



## Cover Memorandum/Staff Report

---

**File #:** 24-145 CRA

**Agenda Date:** 11/18/2024

**Item #:** 71.

---

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

### **EIGHTH AMENDMENT TO THE AGREEMENT BETWEEN THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY AND AHRENS COMPANIES - 95 SW 5TH AVENUE**

#### **Recommended Action:**

Approve the Eighth Amendment to the Agreement between the Delray Beach Community Redevelopment Agency and Ahrens for the construction of a commercial building located at 95 SW 5th Avenue and authorize the CRA Board Chair to execute all related documents for said purpose.

#### **Background:**

At the January 24, 2023, the Delray Beach Community Redevelopment Agency (CRA) Regular Board Meeting, the Board awarded the Invitation to Bid CRA 2022-01-R - 95 SW 5<sup>th</sup> Avenue Commercial Building Construction Project to Ahrens Enterprises DBA Ahrens Companies (Ahrens), the lowest responsive and responsible bidder, in the amount of \$2,739,968.00. Subsequently, the CRA entered into an Agreement with Ahrens, dated February 28, 2023.

On April 25, 2023, the CRA Board approved the First Amendment to the Agreement. The First Amendment included the following provisions: Payment Procedures, Liquidated Damages, No Damages for Delay, Public Records, and Independent Contractor.

On September 28, 2023, the CRA Board approved the Second Amendment to the Agreement. The Second Amendment increased the Agreement amount by \$1,500 and accounted for increases in costs for materials and labor to perform necessary structural adjustments to the foundation of the commercial building.

On January 23, 2024, the CRA Board approved the Third Amendment to the Agreement. The Third amendment increased the Agreement amount by \$102,300.34 and accounted for materials and labor for: a modified roofing system, structural changes, and additional stucco work for finishes.

On February 27, 2024, the CRA Board approved the Fourth Amendment to the Agreement. The Fourth amendment increased the Agreement amount by \$3,314.36 and accounted for materials and labor to perform necessary structural adjustments for openings at the front of the commercial building and additional sills for the openings.

On May 30, 2024, the CRA Board approved the Fifth Amendment to the Agreement. The Fifth Amendment increased the Agreement amount by \$17,170.62 and accounted for material and labor for: column adjustments, adding a mop sink on the second floor, removal of a tree, storage costs for glass doors, window frames and HVAC system, and extended the Contract Term to November 21, 2024.

On July 23<sup>rd</sup>, 2024, the CRA Board approved the Sixth Amendment to the Agreement. The Sixth Amendment increased the Agreement amount by \$40,843.42 and accounted for material and labor for: adding drywall header at ceiling, the addition of a metal frame and anchors for louvers at garage entrance, increasing the beam width from 8" to 12" on East and West sides, and additional Builders Risk Insurance as the Contract Term was extended.

On August 29, 2024, the CRA Board approved the Seventh Amendment to the Agreement. The Seventh amendment increased the Agreement amount by \$3,549.77 and accounted for materials and labor to perform necessary special inspections for the hoist beam and interior stairs and borings for Florida Power and Light pole line.

Subsequent to that time, Ahrens has requested an extension to the Contract Term due to delays and circumstances beyond their control. Section 1.59 of the 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 request results from an updated construction schedule that requires the extension of the 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.

At this time, CRA staff is requesting the CRA Board approve the Eighth Amendment to the Agreement between the Delray Beach Community Redevelopment Agency and Ahrens Companies, and extend the Contract Term to March 6, 2025. Approval of this change order request does not change the Contract Price, and the total Contract Price remains \$2,908,646.51, for the construction of the commercial building located at 95 SW 5th Avenue.

Attachments: Exhibit A - Eighth Amendment to Agreement; Exhibit B - Location Map; Exhibit C - Agreement and Amendments; Exhibit D - Request to Extend Contract Term - Updated Schedule

### **CRA Attorney Review:**

The CRA Legal Counsel has reviewed the Eight Amendment to the Agreement between the Delray Beach Community Redevelopment Agency and Ahrens Companies for legal form and sufficiency.

### **Finance Review:**

N/A

### **Funding Source/Financial Impact:**

Funds allocated from General Ledger # 6216 - 95 SW 5th Avenue Commercial Building Construction

## **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