

**Date** October 2, 2023

**AUTHORIZING ISSUANCE OF A NOTICE OF INTENT  
TO ENTER INTO A GUARANTEED MAXIMUM PRICE CONTRACT  
PURSUANT TO IOWA CODE CHAPTER 26A FOR  
THE CITY FACILITY EXPANION PHASE 1 IMPROVEMENTS AND  
AUTHORIZATION FOR STAFF TO PROCEED PURSUANT TO IOWA CODE  
CHAPTER 26A**

**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**, in accordance with Iowa Code Chapter 26A, a governmental entity is required to publicly disclose the intent to enter into a guaranteed maximum price contract and the governmental entity's selection criteria in a relevant contractor plan room service with statewide circulation, a relevant construction lead generating service with statewide circulation, and on an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity at least fourteen days prior to publishing a request for statement of qualifications; and

**WHEREAS**, following the requirements of Chapter 26A, the Engineering Department has prepared a Notice of Intent (NOI), Request for Qualifications (RFQ), and Request for Proposals (RFP) to procure a Construction Manager at Risk (CMaR) process for the City Facility Expansion - Phase 1 Improvements; and

**WHEREAS**, staff is requesting authorization to issue the Notice of Intent to Enter into a Guaranteed Maximum Price Contract, including the governmental entity's selection criteria and proceed with the process of securing a Guaranteed Maximum Price Contract in accordance with Chapter 26A of the Iowa Code.

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

1. That the City Engineer is hereby authorized to issue a Notice of Intent (NOI) to Enter into a Guaranteed Maximum Price Contract for the City Facility Expansion Phase 1 Improvements, including the City's selection criteria.
2. That the City Engineer and City staff are authorized 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 City Facility Expansion - Phase 1 Improvements, including the process of securing a

 **Roll Call Number**

**Agenda Item Number**

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\_\_\_\_\_ 7 \_\_\_\_\_

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guaranteed maximum price contract in accordance with Chapter 26A of the Iowa Code for recommendation to the City Council.

(City Council Letter Number 23-435 attached)  
Activity ID 10-2024-001

Moved by \_\_\_\_\_ to adopt. Second by \_\_\_\_\_

FORM APPROVED: s/Kathleen Vanderpool

Kathleen Vanderpool  
Deputy City Attorney

**SLN**  
*pw*

Funding Source: 2023-24 CIP, Page 62, City Facility and Armory Replacement, BL133, being: General Fund Loan, Local Option Sales and Service Tax, Land Sales, and General Funds made possible from American Rescue Plan Act Funds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
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