

**AMENDMENT NO. 1
TO
THE AGREEMENT FOR CONSTRUCTION MANAGER-AT-RISK SERVICES
BETWEEN THE CITY OF MIAMI BEACH, FLORIDA
AND
KAUFMAN, LYNN CONSTRUCTION, INC.
DATED NOVEMBER 27, 2023**

**FOR THE PROVISION OF ADDITIONAL PRECONSTRUCTION SERVICES FOR THE 72ND
STREET COMMUNITY COMPLEX PROJECT IN AN AMOUNT NOT-TO-EXCEED \$95,000**

This Amendment No. 1 to the Agreement is made and entered this ____ day of _____, 2025, by and between the CITY OF MIAMI BEACH, a municipal corporation existing under the laws of the State of Florida (the "City"), having its principal offices at 1700 Convention Center Drive, Miami Beach, Florida 33139, and **KAUFMAN, LYNN CONSTRUCTION, INC.**, a Florida Corporation, having its principal office at 3185 South Congress Avenue, Delray Beach, FL 33445 (the "Contractor").

RECITALS

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 and execute an agreement (Agreement) with Kaufman Lynn Construction, Inc. (KL) as Construction Manager at Risk (CMR), for the pre-construction services of the new 72nd Street Community Complex; and

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

WHEREAS, on February 1, 2024, the architectural and engineering design consultant, Wannemacher Jensen Architects, Inc. (WJA) submitted a design concept during the programming phase for review by KL; and

WHEREAS, on February 9, 2024, KL submitted the schematic level budget estimate of construction cost, constructability analysis and value engineering (VE) analysis for the design concept provided by the design consultant, which exceeded the \$70M construction budget target; and

WHEREAS, on February 28, 2024, in accordance with the agreement for design services, WJA submitted a redesigned 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 repeated the constructability analysis which 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, hereby identifying any potential cost savings; and

WHEREAS, the requested additional estimates, not included in the original Agreement, were necessary to determine the cost impacts of changing program elements, adding a level of parking, replacing the aquatic components and alternative sports field configurations; and

WHEREAS, in consideration of the extensive upcoming community input, City staff has asked that KL include an allowance for additional cost estimates, constructability analysis and community meetings; and

WHEREAS, KL provided a negotiated proposal in the not-to-exceed amount of \$95,000 that includes additional schematic level budget estimate and constructability analysis for revised concept that was not part of the original contract scope of work, the various cost estimates and constructability analysis in response to City Commission discussion and requests for additional information, and the allowance for additional cost for estimates, constructability analysis and community 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 will revise the total contract amount to \$337,960.

NOW, THEREFORE, the parties hereto, and in consideration of the mutual promises, covenants, agreements, terms, and conditions herein contained, and other good and valuable consideration, the respect and adequacy are hereby acknowledged, do agree as follows:

1. ABOVE RECITALS

The above recitals are true and correct and are incorporated as a part of this Amendment No. 1.

2. MODIFICATIONS

(a) The Agreement is amended, as provided herein and in Schedule "A" attached hereto.

(b) In consideration for the services to be performed under this Amendment No. 1, City shall pay Consultant the not-to-exceed amount of \$95,000.00 as provided in Schedule "B", attached hereto,

3. OTHER PROVISIONS.

All other provisions of the Agreement, as amended, are unchanged and shall remain in full force and effect.

4. RATIFICATION.

The City and Consultant ratify the terms of the Agreement, as amended by this Amendment No. 1

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 to be executed in their names by their duly authorized officials as of the date first set forth above.

ATTEST:

Eric Carpenter, City Manager

Rafael E. Granado, City Clerk

ATTEST:

CONSULTANT:
Kauman, Lynn Construction, Inc.

Secretary

President

Print Name

Print Name

2023-120-ND
Construction Manager at Risk (CMR)
for the construction of

72nd Street Community Complex Project
Additional Preconstruction Services

January 20, 2025

I. PROJECT DESCRIPTION

The new 72nd Street Complex project encompasses site planning, design and construction of a new facility approximately located, in parking lot P92 (P92), in the City of Miami Beach and encompasses the entire block bordered to the north and south by 73rd and 72nd Streets, Collins Avenue to the east and Harding Avenue to the west of Parking Lot 92. The project scope includes a 500-space parking structure, a rooftop competition pool with support amenities, a multi-purpose warm-up pool, a 5,000 - 10,000 SF Miami-Dade County library, a commercial/retail space, a 7,500 SF fitness center, a community center, an active green space, and a jogging path. The project shall conform with the City's future sea level rise initiatives, storm water management and resiliency programs. The completed facility shall incorporate materials and methods that promote environmental quality, economic vitality, and social benefit through the construction and operation of the built environment, in a manner to achieve agreed-upon sustainability or "green" initiatives approved by the City for the Project. On January 31, 2024, Kaufman Lynn was issued a PO for Pre-Construction Services for \$242,960.

After completion of Kaufman Lynn's Task I deliverable, to provide a budget for a schematic progress set of drawings (CONCEPT A), which exceeded the construction budget, the CMR was asked to provide additional deliverables for revised drawings (CONCEPT B). The fee for these deliverables, which were not a part of the original PO and contract scope of services, amount to \$30,000.

As part of the preparations for the November and December Commission Meetings, the CMR was requested to provide two (2) additional analyses: Elimination and/or relocation of the aquatic pools and the addition of another level of parking. The fee for these additional deliverables is \$30,000.

Kaufman Lynn is submitting this additional preconstruction service request for \$30,000 in addition to the Commission Meetings Preparation (Pool and Garage level Analysis) for \$30,000 and Alternate Task Allowance for future anticipated cost estimating, meetings and constructability analysis of \$35,000 as part of Amendment I for a total amount of \$95,000.

II. FEE SCHEDULE – ADDITIONAL PRECONSTRUCTION SERVICES

TASK	DELIVERABLE	FEE
Task I: Alternate Concept Estimation Duration: 42 Calendar Days	1) Concept B Schematic Estimate 2) R1: Concept B Revision 1 Schematic Estimate 3) R2: Concept B Revision 2 Schematic Estimate	\$30,000
Commission Meetings Preparation:	Efforts to prepare for the November and December 2024 Commission Meetings, including: Pool removal analysis and additional Garage level Analysis	\$30,000
Allowance for Future Anticipated Costs:	Future Anticipated cost estimating, meetings and constructability analysis	\$35,000
Total		\$95,000

NARRATIVE – ADDITIONAL PRECONSTRUCTION SERVICES

Task I: Provide Design-Assist services for the express goal of helping the Design Team and City of Miami Beach set the project deliverable, by budgeting the Concept B Schematic Estimate, the R1: Concept B Revision 1 Schematic Estimate, and the R2: Concept B Revision 2 Schematic Estimate. Working in partnership with the Design Professionals, the Construction Manager (CM) shall provide constructability and budgetary guidance. Additionally, The Project Executive, the Project Manager and/or members of the KL team will attend various meetings as requested. Support services for this task will be billed as reimbursable using billable rates provided in attached Preconstruction Services Fee schedule against \$30,000.

Commission Meetings Preparation: In preparation for the November and December 2024 Commission Meetings, Kaufman Lynn was requested to conduct multiple analyses on the removal and/or relocation of the aquatic pools. Additionally, Kaufman Lynn was tasked with providing an analysis for the addition of another garage level. Support services related to these tasks are outlined in the attached Preconstruction Services Fee Schedule. The total fee for these deliverables is \$30,000

Alternate Task Allowance, associated with additional tasks required and subject to the Owner's prior approval. The primary purpose is to allow for additional estimating services during the preconstruction phase or thereafter as the project necessitates additional services including but limited to cost estimating, constructability analysis, and required design and city meetings. Support services for this task will be billed as a reimbursable against \$35,000

SCHEDULE "B"

Miami Beach 72nd Street Complex			1/20/25
Kaufman Lynn Construction			
Pre-Construction Services Fee			
	ITEM	TOTAL	DISCOUNT
	Task I: Alternate Concept Estimation		
	Concept B Schematic Estimate	\$ 16,560	\$ 10,000
	R1: Concept B Revision 1 Schematic Estimate	\$ 22,815	\$ 10,000
	R2: Concept B Revision Schematic Estimate	\$ 22,635	\$ 10,000
	Total For Conceptual Estimate	\$ 62,010	\$ 30,000
	Commission Meetings - November and December		
	Efforts to prepare for the November and December 2024 Commission Meetings, including: Pool removal analysis and additional Garage level Analysis	\$ 42,380	\$ 30,000
	Total for DD Estimate	\$ 42,380	\$ 30,000
	Alternate Tasks Allowance		
	Future Anticipated Costs Estimating, Meetings and Constructability Analysis	\$ 35,000	\$ 35,000
	Total for DD Estimate	\$ 35,000	\$ 35,000
Preconstruction Sub-Totals			
Preconstruction Total		\$ 139,390	\$ 95,000