

Date September 16, 2024

**APPROVING GUARANTEED MAXIMUM PRICE AMENDMENT 2 WITH
J.E. DUNN CONSTRUCTION COMPANY FOR CONSTRUCTION
MANAGER AT RISK SERVICES FOR THE
NORTH SIDE COMMUNITY RECREATION CENTER,
NOT TO EXCEED \$21,812,538**

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 May 22, 2023, the City Council authorized issuance of a Notice of Intent (NOI) to Enter into a Guaranteed Maximum Price Contract for the North Side Community Recreation Center, 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 North Side Community Recreation Center, to be known as the Reichardt Community Recreation Center, 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 North Side Community Recreation Center 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 selected and recommended the proposal submitted by J.E. Dunn Construction Company. for Construction Manager-At-Risk Services for the North Side Community Recreation Center; and

WHEREAS, on May 6, 2024, by Roll Call No. 24-0644, the City Council authorized and approved an agreement with J.E. Dunn Construction Company for construction manager at risk services for the North Side Community Recreation Center, with preconstruction services, not to exceed \$60,518; and

WHEREAS, on August 5, 2024, by Roll Call No. 24-1049, the City Council approved Guaranteed Maximum Price Amendment No. 1 with J.E. Dunn Construction Company to allow for the early procurement of long-lead time electrical equipment to expedite the construction schedule for the Project, not to exceed \$273,082; and

WHEREAS, J.E. Dunn Construction Company is required to perform construction bid packaging and subcontractor procurement in compliance with the requirements of Iowa Code Chapter 26A; and

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WHEREAS, the Agreement provides that if there is more than one Guaranteed Maximum Price Proposal submitted for the Project, then each subsequent proposal will incorporate the prior agreed upon Guaranteed Maximum Price to ensure there is one cumulative Guarantee Maximum Price for the Project; and

WHEREAS, the Guaranteed Maximum Price Amendment No. 2 includes the \$273,082 for Amendment No. 1; and

WHEREAS, staff is recommending approval of the Guaranteed Maximum Price Amendment No. 2 with J.E. Dunn Construction Company

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

1. That the Guaranteed Maximum Price Amendment No. 2 for the North Side Community Recreation Center between the City of Des Moines and J. E. Dunn Construction Company, Gordon E. Lansford III, President, 1001 Locust Street, Kansas City, MO 64106, for an amount not to exceed \$21,812,538 for the construction of the North Side Community Recreation Center project, a copy of which is on file with the City Clerk, is hereby approved and the Mayor is hereby authorized and directed to execute, said amendment for and on behalf of the City of Des Moines, Iowa all subject to receipt of the Guaranteed Maximum Price Amendment and bond or bond rider in a form acceptable to City Legal and Engineering.

(City Council Letter Number 21-362 attached)
Activity ID 10-2023-002

Moved by _____ to adopt. Second by _____

FORM APPROVED: s/Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney



Funding Source: 2024-25 CIP, Page 52, Northside Community Recreation Center, BL135,
Being: G.O. Bonds, Local Option Sales and Service Tax (LOSST), General Fund, and Private Funds

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| BOESEN | | | | |
| COLEMAN | | | | |
| GATTO | | | | |
| MANDELBAUM | | | | |
| SIMONSON | | | | |
| VOSS | | | | |
| WESTERGAARD | | | | |
| TOTAL | | | | |

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.

MOTION CARRIED APPROVED

Mayor

City Clerk