

BILL NO. 24-038

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI, AND MCCOWN GORDON CONSTRUCTION COMPANY TO SET GUARANTEED MAXIMUM PRICE 3 FOR THE DOWNTOWN MARKET PLAZA PROJECT IN THE AMOUNT OF \$3,065,638.00.

WHEREAS, in September 2022 the City Council, via Ordinance No. 9496, authorized the City to enter into a Development Services Agreement with Lane4 Property Group, Inc. for the Downtown Market Plaza Project; and,

WHEREAS, the Development Agreement authorized Lane4 to act in conjunction with and on behalf of the City for the preparation of a construction management services agreement; and,

WHEREAS, Lane4 issued a Request for Qualifications for Pre-Construction Services and Construction Manager at Risk in October 2022 to identify qualified companies which could construct the projects as a Construction Manager at Risk; and,

WHEREAS, after a review of the proposals in response to the RFQ, in March 2023, the City entered into a preconstruction services agreement with McCown Gordon Construction Company for the amount of \$50,000.00 for certain preconstruction services and to establish a guaranteed maximum price ("GMP") to construct the Downtown Market Plaza Project; and,

WHEREAS, in October 2023, the City approved the execution of an amendment to the Agreement to incorporate GMP 1 for the amount of \$5,648,457.00 for infrastructure required to construct the Downtown Market Plaza; and,

WHEREAS, McCown Gordon Construction Company has provided the City with a GMP 3 of \$3,065,638.00 for street improvements along Third Street and Johnson Street as required for the Downtown Market Plaza; and,

WHEREAS, the GMP is within the allocated amount set by City Council for this phase of the said project; and,

WHEREAS, the Agreement needs amended to incorporate GMP 3 and its associated terms and conditions; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. The City Council of the City of Lee's Summit, Missouri, hereby approves an amendment to an agreement between the City and McCown Gordon Construction Company for the purpose of setting a guaranteed maximum price 3 for the Downtown Market Plaza Project for a price of \$3,065,638.00, attached as Exhibit A and incorporated herein by reference, and the City Manager is authorized to execute the same, in substantially the same form as the attached, on behalf of the City.

SECTION 2. This Ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

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SECTION 3. Should any section, sentence, or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2024.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2024.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

EXHIBIT A
AMENDMENT TO AGREEMENT

[Attached]