

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO THE PRE-CONSTRUCTION SERVICES CONTRACT WITH THE SELECTED CONSTRUCTION MANAGER AT RISK (CMAR) FOR THE DEVELOPMENT AND CONSTRUCTION OF A MULTI-STORY BUILDING AND OTHER IMPROVEMENTS TO BE DEVELOPED AND CONSTRUCTED BY THE CITY AS A PART OF CERTAIN EDUCATIONAL FACILITIES IN DOWNTOWN MESA, ARIZONA FOR A LEASE BETWEEN THE ARIZONA BOARD OF REGENTS, FOR AND ON BEHALF OF ARIZONA STATE UNIVERSITY, AND THE CITY OF MESA; AND RATIFYING THE ACTIONS OF THE CITY COUNCIL RELATED TO THE CITY'S EXCISE TAX REVENUE OBLIGATIONS, SERIES 2018 (OR SUCH LATER SERIES DESIGNATION), FOR THE FINANCING OF THE DEVELOPMENT AND CONSTRUCTION OF THE FACILITIES AND IMPROVEMENTS.

WHEREAS, on February 26, 2018, the City Council passed and adopted Resolution No. 11100 authorizing the City of Mesa ("City") to enter into an Intergovernmental Agreement ("IGA") with the Arizona Board of Regents, for and on behalf of Arizona State University (collectively "ASU"), for the development, operation, and maintenance of certain post-secondary education facilities in downtown Mesa, Arizona ("ASU Facilities").

WHEREAS, as described in the IGA, the City would develop and construct phase one of the ASU Facilities, including related improvements, if certain conditions precedent were met ("Phase One"). Phase One of the ASU Facilities includes the construction of a new five-story, approximately 118,000 square foot, building in the City's downtown ("Phase One Building"), as well as two to three acres of urban plaza space and associated site improvements, including utilities.

WHEREAS, on June 4, 2018, the City Council passed and adopted both Resolution No. 11161, authorizing the development and construction of Phase One and a lease between the City and ASU for the Phase One Building ("Lease"), and Resolution No. 11162, authorizing the City's Excise Tax Revenue Obligations, Series 2018 (or such later series designation) in an amount not to exceed \$65,000,000 to finance the acquisition, construction, improvement, installation and equipping of municipal facilities and improvements at City Center constituting Phase One (the "Obligations").

WHEREAS, this Resolution is intended to execute the existing policies or plans set forth in Resolution No. 11100, Resolution No. 11161 and Resolution No. 11162.

WHEREAS, for the construction of Phase One, the City went through a competitive procurement process to select the construction manager at risk ("CMAR") for the development and construction of Phase One. Based on the evaluation of contractors through the procurement process, City and ASU staff recommend DPR Construction be selected as the CMAR.

WHEREAS, during the pre-construction phase, the CMAR for a project works closely with the project team to develop the project design, review the design for constructability, prepare cost estimates, develop the project schedule and phasing plan, and, lastly, develop the guaranteed maximum price (GMP) for the project. City staff has negotiated contract terms and a fee for a pre-construction services contract with DPR Construction for the Phase One project.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA AS FOLLOWS:

Section 1:     Phase One CMAR. Authorizing the selection of DPR Construction as the CMAR for the Phase One project.

Section 2:     Pre-Construction Services Contract. Authorizing the City Manager, or his designee, to enter into a pre-construction services contract with DPR Construction in the amount of \$753,731.00, as well as any other agreements and amendments as contemplated therein, and authorizing the execution of future documents and agreements as necessary to carry out the provisions of such contract (all the foregoing, collectively, the “Pre-Construction Services Contract”). Additionally, the City Manager, or his designee, may agree to, and enter into, amendments and modifications to the Pre-Construction Services Contract as necessary to carry out the intent of the Pre-Construction Services Contract or that are necessary to facilitate the pre-construction phase of the Phase One project.

Section 3:     City Clerk Attestation. The City Clerk is authorized and directed to attest to the signature of the City Manager, or his designee, on all such documents and the various City officers and employees be and hereby are authorized and directed to perform all acts necessary to give effect to this Resolution.

Section 4:     Ratification of Actions. The City Council's adoption of Resolution No. 11162 and all acts of the City Council, the City Clerk, the City Manager, the City Attorney, the Chief Financial Officer, and any person acting for such officials in furtherance of Resolution No. 11162 and this Resolution, or the consummation of the execution and delivery of the Obligations contemplated by Resolution No. 11162 and this Resolution, are hereby approved, ratified and confirmed.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 28th day of January, 2019.

APPROVED:

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Mayor

ATTEST:

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City Clerk