



Office of the City Manager

CONSENT CALENDAR
December 11, 2018

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Phillip L. Harrington, Director, Department of Public Works
 Subject: Contract: Disability Access Consultants for ADA Self Evaluation and Transition Plan

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with Disability Access Consultants to provide an updated and comprehensive Title II Americans with Disabilities Act Self-Evaluation and Transition Plan for one year in an amount not to exceed \$406,600.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract in FY 2019 in the amount of \$390,000 is available in the Public Works Engineering Capital Improvements Fund 501 for Facilities (\$195,000) and Sidewalks (\$195,000). Additional funding shall be provided by Parks, Recreation and Waterfront Funds 608 and 138, and General Fund 011 as required by identified projects, subject to the second Amendment to the Annual Appropriations Ordinance (AAO2) or the FY 2020 budget process.

CURRENT SITUATION AND ITS EFFECTS

The update to the American Disability Act (ADA) Transition Plan will have several components. Disability Access Consultants (DAC) will lead surveys and reviews of City ADA policies and procedures; conduct surveys of city buildings and public right-of-ways and parks to determine barriers to access; lead public outreach; create an ADA database; and develop a final ADA Transition Plan Document. DAC purposes to accomplish the scope of work as described below.

1. ADA Self-Evaluation of ADA Title II Compliance: Develop procedures and forms needed to conduct Self-Evaluation of the City's programs, activities and services for ADA compliance. Under Title II of the ADA, public entities are required to review all services, programs, and activities to identify any physical barriers, policies, or practices that may limit or exclude participation by people with disabilities. Cities are then required to develop a transition plan to eliminate such barriers.
2. Facility Survey/Barrier Assessment: Survey City facilities and parks to identify physical barriers that limit access to City sites that provide programs, services,

- and/or activities to the public. All data will be entered into a database. Facility reports with integrated photos will be created, identifying all barriers to physical access.
3. Public Right-of-Way Survey (PROW): Survey the City's inventory of sidewalks, curb ramps, signalized intersections, and crosswalks in the PROW for ADA compliance. All data will be entered into a database. PROW reports with integrated photos and GIS locations will be created, identifying all barriers to physical access.
 4. Project Database and Mapping: City will utilize web-based management software and database to manage data collected, and to facilitate the on-going monitoring, management and updating of the plan by City staff. City will utilize the DACTrak Accessibility Management software provided by DAC to manage these efforts. Data will be compatible with GIS mapping programs and data from the surveys will remain property of the City.
 5. Public Notice about ADA Requirements: Cities must provide public notice about ADA obligations and accessible facilities and services within their jurisdiction. This information must be accessible to the public, including people with communication disabilities blindness/vision impaired, deafness/hearing impaired, and hearing loss. Although no specific method is required to reach the public, notice can be provided in more than one format and by using more than one type of media, such as the city's website, print, radio, or television. DAC will assist the City with development and placement of these notices.
 6. Public Input and Outreach: Assist the City with requirements to publicly notice and advise the public of the ADA Self-Assessment and Transition Plan project, and assist the City in providing opportunities for interested persons, individuals with disabilities or organizations representing persons with disabilities to participate in the development of the plan.
 7. Designated ADA Compliance Coordinator: Cities are required to designate an ADA coordinator responsible for developing and implementing the transition plan, handling requests for auxiliary aids and services, providing information about accessible programs and services, and serving as a resource to the city. The ADA coordinator works with the Mayor and Council to ensure new facilities or alterations to existing facilities meet ADA requirements. The City has already designated an ADA coordinator position, and DAC will assist the City in the notice and posting of the ADA Coordinator position. If requested, DAC can provide further ADA coordinator training to City staff.
 8. Grievance Procedure: Cities are required to have an ADA grievance procedure to facilitate a formal process for complaints. Federal regulations included this requirement to encourage prompt and equitable resolution at the local level so

individuals would not be forced to file a Federal complaint or lawsuit. DAC will provide updated ADA Grievance procedures, training and forms.

9. Comprehensive ADA Self-Evaluation and Transition Plan: The final document and executive summary of the Self Evaluation and Transition Plan will include, but is not limited to
 - a. The methodology for evaluation and removal of physical barriers
 - b. An implementation schedule; including the prioritization and estimated dates of barrier removal;
 - c. Procedures and forms for monitoring implementation;
 - d. A review of the City's website and recommendations for accessibility enhancements
 - e. A summary of public input comments and responses
 - f. A review of the City's policies and procedures and recommendations for accessibility enhancements
 - g. A review of the City's request for accommodations statements and recommendations for accessibility enhancements;
 - h. Confirmation of the identity and public notice of ADA Coordinator.

BACKGROUND

On July 26, 1990, Congress enacted the ADA Public Law 101-336 (42 U.S.C Sec.12101 et seq.) relating to nondiscrimination on the basis of disability by state and local governments, in public accommodations, and in commercial facilities. In order to allow those entities sufficient time to comply, certain sections of the law did not become effective until January 26, 1992.

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 law further requires all cities with more than 50 employees to establish an ADA Transition Plan that prioritizes capital/infrastructure improvements within the city to comply with this federal legislation. Finally, it establishes physical access requirements for public facilities (buildings, parks, sidewalks and public right of way).

The City of Berkeley developed its existing ADA Transition Plan in 2001 in accordance with statutory requirements in place at that time. Now, that original plan will be expanded and updated to become more comprehensive and conform to current federal/state legislative standards and requirements. Accordingly, the City released a July 2018 Request for Proposals (RFP) to produce a new ADA Self-Evaluation and Transition Plan. Three proposals were received and evaluated by a selection committee and ranked according to criteria including project approach; completeness of proposal requirements; staff qualifications; references; and reasonableness of cost. DAC's proposal was ranked highest and deemed most responsive, and was thus selected for recommendation to the City Council for award of a contract.

ENVIRONMENTAL SUSTAINABILITY

Providing a pedestrian environment that may be used by all persons may diminish the number of trips by motorized transports utilized by persons with disabilities within the City limits. This may directly reduce the overall number of motor vehicle fueled trips which could in turn reduce the amount of greenhouse gases in the environment caused by the use of carbon fuels and combustion engines. This will help the City achieve the Berkeley Climate Action Plan greenhouse gas emission reduction targets of 33% below year 2000 levels by the year 2020, and 80% below year 2000 levels by 2050.

RATIONALE FOR RECOMMENDATION

The ADA Self Evaluation and Transition Plan are federally mandated responses relating to nondiscrimination on the basis of disability by state and local governments, in public accommodations, and in commercial facilities. The City's existing ADA Transition Plan developed in 2001 must be expanded and updated to become more comprehensive and conform to current federal/state legislative standards and requirements.

ALTERNATIVE ACTIONS CONSIDERED

None. This is a mandated update to the City's existing ADA Transition Plan.

CONTACT PERSON

Phillip L. Harrington, Director, Department of Public Works (510) 981-6303

Attachments

1: Resolution

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

CONTRACT: DISABILITY ACCESS CONSULTANTS FOR AMERICANS WITH
DISABILITIES ACT (ADA) SELF EVALUATION AND TRANSITION PLAN

WHEREAS, on May 22, 2018 the City advertised Request for Proposals for Consulting Services to Produce an ADA Transition Plan and Self-Evaluation (Specification Number 18-11223-C) for the to develop the procedure, tools, and forms needed to conduct a Self-Evaluation and to develop the comprehensive Transition Plan in accordance with the guidelines and requirements proposed in the ADA, and Disability Access Consultants, LLC was determined to be the best qualified and appropriately priced bidder; and

WHEREAS, the 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 ADA Self Evaluation and Transition Plan are federally mandated responses relating to nondiscrimination on the basis of disability by state and local governments, in public accommodations, and in commercial facilities; and

WHEREAS, the City's existing ADA Transition Plan developed in 2001 must be expanded and updated to become more comprehensive and to conform to current federal/state legislative standards and requirements; and

WHEREAS, the City has the resources required to fulfill its obligations under the ADA and funding is available in the amount of \$195,000 in FY19 from 501 Capital Improvements Fund. Additional funding required will be appropriated from Parks, Recreation and Waterfront Funds 138 and 608 or General Fund 011.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a one year contract and any amendments, extensions, or change orders with Disability Access Consultants, LLC for an amount not to exceed \$406,600 to provide consulting services to Produce an ADA Transition Plan and Self-Evaluation.

