

CITY OF OAKLAND
AGENDA REPORT

2005 JUL -7 PM 5: 57

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: ADA Programs Division
DATE: July 19, 2005

RE: SUPPLEMENTAL REPORT TO THE RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO: 1) INCREASE THE SCOPE OF WORK AND CONTRACT AMOUNT FOR THE ROCKRIDGE GREENBELT PHASE II PROJECT DESIGN-BUILD CONTRACT WITH BBI CONSTRUCTION, INC., BY AN AMOUNT NOT-TO-EXCEED \$212,000.00, (FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED \$635,081.00) FOR ADDITIONAL ADA IMPROVEMENTS, PLANTING AND IRRIGATION, AND 2) WAIVE COMPETITIVE BIDDING OR RPF/RFQ REQUIREMENTS AND 3) ACCEPT A GIFT-IN-PLACE DONATION OF ADDITIONAL SWINGS, BENCHES AND OTHER IMPROVEMENTS WITH AN ESTIMATED VALUE OF \$45,000.00 FROM THE FRIENDS OF THE ROCKRIDGE GREENBELT AND FRIENDS OF PARKS AND RECREATION

SUMMARY

This supplemental report responds to requests for information on: 1) Local and Small Local Business Enterprise (L/SLBE) participation in the Rockridge Greenbelt Phase II Project and 2) the City Administrator's Americans with Disabilities Act (ADA) Transition Plan Capital Improvement Project (C.I.P.), which were made at the June 28, 2005 Public Works Committee meeting.

1. L/SLBE RESPONSE

The Rockridge Greenbelt Phase II Project design is under final review. BBI Construction, Inc., has just started the process of soliciting construction bids for the project and, thus, a breakdown of the subcontractors is not yet available. BBI Construction, Inc. is aware of the City's local and small local business and employment requirements. A separate informational report will be submitted to Council after the recess with a summary from the Contract Compliance Division on local and small local business participation for the Rockridge Greenbelt Phase II project.

2. ADA TRANSITION PLAN INFORMATION

The ADA Transition Plan C.I.P. provides physical access to existing City buildings and facilities for persons with disabilities by removing architectural barriers identified in the City's federally mandated ADA Transition Plan (1996). ADA Transition Plan C.I.P. funds are used to make ADA improvements not otherwise scheduled under other City capital improvement programs

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and to complete physical access projects arising from disability discrimination claims against the City.

The City Council first funded the ADA Transition Plan C.I.P. in fiscal year 1997-99. The Council allocated a total of \$4.3 million in Municipal Improvement Capital Funds (5500) to the Project through FY 2004-05. As of July 1, 2005, funds available under the ADA Transition Plan C.I.P. total \$769,026, which includes the FY 2005-06 allocation of \$522,500.

The U.S. Department of Justice requires that cities establish a public advisory body to oversee implementation and monitoring of the ADA. The Mayor's Commission on Persons with Disabilities (MCPD) acts as the City's designated advisory body for ADA compliance. All ADA Transition Plan C.I.P. expenditures are subject to MCPD review, except expenditures arising from the settlement (resolution) of disability discrimination complaints.

The ADA Transition Plan covers over 200 City buildings and facilities and substantial ADA improvements have been made at about 100 of these locations. Buildings and facilities listed in the ADA Transition Plan but not yet improved fall mainly under the Oakland Parks and Recreation Facilities category. The cost of completing the building and facilities aspect of the ADA Transition Plan is estimated at \$20 million.

The ADA Transition Plan also calls for the installation of curb ramps at every street intersection. For the most part, however, the ADA Transition Plan C.I.P. has *not* funded City curb ramp projects. Curb ramp installation has, instead, been funded under the ADA Accommodations Project (fund 5500)¹, Measure B (fund 2211), various federal transportation grants, and as part of street resurfacing projects, under which new ramps are constructed where needed on any street that is resurfaced under the City's annual resurfacing program.

The City completed a citywide inventory of curb ramps in 2002 and found that 49% of the approximately 17,800 total possible locations are served by curb ramps. Of the locations with curb ramps, 43% are substandard because they were constructed prior to passage of more stringent state and federal access regulations. The total cost to implement the curb ramp aspect of the ADA Transition Plan is estimated at \$35 million.

Sidewalk repair, while not included in the City's 1996 ADA Transition Plan, is a current ADA compliance requirement. In *Barden et. al. v. City of Sacramento* (2002), the United States Court of Appeals for the Ninth Circuit issued a ruling that broadened the scope of ADA program access requirements for public sidewalks, essentially requiring public entities to invest significant resources to repair public sidewalks and maintain them free of barriers, physical defects and other conditions that may deny access to pedestrians with disabilities. The City is currently conducting a citywide sidewalk condition survey and drafting a ADA Public Right of Way

¹ *The ADA Accommodations Project no longer funds ADA Transition Plan programs, such as on-call curb ramps. Project funds are reserved for other ADA-mandated activities such as: 1) employment accommodations; 2) accessible technology programs; 3) auxiliary aids and services (American Sign Language, Braille, etc.); 4) minor building and facility improvements; 5) maintenance of accessible features (wheelchair lifts, automatic door openers, etc.); and 6) technical assistance and training.*

Transition Plan. The cost to implement the sidewalk aspect of the ADA Transition Plan will be available upon completion of the sidewalk condition survey.

PROJECT SELECTION / PRIORITIZATION

ADA Transition Plan C.I.P. projects include independent projects as well as joint ventures with other City capital improvement programs. Projects triggered by settlement of ADA complaints against the City have first priority for funding. Major City buildings (administrative buildings, Main Library, Museum, etc.) receive second priority and this category of the ADA Transition Plan is substantially complete.

Other categories of buildings and facilities included in the ADA Transition Plan are Libraries, Oakland Park and Recreation Facilities (recreation centers, tot lots, pools, athletic fields, etc.), Head Start Facilities, Fire and Police Protection Services, and Parking Facilities. Projects are selected based upon facility type, use, location, joint venture opportunities, community demand and technical feasibility of achieving substantial ADA compliance. *See ADA Transition Plan C.I.P. (C88810) FY 2003-05 Budget on page 4.*

The City installs approximately 350 new curb ramps each fiscal year. About 100 of these ramps are installed under the On-Call Curb Ramp Program. The remaining ramps are installed as required under other capital improvement programs, most notably street resurfacing projects.

The On-Call Curb Ramp Program: 1) installs ramps upon request by customers with mobility impairments, providing them with access to transit, health care or other basic services; and 2) provides pedestrian access along key routes not otherwise scheduled for improvement. The Public Works Agency (PWA) administers the Program, receiving and processing requests from constituents and staff. The MCPD provides oversight for the Program, reviewing requests on a quarterly basis.

The PWA recently combined the contract for on-call curb ramps with that for on-call sidewalk construction and repairs. This will provide a much faster and more efficient response to such requests.

ADA TRANSITION PLAN FUNDS AVAILABLE

<u>Fund</u>	<u>Project No.</u>	<u>Description</u>	<u>Amount</u>
5500	C88810	FY 04-05 ADA Transition Plan Balance	246,526*
5510	C274210	FY 05-06 ADA Transition Plan Allocation	522,500
2210	C209110	FY 05-06 On-Call Curb Ramp Allocation	<u>200,000</u>
		TOTAL	\$969,026

** These funds are held in reserve to resolve complaints of disability discrimination against the City and to supplement the On-Call Curb Ramp Program.*

**PROJECT C88810: ADA TRANSITION PLAN C.I.P.
FY 2003-05 BUDGET**

Note: The Rockridge Greenbelt Phase II ADA Project (C88850) was funded in FY 02-03 in the amount of \$100,000. An additional, \$12,000 will be transferred from the FY 03-05 On-Call Curb Ramp Supplemental Project (C137140) to the Greenbelt Project. This is to expedite the installation of curb ramps at key locations where the Greenbelt crosses the public right of way. This transfer of funds will not result in denial of any other qualified on call curb ramp request.

Project Number	District	Project Title	Project Description	Budget	Phase	Complaint
C88810	All	ADA PROW* Transition Plan	Mandated Plan	100,000	Start-up	X
C88870	2	Bella Vista Park ADA	Rubber Play Surface	32,064	Construction	
C250120	All	Citywide Sidewalk Survey	ADA Contribution	150,000	Start-up	
C88860	4	Joaquin Miller Playground ADA	Rubber Play Surface	73,000	Complete	
C88810	2	Main Library Children's Room	Power Door Operators	8,000	Complete	
C137140	All	On-Call Curb Ramp Supplemental	As-Needed Curb Ramps	25,000	Design	
C259410	7	Sheffield Village Recreation Center ADA	ADA Improvements	300,000	Design	X

FY 2003-05 Total: \$688,064

*PROW. Public Right of Way (Sidewalks and Curb Ramps)

ACTION REQUESTED OF THE CITY COUNCIL

Please accept this informational report as requested by the Public Works Committee.

Respectfully submitted,



Christine Calabrese
ADA Projects Coordinator

Reviewed by:
Niccolo De Luca
Deputy City Administrator

APPROVED AND FORWARDED
TO THE CITY COUNCIL



OFFICE OF THE CITY ADMINISTRATOR

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