


COUNCIL COMMUNICATION

 CITY OF DES MOINES OFFICE OF THE CITY MANAGER	Number:	23-177	Meeting:	April 10, 2023
	Agenda Item:	70	Roll Call:	23-0549
	Submitted by:	Steven L. Naber, P.E., City Engineer		

AGENDA HEADING:

Amending Chapter 94 of the Municipal Code relating to public improvement bids pursuant to Iowa Code Chapter 26 and amending Chapter 2 of the Municipal Code relating to an exception for Iowa Code Chapter 26A from the definition of services.

SYNOPSIS:

Recommend the City Council approve City Code changes to reflect the new construction process for public improvement under Iowa Code Chapter 26A of the Iowa Code.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- On June 14, 2022, the Governor of Iowa signed SF 183 which established Chapter 26A of the Iowa Code, Guaranteed Maximum Price Contracts, allowing for governmental entities to follow the process set out in Chapter 26A to select a construction manager at risk (CMR) for the construction of public improvements and providing for a guaranteed maximum price.
- Changes to Chapter 2 and Chapter 94 of the Municipal Code are necessary to recognize the new process for construction of public improvement projects under Iowa Code Chapter 26A. The change to Chapter 2 of the Municipal Code adds Iowa Code Chapter 26A as excepted from the definition of services as to applicability under Chapter 2, in addition to the existing exception of Iowa Code Chapter 26. The changes to Chapter 94 clarify that the applicability of Sections 94-196 and 94-197 are to public improvement bids that are bid pursuant to Iowa Code Chapter 26 with an estimated total cost exceeding the competitive bid threshold established in accordance with Iowa Code Chapter 26.
- It is recommended that the City Council approve City Code changes to reflect the new construction process for public improvements under Iowa Code Chapter 26.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Anticipated future actions for construction of public improvement contracts using Chapter 26A, excluding highway, bridge and culvert improvements under the CMR process.

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