



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/16/2021

ITEM NO: 5

DATE: March 3, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Americans with Disabilities Act Transition Plan (Project 812-0129):
a. Authorize Revenue and Expenditure Budget Adjustments in the Americans with Disabilities Act Transition Plan (CIP No. 812-0129) to recognize a Joint Powers Authority Liability Assurance Network (PLAN) Grant in the amount of \$35,000, and
b. Authorize the Town Manager to Negotiate and Execute a Consultant Services Agreement with Disability Access Consultants, LLC in an Amount Not to Exceed \$130,000.

RECOMMENDATION:

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

- a. Authorize revenue and expenditure budget adjustments in the Americans with Disabilities Act Transition Plan (CIP No. 812-0129) to recognize a Joint Powers Authority Liability Assurance Network (PLAN) Grant in the amount of \$35,000, and
- b. Authorize the Town Manager to negotiate and execute a consultant services agreement with Disability Access Consultants, LLC in an amount not to exceed \$130,000.

BACKGROUND:

The Americans with Disabilities Act (ADA) of 1990 is a federal law that provides comprehensive civil rights to persons with disabilities as mandated across five different categories or titles. Title II of the ADA requires state and local governments to ensure that public accommodations, government programs and services, and transportation systems are accessible.

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 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.

The Town's last ADA Transition Plan was adopted by Council in 1993, which identified improvements needed for accessibility compliance at the time and prioritized them to occur over a three-year time frame. Since then, the Town has constructed numerous additional projects focused on ADA compliance. These subsequent projects have typically been associated with capital improvements that triggered ADA upgrades.

DISCUSSION:

The Town's adopted Fiscal Year (FY) 2020/21-2024/25 Capital Improvement Program (CIP) Budget designates FY 2020/21 funding for the ADA Transition Plan Project (CIP No. 812-0129). The Town's ADA Transition Plan will provide the basis for identifying, prioritizing, budgeting, and implementing future ADA capital improvement projects.

An updated comprehensive evaluation and transition plan to improve accessibility of the Town's policies, programs, and physical public spaces is needed as required by federal laws and regulations. Through the transition plan, programs with accessible standards are developed to reduce risks and maintain compliance with ever-changing ADA requirements. Furthermore, it is now required for local public agencies to have an updated ADA Transition Plan to continue applying for and receiving federal transportation project grants.

Due to the specialized expertise required to prepare an ADA transition plan, Town staff requires the services of a professional consultant that can evaluate programs and attributes for accessibility and make recommendations for a transition plan to reduce risks and meet regulatory requirements. There are two primary elements involved in an ADA transition plan as summarized below:

Self-Evaluation

Self-Evaluation is an analysis of active government agency programs, services, activities, and public spaces for conformance with the ADA and California Building Code. This document notes deficiencies based on:

- Review of existing policies, programs, and protocols to ensure that equal participation opportunities and accessibility standards are included.

DISCUSSION (continued):

- Survey of Town facilities (buildings, parking lots, parks, trails, and open space), parcels, and rights-of-way (sidewalks, walkways, curb ramps, intersections, etc.) for compliance with accessibility codes.
- Public outreach/surveys to obtain feedback from interested persons, including individuals with disabilities or organizations representing individuals with disabilities.

Transition Plan

The transition plan lists corrective actions based on Self-Evaluation. This document generally includes:

- A list of barriers preventing compliance
- Corrective recommendations and cost estimates
- A schedule and listing of personnel responsible for the implementation

On January 11, 2021, a Request for Qualifications (RFQ) including work elements mentioned and requirements for the ADA Transition Plan was issued by the Parks and Public Works Department. Five consultants submitted Statements of Qualifications (SOQ) for the project by the deadline of February 4, 2021:

- Bureau Veritas
- Disability Access Consultants, LLC
- Sally Swanson Architect, Inc.
- SZS Engineering Access, Inc.
- The KPA Group

After the evaluation of the SOQs, the following consultants were invited for oral interviews based on their qualifications:

- Disability Access Consultants, LLC
- Sally Swanson Architect, Inc.
- SZS Engineering Access, Inc.

After a thorough review, the evaluation committee selected Disability Access Consultants, LLC (DAC) as the most qualified consultant to prepare the ADA Transition Plan for the Town. DAC has completed over 400 ADA Transition Plans across the country, including over 300 in California and 15 in and around the greater San Francisco Bay Area.

The proposed scope of services and fees from DAC is included in Attachment 1. With the approval of the Town Council, the Town Manager can finalize the negotiation for the scope of services and fees to provide a comprehensive self-evaluation and transition plan, not to exceed \$130,000.

CONCLUSION:

Approval of the recommended action would allow for the completion of the ADA Transition Plan.

COORDINATION:

This project has been coordinated with the Town Attorney and the Finance Department.

FISCAL IMPACT:

Staff is recommending revenue and expenditure budget adjustments in the Fiscal Year 2020/21 – 2024/25 Capital Improvement Program Budget for the ADA Transition Plan Project (Project 812-0129) in the total amount of \$35,000 to cover consultant and temporary staff costs and other expenditures related to the project. The Town will receive a Joint Powers Authority Liability Assurance Network (PLAN) Grant.

ADA Transition Plan Project 812-0129		
	Budget	Costs
GFAR	\$ 110,000	
PLAN Grant	\$ 35,000	
Total Project Budget	\$ 145,000	
Consultant Agreement		\$ 130,000
Temporary Staff Costs		\$ 10,000
Other Project Related Costs		\$ 5,000
Project Costs		\$ 145,000
Available Balance		\$ 0

This project will require project management and coordination by staff. Staff costs are tracked for all projects. Tracking of staff costs allows for accountability in the costs of projects, recovery of costs from grant funded projects, and identification of future staffing needs. This project utilizes a combination of full-time budgeted staff and temporary staff that support fluctuating

FISCAL IMPACT (continued):

workloads. The costs for temporary staff will be directly associated with this project while full-time staff are accounted for in the Department's operating budget.

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ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required. Future implementation of the report recommendations may require CEQA review, which will be done when those specific projects are initiated.

Attachments:

1. Proposed Scope of Services from DAC
2. Draft Consultant Services Agreement