



## Legislation Text

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File #: 23-92 CRA, Version: 1

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**TO:** CRA Board of Commissioners  
**FROM:** Ivan J. Cabrera, AICP, Redevelopment Manager  
**THROUGH:** Renée A. Jadusingh, Esq., CRA Executive Director  
**DATE:** April 25, 2023

### **REINSTATEMENT AND FOURTH AMENDMENT TO THE CONSULTING WORK ASSIGNMENT WITH SONG & ASSOCIATES, INC. FOR DESIGN AND CONSULTING SERVICES FOR 95 SW 5<sup>TH</sup> AVENUE**

#### **Recommended Action:**

Approve the Reinstatement and Fourth Amendment to the Consulting Work Assignment with Song & Associates, Inc. for 95 SW 5<sup>th</sup> Avenue, Delray Beach, FL 33444.

#### **Background:**

The CRA-owned Property located at 95 SW 5<sup>th</sup> Avenue is within the City of Delray Beach's ("City") Historic West Settlers District long the Northwest & Southwest 5<sup>th</sup> Avenue commercial corridor. The CRA purchased the Property in April 2008. The Property is zoned Central Business District; the west side of the Property is vacant, while the east side is a seven (7) space public parking lot that was constructed in 2010.

To encourage economic development and activation along the Northwest & Southwest 5<sup>th</sup> Avenue commercial corridor, as called for by the CRA Redevelopment Plan, the CRA engaged with Song and Associates, Inc. ("Song") in November 2018 for professional architectural and engineering consulting services to prepare design and construction drawings to develop a commercial building geared towards the purpose of providing affordable commercial rental space ("Project"). See CRA Redevelopment Plan, Part Three, Section I(C) & Part Four, Section I(C), pp. 26-27, 54.

On November 2018, the CRA Board approved the Consulting Work Assignment in the amount of \$56,820 plus \$2,000 for reimbursable allowance, for a total Consulting Work Assignment amount of \$58,820.

On May 2020, the CRA Board approved the First Amendment to the Consulting Work Assignment in the amount of \$108,786, for additional design and consulting services required for site plan approval, plus \$3,300 for reimbursable allowance, for a total Consulting Work Assignment amount of \$170,906. The timeline for Song to complete the Project was also extended.

On January 2021, the CRA Board approved the Second Amendment to the Consulting Work Assignment in the amount of \$4,500 for additional civil, architectural and landscape design services to finalize the design

On July 2021, the CRA Board approved the Third Amendment to the Consulting Work Assignment in the amount of \$3,000 for additional survey services required for the right-of-way dedication.

The Original Work Assignment has expired and requires reinstatement and an extension of time to September 30, 2024 to allow Song to complete the Project. Furthermore, the scope of services requires an amendment to allow Song to perform additional site geotechnical exploration services to provide a geotechnical engineering

report as required for the general site preparation and the structural foundation design for an amount not to exceed \$3,750.00 (This additional service has already been completed by Song. The additional services were required to finalize the construction documents).

Section 163.340(9), Florida Statute states:

“Community redevelopment” or “redevelopment” means undertakings, activities, or projects of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight, or for the reduction or prevention of crime, or for the provision of affordable housing, whether for rent or for sale, to residents of low or moderate income, including the elderly, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation and revitalization of coastal resort and tourist areas that are deteriorating and economically distressed, or rehabilitation or conservation in a community redevelopment area, or any combination or part thereof, in accordance with a community redevelopment plan and may include the preparation of such a plan.

At this time, CRA Staff requests approval of the Reinstatement and Fourth Amendment to the Consulting Work Assignment between the CRA and Song.

Attachment(s): Exhibit A - Original Work Assignment and Amendments; Exhibit B - Reinstatement and Fourth Amendment to Work Assignment

### **CRA Attorney Review:**

The CRA Legal Advisor reviewed the Reinstatement and Fourth Amendment to the Consulting Work Assignment to form and determined it to be accepted.

### **Cost Overview:**

<b>Effective Date</b>	<b>Agreement</b>	<b>Fees</b>	<b>Allowances</b>	<b>Total Agreement Amount</b>
<b>11/2018</b>	<b>Work Assignment</b>	<b>56,820</b>	<b>2,000</b>	<b>58,820</b>
<b>06/2020</b>	<b>First Amendment</b>	<b>108,786</b>	<b>3,300</b>	<b>170,906</b>
<b>03/2021</b>	<b>Second Amendment</b>	<b>4,500</b>		<b>175,406</b>
<b>07/2021</b>	<b>Third Amendment</b>	<b>3,000</b>		<b>178,406</b>
	<b>Fourth Amendment</b>	<b>3570</b>		<b>181,976</b>

Date		Fees	Allowances	Total
Nov. 2018	Original WA	56,820	2,000	58,820
June 2020	1st. Amendment	108,786	3,300	112,086
	Subtotal w/ 1st. Amendment	165,606	5,300	170,909
	CRA Credit/Paid	(31,251)		(31,251)
	Subtotal	134,355	5,300	139,658
	10% Discount Applied	(13,435)		(13,435)
	Subtotal	120,920	5,300	126,223
March 2021	2nd. Amendment	4,500		4,500
	Subtotal w/ 2nd. Amendment	125,420	5,300	130,723
July 2021	3rd. Amendment	3,000		3,000
	Subtotal w/ 3rd. Amendment	128,420	5,300	133,723
	4th. Amendment	3,570		3,570
		131,990	5,300	137,293

### **Finance Review:**

N/A

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

Funding has been allocated from GL#6216

### **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