



Cover Memorandum/Staff Report

File #: 24-049 CRA

Agenda Date: 7/23/2024

Item #: 71.

TO: CRA Board of Commissioners
FROM: Ivan J. Cabrera, AICP
THROUGH: Renée A. Jadusingh, Esq., CRA Executive Director
DATE: July 23, 2024

FIFTH AMENDMENT TO THE CONSULTING WORK ASSIGNMENT WITH SONG + ASSOCIATES, INC. FOR DESIGN, CONSULTING, AND CONSTRUCTION ADMINISTRATION SERVICES FOR 95 SW 5TH AVENUE

Recommended Action:

Approve the Fifth Amendment to the Consulting Work Assignment with Song + Associates, Inc. for 95 SW 5th Avenue, Delray Beach, FL 33444.

Background:

The CRA-owned Property located at 95 SW 5th Avenue ("Property") is within the City of Delray Beach's ("City") Historic West Settlers District along the Historic Northwest & Southwest 5th Avenue commercial corridor. The CRA purchased the Property in April 2008. The Property is zoned Central Business District; the west side of the Property is vacant, while the east side is a seven (7) space public parking lot that was constructed in 2010.

To encourage economic development and activation along the Historic Northwest & Southwest 5th Avenue commercial corridor, as called for by the CRA Redevelopment Plan, the CRA engaged Song and Associates, Inc. ("Song") in November 2018 for professional architectural and engineering consulting services to prepare design and construction drawings to develop a commercial building geared towards the purpose of providing affordable commercial rental space ("Project"). See CRA Redevelopment Plan, Part Three, Section I(C) & Part Four, Section I(C), pp. 26-27, 54.

In November 2018, the CRA Board approved the Consulting Work Assignment in the amount of \$56,820 plus \$2,000 for reimbursable allowance, for a total Consulting Work Assignment amount of \$58,820, to begin the design phase of the Project.

In May 2020, the CRA Board approved the First Amendment to the Consulting Work Assignment in the amount of \$108,786, for additional design and consulting services required for site plan approval, plus \$3,300 for reimbursable allowance. The timeline for Song to complete the Project was also extended.

In January 2021, the CRA Board approved the Second Amendment to the Consulting Work Assignment in the amount of \$4,500 for additional civil, architectural and landscape design services needed to finalize the design.

In July 2021, the CRA Board approved the Third Amendment to the Consulting Work Assignment in the amount of \$3,000 for additional survey services required for the right-of-way dedication.

On April 25, 2023, the CRA Board approved a Fourth Amendment to the Consulting Work Assignment which reinstated the original Consulting Work Assignment and extended the termination date until September 30, 2024, to extend services through the completion of the construction of the Project, and to complete site geotechnical exploration services.

At this time, CRA staff requests approval of a Fifth Amendment to the Consulting Work Assignment in the amount of \$6,800 for extended construction administration services due to the construction schedule being extended to November 21, 2024.

Section 163.340(9), Florida Statute states:

“Community redevelopment” or “redevelopment” means undertakings, activities, or projects of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight, or for the reduction or prevention of crime, or for the provision of affordable housing, whether for rent or for sale, to residents of low or moderate income, including the elderly, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation and revitalization of coastal resort and tourist areas that are deteriorating and economically distressed, or rehabilitation or conservation in a community redevelopment area, or any combination or part thereof, in accordance with a community redevelopment plan and may include the preparation of such a plan.

At this time, CRA Staff requests approval of the Fifth Amendment to the Consulting Work Assignment between the Delray Beach Community Redevelopment Agency and Song + Associates, Inc, in an amount not to exceed \$6,800, bringing the total Consulting Work Assignment amount to \$144,093 (See Cost Overview), and to extend the termination date of the Consulting Work Assignment to November 21, 2024.

Attachment(s): Exhibit A - Original Work Assignment and Amendments; Exhibit B - Reinstatement and Fifth Amendment to Work Assignment; Exhibit C - Additional Service Proposal - Song + Associates

CRA Attorney Review:

The CRA Legal Advisor reviewed the Fifth Amendment to the Consulting Work Assignment to form and determined it to be accepted.

Cost Overview:

Date		Fees	Allowances	Total
Nov. 2018	Original WA - Preliminary Design	56,820	2,000	58,820
May 2020	1st Amendment - Design and Construction	108,786	3,300	112,086
	Subtotal w/ 1st Amendment	165,606	5,300	170,909
	CRA Credit for payment prior to 1st Amendment	(31,251)		(31,251)
	Subtotal	134,355	5,300	139,658
	10% Discount Applied	(13,435)		(13,435)
	Subtotal	120,920	5,300	126,223
Jan 2021	2nd Amendment	4,500		4,500
	Subtotal w/ 2nd. Amendment	125,420	5,300	130,723
July 2021	3rd Amendment	3,000		3,000
	Subtotal w/ 3rd Amendment	128,420	5,300	133,723
April 2023	4th Amendment	3,570		3,570
	Subtotal w/4th Amendment	131,990	5,300	137,293
July 2024	5th Amendment	6,800		6,800
	Total	138,790	5,300	144,093

Finance Review:

N/A

Funding Source/Financial Impact:

Funding has been allocated from GL#6216

Overall need within the Community Redevelopment Area from Delray Beach CRA

Redevelopment Plan:

Removal of Slum and Blight

Land Use

Economic Development

Affordable Housing

Downtown Housing

Infrastructure

Recreation and Cultural Facilities