

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND KAUFMAN LYNN CONSTRUCTION, INC. FOR PRE-CONSTRUCTION PHASE SERVICES FOR THE NEW FIRE STATION NO. 1 IN A TOTAL NOT-TO EXCEED AMOUNT OF \$395,000, SUCH AMENDMENT TO PROVIDE FOR ADDITIONAL PRE-CONSTRUCTION SERVICES RELATED TO (A) THE DEVELOPMENT OF A TEMPORARY DAYCARE LOCATION, INCLUDING A DEPOSIT FOR THE PROCUREMENT OF A CUSTOM MODULAR STRUCTURE AS REQUIRED FOR THE RELOCATION OF THE DAYCARE FROM THE SOUTH SHORE COMMUNITY CENTER TO FLAMINGO PARK PRIOR TO THE START OF CONSTRUCTION AT A NOT TO EXCEED COST OF \$373,000 UTILIZING PREVIOUSLY APPROPRIATED FUNDING ASSOCIATED WITH THE DAYCARE RELOCATION AND (B) THE INTEGRATION OF THE APOLLO MURAL INTO THE EAST FAÇADE OF FIRE STATION NO.1 AT THE COST OF \$22,000 TO BE FUNDED OR REIMBURSED BY THE DEVELOPER, 3425 COLLINS, LLC.

WHEREAS, on January 15, 2020, pursuant to Request for Qualifications (RFQ) No. 2019-370-ND, the Mayor and City Commission adopted Resolution No. 2020-31112 approving and authorizing the Mayor and City Clerk to execute an agreement with Kaufman Lynn Construction, Inc. (Kaufman Lynn) as Construction Manager at Risk, for the construction of the new Fire Station No. 1 Facility to be located at the South Shore Community Center, 833 6th Street, in the Flamingo Park Neighborhood ("Fire Station No. 1"); and

WHEREAS, upon successful negotiations with the Administration, the agreement was executed in the amount of \$80,000 for Pre-Construction Phase services only and a future amendment for the final negotiated Guaranteed Maximum Price ("GMP") for the construction phase of the project is subject to prior approval of the Mayor and City Commission; and

WHEREAS, the Architectural and Engineering consultant Wannemacher Jensen Architects, Inc. (WJA), is currently working on the 90% Construction Documents with completion scheduled for April 2023; and

WHEREAS, the new 29,369 square feet facility for Fire Station No. 1 will provide four drive-thru apparatus bays, living spaces, offices, a kitchen, a gym, support facilities and 34 parking spaces; and

WHEREAS, Kaufman Lynn has provided preconstruction services during the design phase, including preparing estimates of probable construction cost, performing constructability analysis, assisting with value engineering, maintaining a project schedule and engaging subcontractors for trade bid packages, and reviewing site logistics and requirements for planned maintenance of traffic during construction at each design phase; and

WHEREAS, it is anticipated that once the 90% construction documents for Fire Station No. 1 are completed, Kaufman Lynn will prepare the GMP for approval by the City Commission in July 2023; and

WHEREAS, two additional project elements have been identified that need to be executed in conjunction with the Fire Station and additional preconstruction services will be required for Kaufman Lynn to include the two projects into the Fire Station No.1 project; and

WHEREAS, the proposed design for the new Fire Station No.1 requires the demolition of the existing South Shore Community Center building which currently houses a daycare facility, the Rainbow Intergenerational Learning Center (the "Daycare"); and

WHEREAS, the City has expressed its commitment to assist with the relocation of the daycare, to prevent loss of the community services due to the building demolition; and

WHEREAS, on June 15, 2022, the Public Safety and Neighborhood Quality of Life Committee discussed the relocation of the Daycare from the South Shore Community Center at 833 6th Street, to a temporary location in Flamingo Park using trailers or modular structures, in preparation for the fire station construction; and

WHEREAS, the City has engaged consultant R. E. Chisolm Architects, Inc. (Chisolm) for the design of a temporary facility for the Daycare in Flamingo Park, using a custom designed modular structure; and

WHEREAS, Chisolm has completed the 30% Construction Documents, (Exhibit A) which were submitted to the Planning Department for review, and presentation at the April 11, 2023 Historic Preservation Board meeting; and

WHEREAS, the design places the proposed modular structure and the associated playground to the north of the existing playground, to the west of the existing Lodge building, and nestled at the south end of the Butterfly Garden area proposed as a part of the Flamingo Park Master Plan; and

WHEREAS, the modular structure will have to be engineered, manufactured, delivered and installed, prior to the demolition of the South Shore Community Center, and the construction of Fire Station No.1; and

WHEREAS, the school, equipment, staff and students must be relocated prior to demolition; and

WHEREAS, timely performance of the work required for the relocation of the Daycare to its temporary location in Flamingo Park is critical to achieve the scheduled start of construction of Fire Station No.1; and

WHEREAS, during the design phase of the Fire Station No.1 project, Kaufman Lynn has contributed to the scheduling and constructability analysis for the project; and

WHEREAS, in order to move efficiently to construct the temporary facility for the Daycare and ensure a seamless transition to the start of construction of Fire Station No. 1,

Kaufman Lynn will provide preconstruction services for the relocation of the Daycare as a part of the existing agreement for Fire Station No.1; and

WHEREAS, the future GMP for Fire Station No.1 will include the itemized cost for the construction required for the Daycare; and

WHEREAS, upon approval of a GMP by the City Commission, Kaufman Lynn would perform the construction required for the temporary relocation of the Daycare prior to the start of construction for the Fire Station No. 1; and

WHEREAS, the City requested and received a proposal from Kaufman Lynn for the additional pre-construction services required to relocate the Daycare from the South Shore Community Center to a temporary location in Flamingo Park to include: (1) review design drawings, provide estimate of probable construction costs and coordinate the project schedules for both the Fire Station No.1, and the temporary daycare facility, (2) procurement of the modular structure to initiate the engineering phase for the preparation of detailed shop drawings, (3) release to start the manufacturing of the modular structure by paying approximately 50% deposit of up to \$325,000 (with the balance of the cost of the modular structure to be included in the Final GMP), and (4) prepare a GMP cost for all work, to include civil, structural, electrical, and landscaping scopes required for the construction of the temporary Daycare location and the associated playground, provide combined schedule with sequencing of work to evaluate impact on the Fire Station No. 1; and

WHEREAS, Kaufman Lynn has submitted an all-inclusive negotiated proposal, Amendment No.1 to the pre-construction phase services contract, to include the additional pre-construction phase services related to the daycare in the amount of \$373,000; and

WHEREAS, on May 11, 2021, an application was presented by 3425 Collins, LLC (The Developer) to the Historic Preservation Board (Board) requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 16-story hotel building located at 3425 Collins Avenue, including the total demolition of the 1955 south addition, and the construction of a new residential 16-story detached ground level tower addition, the Aman Residence, and modifications to the site plan; and

WHEREAS, a mosaic tile mural entitled "Apollo" by artist Jack Stewart (the "Mural"), was introduced to the site as a part of a south addition by Melvin Grossman in 1955; and

WHEREAS, in 2014, the Historic Preservation Board reviewed and approved the demolition of the south addition inclusive of the Mural; and

WHEREAS, the 92' wide by 17' high mural was subsequently removed and relocated to a storage facility and the 1955 addition was demolished; and

WHEREAS, the Historic Preservation Board Consolidated Order from the May 11, 2021 meeting, indicates that the Developer proffered to donate the Mural to the City as a condition to the approval, including covering all costs for its relocation, installation and restoration; and

WHEREAS, prior to the issuance of a building permit for the new residential tower, the Developer is required to return to the Board to present the final plan for the restoration of the mural, including the specific location where it will be installed; and

WHEREAS, the City has considered a few City-owned properties as locations for the Mural; however, given its size, placement on an existing facility has been challenging; and

WHEREAS, on July 20, 2022, the Mayor and City Commission adopted Resolution 2022-32230 authorizing the City Manager to execute a Memorandum of Understanding (“MOU”), between the City and the Developer as per HPB order 20-0441, requiring the Developer, at its sole cost, to undertake all aspects of restoring the Mural, including conservation services; design and engineering fees; and upon completion of the restoration and acceptance by the City of the condition of the restored Mural, transporting the Mural to a storage location, designated by the City Manager’s designee; transporting the Mural from the City’s storage location to Fire Station No.1; and installing the Mural as an integrated architectural feature at the new building for Fire Station No.1, once completed (Exhibit B); and

WHEREAS, in order to accommodate the mural, and the required structural improvements, Kaufman Lynn must provide additional preconstruction services to evaluate the logistics and determine the cost for the required construction; and

WHEREAS, the City requested and received a proposal from Kaufman Lynn for the additional pre-construction phase services required to incorporate the Apollo Mural into the Fire Station No.1 Project to include: (1) review design drawings, provide estimate of probable construction costs and add this scope to the construction schedule for the fire station, (2) review logistics required for the support structure necessary for the installation of the mural installation, and (3) prepare the cost for all work, to include structural, and electrical scopes for the construction required to support the Mural. The cost will be included in the final GMP.

WHEREAS, Kaufman Lynn has submitted a total negotiated proposal, Amendment No.1 to the pre-construction phase services contract, to include the additional pre-construction phase services related to the mural in the amount of \$22,000; and

WHEREAS, it is anticipated that all costs associated with the relocation and installation of the Mural, including without limitation the cost of preconstruction services to incorporate the Mural into Fire Station No.1, shall be funded or reimbursed by the Developer, 3425 Collins, LLC; and

WHEREAS, City Staff has reviewed both proposals and has found that the fees are fair and reasonable; and

WHEREAS, this Amendment No.1 in the amount of \$395,000, will revise the total contract amount to \$475,000 for preconstruction services; and

WHEREAS, the Administration recommends that the Mayor and City Commission approve Amendment No. 1.

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 approve and authorize the Mayor and City Clerk to execute Amendment No. 1 to the agreement between the City of Miami Beach, Florida and Kaufman Lynn Construction, Inc. for Pre-construction Phase services for the New Fire Station No.1 in a total not-to-exceed amount of \$395,000, such amendment to provide for additional Pre-construction services related to (a) the development of a temporary daycare location, including a deposit for the

procurement of a custom modular structure as required for the relocation of the daycare from the South Shore Community Center to Flamingo Park prior to the start of construction of Fire Station No.1, at a not to exceed cost of \$373,000 utilizing previously appropriated funding associated with the daycare relocation and (b) the integration of the Apollo Mural into the east façade of Fire Station No.1 at the cost of \$22,000 to be funded or reimbursed by the Developer, 3425 Collins, LLC.

PASSED and ADOPTED this _____ day of _____, 2023.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

[Handwritten Signature]

City Attorney

3-16-23

Date