



CITY OF POMONA COUNCIL REPORT

December 17, 2018

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Meg McWade, Public Works Director

Subject: **Adopt a Resolution Amending the FY 2018-19 Capital Improvement Budget to Reallocate CIP Project Appropriations in the Combined Amount of \$289,634 to Fund CIP Project, “ADA Compliance Program – Curb Ramps, Sidewalks, and Public Facilities/Structure – Citywide [Phase III: ADA Transition Plan]” Project No 428-2590-XXXXX-81055 and Approve a Professional Services Agreement with Owen Group, Inc. in the Amount Not-to-Exceed \$600,000 to Owen Group, Inc. to Draft the Compliance Plan**

OVERVIEW

Recommendation – That the City Council:

1. Adopt a Resolution (Attachment 1) and amend the FY 2018-19 CIP Budget by:
 - a. Changing the project title from the current “ADA Curb Ramps and Sidewalks Compliance Program - Citywide [Phase III: ADA Transition Plan],” Project No. 428-2590-XXXXX-81055 to the proposed title “ADA Compliance Program – Curb Ramps, Sidewalks, and Public Facilities/Structure – Citywide [Phase III: ADA Transition Plan],” Project No 428-2590-XXXXX-81055 and adding “Public facilities/structures” to the project description; and
 - b. Appropriating \$9,000 of Gas Tax Funds, \$125,000 of Proposition C Funds, \$3,000 of Measure R Funds from funding being released in a concurrent staff report and appropriating \$85,000 from Measure M Fund Balance, to “ADA Compliance Program – Curb Ramps, Sidewalks, and Public Facilities/Structure – Citywide [Phase III: ADA Transition Plan],” Project No 428-2590-XXXXX-81055;
 - c. Unappropriating \$67,634 of Park and Recreation Improvement Fee Funds from “ADA Assessment of Public Facilities/Structures,” Project No. 428-2590-XXXXX-71052, defunding the project;
 - d. Appropriating \$67,634 of Park and Recreation Improvement Fee Funds to “ADA Compliance Program – Curb Ramps, Sidewalks, and Public Facilities/Structure – Citywide [Phase III: ADA Transition Plan],” Project No 428-2590-XXXXX-81055;

Adopt a Resolution Amending the FY 2018-19 CIP and Approve a Professional Services Agreement in the Amount not-to-exceed \$600,000 to Owen Group, Inc. for “ADA Compliance Program – Curb Ramps, Sidewalks, and Public Facilities/Structure – Citywide”

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2. Approve a professional services agreement (Attachment 2) in the amount not-to-exceed \$600,000 to Owen Group, Inc. “ADA Compliance Program – Curb Ramps, Sidewalks, and Public Facilities/Structure – Citywide [Phase III: ADA Transition Plan],” Project No 428-2590-XXXXX-81055; and
3. Authorize the City Manager, or designee, to execute the necessary documents to implement the above action, subject to review by the City Attorney.

Fiscal Impact – The newly titled “ADA Compliance Program – Curb Ramps, Sidewalks, and Public Facilities/Structure – Citywide [Phase III: ADA Transition Plan],” Project No 428-2590-XXXXX-81055, has a budget of \$1,916,715.

To ensure the City has a robust ADA Transition Plan, a portion of the scope of another project, “ADA Assessment of Public Facilities/Structures,” Project No. 428-2590-XXXXX-71052, was included with the ADA Transition Plan Project.

The “ADA Assessment of Public Facilities/Structures” Project is proposed to be defunded (with the money recommended for use in the ADA Transition Plan Project) as shown in the following tables. The defunded project will remain an open project for further ADA evaluation of building interiors (non-publicly accessible portion) and other structures, when additional funding becomes available.

Category	“ADA Assessment of Public Facilities/Structures,” Project No. 428-2590-XXXXX-71052**
Beginning Budget	\$67,634
Expenditures/Encumbrances (as of December 4, 2018)	(\$0)
Unappropriation Park & Recreation Improvement Fee (Defunding project)	(\$67,634)
Balance for Management, Contingencies, and Inspection	\$0

**A portion of the scope of this CIP project will be completed as part of the newly titled “ADA Compliance Program – Curb Ramps, Sidewalks, and Public Facilities/Structure – Citywide [Phase III: ADA Transition Plan],” Project No 428-2590-XXXXX-81055 (ADA Transition Plan Project).

The ADA Transition Plan Project requires an additional appropriation of \$289,634 to award the consultant contract (which includes the additional scope of work for public facilities) and to provide for internal and other costs. The funding shortfall will be closed through use of Gas Tax, Prop C, and Measure R Funds (a concurrent Staff Report at this Meeting is being taken to release these funds from Closed Projects), Measure M Fund Balance, and Park and Recreation Improvement Fee funds now available from the project defunding which is part of this action. The following table summarizes the impact of the recommended actions to close the funding shortfall:

Adopt a Resolution Amending the FY 2018-19 CIP and Approve a Professional Services Agreement in the Amount not-to-exceed \$600,000 to Owen Group, Inc. for “ADA Compliance Program – Curb Ramps, Sidewalks, and Public Facilities/Structure – Citywide”

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Category	“ADA Compliance Program – Curb Ramps, Sidewalks, and Public Facilities/Structure – Citywide [Phase III: ADA Transition Plan],” Project No 428-2590-XXXXX-81055
Beginning Budget	\$ 1,916,715
Expenditures/Encumbrances for prior project phases (as of December 4, 2018)	(\$1,497,562)
Appropriation Gas Tax Funds	\$9,000
Appropriation Prop C Funds	\$125,000
Appropriation Measure R Funds	\$3,000
Appropriation Measure M Funds	\$85,000
Appropriation Park & Recreation Improvement Fee*	\$67,634
Professional Services Agreement Approval (not-to-exceed)	(\$600,000)
Balance for Management, Contingencies, and Inspection	\$108,787

*Public hearing approving use of Park & Recreation Improvement Fees for “ADA Assessment of Public Facilities/Structures,” Project No. 428-2590-XXXXX-71052 occurred as part of the City’s Budget Adoption Process. As mentioned previously, Project No. 71052 is recommended for defunding with a large portion of the project’s scope included as part of this contract award.

SBE – Owens Group, Inc. is a Small Business Enterprise (SBE).

Public Noticing Requirements – The Request for Proposals was posted on the City’s PlanetBids Vendor Portal website on September 18, 2018. One proposal was received by the November 7, 2018 bid deadline.

Previous Related Action – None.

EXECUTIVE SUMMARY

Adoption of a Resolution amending project scope, title, and funding, and approval of this agreement to Owen Group, Inc. in the amount not-to-exceed \$600,000 will result in a comprehensive Federal ADA Self-Evaluation and Right-of-Way Transition Plan for City streets, intersections, sidewalks, parking lots, and publicly accessible areas within City facilities. The City

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is required to complete the Self-Evaluation and Transition Plan by January 2020. The ADA Transition Plan will provide a guide for future investments in accessibility infrastructure.

DISCUSSION

The Americans with Disabilities Act (ADA) is a Federal law with the fundamental goal of ensuring equal access to civic life by people with disabilities. The Act is comprised of five titles prohibiting discrimination against disabled persons within the United States. Title II of the ADA requires state and local governments to make their programs, services, and activities accessible to persons with disabilities. It also established physical access requirements for public facilities (buildings and sidewalks, etc.). Under Title II of the ADA, the City of Pomona is required to have an ADA Right-of-Way Transition Plan which will identify existing obstacles limiting accessibility and describe steps that are to be taken to ensure that facilities within the public right-of-way and similar areas (easements, parks, etc.) are made accessible to all individuals. While the City had developed an interim plan, there was a need to develop a more comprehensive ADA Transition Plan including an implementation schedule. Upon contract award, the City expects the ADA Transition Plan Project to be conducted in three general parts:

Part 1: Self Evaluation: Barrier assessment and survey which reviews and analyzes the City’s right-of-way, programs, services, and activities. The City has performed a large amount of field survey work that may be able to serve as a base for the barrier assessment evaluation. Should the City’s information be utilized, the project scope and resulting costs would potentially be reduced.

Part 2: Right-of-Way Transition Plan: Collaborating with various stakeholders to review Phase I results, and establishing priorities and schedules for completion, including recommended changes to funding.

Part 3: Other Services: Staff training for updating and maintaining the City’s Self Evaluation and Right-of-Way Transition Plan. Update existing City standards plans to meet current ADA requirements.

Bidding Process

Per the requirements of Pomona City Code Section 2-977, a notice was sent and posted on the City’s PlanetBids Vendor Portal website on September 18, 2018. One proposal was received on November 7, 2018 and reviewed in accordance with City’s Qualifications Based Selection (QBS) process for professional services which included review of technical merit, understanding of the project, resource allocation, and delivery schedule.

The scope of services and fee proposal were reviewed and negotiated with Owen Group, Inc. for completeness and appropriateness. The negotiated scope and fee is reasonable and commensurate with the level of services to be provided.

Adopt a Resolution Amending the FY 2018-19 CIP and Approve a Professional Services Agreement in the Amount not-to-exceed \$600,000 to Owen Group, Inc. for “ADA Compliance Program – Curb Ramps, Sidewalks, and Public Facilities/Structure – Citywide”
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Attachment: Resolution

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