

C7 C 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 WAS 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.

Applicable Area:



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: February 26, 2025

TITLE: 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 WAS 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.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) adopt the Resolution.

BACKGROUND/HISTORY

On November 6, 2018, Miami Beach residents approved a ballot measure, authorizing the issuance of a General Obligation Bond (G.O. Bond), which included the 72nd Street Community Complex Project. City staff and a design criteria professional developed a feasibility study and Design Criteria Package (DCP) while meeting with project stakeholders to discuss and refine project requirements. The resultant project program included a 500-space parking structure, 50-meter competition pool with support amenities, 25-meter multi-purpose pool, 5,000-10,000 SF Miami-Dade County Library, 5,000 SF commercial / retail, 7,500 SF fitness center, 5,000 SF community center, 60,000 SF of active green space and a jogging path.

On June 28, 2023, pursuant to 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 for the preconstruction services phase with Kaufman Lynn Construction, Inc. (KL) as Construction Manager at Risk (CMR), of the new 72nd Street Community Complex (Project). On November 27, 2023, the agreement (Agreement) was executed in the amount of \$242,960.

The Project currently includes a multi-level mixed-use parking garage, including approximately 500 parking spaces, a 50-meter competition pool with support amenities, a 25-meter multi-purpose pool, 7,500 SF Miami-Dade County library, 5,000 SF commercial/retail, 7,500 SF fitness center, 5,000 SF community center, 60,000 SF of active green space, and a jogging path, with a total project budget of \$101,742,327.

ANALYSIS

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. On February 9, 2024, KL submitted the schematic level budget estimate of construction cost, which exceeded the \$70M construction budget target, and in accordance with the Agreement, provided constructability analysis and value engineering (VE) recommendations.

In accordance with the agreement for design services, on February 28, 2024, WJA submitted a redesigned concept to meet the construction budget. On April 5, 2024, KL submitted a second, unanticipated, estimate of the construction cost for the revised concept, which exceeded the \$70M construction budget by approximately 14 percent (14%). KL repeated the constructability analysis and identified VE strategies that could resolve the budget concerns. All proposed VE strategies ensured that the program, scope and performance of the facility remain unimpacted.

The original scope of work under KL's Agreement only included one iteration of cost estimating and value engineering during the conceptual / schematic design phase. The additional estimate and constructability analysis provided by KL for the revised concept was not included in the original Agreement.

During the October 30, 2024, meeting of the City Commission, as part of discussion item R9 AE sponsored by Commissioner Magazine and co-sponsored by Commissioner Bhatt, the City Commission discussed the potential redesign of the Project, and more particularly, reconsidering the rooftop competition sized pool and other recreational options, such as soccer field or pickleball courts, to reduce expenses. Ultimately, the City Commission directed the Administration to provide a Project update at the next Commission meeting.

During the December 11, 2024, meeting of the City Commission, the project was discussed as part of agenda item R9 E. The City Commission directed the Administration to add (1) level of parking, explore adding pickleball courts or other activation to the top level of parking, research public demand for the facility and commence public outreach. The Administration advised that the cost to add (1) level of additional parking would increase the total project budget by approximately \$4,500,000.

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. These estimates included determining the cost impacts of changing program elements, adding a level of parking, replacing the aquatic components and alternative sports field configurations.

These additional services were not included in the original Agreement and are thereby included in this Amendment No.1.

Finally, 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.

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 cost estimates, constructability analysis and community meetings outside of the original project scope.

This Amendment No.1 (Exhibit A) in the amount of \$95,000 will revise the total contract amount to \$337,960.

City staff has reviewed and negotiated the proposal and finds that the fees are fair and reasonable.

FISCAL IMPACT STATEMENT

The total amount of the Amendment is for a not-to-exceed amount of \$95,000 utilizing previously appropriated project funding.

Does this Ordinance require a Business Impact Estimate?

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

490-0820-061357-26-418-528-00-00-00-22150 \$95,000

CONCLUSION

The Administration recommends that the City Commission approve the resolution.

Applicable Area

North Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

Yes

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Capital Improvement Projects

Sponsor(s)

Co-sponsor(s)

Condensed Title

Execute Amendment 1, Construction Manager for 72nd Street Community Complex Project.
CIP

Previous Action (For City Clerk Use Only)

**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

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.

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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 72nd 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

Date

2/18/2025