



Agenda Item #
February 22, 2018

JB

20 N. Swinton Avenue
Delray Beach, FL 33444

~ CRA BOARD SUMMARY ~
**THIRD AMENDMENT TO WORK ASSIGNMENT – IBI GROUP (FLORIDA) INC. –
THE SET TRANSFORMATION PLAN**

On December 8, 2016, the CRA entered into a Work Assignment with IBI Group, one of the CRA's consultants on a continuing contract basis, to update the West Atlantic Avenue (CRA Sub-area 3) and Southwest Area Neighborhood (CRA Sub-Area 8) Redevelopment Plans, as well as inclusion of a plan for the Northwest Neighborhood (CRA Sub-Area 4,) and consolidating the Plans into one comprehensive document - The Set Transformation Plan. On September 15, 2017, the Work Assignment was amended to extend the completion date to December 4, 2017. On November 9, 2017, the CRA Board approved the Second Amendment to the Work Assignment with IBI Group extending the completion date to March 2, 2018.

The Plan was presented to the WARC Board at its December 7th meeting and unanimously approved the Plan via Resolution No. 2017-01. On December 14th, the CRA Board tabled the item to the January 11, 2018 CRA Board meeting as there were legal concerns as well as other comments/concerns regarding various aspects of the Plan. On January 11, 2018, the CRA Board considered the item and recommended approval of the Plan with recommended changes addressing the Board's comments and concerns. The Plan was presented to the City Commission on January 23, 2018. Final adoption is anticipated in April. While adoption by the City Commission is anticipated in April, the request is to extend the Agreement 60 days to May 2, 2018.

Recommended Action:

Approve the Third Amendment to the Work Assignment with IBI Group (Florida) Inc. (IBI) for services associated with The Set Transformation Plan extending the completion date to May 2, 2018.

Submitted By: Kristyn Cox, West Atlantic Redevelopment Director

Attachments: Third Amendment to Work Assignment with IBI Group (Florida) Inc.

AKC

**THIRD AMENDMENT TO THE WORK ASSIGNMENT
BETWEEN
THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY
AND
IBI GROUP (FLORIDA) INC.**

THIS THIRD AMENDMENT TO THE WORK ASSIGNMENT ("Third Amendment") is made and entered into as of the ___ day of _____, 2018, by and between the **DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY**, a public agency created pursuant to Section 163, Part III, Florida Statutes, (hereinafter referred to as the "CRA"), and **IBI GROUP (FLORIDA) INC.** (hereinafter referred to as "Consultant").

WITNESSETH:

WHEREAS, the CRA and the Consultant previously entered into an Agreement for Project Development, Financial, and Real Estate Management Analysis and Services dated July 25, 2013, the "Original Agreement"; and

WHEREAS, on March 25, 2016, the parties entered into a First Amendment to the Original Agreement to renew the Original Agreement for one (1) additional year and to include a provision prohibiting contingency fees; and

WHEREAS, the CRA and the Consultant entered into a Work Assignment on December 8, 2016, to provide for the Consultant to provide services associated with the "2016 The Set Redevelopment Plan" (the "Work Assignment"); and

WHEREAS, on June 8, 2017, the parties entered into a Second Amendment to the Original Agreement in order to provide an extension of the Original Agreement for an additional one (1) year term, and to provide for additional terms and conditions related to potential conflicts of interest; and

WHEREAS, the Work Assignment provided for the Consultant to complete the services on or before October 4, 2017; and

WHEREAS, on September 15, 2017, the CRA and Consultant entered into a First Amendment to the Work Assignment for the Consultant to complete the services on or before December 4, 2017; and

WHEREAS, on November 9, 2017, the CRA and Consultant entered into a Second Amendment to the Work Assignment for the Consultant to complete the services on or before March 2, 2018; and

WHEREAS, CRA and Consultant desire to enter into this Third Amendment in order to extend the time for completion of the Work Assignment for an additional sixty (60) days, up to and including May 2, 2018.

NOW THEREFORE, in consideration of the promises, mutual covenants, provisions and undertakings hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. That the recitals set forth above are true and correct and are incorporated herein by reference.

2. That the CRA and the Consultant agree to extend the completion date for the services provided by the Consultant with respect to the "2016 The Set Redevelopment Plan" for an additional sixty (60) days, up to and including May 2, 2018.

3. That except as amended herein, the CRA and Consultant ratify, approve and reaffirm the terms of the Original Agreement, and the Original Agreement shall remain in full force and effect, except as amended herein.

4. In the event of any conflict or ambiguity by and between the terms and provisions of the Work Assignment, First Amendment, Second Amendment, and this Third Amendment, the terms and provisions of this Third Amendment shall control to the extent of any such conflict or ambiguity.

IN WITNESS WHEREOF, the parties have executed this Third Amendment to the Work Assignment on the date first written above.

**DELRAY BEACH COMMUNITY
REDEVELOPMENT AGENCY**

BY: _____
ANNETTE GRAY, CHAIR

ATTEST:

JEFF COSTELLO, EXECUTIVE DIRECTOR

CONSULTANT:

IBI GROUP (FLORIDA) INC.

By: _____

Print Name: _____

Title: _____

ATTEST:

By: _____

Print Name: _____

Title: _____

(CORPORATE SEAL)

STATE OF _____)

_____)

COUNTY OF _____)

BEFORE ME, an officer duly authorized by law to administer oaths and take acknowledgments, personally appeared _____, as _____ authorized to do business in the State of Florida, and acknowledged executed the foregoing Agreement as the proper official of IBI GROUP (FLORIDA) INC., for the use and purposes mentioned in it and affixed the official seal of the limited liability company, and that the instrument is the act and deed of that company. He is personally known to me or has produced _____ as identification.

IN WITNESS OF THE FOREGOING, I have set my hand and official seal at in the State and County aforesaid on this _____ day of _____, 2018.

NOTARY PUBLIC

My Commission Expires: