

★ Roll Call Number

Agenda Item Number

9A

Date November 7, 2016

APPROVING CHANGE ORDER NO. 1 FOR ADDITIONAL WORK ON THE CITY HALL PARKING GARAGE, IN AN AMOUNT NOT TO EXCEED \$59,671

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the attached Change Order No. 1 for additional work on the City Hall Parking Garage, in an amount not to exceed \$59,671, is hereby approved, and the City Manager and City Engineer are authorized and directed to execute said change order.

(Council Letter Number 16-631 attached) Activity ID 14-2016-015

Moved by _____ to adopt.

FORM APPROVED: Kathleen Vanderpool Deputy City Attorney

Funding Source: Parking System Revenues will be used to secure financing/pledged for payments

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

CERTIFICATE

I, DIANE RAUH, 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.

MOTION CARRIED APPROVED Mayor

City Clerk



CHANGE ORDER AGREEMENT NO. 1

Date: November 2, 2016

Initiated By: City

Lessor: 101 East Grand Parking LLC
Contractor: Ryan Companies US, Inc.
Architect: Neumann Monson

Project: City Hall Parking Garage

Activity ID: 14-2016-015

DESCRIPTION OF CHANGE ORDER AND PURPOSE

On April 11, 2016, Council approved the plans, specifications, estimated cost of the lease purchase of the City Hall Parking Garage and a Lease Purchase Agreement (LPA) between the City of Des Moines, 101 East Grand and West Bank, and an Urban Renewal Agreement for sale of land for redevelopment.

The City continued to work with Atrium Finance III, LP (Atrium), and the owner of Embassy Suites, to amend the hotel parking lease to move parking spaces out of the footprint of the parking garage. These negotiations delayed closing on conveyance of land to 101 East Grand, the LPA, and commencement of construction. Two (2) Council actions were subsequently taken to allow construction to proceed:

1. On May 9, 2016 under Roll Call 16-0815 Council approved an Amendment to the Agreement with 101 East Grand to allow for construction of a temporary parking lot to be used by Atrium. This allowed 101 East Grand to begin construction work on a limited basis. This work was completed on June 9, 2016.
2. On June 13, 2016 under Roll Call 16-0964, Council approved an Indemnification and Hold Harmless Agreement with 101 East Grand and West Bank for the new parking garage site. On June 17, 2016, the parties closed on the conveyance of land to the developer, the LPA and the bank financing.

Project construction was anticipated to start on April 25, 2016. Due to the delay described above, construction of the garage could not begin until June 17, 2016. In addition, contractor and subcontractor schedules for critical work were impacted and further delayed. Ryan Companies US, Inc., 101 East Grand contractor, has requested reimbursement of \$59,671 for costs incurred due to the delay of construction. These costs include labor costs and material price increases incurred as a result of the delay and it is agreed that this change order is full and complete compensation for the delay.

SETTLEMENT FOR COST OF CHANGED WORK

A. CHANGE OF PLANS TO BE INCLUDED IN AS-BUILT MEASUREMENT OF CONTRACT ITEMS:

Table with columns: ITEM, DESCRIPTION, UNITS, UNIT PRICE, AMOUNT. Includes a summary row: NET CHANGE PART A \$0.00

B. ITEMS FOR WHICH CONTRACT UNIT PRICES ARE NOT ESTABLISHED:

Table with columns: ITEM, DESCRIPTION, UNITS, UNIT PRICE, AMOUNT. Includes a summary row: NET CHANGE PART B \$59,671.00

TOTAL \$59,671.00

Summary table showing: Original Contract Amount (\$24,810,166.00), Previously Authorized Change Orders (\$0.00), Amount of Change By This Change Order (\$59,671.00), New Contract Amount Including This Change Order (\$24,869,837.00), Percentage of Change Orders to Original Contract (0.24%)

Signature: Mark Hutchens P.E., Project Engineer, Civil Engineer II, DATE: Nov 7, 2016

Signature: Pamela S Cooksey, P.E., City Engineer, DATE: 11/7/16

Signature: P.D.H., DATE: 11/7/16, 101 East Grand Parking LLC

Signature: Scott E. Sanders, City Manager, DATE

Signature: Ryan Companies, DATE: 11/7/16

Signature: Neumann Monson, DATE: 11/7/16

Roll Call No. DATE

- Distribution: Original - Project File, Copy - Prime Contractor, Copy - Contract Compliance, Copy - Finance Department, Copy - Inspection

- Copy - Mark Hutchens, P.E., Civil Engineer II, Copy - Jennifer Dakovich, P.E., Principal Traffic Engineer

FUNDING INFORMATION

Table with columns for CIP Page, Object Code, Organization, Project, Activity ID, Reviewer, Adequate, Transfer \$, Object Code, Organization, Project.