



## LUMPKIN COUNTY COMMUNITY AND EMPLOYEE SERVICES

*November 2, 2015*

### *Agenda Item:*

Project Civic Access Independent Licensed Architect (ILA) Consultant and Website Consultant

### *Facts & Historical Information:*

In July of this year the BOC signed a Settlement Agreement with the DOJ. This Agreement contained several requirements that the county must meet including using an Independent Licensed Architect (ILA) and hiring a website consultant for mitigation efforts and for certifying to the DOJ that appropriate corrections have been made. County staff asked the DOJ for, and received, a one month extension for designating the ILA and a longer extension for the website contractor. The ILA selection must be completed and submitted to the DOJ for approval prior to Nov. 30, 2015, the website extension was moved to December 16, 2016.

A selection committee was formed and contractors were sought using normal county means. Three contractors responded to the ILA contractor request and three contractors responded to the website contractor request. One company, Meeting the Challenge (MTC) responded to both requests.

Of the three companies responding to the ILA request, one company did not appear to have experience completing a project of the scope of our Settlement Agreement (i.e. approximately 50 buildings, program accesses, and county-wide employee training plus reporting these efforts to the DOJ.) Additionally, this company's cost was quite expensive with their estimate being a minimum of 1,000 hours of work per year for the next three years at a cost of \$225 per hour. While costs were estimated to be less for the second company; that company also did not appear to have the experience the selection committee felt was necessary to complete a project of the scope of our Settlement Agreement (i.e. approximately 50 buildings, program accesses, and county-wide employee training plus reporting these efforts to the DOJ). In each case for these two vendors, their services were limited to only inspecting buildings for access, suggesting mitigation efforts, and certifying and reporting the results of the mitigation efforts to the DOJ; their proposals did not include any additional efforts at mitigating the details of the Settlement Agreement or assisting the county with what is likely to be a very laborious county-wide training effort. The third company, Meeting The Challenge (MTC) has an established relationship with the DOJ, having actually done ADA work for the DOJ as well as having done multiple projects including accessibility surveys, compliance audits, and evaluations for local government and public entities including a current large-in-scope project for the Georgia Department of Natural Resources. MTC's proposal certainly includes access to an ILA, but also includes their willingness to attempt to limit the requirements of the already signed Settlement Agreement as well as fully meeting the training requirement.

For the Settlement Agreement's website mitigation consultation portion, three companies responded. While each vendor presented information showing some level of experience with website accessibility compliance, one company stood out for its wide-ranging scope of experience as well as the fact that it houses and operates a regional ADA Technical Information Center which allows this vendor to have an extended understanding of DOJ guidelines.

Based on the contents of our Settlement Agreement and staff's experiences communicating with some members of the DOJ, it would seem that expertise communicating with the DOJ and an understanding of how to best work with the DOJ are necessities. Additionally, the selection committee agreed that while we appreciated all the contractor's responses and willingness to help, we do not want a lack of experience or a lack of understanding of how to best work directly with the DOJ to cause additional expense or re-work for Lumpkin County.

The committee considered all responses and is recommending MTC to meet both needs.

***Potential Courses of Action:***

- A. Approve MTC to meet both needs.
- B. Approve MTC for only the ILA consultant needs or for only the website consultant needs.
- C. Refuse to accept the selection committee's recommendation.

***Pros and Cons to Potential Courses of Action:***

- A. COA Pros:
  - a. MTC is an established company that is known to be expert at ADA evaluations and projects as well as website mitigation.
  - b. This company can provide us with not only an ILA, but with much more including individuals to possibly further negotiate/moderate the requirements of our Settlement Agreement, teams to complete a timely review of all our buildings and program access, and trainers and training to allow us to meet the training component of our Settlement Agreement. This more fully meets the scope of our project.
  - c. MTC is working on a large project for the Georgia Department of Natural Resources and comes highly recommended by GDNR staff. In addition to the recommendation, by working with GDNR, MTC already has access to individuals here in the southeast who can assist with testing by differently abled users, both for program access and web access. This is a specific requirement of our Settlement Agreement.
  - d. MTC has given us specialized combined pricing for both building/program access and website mitigation and this pricing seems to be competitive compared to the other contractors.

Cons: MTC is located in Colorado so some travel cost will be incurred, but travel would also be required for other vendors as well, perhaps just not for the same distances.

B. COA Pros: Same as a. – d. above.

Cons:

- a. Using MTC for only one mitigation directive will require renegotiating the pricing.
- b. Using MTC for only one mitigation directive may mean that timely completion of the other directive is not attainable.

C. COA Pros: None listed.

Cons: Refusal to accept the committee's recommendation may require, at the least, a request to DOJ to again extend the deadline to find an ILA or may cause the DOJ to declare us in violation of our Settlement Agreement.

***Budget Impact:***

Funds have been included in the 2016 budget to help cover these costs.

***Staff Recommendation:***

Recommend that the BOC approve MTC for both mitigation directives.

## Consulting Fees

Tasks	Price
Policy, Program, and Service Review	\$20,000
Facility Survey	\$85,000
ADA Website Mitigation (RFP#2015-011)	\$18,000
Ongoing Compliance Review	\$60,000*
Training	\$100 an hour, plus travel expenses**

\* MTC estimates three Compliance Review Trips (one in year one, one in year two, and one in year three). If more trips are scheduled, a change order would be required.

\*\* MTC will coordinate with Lumpkin County administration to establish a mutually agreed upon training schedule to meet the County's DOJ training requirements.



President  
Meeting the Challenge, Inc.