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|  <p style="text-align: center;">Council Communication Office of the City Manager</p> | Date: November 23, 2015 |
| | Agenda Item No. 35 Roll Call No. <u>15-1979</u> Communication No. <u>15-614</u> Submitted by: Pamela S. Cooksey, P.E., City Engineer Benjamin R. Page, Parks and Recreation Director |

AGENDA HEADING:

Approving exception to the procurement ordinance competitive bidding requirements for good cause and approving amendment for a one-year extension of agreement with Midwest Accessibility Initiative, LLC for professional services regarding accessibility of City facilities and programs.

SYNOPSIS:

Recommend approval of the exception to procurement ordinance competitive bidding requirements for good cause and approving amendment for a one-year extension of agreement with Midwest Accessibility Initiative, LLC (Kelly Dinges, President, 4705 S.W. 15th 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: 2015-2016 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 extra 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. Of those applicants, 13 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 (MAI) 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, 964 or 95% of the 1,015 individual work items identified in the settlement agreement have been completed. The remaining 51 items are on schedule to currently being addressed, and it is anticipated that all of the items will be completed by March 31, 2016. The services of MAI will be needed during this time and for a limited time within the remainder of the contract duration to identify, prioritize, and implement the work required and prepare reports to the DOJ on the work completed. The contract with MAI can be cancelled with a 30 day written notice.

As of November 2014, there were 180 items left to address of the deficiencies identified in the Project Civic Access Settlement Agreement. Since that time work has been accomplished on 129 items. Work on the remaining Project Civic Access items will continue to be the priority for the temporary workforce consisting of three (3) carpenters and one (1) plumber.

Going forward, the Transition Plan will be administered by the City Parks and Recreation staff and budgeted through the CIP. The City remains responsible for making meaningful progress in accomplishing the deficiencies identified in the City's Transition Plan.

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 MAI 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. The City has been advised that there is no legal conflict of interest in selecting MAI for this project.

PREVIOUS COUNCIL ACTION(S):

Date: November 17, 2014

Roll Call Number: [14-1785](#)

Action: [Exception](#) to the procurement ordinance competitive bidding requirements for good cause and approving amendment for a one-year extension of agreement with Midwest Accessibility Initiative, LLC for professional services regarding accessibility of City facilities and programs. ([Council Communication No. 14-535](#)) Moved by Gatto to adopt. Motion Carried 7-0.

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: Access Advisory

Date: N/A

Resolution Number: N/A

Action: 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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