

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	November 17, 2014
	<b>Agenda Item No.</b>	<b>32</b>
	<b>Roll Call No.</b>	<b><u>14-1785</u></b>
	<b>Communication No.</b>	<b><u>14-535</u></b>
	<b>Submitted by:</b>	<b>Pamela S. Cooksey, P.E., Interim City Engineer and Benjamin R. Page, Park and Recreation Director</b>

**AGENDA HEADING:**

Approving exception to competitive procurement process and approving amendment for extension of agreement with Midwest Accessibility Initiative, LLC.

**SYNOPSIS:**

Recommend approval of the exception to competitive procurement process and approving amendment for extension of agreement with Midwest Accessibility Initiative, LLC (Kelly Dinges, President, 4705 S.W. 15<sup>th</sup> Street, Des Moines, Iowa, 50315) for services related to the City’s ongoing implementation of its Transition Plan and Project Civic Access Settlement Agreement, for an amount not to exceed \$45,000.

**FISCAL IMPACT:**

Amount: \$45,000

Funding Source: 2014-2015 Capital Improvement Program (CIP), Page Municipal Building Improvements-4, Americans with Disabilities Act (ADA) Modifications for Municipal Buildings, BL042, 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 received the initial report and worked with DOJ to revise the report to accurately reflect the City’s status. These findings were included in DOJ’s settlement agreement that was approved by City Council on February 14, 2011, by Roll Call No. 11-0261.

Additional resources were needed to manage the additional work required for both the City’s Transition Plan and the Project Civic Access Agreement. In addition to identifying, prioritizing and implementing the work required, there are reporting requirements. The project work description 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 (13) applicants were identified that possessed experience related to ADA. Four (4) applicants were scheduled for interviews. The selection committee included staff from the Parks and Recreation, Legal and Engineering Departments. Midwest Accessibility Initiative was selected as the firm best qualified to perform this work.

Since 2011, the City has been working on making the modifications to the 47 facilities identified in the Project Civic Access Settlement Agreement. Deficiencies identified in the Transition Plan at these facilities have also been addressed as the work is completed. To date, 835 of the 1,015 individual work items identified in the settlement agreement have been completed. The remaining 180 items are currently being addressed, and we anticipate that all of the items will be completed within the next year. The services of Midwest Accessibility Initiative will be needed during this time to continue providing the resources necessary to identify, prioritize, and implement the work required and prepare reports to the DOJ on the work completed.

Project responsibilities include reviewing work included in the City's Transition Plan and Project Civic Access settlement 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):**

Date: February 14, 2011

Roll Call Number: [11-0261](#)

Action: [ADA](#) Settlement Agreement between the DOJ and the City of Des Moines. ([Council Communication No. 11-098](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: November 22, 2010

Roll Call Number: [10-1942](#)

Action: [Agreement](#) with Midwest Accessibility Initiative for services to ensure accessibility as related to the City's ongoing implementation of its ADA Transition Plan, not to exceed \$45,000. ([Council Communication No. 10-694](#)) Moved by Hensley to adopt. Motion Carried 6-1.

#### **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 ADA.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Normal Council actions on consultant contracts.

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