

## COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 200730

Authorizing a \$3,052,395.00 second amendment to an agreement with Turner Construction Company for Project No. 07181111 – ADA Compliance Project for Starlight Theatre Seating Bowl CM@Risk for a total contract amount of \$3,183,477.00; authorizing a \$200,085.00 eighth amendment to an agreement with Piper-Wind Architects for Project No. 07001111 - ADA Compliance Project for a total contract amount of \$11,201,360.05; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, Ordinance No. 200172 appropriated \$3,550,000.00 to Account No. AL-3721-078025-B-70175933 for construction of ADA-related improvements to the Starlight Theatre; and

WHEREAS, Turner Construction Company (the “CM@Risk”) is the successful bidder for Project No. 07181111 Bid Package No. 18 ADA Compliance Project for Starlight Theatre Seating Bowl CM@Risk (the “Project”); and

WHEREAS, the Project is comprised of an initial pre-construction services phase (“Phase 1”) followed by an optional construction services phase (“Phase 2”); and

WHEREAS, the Director of General Services entered into an \$8,500.00 contract with the CM@Risk for the Phase 1 pre-construction services work for the Project; and

WHEREAS, the Director of General Services entered into a \$122,582.00 first contract amendment (“Phase 1A”) with the CM@Risk for advance procurement of seating for the Project to compensate for increased procurement time resulting from the economic slowdown caused by the ongoing COVID-19 pandemic; and

WHEREAS, the Director of General Services and the CM@Risk have agreed on a Final Guaranteed Maximum Price (the “FGMP”) in the amount of \$3,052,395.00 for the Phase 2 construction services work for the Project; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of General Services Department is hereby authorized to execute of a second contract amendment in the amount of \$3,052,395.00 with Turner Construction Company for Phase 2 (construction services) for Project No. 07181111 – ADA Compliance Project for Starlight Theatre Seating Bowl CM@Risk for a total contract amount of \$3,183,477.00, from funds previously appropriated to Account No. AL-3721-078025-B-70175933. A copy of the amendment is on file in the General Services Department.

Section 2. That the Director of General Services Department is hereby authorized to execute an eighth contract amendment to Project No. 07001111 ADA Compliance Project in the amount of \$200,085.00 with Piper-Wind Associates Inc. for design

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professional services for construction administration of Phase 2 of Project No. 07181111 - ADA Compliance Project for Starlight Theatre Seating Bowl CM@Risk from funds previously appropriated to Account No. AL-3721-078025-B-70175933 for a total contract amount of \$11,201,360.05.

Section 3. That this ordinance, relating to the design, repair, maintenance or construction of a public improvement, is recognized as an ordinance with an accelerated effective date as provided by Section 503 (a)(3)(C) of the Charter and shall take effect in accordance with that section.

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.



Tammy L. Queen  
Director of Finance

Approved as to form and legality:



Nelson V. Munoz  
Assistant City Attorney



Authenticated as Passed



Quinton Lucas, Mayor



Marilyn Sanders, City Clerk

SEP 17 2020

Date Passed