

**Date** September 16, 2024

**APPROVING GUARANTEED MAXIMUM PRICE AMENDMENT NO. 1 WITH  
MCGOUGH CONSTRUCTION CO., LLC FOR CONSTRUCTION  
MANAGER AT RISK SERVICES FOR THE  
CITY FACILITY EXPANSION PHASE 1 IMPROVEMENTS,  
NOT TO EXCEED \$1,634,676**

**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 recommended the proposal submitted by McGough Construction Co., LLC for Construction Manager-At-Risk Services for the City Facility Expansion Phase 1 Improvements and

**WHEREAS**, on April 15, 2024, the City Council authorized and approved an agreement with McGough Construction Co., LLC for construction manager at risk services for the City Facility Expansion Phase 1 Improvements project, with preconstruction services, not to exceed \$71,120; and

**WHEREAS**, McGough Construction Co., LLC 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, this is a first Guaranteed Maximum Price proposal which is to start the interior demolition work to expedite the construction schedule for the Project; and

WHEREAS, additional Guaranteed Maximum Price proposals are anticipated which, if accepted and approved by the City Council, will incorporate the prior agreed upon Guaranteed Maximum Price to ensure there is one cumulative Guarantee Maximum Price for the Project; and

WHEREAS, staff is recommending approval of the Guaranteed Maximum Price Amendment No. 1 with McGough Construction Co., LLC

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

1. That the Guaranteed Maximum Price Amendment for the City Facility Expansion Phase 1 Improvements between the City of Des Moines and McGough Construction Co., LLC, Thomas McGough, Jr., President, 2737 Fairview Ave North, St. Paul, MN 55113, for an amount not to exceed \$1,634,676 for the interior demolition work for the 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.

(City Council Letter Number 24-363 attached)  
Activity ID 10-2024-001

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

FORM APPROVED: s/Kathleen Vanderpool  
Kathleen Vanderpool  
Deputy City Attorney



Funding Source: 2024-2025 CIP, Page 50, 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

 **Roll Call Number**

**Agenda Item Number**

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
SIMONSON				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
<hr/>				
_____ 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