

Date April 15, 2024

**AUTHORIZING AND APPROVING AGREEMENT WITH
MCGOUGH CONSTRUCTION CO., LLC FOR CONSTRUCTION
MANAGER AT RISK SERVICES FOR THE
CITY FACILITY EXPANSION PHASE 1 IMPROVEMENTS,
WITH PRE-CONSTRUCTION SERVICES,
NOT TO EXCEED \$71,120**

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, on October 2, 2023, the City Council authorized issuance of 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 and further authorized staff 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 guaranteed maximum price contract in accordance with Chapter 26A of the Iowa Code for recommendation to the City Council; and

WHEREAS, following the requirements of Chapter 26A, staff prepared and issued a Notice of Intent (NOI), Request for Qualifications (RFQ), and Request for Proposals (RFP) to procure a Construction Manager at Risk (CMR) process for the City Facility Expansion Phase 1 Improvements and the selection committee evaluated responses to the RFQ and RFP in accordance with criteria set forth therein and interviewed three firms; and

WHEREAS, the selection committee has selected and recommends the proposal submitted by McGough Construction Co., LLC for Construction Manager-At-Risk Services for the City Facility Expansion Phase 1 Improvements and

WHEREAS, the City and McGough Construction Co., LLC have negotiated the terms of a contract for CMR Services which includes the following terms:

- (A) Pre-construction services shall be performed at a cost not to exceed \$71,120; and
- (B) The intent, but not the right, on completion of the construction design documents, for McGough Construction Co., LLC to provide construction services for the City Facility Expansion Phase 1 Improvements under a Guaranteed Maximum Price (GMP) in accordance with the contract documents, such GMP not to be binding on the Authority until approved by the City Council.

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WHEREAS, staff is recommending approval of the contract for CMR Services with McGough Construction Co., LLC

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

1. That the contract to provide Construction Manager at Risk (CMR) services for the construction of the City Facility Expansion Phase 1 Improvements between the City of Des Moines and McGough Construction Co., LLC, Thomas McGough, Jr., Manager, 2737 Fairview Ave North, St. Paul, MN 55113, for an amount not to exceed \$71,120 for pre-construction phase services, a copy of which is on file with the City Clerk, is hereby approved is hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute and attest respectively, said agreement for and on behalf of the City of Des Moines, Iowa, all subject to receipt of the executed contracts and insurance from McGough Construction Co., LLC.
2. That the contract shall be subject to review and approval prior to the City entering into a GMP Amendment for the construction phase of the City Facility Expansion Phase 1 Improvements.

(Council Communication No. 24-163)
Activity ID 10-2024-001

Moved by _____ to adopt. Second by _____

FORM APPROVED: s/Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

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
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
VOSS				
SIMONSON				
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