



Office of the City Manager

CONSENT CALENDAR
July 25, 2023

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Liam Garland, Director, Department of Public Works
Subject: Contract: Disability Access Consultants for On-Call American with Disabilities Act Consulting Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with Disability Access Consultants (DAC) for on-call American with Disabilities Act consulting services to provide support to the City of Berkeley's Disability Compliance Program, for up to three years in an amount not to exceed \$300,000.

FISCAL IMPACTS OF RECOMMENDATION

Initial funding for the contract is available in the FY 2024 Public Works budget in the Capital Improvement Fund 501. Funding for future fiscal years will be approved in the next budget development cycle from the ADA CIP Fund 501 baseline budget or may be requested by carryover in FY 2024 via approval of the First Amendment to the Annual Appropriations Ordinance (AAO). Services provided through this contract may protect the City against civil litigation.

CURRENT SITUATION AND ITS EFFECTS

The City released a December 22, 2022 Request for Proposals (RFP) (Specification No. 23-11543-C) for on-call American with Disabilities Act (ADA) consulting services on an ongoing and back up basis to provide support to its Disability Compliance Program. Four proposals were received and evaluated by a selection committee of City staff and ranked according to criteria including project approach; completeness of proposal requirements; staff qualifications; references; and reasonableness of cost. The proposal submitted by Disability Access Consultants (DAC) was ranked highest and deemed most responsive, and was thus selected for recommendation to the City Council for award of a contract. Main duties will include but are not limited to providing City staff with technical ADA assistance on requirements and best practices related to City programs and policies, physical access, digital accessibility, ADA grievances, and reasonable accommodation requests.

DAC has previously contracted with the City and has a proven record of providing excellent and timely service to Disability Services staff. DAC is very familiar with the City and has a solid understanding of its needs, having surveyed practically all City facilities, parks, streets, websites, and programs for the development of a new ADA Transition Plan.

This contract supports the Strategic Plan Priorities of both advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities and championing and demonstrating social and racial equity.

BACKGROUND

The Americans with Disabilities Act (ADA) requires state and local governments provide accessibility to people with disabilities. Ensuring equal access to civic life for all people is a fundamental legislative goal of the ADA as accessibility relates not only to physical access but to the delivery of government programs, services, activities, and employment practices.

The City of Berkeley has a vibrant, diverse, highly educated and very engaged community of people with disabilities, and is known as the birthplace of the Disability Rights Movement in the United States. Public Work's Disability Services team, who is responsible for overseeing the City's Disability Compliance Program, seeks additional support to its program through use of consulting services for comprehensive ADA and accessibility compliance services to better serve the community and to achieve the City's values of equity and inclusion.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

ADA accessibility benefits many pedestrians including but not limited to people with disabilities, seniors, and parents with strollers and small children. Such improvements encourage the use of public transportation and travel without cars, thus reducing greenhouse gases and other negative impacts of driving.

RATIONALE FOR RECOMMENDATION

Public Work's Disability Services team consists of only 1.5 FTEs, yet the City's Disability Compliance Program covers a wide range of services such as City wide programmatic and policy reviews, facility inspections, plan reviews, and addressing ADA grievances and accommodation requests. DAC brings forward a support team of subject matter experts with a comprehensive understanding of applicable standards, regulations and requirement under Title II of the ADA, California Building Code and related state accessibility standards.

ALTERNATIVE ACTIONS CONSIDERED

None. There are critical and time sensitive services such as evaluating and responding to public grievances and ADA accommodation requests and providing accessibility reviews of plans and policies as needed. Staff requires consultant support to keep up

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with the demands placed onto the Disability Compliance Program and to remain compliant with the ADA.

CONTACT PERSON

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Thomas Gregory, ADA Program Coordinator, Public Works, (510) 981-6418

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT: DISABILITY ACCESS CONSULTANTS FOR ON-CALL AMERICAN
WITH DISABILITIES ACT CONSULTING SERVICES

WHEREAS, the Americans with Disabilities Act (ADA) requires state and local governments to provide accessibility to people with disabilities, and ensuring equal access to civic life for all people in the delivery of government programs, services, activities, and employment practices is a fundamental legislative goal of the ADA; and

WHEREAS, the City of Berkeley complies with the ADA and related State and Federal laws; and

WHEREAS, on December 22, 2022 the City advertised a Request for Proposals (RFP) (Specification No. 23-11543-C) for On Call American with Disabilities Act Consulting Services providing City staff with technical ADA assistance on requirements and best practices related to City programs and policies, physical access, digital accessibility, ADA grievances, and reasonable accommodation requests; and

WHEREAS, Disability Access Consultants, LLC was determined to be the best qualified and appropriately priced bidder among four other RFP submissions evaluated by a selection committee of City staff and ranked according to criteria including project approach; completeness of proposal requirements; staff qualifications; references; and reasonableness of cost.; and

WHEREAS, funding for the duration of the contract amendment will be available in the FY 2024 Capital Improvement Fund budget via the approval of the First Amendment to the Annual Appropriations Ordinance or in future fiscal year baseline CIP Fund budgets.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a three-year contract and any amendments, extensions, or change orders with Disability Access Consultants, LLC for an amount not to exceed \$300,000 to provide on-call American with Disabilities Act consulting services in support of the City of Berkeley's Disability Compliance Program. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.