



Cover Memorandum/Staff Report

File #: 24-074 CRA

Agenda Date: 8/29/2024

Item #: 7G.

TO: CRA Board of Commissioners
FROM: Ivan J. Cabrera, AICP, Redevelopment Manager
THROUGH: Renée A. Jadusingh, Executive Director
DATE: August 29, 2024

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

Recommended Action:

Approve the Seventh Amendment to the Agreement between the Delray Beach Community Redevelopment Agency (CRA) and Ahrens Enterprises DBA Ahrens Companies (Ahrens) for the construction of a commercial building located at 95 SW 5th Avenue in an amount not to exceed \$3,549.77 and authorize the CRA Board Chair to execute all related documents for said purpose.

Background:

At the January 24, 2023, CRA Regular Board Meeting, the Board awarded the Invitation to Bid CRA 2022-01-R - 95 SW 5th Avenue Commercial Building Construction Project to 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 23rd, 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.

Subsequent to that time, Ahrens has submitted the following change order requests (all change orders are included within Exhibit D):

Change Order	Amount	Description
19	\$615.89	Special Inspections for hoist beam and interior stairs
20	\$2,933.88	Directional bore for FPL line
	\$3,549.77	Total

Change Order 19:

This change order accounts for special inspections for the hoist beam and interior stairs, as required by the City of Delray Beach Building Inspector.

Change Order 20:

This change order accounts for a directional bore of approximately 53 feet from the FPL electrical pole located south of the Project Site to the new transformer located on the Project Site. See Exhibit D - Change Orders location of FPL electrical pole, transformer, and directional bore locations.

At this time, CRA staff is requesting the CRA Board accept the change order requests in the total amount of \$3,549.77 and approve the Seventh Amendment to the Agreement between the Delray Beach Community Redevelopment Agency and Ahrens Companies and thereby adjusting the total Contract Price to 2,908,646.51, for the construction of the commercial building located at 95 SW 5th Avenue.

Attachments: Exhibit A - Seventh Amendment to Agreement; Exhibit B - Location Map; Exhibit C - Agreement and Amendments; Exhibit D - Change Orders

CRA Attorney Review:

The CRA Legal Counsel has reviewed the Seventh 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