

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND KAUFMAN LYNN CONSTRUCTION, INC., CONSTRUCTION MANAGER AT RISK FOR THE 72ND STREET COMMUNITY COMPLEX PROJECT, SAID AMENDMENT TO INCLUDE ADDITIONAL PRECONSTRUCTION SERVICES FOR: 1) ADDITIONAL SCHEMATIC LEVEL BUDGET ESTIMATES AND CONSTRUCTABILITY ANALYSIS THAT WERE NOT PART OF THE ORIGINAL CONTRACT OF SERVICES; 2) UNANTICIPATED AND ADDITIONAL SERVICES RELATED TO COST ESTIMATES IN RESPONSE TO COMMISSION DISCUSSIONS AND REQUESTS FOR ADDITIONAL INFORMATION RELATED TO PROGRAM CHANGES AND ADJUSTMENTS; AND 3) AN ALLOWANCE FOR ADDITIONAL SERVICES FOR FUTURE UNFORESEEN MEETINGS AND CONSTRUCTABILITY ANALYSIS, IN THE NOT-TO-EXCEED AMOUNT OF \$95,000, UTILIZING PREVIOUSLY APPROPRIATED PROJECT FUNDING.**

**WHEREAS**, on June 28, 2023, pursuant to Request for Qualifications (RFQ) No. 2023-120-ND, the City Commission adopted Resolution No. 2023-32620 approving and authorizing the Mayor and City Clerk to negotiate an agreement with Kaufman Lynn Construction, Inc (KL) as Construction Manager at Risk (CMR), of the new 72<sup>nd</sup> Street Community Complex for the pre-construction services of the new 72<sup>nd</sup> Street Community Complex; and

**WHEREAS**, on November 27, 2023 the Agreement was executed in the amount of \$242,960; and

**WHEREAS**, on February 9, 2024, KL submitted an estimate of construction cost and Value Engineering (VE) analysis for the design concept provided by the design consultant, Wannemacher Jensen Architects, Inc. (WJA), which exceeded the \$70M construction budget target; and

**WHEREAS**, on February 28, 2024, in accordance with the agreement for design services, WJA submitted design concept submitted a redesign concept in an attempt to meet the construction budget; and

**WHEREAS**, on April 5, 2024, KL submitted a second estimate of the construction cost for the revised concept, which exceeded the \$70M construction budget by approximately 14 percent (14%), and identified VE strategies that could resolve the budget concerns; and

**WHEREAS**, the original scope of work under the Agreement included only one iteration of cost estimating and value engineering during the conceptual / schematic design phase; and

**WHEREAS**, during the October 30, 2024, meeting of the City Commission, as part of a discussion item R9 AE sponsored by Commissioner Magazine and co-sponsored by Commissioner Bhatt, the City Commission discussed the potential redesign of the 72nd Street Community Complex (Project), and more particularly, reconsidering the rooftop competition sized pool and other recreational options, such as soccer field or pickleball courts, to reduce expenses, directed the Administration to provide a Project update at the next Commission meeting and deferred any major changes to the design until they can examine the project further; and

**WHEREAS**, in preparation for the presentation to the City Commission, and in order to address questions regarding potential cost reductions, City Staff directed KL to prepare various cost estimates considering potential changes to project scope, thereby identifying any potential cost savings; and

**WHEREAS**, KL has provided a negotiated proposal for 1) additional schematic level budget estimate and constructability analysis for revised concept that was not part of the original contract scope of work; 2) various cost estimates and constructability analysis in response to City Commission discussion and requests for additional information, including the removal and relocation of the aquatic program, and an analysis of an additional parking level at the garage; and 3) an allowance for additional services for future anticipated costs for estimates, constructability analysis and meetings outside of the original project scope; and

**WHEREAS**, the negotiated proposal submitted by the Consultant was reviewed and analyzed by City staff and was found to be fair and reasonable; and

**WHEREAS**, This Amendment No.1 in the amount of \$95,000.00 will revise the total contract amount to \$337,960.00.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA** that the Mayor and City Commission of the City of Miami Beach, Florida, approve and authorize the City Manager and City Clerk to execute Amendment No. 1 to the agreement between the City of Miami Beach, Florida and construction manager at risk, Kaufman Lynn Construction, Inc., for the 72<sup>nd</sup> Street Community Complex project, in the not-to-exceed amount of \$95,000, said amendment including 1) additional schematic level budget estimate and constructability analysis for revised concept that was not part of the original contract scope of work; 2) unanticipated and additional services related to cost estimates in response to Commission discussions and requests for additional information related to program changes and adjustments; and 3) an allowance for additional services for future unforeseen meetings, constructability analysis and meetings outside of the original project scope in the not-to-exceed amount of \$95,000, utilizing previously appropriated project funding.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

**ATTEST:**

\_\_\_\_\_  
Steven Meiner, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney



2/18/2025  
Date