



Council Communication

Office of the City Manager

Date:	November 22, 2010
Agenda Item No.	28
Roll Call No.	<u>10-1942</u>
Communication No.	<u>10-694</u>
Submitted by:	Jeb E. Brewer, P.E. City Engineer

AGENDA HEADING:

Approving Agreement between City of Des Moines and Midwest Accessibility Initiative for services in accessibility as related to the City's ongoing implementation of its Transition Plan in compliance with the Americans with Disabilities Act.

SYNOPSIS:

Recommend approval of Agreement between City of Des Moines and Midwest Accessibility Initiative, Kelly Dinges, President, 4705 SW 15th Street, Des Moines, IA 50315 for services in accessibility as related to the City's ongoing implementation of its Transition Plan in compliance with the Americans with Disabilities Act for an annual amount not to exceed \$45,000.

FISCAL IMPACT:

Amount: \$45,000/year; with option to extend up to three years not to exceed \$45,000 each year with City Manager authorized to approve such extensions

Funding Source: 2010-2011 CIP, Page Municipal Improvements – 4, ADA Modifications to Municipal Buildings, BLD042, G.O. Bonds

ADDITIONAL INFORMATION:

In 2006, the Department of Justice (DOJ) contacted the City about participating in "Project Civic Access". In September 2007, a team from DOJ reviewed 47 City facilities. The review resulted in a report that identified approximately 1,000 findings. Staff has received the initial report and worked with DOJ to revise the report to accurately reflect the City's status. These findings will be included in DOJ's agreement with an established timeframe ranging from 6 months to 30 months for resolution. At this time, DOJ has not issued the agreement and the time limits have not begun. However, rather than wait for the agreement, the City can begin managing the work load and find cost effective solutions to address the findings. This work is expected to increase the funding required from the Capital Improvements Program.

Additional resources are needed to manage the additional work required for both the City's Transition Plan and the anticipated Project Civic Access agreement. In addition to identifying, prioritizing and implementing the work required, there are reporting requirements. The project work description that was advertised with the assistance of the Human Resources Department. Potential applicants were also told of the opportunity through the Iowa Coordinator for the Great Plains ADA Center. There were 98 applicants. Thirteen applicants were identified that possessed experience related to ADA. Four

applicants were scheduled for interviews. The selection committee included staff from the Parks and Recreation, Legal and Engineering Departments.

Project responsibilities include reviewing work included in the City's Transition Plan and anticipated Project Civic Access agreement and identifying the appropriate strategy for accomplishing required items while considering the legal compliance, good design, economy, priority and available City resources. The project will also include preparing progress reports and working with City staff and the City's Access Advisory Board to package work into projects to bid and work orders as appropriate.

The President of Midwest Accessibility Initiative is the spouse of a current City employee, Mark Dinges, Assistant City Architect. While both Kelly and Mark will be working on projects, there will not be a supervisory relationship. We have been advised that there is no legal conflict of interest in selecting Midwest Accessibility Initiative for this project.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S):

Board: The Access Advisory Board has been regularly briefed on the status of the Project Civic Access and has provided general guidance on the City's Transition Plan in compliance with the Americans with Disabilities Act.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Normal Council actions on consultant contracts.

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