

**CITY COUNCIL
COMMUNICATION:**

ITEM _____

02-365

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

AGENDA:

SYNOPSIS -

JULY 8, 2002

Approve sending out a Request For Proposal (RFP) for hiring a consultant to update an Americans with Disabilities Transition Plan for the City of Des Moines' public facilities and spaces.

SUBJECT:

FISCAL IMPACT -

RFP FOR
DEVELOPING AN
AMERICANS WITH
DISABILITIES
TRANSITION PLAN

\$70,000 (estimated). Funds have been budgeted in the Capital Improvement Program, CPO34ENG990000BLD042.

TYPE:

Approval.

RESOLUTION
ORDINANCE
RECEIVE/FILE

BACKGROUND -

SUBMITTED BY:

DONALD M. TRIPP
PARK AND
RECREATION
DIRECTOR

The Americans with Disabilities Act (ADA) of 1990 recognizes and protects the civil rights of people with disabilities. It covers a wide range of disability, from physical conditions affecting mobility, stamina, sight, hearing, and speech to conditions such as emotional illness and learning disorders. The ADA addresses access for three specific areas: 1) the workplace (Title I); 2) state and local government services (Title II); and 3) places of public accommodation and commercial facilities (Title III). To understand and comply with the ADA, the City of Des Moines must follow the regulations issued under Title II as issued by the U.S. Department of Justice (DOJ) and the U.S. Department of Transportation (DOT). These standards, which are based on the ADA Accessibility Guidelines (ADAAG) developed by the Federal Access Board, are enforced by DOJ, DOT, and the courts and apply nationwide. The regulations provide important information on which buildings and facilities are subject to the standards.

Among several mandatory requirements set forth in the ADA is the

development of a Transition Plan - (1) "In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity..shall develop.. a Transition Plan setting forth the steps necessary to complete such changes"; (2) "If a public entity has responsibility..over streets, roads, or walkways, its Transition Plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs.."; and (3) "The Plan shall, at a minimum - (I) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities; (ii) describe and detail the methods that will be used to make the facilities accessible; (iii) specify the schedule for taking the steps necessary to achieve compliance with this section..; and, (iv) indicate the official responsible for implementation of the plan".

ADA guidelines required a Transition Plan to have been completed by all agencies by July 26, 1992. Members of the City's Access Advisory Board developed an assessment of existing accessibility deficiencies in the early 1990's. The report was received and filed by Council at that time. That assessment was updated in early 2002 by City Engineering staff (on file with the City Clerk's Office).

A consultant experienced with ADA requirements is needed to develop an updated Transition Plan. The scope of this project will require a substantial amount of time. While City staff has the expertise, current workloads would not permit the most expeditious development of a Transition Plan. On June 19, 2002 at its regularly scheduled monthly meeting, the City's Access Advisory Board recommended sending the Request for Proposal (RFP) to the City Council for its approval.
