



Cover Memorandum/Staff Report

File #: 23-93 CRA

Agenda Date: 4/25/2023

Item #: 7E.

TO: CRA Board of Commissioners
FROM: Kim N. Phan, Legal Advisor
THROUGH: Renée A. Jadusingh, Executive Director
DATE: April 25, 2023

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

Recommended Action:

Approve the First Amendment to the Agreement between the Delray Beach Community Redevelopment Agency and Ahrens Companies for the construction of 95 SW 5th Avenue, in substantially the attached form.

Background:

At the January 24, 2023 CRA Regular Board Meeting, the Board awarded the bid for Invitation to Bid CRA 2022-01-R - 95 SW 5th Avenue Commercial Building Construction Project ("ITB") to Ahrens Enterprises DBA Ahrens Companies, the lowest responsive and responsible bidder, in the amount of \$2,739,968.00. Subsequently, the CRA entered into an Agreement, dated February 28, 2023, with Ahrens Enterprises, Inc. dba Ahrens Companies "Original Agreement".

An amendment to the Original Agreement is required to add a liquidated damages provision and to clarify various provisions from the ITB that was incorporated into the Original Agreement. More specifically, the following provisions are included in the First Amendment:

- Article 6. Payment Procedures
- Article 7. Liquidated Damages
- Article 8. No Damages for Delay
- Article 9. Public Records
- Article 10. Independent Contractor

At this time, the First Amendment to the Agreement between the Delray Beach Community Redevelopment Agency and Ahrens Companies, in substantially the attached form, is before the Board for approval.

Attachments: Exhibit A - First Amendment to the Agreement between the Delray Beach Community Redevelopment Agency and Ahrens Companies

CRA Attorney Review:

The CRA Attorney has prepared the attached First Amendment to the Agreement between the Delray Beach Community Redevelopment Agency and Ahrens Companies and finds it legally sufficient and acceptable as to form.

Funding Source/Financial Impact:

N/A

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