



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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### REPORT TO COUNCIL

#### **SUBJECT**

Award of Contract for Americans with Disabilities Act (ADA) Access Evaluation and Transition Plan for City Facilities and Rights-of-way (F16-55) (Continued from March 15, 2016)

#### **REPORT IN BRIEF**

Approval is requested to award a contract to Sally Swanson Architects, Inc. of San Francisco in the amount not to exceed \$269,415 for consultant services to complete a comprehensive Americans with Disabilities Act (ADA) evaluation and updated transition plan for more than 50 City buildings, associated parking lots, and public rights-of-way (260 miles of streets, intersections, curb ramps, sidewalks, etc.) for the Department of Public Works, Traffic and Transportation Division. Approval is also requested for a 10% contract contingency in the amount of \$26,942.

#### **EXISTING POLICY**

Consistent with the provision of Sunnyvale Municipal Code Chapter 2.08, contracts for the procurement of services are awarded pursuant to a Request for Proposals (RFP) process, unless otherwise exempt from the competitive bidding.

#### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

#### **BACKGROUND AND DISCUSSION**

The development of an ADA Transition Plan is a requirement of the federal regulations to implement the Rehabilitation Act of 1973, which require that all jurisdictions receiving federal funds make their programs available without discrimination toward people with disabilities. The Act, which has become known as the "civil rights act" of persons with disabilities, states that:

*No otherwise qualified handicapped individual in the United States shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.*

Subsequent to the enactment of the Rehabilitation Act, Congress passed the Americans with Disabilities Act (ADA) on July 26, 1990. The City of Sunnyvale is obligated to observe all requirements of Title I in its employment practices; Title II in its policies, programs, and services; any parts of Titles IV and V that apply to the City and its programs, services, or facilities; and all the requirements specified in ADA Accessibility Guidelines (ADAAG) that apply to facilities and other physical holdings.

Title II has the broadest impact on the City. Included in Title II are administrative requirements for all government entities employing more than fifty people. These administrative requirements are:

- Completion of a self-evaluation;
- Development of an ADA complaint procedure;
- Designation of a person who is responsible for overseeing Title II compliance; and
- Development of a transition plan if the self-evaluation identifies any structural modifications necessary for compliance. The transition plan must be retained for three years.

The California Code of Regulation, Title 24, Part 2 mandates that all publicly funded buildings, structures, and related facilities shall be accessible to and usable by persons with disabilities. These regulations, which are often referred to as Title 24, pertain to the City of Sunnyvale's public buildings, parks, and rights-of-way facilities like sidewalks, curb ramps, and pedestrian traffic signals that were constructed using state, city, or municipal funds or that are owed, leased, rented, contracted, or sublet by the City.

In 1991 the City completed an ADA Transition Plan identifying physical barriers to accessing City programs, services, and activities related to the City's parks only. At that time, buildings and other right of way structures and facilities were not surveyed for the barriers' remediation. Given the time that has transpired since the development of the last plan, it is unclear why these facilities were not included. However, these facilities will be included in the development of the new plan.

An up-to-date ADA Transition Plan will be prepared as a part of this contract in fulfillment of the requirements set forth in Title II of the ADA. The development of the updated plan will include the following elements:

- ADA self-evaluation
- Review of City's ADA policies and practices
- Barrier assessment and remediation for public buildings, and right of way infrastructures and facilities

The City has separate capital projects for remodeling all park buildings and associated parking lots. Therefore, City parks will not be surveyed as part of this ADA Transition Plan. In addition, any other buildings that are part of the 20 year plan and include ADA improvements as part of the scope of work would not be evaluated.

In support of these efforts, a Request for Proposals (RFP) was issued by the City in November 2015. Seventeen firms requested the RFP documents. Five responsive proposals were received on December 11, 2015 by SZS Consulting Group, MIG, ADAAC, Sally Swanson Architects, Inc., and Lionakis, with pricing ranging from \$292,325 to \$950,881. Proposals were reviewed by an evaluation team consisting of staff from the Public Works Traffic and Transportation Division. The firms were evaluated based on their qualifications, experience, and programmatic approach for completing the project.

ADAAC, MIG, SZS Consulting Group, and Sally Swanson Architects, Inc. were invited to the panel interview based on the merits of their written proposals. ADAAC declined to participate in the

interview process. Following the interviews, Sally Swanson Architects, Inc. was unanimously selected as the highest ranked proposer due to their innovative and comprehensive project approach, and extensive experience in developing and delivering ADA Transition Plans. Sally Swanson also proposed a favorable time schedule to complete the work. Additionally, their team presented substantial expertise with and understanding of ADA compliance as it relates to the facilities that the City needs to assess. Their proposal was also the lowest priced. It should also be noted that staff was able to negotiate the overall cost of the proposal from \$292,325 to \$269,415 without a reduction in the level of effort required to complete the work.

### **FISCAL IMPACT**

Budgeted funds are available in Capital Project 831650, ADA Transition Plan.

### **Funding Source**

This project is funded by the City General Fund.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

### **RECOMMENDATION**

1) Award a contract, in substantially the same form as Attachment 1 of the report and in the amount not to exceed \$269,415 to Sally Swanson Architects, Inc. and 2) approve a 10% contract contingency in the amount of \$26,942.

Prepared by: Pete Gonda, Purchasing Officer

Reviewed by: Timothy J. Kirby, Acting Director, Finance

Reviewed by: Manuel Pineda, Director, Public Works

Reviewed by: Walter C. Rossmann, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENT**

1. Draft Consultant Services Agreement