

**FIRST AMENDMENT TO THE WORK ASSIGNMENT
BETWEEN THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY
AND SONG & ASSOCIATES, INC.**

THIS FIRST AMENDMENT TO THE WORK ASSIGNMENT ("First Amendment") is made and entered into as of the 1st day of June, 2020, by and between the **DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY**, a public agency created pursuant to Section 163, Part III, Florida Statutes, (hereinafter referred to as the "CRA"), and **SONG AND ASSOCIATES, INC.** (hereinafter referred to as "CONSULTANT").

WITNESSETH:

WHEREAS, the CRA and the CONSULTANT previously entered into a Work Assignment for the design at 95 SW 5th Avenue (the "Project") dated November 13, 2018, (the "Original Work Assignment"); and

WHEREAS, the CRA and CONSULTANT agree to enter into this First Amendment in order to extend the timeline for the CONSULTANT to complete the Project and amend the Scope of Services by specifically amending Exhibit "A"; and

NOW THEREFORE, in consideration of the promises, mutual covenants, provisions, and undertakings hereinafter contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. That the recitals set forth above are true and correct and are incorporated herein by reference.

2. Exhibit "A" of the Original Work Assignment is hereby amended by Amended Exhibit "A" attached to this First Amendment, for the CONSULTANT to provide additional services for the Project.

3. Section 5 of the Original Work Assignment is hereby amended in its entirety as follows:

(5) The Completion Date for the Project as stated in the Original Work Assignment is hereby amended to provide for the CONSULTANT to complete the Scope of Services described in Exhibit "A", as amended by Amended Exhibit "A", attached to this First Amendment, no later than seven hundred twenty (720) days from execution of this First Amendment. The Original Work Assignment, as amended, may be extended, subject to a written amendment signed by the CRA's Executive Director. The CRA Board of Commissioners authorizes the Executive Director to execute such an amendment without further CRA Board action.

4. That except as amended herein, the CRA and CONSULTANT ratify, approve, and reaffirm the terms of the Original Work Assignment, and the Original Work Assignment shall remain in full force and effect, except as amended herein.

5. In the event of any conflict or ambiguity by and between the terms and provisions of the Original Work Assignment and this First Amendment, this First Amendment shall control to the extent of any such conflict or ambiguity.

[This Space is Intentionally Left Blank; Signature Page to Follow]

IN WITNESS WHEREOF, the parties have executed this First Amendment to the Work Assignment on the date first written above

DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY

By: [Signature]
Shelly Petrolia, Chair

ATTEST:

[Signature]
Renée A. Jadusingh, Esq.
CRA Executive Director

APPROVED TO FORM:

[Signature] 6-1-20
CRA General Counsel

ATTEST:

SONG & ASSOCIATES, INC.
a Florida corporation

By: [Signature]
Print Name: YOUNG LEE

By: [Signature]
Title: JILL LANIGAN, PRINCIPAL

STATE OF FLORIDA)
COUNTY OF PALM BEACH)ss:

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 29 day of MAY, 2020, by JILL LANIGAN, as PRINCIPAL (name of officer or agent, title of officer or agent), of Song & Associates, Inc., a Florida corporation, on behalf of the limited liability company. He/She is personally known to me or has produced [Signature] (type of identification) as identification



Perry Douglass
Comm. #GG955662
Expires: May 1, 2024
Bonded Thru Aaron Notar

[Signature]
Signature
Perry Douglass
Name and Title
GG955662
Commission Number



May 19, 2020

Ms. Tara Toto
20 North Swinton Avenue
Delray Beach, Florida 33444

RE: 95 SW 5th Ave Development
Adjusted Scope of Work #1 – Including Additional Services for Site Plan Approval

Dear Ms. Toto,

Song + Associates, Inc. respectfully requests approval of this Adjusted Scope of Work with Additional Services proposal for professional services related to the following changes in the scope of work.

1. **Changes to Proposed Building Size and Form:** The original proposed contract scope and fees dated December 10, 2018 described a new, 3,000 square feet, two-story building to be constructed as a shell building for future interior build-out for retail or office use. The building was proposed to be located on the western portion of the site with the existing surface parking area to remain. During the course of design, with direction by the owner, the building second floor was expanded to create a covered parking area below the building. The approved design has a proposed square footage of enclosed space (not including the covered parking) of 7,514 square feet, a 249.3% increase in building size. The covered parking garage is approximately 2,814 square feet.
2. **Site Plan Approval Submittal:** The preparation of documents to be submitted for Site Plan Approval, was not required under the original contract between Song + Associates and the Delray Beach CRA. The additional services to be covered under this agreement include Architectural, Civil, Landscape, and MEP drawings associated to the subject property.

I. ADJUSTED SCOPE OF SERVICES AND ADDITIONAL SERVICES:

A. Changes to Proposed Building Size and Form

The above described changes to the building form and increase in square footage area require additional architectural, structural, and MEP design services. The construction documents have been developed in accordance with the above described scope to a 50% level of development. The proposed additional services fees reflect the additional work required for the increased scope. The additional proposed fees will be apportioned as required to the remaining phases of Construction Documents, Permitting/Bidding, and Construction Administration.

Structural engineering changes include the expanded building foundation and structural design to span over the new parking area and support the second-floor level and roof above.

Mechanical, Electrical, and Plumbing design calculations are required for the expansion in building size.

Song + Associates, Inc.
Architecture • Planning • Interior Design
AA003165 / IB0001095

1545 Centrepark Drive
West Palm Beach, Florida 33401
T: 561.655.2423 F : 561.655.1482

American Institute of Architects / NCARB

B. Site Plan Approval

In order to obtain approval of the proposed facility and site construction on the subject property, the City of Delray Beach Planning + Zoning Department requires the project be submitted to the Technical Advisory Committee (TAC) for Site Plan Approval.

Task 1: Architecture

- a. Prepare and coordinate with consultants' documents the information required to submit the plans for the Site Plan Application.
- b. Make adjustments to the site boundary which consist of modifications to the property line to include a 5'-0" dedication from SW 5th Ave to widen the public ROW (the ultimate ROW of SW 5th Ave is 50') as required by the city, including modification to the 20' corner clip at the southwest property corner, by CBD rules.
- c. Additional conceptual design as requested by the Delray Beach CRA to enhance the building facades.
- d. 3D Renderings as required for the Site Plan Application submittal.
- e. Meetings held at the Delray Beach CRA office to coordinate and review the above.

Task 2: Survey

- a. Boundary Survey and Title Exception Review are *not* required.
- b. Topographic survey elevations will be shown at 50-foot grid; accessible invert elevations will be shown.
- c. Location of underground utilities is based on Consultant's designations. Consultant cannot guarantee that all utilities will be located.
- d. If Title of Opinion is not performed or provided, Client assumes liability for missing recorded information.
- e. Preparation of sketch and legal descriptions for easements of any kind and right of way dedication are specifically excluded from this proposal.

Task 3: Civil Engineering

- a. Consultant shall provide changes to the civil engineering plans as required by the major changes to the architectural site plan.
- b. Civil engineering services for offsite improvements are not included herein.
- c. Consultant shall provide grading from existing pavement and/or walkways, drainage system as may be required, potable water and/or sanitary sewer services only.
- d. Bidding Assistance shall not be provided by Miller Legg.
- e. Preparation of a Project Manual shall be provided by Client; Consultant shall provide work scope related specification sections on the construction documents only, if require.
- f. Site Lighting onsite and offsite are specifically excluded from this proposal.
- g. Plans and specifications for a required Bus Shelter are specifically excluded from this proposal.

Task 4: Landscape Architecture

- a. Tree mitigation plans are required to obtain a Tree/Scrub/Vegetation Removal Permit and are provided in this proposal.

II. PROFESSIONAL FEES

This fee is based on the DMS Curve **Complexity Group E**, *buildings with Less than Average Complexity, is for buildings such as apartment buildings or office buildings with undefined interior space (open for later partitioning)*. With a probable construction cost of \$1,577,940.00 for air-conditioned space, and \$281,400.00 for covered parking space, the DMS Curve recommends a fee of \$130,264.00 for basic services. Group E's fee is established as 6.90% (air-conditioned space), and 7.60% (covered parking space) of the construction costs of the building. Additional services to cover the Site Plan Approval process will be in the amount of \$7,500.00, plus \$1,000.00 allowance for reimbursables.

Nevertheless, the previous contract fees were \$58,820.00, of which \$31,251.00 has been paid by the CRA of Delray Beach. The resulting fee from the information above is **\$120,923.00.00** and is itemized in **Table 1**. We are proposing this fee for basic services, which would include Architectural, Structural and Mechanical, Electric (including Photometrics, Security and IT) and Plumbing.

Additional Professional Services include necessary project management coordination and consultant services for site work: Landscape Architecture, Civil and Irrigation and Site Plan Approval process totaling **\$35,345.00** in fees and **\$5,300.00** in allowances. Refer to supplement **Table 1** for a breakdown of these fees.

Note: The Probable Project cost is based on a price per square foot calculation to determine professional fees and does not constitute a cost estimate for construction purposes. Site conditions, current market construction rates, and local regulations and requirements may have an impact on the actual cost of construction.

III. SCHEDULE

At the time of this writing, the design documents have been submitted for Site Plan Approval and review comments have been received from the City of Delray Beach. It is anticipated that the project will require at least one public meeting for approval of the Site Plan. At this time, the City is under restrictions due to COVID 19 and this may impact the scheduling of public meetings and the review process. Song + Associates continues to operate and will facilitate online meetings to continue the review process subject to availability of City staff and the staff of other agencies.

Once site plan approval is obtained, we will require approximately 4 weeks for completion of construction documents for building permit submittal.

Acceptance of this proposal may be indicated by the signature of the duly authorized official of the Delray Beach CRA in the space provided below. Returning an executed copy of this proposal to our office will indicate agreement between the two parties. Song + Associates will await a contract agreement as prepared by the Delray Beach CRA.

We appreciate this opportunity and look forward to continuing to serve the Delray Beach CRA.

Sincerely,



Jill Lanigan,
Principal
cc: JoAnn Brent, S+A; Eduardo Pagán, S+A

Accepted By: _____ Title: _____

Print Name: _____ Date: _____

Supplement A - TABLE 1				
95 SW 5th Ave, Delray Beach, FL		Original Contract	Adjusted Scope of Work	Allowances
Area		Nov-19	Apr-20	
a/c		Cost / Sq. Ft.	Cost / Sq. Ft.	
non-a/c		\$200	\$210	
		\$0	\$100	
DMS Group E - Values		% of Const Cost	% of Const Cost	
a/c square feet		7.30%	6.90%	
non-a/c square feet			7.60%	
		Sq. Ft.	Sq. Ft.	
a/c square feet		3,000	7,514	
non-a/c square feet		0	2,814	
Probable Construction Cost				
Building	\$210/sf	\$600,000.00	\$1,577,940.00	
Covered Parking	\$100/sf	\$0.00	\$281,400.00	
Assumed Project Cost		\$600,000.00	\$1,859,340.00	
Basic Services				
Architectural / Structural / MEP (Including security and IT, Photometrics Plan)	Building	\$42,820.00	\$108,877.86	
	Covered Parking	\$0.00	\$21,386.40	
Reimbursable (Allowance)		\$2,000.00		\$1,000.00
Total		\$44,820.00	\$130,264.26	\$1,000.00
Additional Professional Services				
Landscape + Irrigation		\$3,500.00	\$8,740.00	
Civil Engineering		\$5,000.00	\$14,605.00	
Survey		\$4,500.00	\$4,500.00	
Miscellaneous Construction Services		\$0.00		\$2,300.00
Planning Meeting Attendance		\$0.00		\$1,500.00
Reimbursable Expenses		\$0.00		\$500.00
Site Plan Approval		\$0.00	\$7,500.00	
Total		\$13,000.00	\$35,345.00	\$4,300.00
Proposed Professional Fees - Based on Group E of the DMS Curve				
Total Fees		\$56,820.00	\$165,609.26	\$5,300.00
Fee Appointment by Phase				
Phase		Original	New	Allowances
SD - Schematic Design	15%	\$8,523.00	\$24,841.39	
DD - Design Development	20%	\$11,364.00	\$33,121.85	
CD - Construction Documents	40%	\$22,728.00	\$66,243.70	
BD - Permit/Bid/GMP	5%	\$2,841.00	\$8,280.46	
CA - Construction Administration	20%	\$11,364.00	\$33,121.85	
Subtotal	100%	\$56,820.00	\$165,609.26	\$5,300.00
Fees earned and received		\$31,251.00	Credited \$31,251.00	
Proposed Fee			\$134,358.00	\$5,300.00
10% Additional Courtesy Discount			\$13,435.00	
Total Proposed Fees			\$120,923.00	** \$5,300.00
Total Services Including Allowances			\$126,223.00	
Total Project Fees including credited amounts			\$157,474.00	
<i>Footnotes</i>				
<i>**Allowances are above basic fee (Adjusted Scope of Work) and will only be used when approved by the City of Delray Beach for the intended services.</i>				

Supplement B - Engineering Breakdown as required by the CRA of Delray Beach

TASK NUMBER	TASK	LUMP SUM FEE	HOURLY NTE FEE
ENGINEERING TASKS			
Task 1	Additional Surveying	\$1,500.00	--
Task 2	Civil Engineering Plans, Permitting	\$4,500.00	--
Task 3	Composite Utility Plan	\$1,500.00	--
Task 4	Engineering Construction Services		
a	Pre-construction	\$1,000.00	--
b	Construction Observation	\$3,200.00	--
c	Statement of Work Completion	\$500.00	--
d	Surface Water Management Certification	\$500.00	--
e	Miscellaneous Construction Services	--	\$2,000.00
	Engineering tasks subtotal	\$12,700.00	\$2,000.00
LANDSCAPE ARCHITECTURE TASKS			
Task 5	Landscape & Irrigation Plans	\$3,500.00	--
Task 6	Certified Arborist Consulting Services	\$1,600.00	--
Task 7	Landscape and Irrigation Construction Observation	\$2,000.00	--
Task 8	Landscape Statement of Work Completion	\$500.00	--
	Landscape Architecture tasks subtotal	\$7,600.00	\$0.00
Miscellaneous			
Task 9	Planning Meeting Attendance	--	\$1,500.00
Task 10	Reimbursable Expenses	--	\$500.00
	TOTAL FEE	\$20,300.00	\$4,000.00