



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 4/5/2022

ITEM NO: 5

DATE: March 18, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Americans with Disabilities Act Transition Plan (CIP No. 812-0129):
a. Authorize the Town Manager to Execute a First Contract Amendment to the Consultant Services Agreement with Disability Access Consultants, LLC for Additional Services, in an Amount of \$40,000 for a Total Agreement Not to Exceed \$170,000; and
b. Authorize An Expenditure Budget Adjustment in the Amount of \$40,000 to the Project from Available General Fund Appropriated Reserve (GFAR) for Fiscal Year 2021/22.

RECOMMENDATION:

Staff recommends that the Town Council take the following actions for the Americans with Disabilities Act (ADA) Transition Plan (CIP No. 812-0129):

- a. Authorize the Town Manager to execute a first contract amendment to the consultant services agreement with Disability Access Consultants, LLC for additional services, in an amount of \$40,000 for a total agreement not to exceed \$170,000; and
- b. Authorize an expenditure budget adjustment in the amount of \$40,000 to the project from available General Fund Appropriated Reserve (GFAR) for Fiscal Year (FY) 2021/22.

BACKGROUND:

The federal statute on *Nondiscrimination on the Basis of Disability in State and Local Government Services* (28 CFR § 35.150 – Existing Facilities) requires a public entity that employs 50 or more persons to develop a transition plan setting forth the steps necessary to achieve program accessibility and reasonable modifications to eliminate barriers for persons with disabilities. In addition, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against people with disabilities in programs that receive federal financial assistance.

PREPARED BY: WooJae Kim
Town Engineer

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Director of Parks and Public Works

BACKGROUND (continued):

The Town's last ADA Transition Plan was adopted by Council in 1993, which identified improvements needed for accessibility compliance and prioritized them to occur over a three-year time frame. Since then, the Town has constructed numerous projects and infrastructure keeping up with ADA requirements at the time of the project. However, ADA standards are ever evolving at the federal and state levels with broader rulings and regulation requirements.

On March 16, 2021, the Town Council authorize the Town Manager to negotiate and execute a consultant services agreement with Disability Access Consultants (DAC), LLC for the ADA Transition Plan Project in an amount not to exceed \$130,000 to complete the self-evaluation of the Town programs, services, activities, and assets for ADA compliance and assist staff with the preparation of a transition plan per federal laws and regulations. The agreement was funded through GFAR and a \$35,000 Joint Powers Authority Liability Assurance Network (PLAN) Grant approved for the project by Council.

DISCUSSION:

In June 2021, DAC initiated the surveys and assessments of the Town's programs, services, activities, and assets and collected feedback from staff and the public as part of the self-evaluation process. During the process, DAC identified additional quantities of sidewalk and curb ramps in the Town's public right-of-way beyond what was identified in the original scope and proposal. An increase to the original agreement amount would be required for DAC to complete the survey and assessment of all remaining Town assets in the public right-of-way and identify ADA deficiencies for a comprehensive self-evaluation report.

As part of the first contract amendment (Attachment 1), staff also recommends including additional services for DAC to provide further assessments, evaluations, and recommendations of future Town programs and projects, and as-needed consultation services to formulate a viable long term transition plan to address deficiencies identified. The term of the consultant services agreement would be extended to June 30, 2023.

CONCLUSION:

The Town Council's authorization of the first contract amendment for the ADA Transition Plan agreement would allow DAC to finalize the self-evaluation report, continue with the contracted services, and provide additional ADA consulting services for future Town program and project needs and the transition plan.

COORDINATION:

This report is coordinated with the Finance Department.

SUBJECT: Americans with Disabilities Act Transition Plan (CIP No. 812-0129)

DATE: March 18, 2022

FISCAL IMPACT:

Appropriation of \$40,000 from GFAR available in FY 2021/22 and corresponding budget adjustment would be needed for the first contract amendment with DAC for the ADA Transition Plan.

ADA Transition Plan CIP No. 812-0129		
	Budget	Costs
GFAR	\$ 110,000	
TDA Fund Allocation	\$ 35,000	
GFAR	\$ 40,000	
Total Budget	\$ 185,000	
Consultant Service Agreement		\$ 130,000
First Contract Amendment		\$ 40,000
Other Project Delivery Costs		\$ 15,000
Total Expenditures		\$ 185,000
Available Balance		\$ 0

ENVIRONMENTAL ASSESSMENT:

The actions associated with this item are not a project defined under CEQA, and no further action is required.

Attachment:

1. First Contract Amendment including Original Agreement