tax (LOSST),
- \$5,220,000 in private donations to date, with potential to reach over \$6,000,000,
- \$8,500,000 up to \$9,280,000 of ARPA funds will be transferred to General Fund and/or Capital Improvement Plan for this expenditure.

ADDITIONAL INFORMATION:

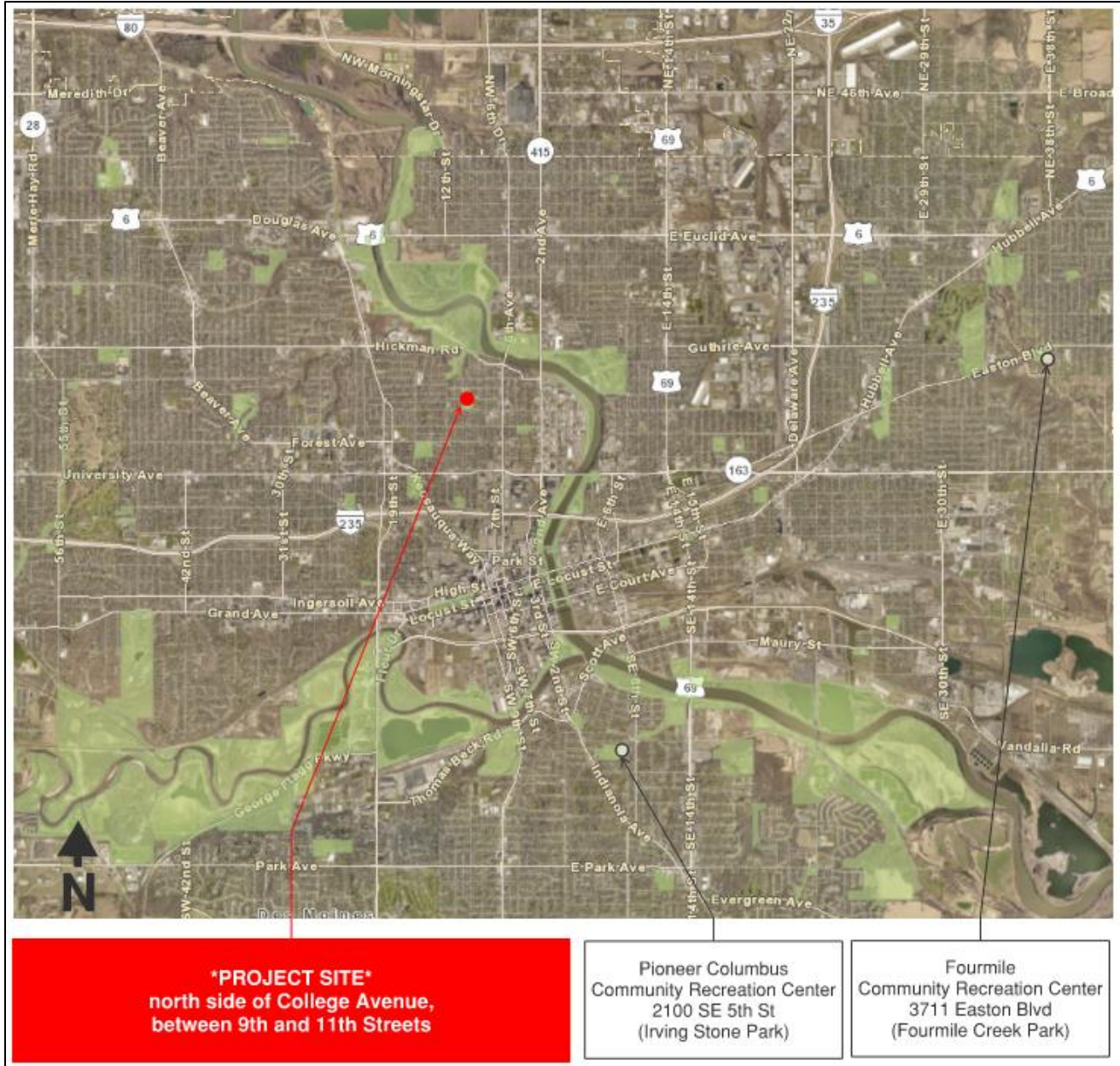
- On July 1, 2022, Senate File 183 established a new Chapter 26A of the Iowa Code, which allows and authorizes public improvement projects to be constructed under the Construction Manager at Risk (CMaR) project delivery method.
- CMaR is defined in Iowa Code Chapter 26A as a sole proprietorship, partnership, 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 (RFQ), 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 September 2023 to enter into negotiations of an Agreement for subsequent City Council consideration, with an anticipated issuance of a Notice to Proceed in October 2023.
- An RFP soliciting design consultant proposals for professional services to provide architectural and engineering design services for the North Side Community Recreation Center Design Project is posted, with proposals set to be received in June 2023. It is anticipated City staff will select a consultant in July 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 August 2023.
- The project consists of construction of a new community recreation center facility, along with associated site improvements and parking. The project is located on a 4.5-acre site, on the north side of College Avenue between 9th and 11th Streets. The project site includes the existing John R. Grubb Community YMCA and adjacent City-owned property.
- The primary mission of the project is "To serve community needs and provide opportunities for recreation through a vibrant design." Project goals defined during the planning phase support this vision. The design will reflect the collective vision of the community, and the project will be sustainable environmentally and economically.
 - Planned building program includes an indoor pool, gymnasium with elevated walking track, fitness rooms, community rooms, multipurpose spaces for innovative and flexible programming, and areas to support day-to-day operations, such as offices, lobby spaces, check-in areas, locker rooms, and building services.
 - Planned site improvements include parking, stormwater management, walks, multipurpose paved trail, handball courts, and site preparation for a playground area.
- In 2021, the City of Des Moines engaged a consultant team to develop a project vision for the North Side Community Recreation Center. The resulting *North Side Community Recreation Center and Park Program Report* ("Program Report"), dated June 2022, details the planning process, including input from community members provided over the course of six (6) public meetings. Outcomes of the planning phase define minimum project requirements and include three (3) scope scenarios associated with three (3) fundraising milestones. The full report is available via the City's project website at this link: [North Side Community Recreation Center \(dsm.city\)](#) .
- City buildings have a goal to achieve Leadership in Energy and Environmental Design (LEED) Silver or higher (PlanDSM; Public Infrastructure and Utilities Goal 3, PIU24) and shall support the

City's sustainability and clean energy initiatives. Development of solar energy options shall be required as part of the project design.

- The estimated guaranteed maximum price (GMP) for construction is \$16,000,000, with an additional estimated \$500,000 for Pre-Construction services. The Consultant will prepare proposed plans, specifications, and form of contract documents available for public inspection.



PREVIOUS COUNCIL ACTION(S):

Date: August 23, 2021

Roll Call Number: [21-1339](#)

Action: [Accepting](#) proposal of M.A. Architecture, Inc. for consultant services for Grubb Community Recreation Center Programming and Planning, approving Agreement for the same, and authorizing City Manager to execute Agreement, \$172,800. ([Council Communication No. 21-366](#)) Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: September 21, 2022

Board/Commission: Historic Preservation Commission

Action: Granting Certificate of Appropriateness (COA) for the future demolition of the John R. Grubb Community YMCA building, subject to conditions. COA is valid for one year from meeting date. Conditions shall be met upon application for renewal of COA.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

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

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