

MEMORANDUM

TO: MAYOR AND CITY COMMISSION

FROM: CITY ATTORNEY'S OFFICE

DATE: February 6, 2023

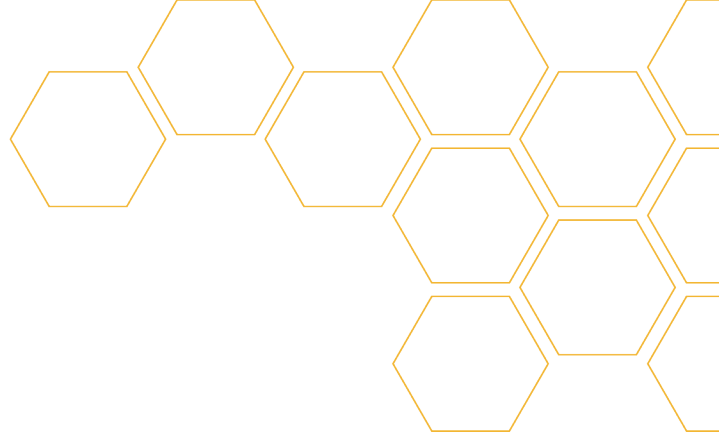
RE: **Task Authorization with The Apiary for Catalyst 2.0, Phase 3**

In May 2022, the City/CRA entered into a partnership with the Lakeland Economic Development Council (LEDC) to build a system that would layer strategic planning outputs into an interactive digital modeling system. The LEDC initiated the platform by procuring the services of the Apiary, a Lakeland-based design firm that specializes in photorealistic architectural visualization. The LEDC provided funding for Phase 1 of the project in the amount of \$100,000, with the CRA funding Phase 2, which expanded the Catalyst footprint, in the amount of \$280,000. Phase 2 work is approaching completion and the Apiary will continue to integrate study areas from the CRA planning initiatives in Dixieland (South Florida Avenue), Midtown (East Main District and Downtown West areas) into their platform, as well as the first three (3) vision projects for the CRA as the studies by the consultants for the respective areas move toward completion.

Phase 3 under the attached Task Authorization will include the expansion of the platform, optimization and uploading of new projects, as well as hosting and usage for public users, with an additional three (3) vision projects in either the Dixieland, Downtown West, or East Main study areas. Phase 3 will be funded by CRA Downtown Catalyst project funds in an amount not to exceed \$100,000. The Apiary is on the City's Continuing Services Contracts list for Professional Planning, Design or Development Services.

It is recommended that the City Commission, acting as the Lakeland Community Redevelopment Agency, approve the attached Task Authorization with The Apiary and authorize the appropriate CRA officials to execute the Task Authorization on behalf of the CRA in an amount not to exceed \$100,000.

Attachment



January 25, 2023

Lakeland Community Redevelopment Agency
Attn: Valerie Ferrell
228 Massachusetts Avenue
Lakeland, Florida 33801

**Re: Catalyst: A Vision for Lakeland
Task 3 Authorization: Continued Expansion & Build Out of the Platform**

Dear Valerie,

Thank you for the opportunity for The Apiary to continue to partner with the Community Redevelopment Agency (CRA) and the Lakeland Economic Development Council (LEDC) to provide visualization services on the newly created Catalyst platform. The following proposal outlines the request for the ongoing development and build out of the platform through the tasks outlined as Phase 3 in the initial proposal, dated May 4 of 2022.

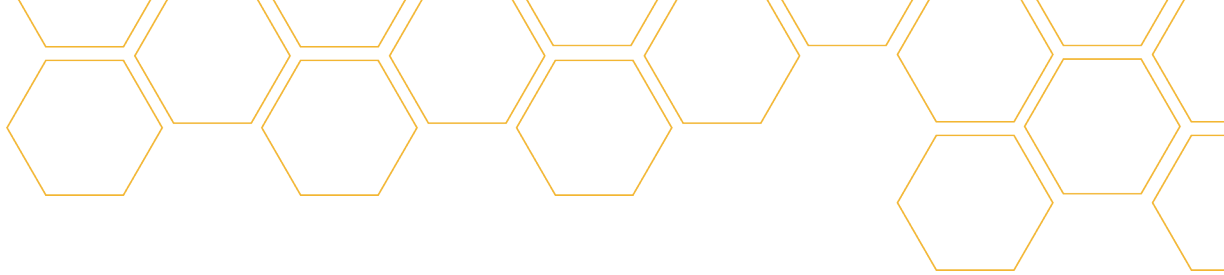
The Apiary worked with the City of Lakeland and the LEDC to provide a co-branded, web-based virtual model of Downtown Lakeland, referred to as a “digital twin”, that works to to accurately reflect current and future development in the designated areas, creating collaboration, communication and transparency between community members, planners and stakeholders. The platform initially focused on Downtown Lakeland and through a phased-in approach add the East Main, West Downtown and Dixieland District Plans, as referenced in Exhibit B. Specifically, the platform includes the following in each designated area:

- Real time list of major completed construction and/or major redevelopment projects over the past three years
- Real time list of major projects currently under construction
- Real time list of major projects in the permitting or design process
- List of available sites and redevelopment opportunities with accompanying static architectural conceptualization plans for those sites and redevelopment opportunities
- 3D interactive model that continues to be built out and updated as plans and projects are created and completed

Phase 3 Task Authorization: Continued Expansion & Build Out of the Platform

The Apiary along with its partners the Lakeland CRA and LEDC will continue to update the platform on a real time basis with regards to:

- Real time list of major completed construction and/or major redevelopment projects over the past three years
- Real time list of major projects currently under construction
- Real time list of major projects in the permitting or design process
- List of available sites and redevelopment opportunities with accompanying static architectural conceptualization plans for those sites and redevelopment opportunities
- 3D interactive model that continues to be built out and updated as plans and projects are created and completed
- Design of three (3) new vision projects for the CRA that can be placed in any of the following Districts: Downtown, East Main, Dixieland or West Downtown



The Apiary will also continue to work closely with the planning and design team to incorporate the remaining three (3) districts into the platform as formerly defined in the original Task Authorization dated May 4, 2022. Upon receipt of the final district plans currently in design, The Apiary will integrate each of the following districts within the platform:

- East Main District
- Dixieland
- West Downtown
- Design of three (3) new vision projects for the CRA in either Dixieland or West Downtown District
- Placing the new visioning projects into the Catalyst platform

We anticipate these districts to be completed by September 30, 2023. Anticipated timelines are dependent on the release of information from the study areas, as well as models and information provided by the client.

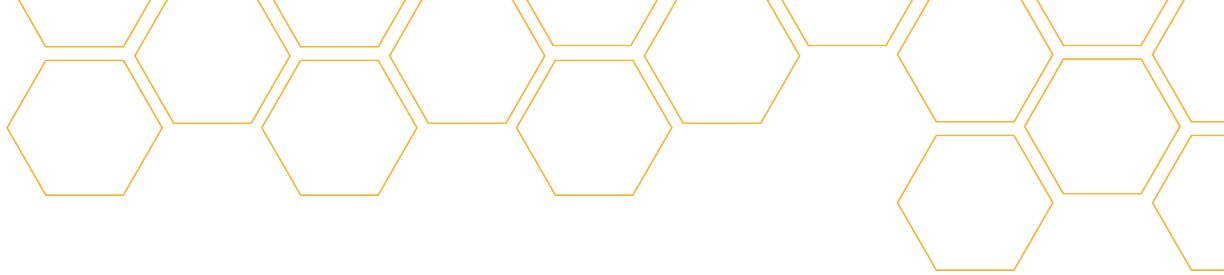
All of this work will be executed on a rolling basis, beginning from February 2023 – September 2023.

Ongoing Maintenance, Hosting and Platform Development | The Apiary will provide ongoing maintenance and additional platform development as projects evolve or new projects are anticipated or visioned. This continued maintenance will include:

- Optimization and upload of new projects into the platform
- Hosting and usage for the platform (shared equally among the LEDC and CRA and Apiary)
- Quarterly project management plans, outlining goals, objectives, anticipated deliverables, recommendations by month with associated due dates
- Placement of three (3) new vision projects for the CRA in either Dixieland or West Downtown District and East Main District

Our Fees for our Phase 3 Task Authorization are broken down as follows:

Platform Hosting and Usage (CRA Portion)	\$10,000.00
Data and Asset Collection	\$15,175.00
Completed in the last 3 years	
Under Construction	
In Permitting/Design	
Available Sites and Static Vision	
3D/Interactive Vision	
New Vision Projects Design (6)	\$50,425.00
Placement of Plans into Platform (9)	\$24,400.00
TOTAL	\$100,000.00



Additional Considerations | As new project and/or commission and community priorities come to light, additional services are available upon request and will be billed per our hourly rate.

REIMBURSABLES

Reimbursable expenses include expenses incurred by The Apiary and consultants directly related to the project. This may include mileage, fees for printing, delivery and other similar project-related expenditures. Reimbursables will be billed according to the attached fee schedule.

CONDITIONS OF THE AGREEMENT

The Apiary shall submit monthly invoices to the Client for compensation of the work completed at the time of invoicing. Payment shall be due within 30 days of receipt of each invoice. In the event that full payment on any invoice exceeds 60 days, all work on the project shall cease until all outstanding invoices are paid in full. The Client agrees to pay or reimburse the Apiary for all reasonable attorneys and legal fees required to collect compensation for services rendered in accordance with this contract agreement.

The Client may terminate this Agreement without cause upon giving the Apiary seven (7) days written notice. In the event of termination, the Apiary shall be paid for all work in progress, to be based upon the work completed up to and including the date of termination.

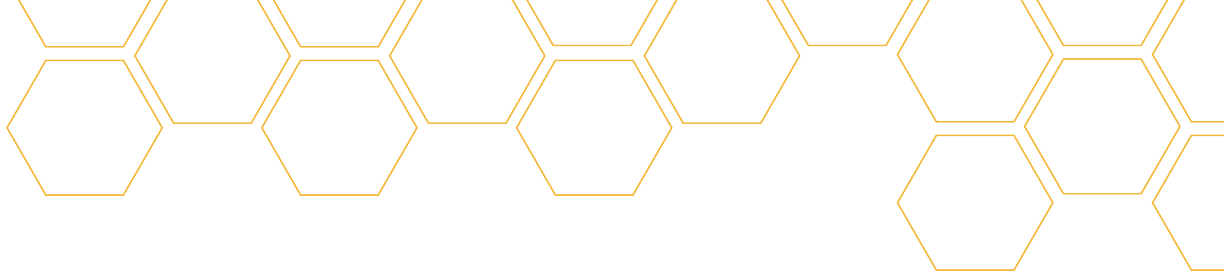
DISPUTE RESOLUTION

In an effort to resolve any conflicts that arise during the design of the project or following the completion of the project, the Owner and the Apiary agree that all disputes shall be submitted to nonbinding Mediation with a Mediator in Polk County, Florida, unless the parties mutually agree otherwise.

A demand for Mediation shall be forwarded in writing to the other party within a reasonable time after the claim; dispute or other matter in question has arisen. In no event shall the demand for Mediation be made after the date when institution of legal equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statute of limitations. Within ten (10) days after receipt of the demand for Mediation, the parties shall submit the dispute to mediation before a certified mediator from the list (the "list") maintained by the Chief Judge of the Tenth Judicial Circuit of Florida pursuant to Rule 1.810, Florida Rules of Civil Procedure to be selected by the parties. The parties shall select the mediator within thirty (30) days of the receipt of the notice of deadlock, dispute or controversy. In the event that the parties cannot agree on a mediator, then each party shall promptly select a mediator from the list, and the two selected mediators shall select a third mediator who shall mediate the dispute. The mediation shall be held within sixty (60) days from the selection of the mediator.

PURSUANT TO FLORIDA STATUTES SECTION §558.0035 (2013), AN INDIVIDUAL EMPLOYEE OR AGENT OF THE APIARY MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.

----- See Next Page for more information -----



We are ready to start this work immediately and look forward to working with you on this project. Please let me know when you would like to begin the process.

Thank you for this opportunity.

Submitted by:

Approved by:

Maggie Briggs

Signature

Signature

Maggie Briggs
Printed Name

Printed Name

Director

Title

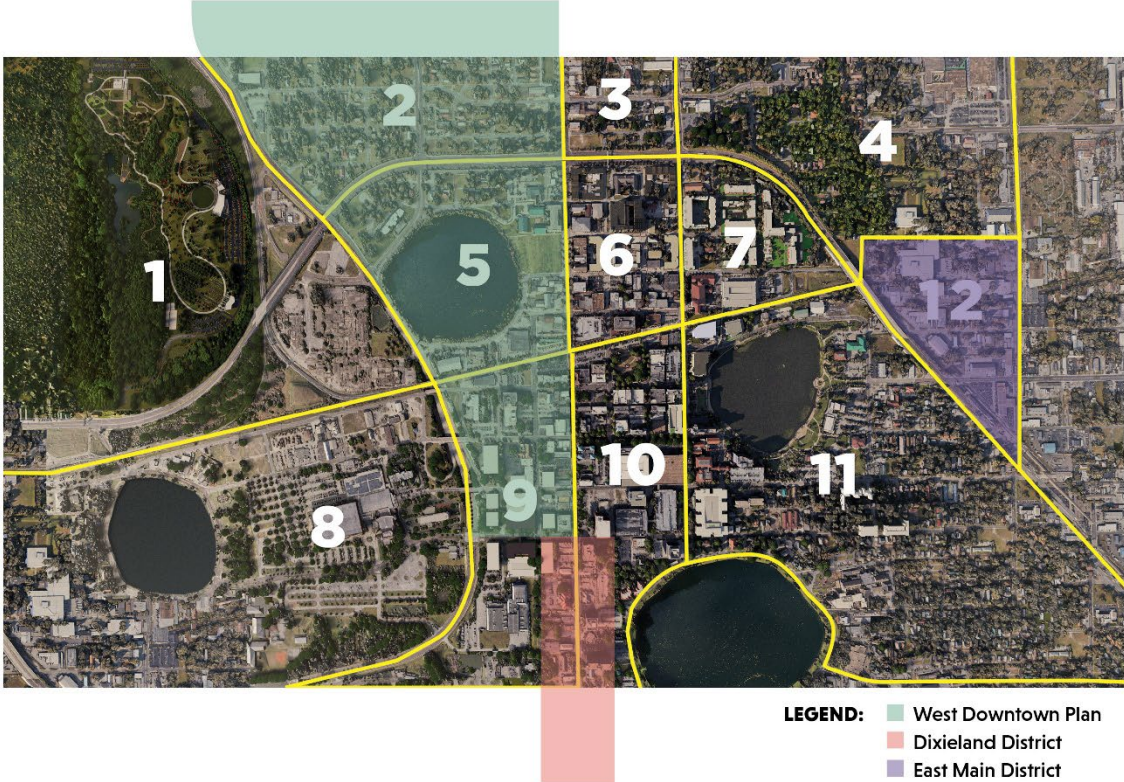
January 25, 2023
Date

Date

Attachment: Exhibit A – Region Map; Exhibit B – Reimbursable Fees Schedule
CC: Kristen Case, The Apiary



Exhibit A – Region Map





THE APIARY

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www.theapiarystudios.com
Facebook | Instagram | Vimeo

REIMBURSABLE SCHEDULE OF FEES FOR EXPENSES

DICIPLINE	RATE/hr
Director	\$175.00
Senior Production Artist	\$135.00
Production Artist	\$75.00
Clerical/Administrative	\$50.00

MISCELLANEOUS EXPENSES	RATE
Xerox Copies, ea. Mass reproduction	.20
Travel, per mile, portal to portal	.575*
Printing, Graphics, Photography, Postage, etc.	Cost + 15%
Out of Town Expenses (Room, Board)	Cost + 15%
Permit and Application Fee Advances	Cost + 15%
Overnight Deliveries	Cost + 15%
Courier Services	Cost + 15%
Interior Furnishings Purchases	Cost + 15%

Subcontracts, if required, such as digital media services, not included in base contract:
Cost plus ten percent (15%) to cover administration costs.

Sales Tax: Seven percent (7.0%) on furnishings purchased by The Apiary in accordance
with Florida state law.

*Adjusted in accordance with IRS Notices as published.