

Date October 23, 2023

**AUTHORIZING AND APPROVING AGREEMENT WITH
RYAN COMPANIES US, INC. FOR CONSTRUCTION
MANAGER AT RISK SERVICES FOR THE
DES MOINES FIRE STATION NO. 4 REPLACEMENT,
WITH PRE-CONSTRUCTION SERVICES,
NOT TO EXCEED \$140,100**

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 April 11, 2023, the City Council authorized issuance of a Notice of Intent (NOI) to Enter into a Guaranteed Maximum Price Contract for Des Moines Fire Station No. 4 Replacement, 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 Des Moines Fire Station No. 4 Replacement, 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 Des Moines Fire Station No. 4 Replacement 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 Ryan Companies US, Inc. for Construction Manager-At-Risk Services for the Des Moines Fire Station No. 4 Replacement; and

WHEREAS, the City and Ryan Companies US, Inc. 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 of \$140,100; and
- (B) The intent, but not the right, on completion of the construction design documents, for Ryan Companies US, Inc. Ryan Companies US, Inc., to provide construction services for the Des Moines Fire Station No. 4 Replacement 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.

Date October 23, 2023

WHEREAS, staff is recommending approval of the contract for CMR Services with Ryan Companies US, Inc.

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 Des Moines Fire Station No. 4 Replacement between the City of Des Moines and Ryan Companies US, Inc., Michael R. McElroy, President, 533 South Third Street, Suite 100, Minneapolis, Minnesota, 55415, for an amount not to exceed \$140,100 for construction phase service, a copy of which is on file with the City Clerk, is hereby approved is hereby approved and the Mayor is hereby authorized and directed to execute said agreement for and on behalf of the City of Des Moines, Iowa.
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 Des Moines Fire Station No. 4 Replacement.

(City Council Letter Number 23-454 attached)
Activity ID 10-2023-001

Moved by _____ to adopt. Second by _____

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

Funding Source: 2023-24 CIP, Page 65, Fire Station 4, BL136, Being: Ground Emergency Medical Transportation Funds transferred from 2023-24 CIP, Page 52, Fire Building Improvements, BL063

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
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