

# Memorandum



CITY OF DALLAS

DATE October 18, 2024

TO Honorable Mayor and Members of the City Council

SUBJECT **Cotton Bowl – Construction Manager at Risk (CMAR) Contract**

On March 7, 2024, the City of Dallas entered into a Construction Manager at Risk Agreement (CMAR agreement) with JE Dunn-Russell, a joint venture, to provide the preconstruction and construction services for the Cotton Bowl project. The project is organized into a 2024 scope of work and a 2025 scope of work with an overall substantial completion date of September 12, 2025. To date, the project is on schedule and within budget.

To your specific questions around “carrots and sticks”, in the contract, there are two. The “stick” is, should the contractor not meet the agreed upon schedule, the City can assess Liquidated Damages at the rate of \$5,000.00 per day. The “carrot” relates to a “shared savings” clause in the contract. It says that if the final Cost of Work, including the CMAR Contingency, is less than the Guaranteed Maximum Price, the CMAR is eligible to receive 25% of the savings.

If you have any questions, please feel free to contact me.

A handwritten signature in blue ink, reading 'John D. Jenkins'.

John D. Jenkins, Director  
Dallas Park and Recreation Department

c: Chris Turner-Noteware, P.E., Assistant Director  
Ryan O’Conner, Assistant Director