



## Cover Memorandum/Staff Report

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**File #:** 24-529

**Agenda Date:** 4/16/2024

**Item #:** 6.J.5.

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**TO:** Mayor and Commissioners  
**FROM:** Missie Barletto, Director Public Works  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** April 16, 2024

APPROVAL OF RESOLUTION NO. 94-24 TO AWARD AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE SWINTON AVENUE & ATLANTIC AVENUE INTERSECTION IMPROVEMENTS PROJECT, PURSUANT TO RFQ NO. 2023-012 IN THE AMOUNT OF \$831,005.

**Recommended Action:**

Motion to Approve Resolution No. 94-24 to award an agreement with Kimley-Horn and Associates, Inc. for Professional Engineering Design Services for the Swinton Avenue & Atlantic Avenue Intersection Improvements Project, pursuant to RFQ No. 2023-012 (Public Works Project No. 19-011, Finance Project Number 41027) in the amount of \$831,005.

**Background:**

The City of Delray Beach (City) has a vibrant downtown that attracts both local and regional visitors as well as international tourists. The downtown is experiencing a resurgence in real estate with significant development planned to occur both east and west of Swinton Avenue along Atlantic Avenue. The City is interested in serving existing businesses, residents, and visitors as well as the significant development and increased density anticipated in downtown Delray Beach as it continues to evolve into a more pedestrian and bicycle friendly area.

The primary purpose of this Request is to assist the City in developing 100% engineering construction design plans and specifications for the City's Urban Core, defined as the area in downtown Delray Beach bordered by SW 2nd Avenue to the west, SE 2nd Avenue to the east, SW 1st Street to the South and NW 1st Street to the north. The project will include preparing an Urban Core Mobility Engineering Plan to reduce traffic congestion on Atlantic Avenue as it approaches downtown Delray Beach by encouraging motorists to use SW 1st Street and NW 1st Street as bypass routes, improve bicycle/pedestrian safety at the Atlantic Avenue and Swinton Avenue intersection and design/engineer a midblock pedestrian crossing along Swinton Avenue north of Atlantic Avenue. Specific attention will be given to improve traffic circulation within the core urban area, streetscape, urban design, and architecture to facilitate parking as well as other modes of transportation. Traffic Analysis shall include the evaluation of impacts to vehicular, cyclist, and pedestrian traffic caused by Valet Queues which operate daily from 5:00 PM to 2:00 AM between Swinton Avenue and NE 2nd Avenue. Additionally, a Traffic Analysis (study/recommendations) for intersection signalization (timing) of three Atlantic Avenue intersections with SW 2nd Ave, N/S Swinton Ave and NE/SE 2nd Ave, including pedestrian crosswalk signalization for all three intersections will be conducted.

On April 14, 2023, the City issued Request for Qualifications (RFQ) No. 2023-012 to acquire a firm which will provide Professional Engineering services related to the design of this project.

On June 7, 2023, the City received one (1) submittal that met the requirements of RFQ No. 2023-012. A Selection Committee evaluated the proposal and deemed the submitted proposal from Kimley-Horn and Associates, Inc. as both responsive and responsible.

In accordance with Florida Statutes, representatives from the Purchasing and Contracts Administration Division and Public Works Department conducted multiple negotiation meetings with Kimley-Horn and Associates, Inc. Staff has reviewed the negotiated fee of \$831,005 and finds it to be fair and reasonable. This fee will be paid based upon lump sum tasks and not-to-exceed tasks.

The City, at its sole discretion, reserves the right to terminate any contract entered into pursuant to this RFQ with or without cause immediately upon providing written notice to the selected Proposer. Upon receipt of such notice, the selected Proposer shall not incur any additional costs under the contract. The City shall be liable only for reasonable costs incurred by the selected Proposer prior to the date of the notice of termination. The City shall be the sole judge of "reasonable costs."

This motion is in accordance with the Code of Ordinances Section 36.02 Commission Approval Required.

**Attachments:**

1. Agreement RFQ 2023-012
2. Exhibit A - Scope of Services  
Exhibit B - Fee Proposal
3. Resolution No. 94-24
4. Legal Review Checklist
5. Kimley-Horn and Associates, Inc. RFQ submittal
6. 2023-012 Final Scoring Summary

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source:**

This project is cash flow budgeted. Current funding in the amount of \$400,000 is available from account number 377-41-340-541.68-80 (Capital Outlay Swinton & Atlantic Inters). Additional funding will be requested in the 2025 through 2029 Capital Improvement Program (CIP) Budget.

**Timing of Request:**

Timely approval of this agreement is requested.