



Cover Memorandum/Staff Report

File #: 24-146 CRA

Agenda Date: 11/18/2024

Item #: 7H.

TO: CRA Board of Commissioners
FROM: Ivan J. Cabrera, AICP
THROUGH: Renée A. Jadusingh, Esq., CRA Executive Director
DATE: November 18, 2024

SIXTH 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 Sixth Amendment to the Consulting Work Assignment with Song + Associates, Inc. for 95 SW 5th Avenue, and authorize the CRA Board Chair to execute all related documents for said purpose.

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.

On July 23, 2024, the CRA Board approved a Fifth Amendment to the Consulting Work Assignment in the amount of \$6,800, which reinstated the original Consulting Work Assignment and to extend services through the completion of the construction of the Project to November 21, 2024.

Subsequent to that time, the Contractor for 95 SW 5th Avenue (Ahrens Enterprises DBA Ahrens Companies) has requested an extension to their contract term due to delays and circumstances beyond their control. Section 1.59 of the Contractor's agreement, entitled "Force Majeure", provides that *"[t]he CRA and the Contractor are excused from the performance of their respective obligations under the Contract when and to the extent that their performance is directly delayed or prevented by any circumstances beyond their control... failure or shortage of any type of transportation, equipment, or service from a public utility needed for their performance."* The Contractor's request results from an updated construction schedule that requires the extension of their Contract Term from November 21, 2024, to March 6, 2025, due to weather delays and pending work from Florida Power and Light for the replacement of a power line that will feed the Project's electrical power and transformer installation. Accordingly, the Consulting Work Assignment with Song, the Project's Architect of Record, needs to be extended similarly.

At this time, CRA Staff requests approval of the Sixth Amendment to the Consulting Work Assignment between the Delray Beach Community Redevelopment Agency and Song + Associates, Inc, in an amount of \$8,800, bringing the total Consulting Work Assignment amount to \$152,893 (See Cost Overview below), and to extend the termination date of the Consulting Work Assignment to March 6, 2025.

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

CRA Attorney Review:

The CRA Legal Advisor reviewed the Sixth 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
	Subtotal w/5th Amendment	138,790	5,300	144,093
Nov. 2024	6th Amendment	8,800		8,800
	Total	147,590	5,300	152,893

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