

Date January 13, 2025

**APPROVING GUARANTEED MAXIMUM PRICE (GMP) AMENDMENT NO. 2 WITH
MCGOUGH CONSTRUCTION CO., LLC FOR CONSTRUCTION
MANAGER AT RISK (CMR) SERVICES FOR THE
CITY FACILITY EXPANSION PHASE 1 IMPROVEMENTS,
NOT TO EXCEED \$17,889,445.75**

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 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, by Roll Call 24-0557, 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, on September 16, 2024, by Roll Call No. 24-1219, the City Council approved a Guaranteed Maximum Price Amendment No. 1 with McGough Construction Co., LLC to begin the interior demolition scope to expedite the construction schedule for the Project, not to exceed \$1,634,565; and

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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

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 Guaranteed Maximum Price for the Project; and

WHEREAS, the Guaranteed Maximum Price Amendment No. 2 includes the \$1,634,565 for Amendment No. 1, \$75,595.75 for Change Order #2; and

WHEREAS, staff is recommending approval of the Guaranteed Maximum Price Amendment No. 2 with McGough Construction Co., LLC.

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

1. That the Guaranteed Maximum Price Amendment No. 2 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 \$17,889,445.75 for the construction of the City Facility Expansion Phase 1 Improvements 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 25-006 attached)
Activity ID 10-2024-001

Moved by _____ to adopt. Second by _____

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

Funding Source: 2024-25 CIP, Page 50, City Facility and Armory Replacement, BL133, Being: General Fund Loan, Local Option Sales and Service Tax (LOSST), Land Sales, and General Funds made possible from American Rescue Plan Act (ARPA) Funds, G.O. Bonds, and Tax Increment Funding Bonds

 **Roll Call Number**

Agenda Item Number

_____ 8 _____

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
SIMONSON				
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