



## Legislation Text

---

**File #:** 21-901, **Version:** 1

---

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 23, 2021

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Office of Equity and Inclusion

**EXECUTIVE:** M. Elizabeth Cedillo-Pereira

---

### **SUBJECT**

Authorize Supplemental Agreement No. 3 to the professional services contract with Kimley-Horn and Associates, Inc. through an Interlocal Agreement with the City of Addison to conduct Phase III of the Americans with Disabilities Act (ADA) Self Evaluation and Transition Plan, which includes the review of city department services, programs, and activities; ADA electronic media and website training; and additional ADA building and facilities reviews for twenty-four months - Not to exceed \$500,000.00, from \$456,000.00 to \$956,000.00 - Financing: General Fund (subject to appropriations)

### **BACKGROUND**

On July 26, 1990, the ADA was signed into federal law. Title II of the ADA specifically applies to state and local governments and stipulates that no qualified individual with a disability shall, by such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subject to discrimination by any public entity. Public entities with fifty or more employees are required to develop a transition plan that comply with all requirements of the law.

On January 26, 1993, the City of Dallas completed the first ADA Self Evaluation and Transition Plan. This plan addressed ADA accessibility for City buildings, parks and included elements for the improvement of sidewalks and curb ramps. However, on September 15, 2010, the United States Department of Justice published final regulations revising the Department's ADA regulations, including the adoption of updated ADA Standards for Accessible Design. The revised final regulations went into effect on March 15, 2011.

On September 25, 2019, City Council authorized a professional services contract with Kimley-Horn and Associates, Inc. through an Interlocal Agreement with the City of Addison, to conduct Phase I of the Americans with Disabilities Act Self Evaluation and Transition Plan, which included documentation of the City's efforts to date related to Title II compliance, inventory of City programs, services, and activities to be evaluated in future phases, training of City staff, development of a budget and schedule to complete programs, services, and activities, and a compliance review of selected City buildings and associated parking lots including paths of travel by Resolution No. 19-1510.

On August 26, 2020, City Council authorized (Phase II) Supplemental Agreement No. 1 to the professional service contract to develop the City of Dallas Sidewalk Master Plan by Resolution No. 20-1223. Supplemental Agreement No. 2 extended the contract an additional four-months.

This action will authorize Supplemental Agreement No. 3 to the professional services contract with Kimley-Horn and Associates, Inc. through an Interlocal Agreement with the City of Addison to conduct Phase III of the ADA Self Evaluation and Transition Plan, which includes the review of city department services, programs, and activities; ADA electronic media and website development training; and additional ADA building and facilities reviews and recommended actions for ADA compliance.

A collaboration between the Office of Equity & Inclusion, the Department of Public Works, Information & Technology Services, and Building Services has resulted in a joined effort to constitute Phase III of the ADA Self Evaluation and Transition Plan.

The Interlocal Agreement with the City of Addison is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization. The City of Addison obtained the services of Kimley-Horn and Associates, Inc. through a competitive procurement process. Since their scope of work encompassed the same needs identified as the City of Dallas, the Interlocal Agreement meets the requirements outlined in state law.

Utilization of the Interlocal Agreement provides for timely delivery of consulting services to ensure that the City of Dallas is in compliance with federal law. It also ensures that the City will retain eligibility to apply and receive federal grants. Foremost, the services performed by the consultant will allow the City to expediently identify any barriers to City programs, services or activities for people with disabilities.

### **ESTIMATED SCHEDULE OF PROJECT**

Began Phase III ADA Self Evaluation and Transition Plan	June 2021
Complete Phase III ADA Self Evaluation and Transition Plan	May 2023

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 25, 2019, City Council authorized a professional services contract with Kimley-Horn and Associates, Inc. through an Interlocal Agreement with the City of Addison, to conduct Phase I of the Americans with Disabilities Act Self Evaluation and Transition Plan by Resolution No. 19-1510.

Information about this item was provided to the Workforce, Education and Equity Committee on May 10, 2021.

**FISCAL INFORMATION**

Fund	FY 2021	FY 2022	Future Years
General Fund	\$250,000.00	\$250,000.00	\$0.00

Professional Services Contract	\$276,000.00
Supplemental Agreement No. 1	\$180,000.00
Supplemental Agreement No. 2	\$ 0.00
Supplemental Agreement No. 3 (this action)	<u>\$500,000.00</u>
<b>Total</b>	<b>\$956,000.00</b>

**M/WBE INFORMATION**

In accordance with the City’s Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$500,000.00	Other Services	N/A	25.38%	\$126,900.00
<ul style="list-style-type: none"> <li>• The Business inclusion and Development Policy does not apply to Other Service contracts, however the prime contractor is subcontracting with certified M/WBEs.</li> <li>• Supplemental Agreement No. 3 - 30.80% Overall M/WBE participation.</li> <li>• Kimley-Horn and Associates, Inc. - Local; Workforce - 34.85% Local</li> </ul>				

**PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Interlocal Agreement/Intergovernmental Agreement	<ul style="list-style-type: none"> <li>• Interlocal Agreements/Intergovernmental Agreements allow the City to take advantage of competitively bid contracts by a State agency or local government and enable the City to purchase goods or services at lower prices</li> <li>• Interlocal Agreements/Intergovernmental Agreements are an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement</li> </ul>
--	--

**OWNER**

**Kimley-Horn and Associates, Inc.**

Scott R. Arnold, P.E., Vice President