

Notice of Public Meeting of the  
DES MOINES AIRPORT AUTHORITY  
BOARD

**DATE:** September 13, 2022  
**TIME:** 9:00 a.m.  
**PLACE:** The Airport Board Room, 2nd Floor, Airport Terminal, will be open to the public.

The public may also monitor the meeting electronically at:  
<https://zoom.us/j/9843166544>, or call in at: +1 312 626 6799 US (Chicago),  
Meeting ID: 984 316 6544#

Agenda

Call to Order and Roll Call

1. Consider Minutes for August 9, 2022, Regular Board Meeting
2. Consider Gate 12 Underground Fuel Storage Tank Replacement Project (Director of Engineering)
  - a. **Public Hearing** regarding the plans, specifications, form of contract, and estimated cost for the Gate 12 Underground Fuel Storage Tank Replacement Project
  - b. Consider Resolution adopting plans, specifications, form of contract, and estimated total cost for the Gate 12 Underground Fuel Storage Tank Replacement Project
  - c. Consider award of contract for the Gate 12 Underground Fuel Storage Tank Replacement Project to Iowa Contracting Inc. in the amount of \$3,352,367.13
  - d. Consider Professional Services Agreement, Task Order No. 101 with Foth Infrastructure & Environment, LLC for Gate 12 Underground Fuel Storage Tank Replacement Project - Construction Phase Services
3. Consider Noncompetitive Contract with MidAmerican Energy for removal and reinstallation of conductor and transformer related to Gate 12 Underground Fuel Storage Tank Replacement Project (Director of Engineering)
4. Consider Construct Building 57 Project (Director of Engineering)
  - a. **Public Hearing** regarding the plans, specifications, form of contract, and estimated cost for the Construct Building 57 Project
  - b. Consider Resolution adopting plans, specifications, form of contract, and estimated total cost for the Construct Building 57 Project
  - c. Consider award of contract for the Construct Building 57 Project to Jensen Builders, LTD in the amount of \$3,782,855.00
  - d. Consider Professional Services Agreement, Task Order No. 102 with Foth Infrastructure & Environment, LLC for Construct Building 57 Project - Construction Phase Services
5. Consider a Project Management Committee Policy for New Terminal Design and Construction Requests (Executive Director)

- 6. Acknowledgment of Elliott Aviation's Authority to Assign its Leases to Modern Aviation Des Moines, LLC (Executive Director)**
- 7. Consider Resolution Authorizing Authority Staff to Sign and Submit Projects for Development on behalf of the Authority (Director of Engineering)**
- 8. Consider a Conflict of Interest Waiver for Ahlers & Cooney, P.C. to Draft a Borrow Site Agreement Between the Des Moines Airport Authority and the City of Des Moines.**
- 9. Consider the Iowa Department of Transportation Agreement for the Fiscal year 2023 Air Service Development Program (Executive Director)**
- 10. Financial Report (Asst. Executive Director)**
- 11. Briefing (Executive Director)**
- 12. Next Meeting**
  - a. September 13, 2022, Regular Board Meeting**
- 13. Adjourn**

## Agenda Notes:

Call to Order and Roll Call

1. **Consider Minutes for August 9, 2022, Regular Board Meeting**
2. **Consider Gate 12 Underground Fuel Storage Tank Replacement Project (Director of Engineering)**

- a. **Public Hearing** regarding the plans, specifications, form of contract, and estimated cost for the Gate 12 Underground Fuel Storage Tank Replacement Project

This contract will provide for the installation of new above ground fuel tanks and associated piping to the fuel dispensers located at Gate 12. Three new fuel tanks will be installed with the possibility of expansion in the future. One new fuel dispensing island will be added to the existing two islands at Gate 12. Roadway modifications will be installed to allow for fuel deliveries to occur outside the secure Aircraft Operations Area. Once new fuel tanks are fully installed and functional at Gate 12, the existing underground fuel tanks will be removed at both Gate 7 & 12 locations. The fuel system is used by both Authority staff and tenants.

The Engineer's estimate for this portion of the project is \$2,886,938.50

- b. **Consider Resolution adopting plans, specifications, form of contract, and estimated total cost for the Gate 12 Underground Fuel Storage Tank Replacement Project**

Staff Recommendation: Approve Resolution adopting plans, specifications, form of contract, and estimated total cost for the Gate 12 Underground Fuel Storage Tank Replacement project.

- c. **Consider award of contract for the Gate 12 Underground Fuel Storage Tank Replacement Project to Iowa Contracting Inc. in the amount of \$3,352,367.13**

The lowest responsive, responsible bidder was Iowa Contracting Inc. in the amount of \$3,352,367.13.

Staff Recommendation: Approve the contract with Iowa Contracting Inc. in the amount of \$3,352,367.13 for the improvement and authorize the Director of Engineering and Planning to accept and close out this project when completed in accordance with the contract documents.

- d. **Consider Professional Services Agreement, Task Order No. 101 with Foth Infrastructure & Environment, LLC for Gate 12 Underground Fuel Storage Tank Replacement Project - Construction Phase Services**

During the Gate 12 underground fuel storage tank replacement project, the consultant will provide contract management, construction administration, construction testing, and construction observation services for the project. The negotiated amount of the agreement is \$280,500.00.

Staff Recommendation: Approve the professional services agreement, Task Order No. 101 with Foth Infrastructure & Environment, LLC in the amount of \$280,500.00 and authorize the Director of Engineering and Planning to accept and close out this contract when completed in accordance with the contract documents.

**3. Consider Noncompetitive Contract with MidAmerican Energy for removal and reinstallation of conductor and transformer related to Gate 12 Underground Fuel Storage Tank Replacement Project (Director of Engineering)**

With the installation of the new above ground fuel storage tanks, the existing primary electrical feed provided by MidAmerican Energy comes into conflict on the South side and Middle of the project. The South side project scope of work will move the conduit and conductor to the south to avoid the fuel tanks. The conduit and conductor running through the middle of the project will be redirected to the NW, outside of the project limits. While performing this run, a new transformer will be placed, allowing for the existing transformer to be removed from future conflict with corporate hangar aircraft apron and taxi lane development.

Bids and quotes were not solicited for this work because it is sole source with MidAmerican. According to the Authority's purchasing policy, the Board may exempt contracts or purchases for goods or services from its normal purchasing procedures for good cause. It is within the sole discretion of the Authority to determine what constitutes good cause for purposes of this provision. Examples may include procurements having unique requirements that can only be satisfied by a specific vendor, or procurements where competition is determined inadequate.

Staff Recommendation: Approve the noncompetitive contract with MidAmerican Energy, for good cause, in the amount of \$85,467.55 and authorize the Director of Engineering and Planning to accept and close out this contract when completed in accordance with the contract documents.

**4. Consider Construct Building 57 Project (Director of Engineering)**

**a. Public Hearing regarding the plans, specifications, form of contract, and estimated cost for the Construct Building 57 Project**

This contract will provide for the construction of a warehouse facility in the south quadrant of the airport, which will be utilized by a cargo operator. The proposed facility is a pre-engineered metal building (PEMB) with a lean-to which will house office space, restrooms, a break room, and storage space. A total of four dock doors will be installed with an additional overhead door leading from

recessed grade into the facility. Total facility square footage is approximately 12,500 SF. A new access roadway will be installed from the cargo apron, through the Aircraft Operation Area fencing to the facility.

The Engineer's estimate for this portion of the project is \$3,321,222.50.

**b. Consider Resolution adopting plans, specifications, form of contract, and estimated total cost for the Construct Building 57 Project**

Staff Recommendation: Approve Resolution adopting plans, specifications, form of contract, and estimated total cost for the Construct Building 57 project.

**c. Consider award of contract for the Construct Building 57 Project to Jensen Builders, LTD in the amount of \$3,782,855.00**

The lowest responsive, responsible bidder was Jensen Builders, LTD. in the amount of \$3,782,855.00.

Staff Recommendation: Approve the contract with Jensen Builders, LTD in the amount of \$3,782,855.00 for the improvement and authorize the Director of Engineering and Planning to accept and close out this project when completed in accordance with the contract documents.

**d. Consider Professional Services Agreement, Task Order No. 102 with Foth Infrastructure & Environment, LLC for Construct Building 57 Project - Construction Phase Services**

During the Construct Building 57 project, the consultant will provide contract management, construction administration, construction testing, and construction observation services for the project. The negotiated amount of the agreement is \$217,000.00.

Staff Recommendation: Approve the professional services agreement, Task Order No. 102 with Foth Infrastructure & Environment, LLC in the amount of \$217,000.00 and authorize the Director of Engineering and Planning to accept and close out this contract when completed in accordance with the contract documents.

**5. Consider a Project Management Committee Policy for New Terminal Design and Construction Requests (Executive Director)**

Section 4.2, Owner Designated Representative, of the CMR agreement between Weitz/Turner, a Joint Venture, and Des Moines Airport Authority states:

The Owner shall identify a representative to act on behalf of the Owner with respect to the Project. The Owner's Representative shall render decisions promptly and furnish information expeditiously, so as to avoid unreasonable delay

in the services or Work of the Construction Manager. Except as otherwise provided in Section 4.2.1 of the General Conditions, the Architect does not have such authority. The term “Owner” means the Owner or the Owner’s authorized representative.

In keeping with this section, the proposed Project Management Committee is anticipated to be an ad hoc committee which may be disbanded and reconvened as construction phases of the New Terminal Project are introduced. The purpose of the committee is to review requests generated by design and construction teams working on the New Terminal project. The structure of the proposed committee is set by the Des Moines Airport Authority Board. Members of the Committee may be added or removed as the Des Moines Airport Authority Board determines necessary, but initially consists of at least one Des Moines Airport Authority Board member, but no more than two Board members, four Airport Authority staff members: the Executive Director, Director of Engineering and Planning, Director of Finance and Administration, and Director of Operations, and up to two ex-official members from the Anser Advisory, LLC team. Committee responsibilities would be to review and act on requests as established within the limits of the Board’s Project Management Committee Policy.

The Policy provides the committee may only act when a quorum of members are present. All votes must be unanimous for all members present. The Policy gives the committee the authority to approve change order requests, and the use of Owner and/or CMR contingencies with a net value of \$500,000 or less. Change order requests, and the use of owner contingencies with a net value of more than \$500,000 must be submitted to the Des Moines Airport Authority Board with a committee recommendation for consideration. The Policy further provides that all Gross Maximum Price (GMP) amendments must be submitted to the Des Moines Airport Authority Board with a committee recommendation for consideration.

Staff Recommendation: Approve a Project Management Committee Policy for New Terminal project design and construction requests.

**6. Acknowledgment of Elliott Aviation’s Authority to Assign its Leases to Modern Aviation Des Moines, LLC. (Executive Director)**

Elliott Aviation LLC was purchased by Summit Park, a private investment firm, on January 31, 2020. A new firm, Modern Aviation, Inc. has purchased the Elliot Aviation, Inc. subsidiary, Elliot Aviation of Des Moines, LLC, from Summit Park. Modern Aviation, LLC plans to operate the Fixed Base Operation of the business and sublease the Maintenance Repair and Overhaul (MRO) operation to Elliott Aviation of Des Moines, LLC.

Modern Aviation Des Moines, LLC has indicated the leases affiliated with Elliott Aviation of Des Moines, LLC will be assigned to Modern Aviation Des Moines, LLC, and that a portion of the leased property will be subleased back to Elliott Aviation of Des Moines, LLC. The lease agreements allow for assignment of the leases. Article 13 Assignment or Sublease states in part:

Section 13.01 Assignment and Subletting by Tenant

A. Tenant shall not, directly or indirectly, assign, sell, or otherwise transfer this Agreement, or any portion of the Leased Premises, without the prior written consent of Landlord, provided that the foregoing shall not prevent the assignment of this Agreement to any corporation with which Tenant may merge or consolidate, or which may succeed to the business of Tenant, provided such a successor corporation no later than sixty (60) days after the date of such merger, consolidation or succession shall acknowledge by a writing satisfactory in form and content to Aviation Director that it has assumed all obligations of Tenant and will fully honor all the terms and conditions set forth in this Agreement.

Staff Recommendation: Acknowledge the authority of Elliott Aviation to assign its leases to a corporation with which Tenant may merge or consolidate, or which may succeed to the business of Tenant, provided such a successor corporation no later than sixty (60) days after the date of such merger, consolidation or succession shall acknowledge by a writing satisfactory in form and content to Aviation Director that it has assumed all obligations of Tenant and will fully honor all the terms and conditions set forth in the leases.

**7. Consider Resolution Authorizing Authority Staff to Sign and Submit Projects for Development on behalf of the Authority (Director of Engineering)**

The City of Des Moines has changed their current requirement when submitting projects for review. An owner affidavit form is required to be signed on behalf of the Authority. If the owner/titleholder of the property is an organization/entity, proof of signature authority on behalf of the organization/entity must be included with the submission. This resolution would allow the Executive Director, Assistant Executive Director, Director of Engineering, Director of Operations, and Director of Finance to authorize and sign the application.

Staff Recommendation: Approve resolution authorizing Authority staff to sign and submit projects for development on behalf of the Authority.

**8. Consider a Conflict of Interest Waiver for Ahlers & Cooney, P.C. to Draft a Borrow Site Agreement Between the Des Moines Airport Authority and the City of Des Moines (Executive Director)**

As general counsel for the Authority, Ahlers & Cooney has been asked to assist with drafting an Agreement for the borrow site between the City and the Authority on behalf of the Authority. The Agreement will outline the rights and responsibilities of each party as it relates to the borrow site. Ahlers & Cooney's representation in this regard will include, but not be limited to, drafting the terms and conditions of the Agreement. Ahlers & Cooney understand the City will be represented by one of its assistant city attorneys in this matter and will not rely on Ahlers & Cooney for any legal advice or representation regarding either for the Agreement. Should the City seek Ahlers & Cooney's advice regarding the Agreement, they will not be able to provide it.

Since the City is a current client of Ahlers & Cooney, any work that they perform for the Authority that would be adverse to the City will create a conflict of interest. Therefore, they cannot represent the Authority in this matter unless the Authority Board and the Des Moines City Council agree to waive the conflict.

Staff Recommendation: Approve a Conflict of Interest Waiver for Ahlers & Cooney, P.C. to Draft a Borrow Site Agreement Between the Des Moines Airport Authority and the City of Des Moines and authorize the Executive Director to sign the Agreement once drafted.

**9. Consider the Iowa Department of Transportation Agreement for the Fiscal year 2023 Air Service Development Program (Executive Director)**

The Airport Authority applies annually for funds through the Iowa DOT Bureau of Aviation Fund Air Service Development Program. The FY23 application has been approved to use the funds for air service software and marketing strategies to support local air service growth. The airline data and software system will be used to build business cases for existing and prospective airlines to meet commercial service demands in our catchment area. The Des Moines Airport Authority will implement a marketing strategy using print, digital, video, and radio advertising to continue building traveler confidence while growing the retention of passengers in our catchment area. Marketing campaigns will promote the airport building brand awareness and loyalty and be used for targeted marketing to support existing and newly announced nonstop service.

The Iowa DOT will reimburse the Authority for 80% of eligible project costs not to exceed \$80,000.

Staff Recommendation: Approve the Iowa Department of Transportation Agreement for the Fiscal year 2023 Air Service Development Program.

**10. Financial Report (Asst. Executive Director)**

**11. Briefing (Executive Director)**

**12. Next Meeting**

**a. October 11, 2022, Regular Board Meeting**

**13. Adjourn**