

**Department of
Administration**

Memo

To: The Common Council Committee on Finance & Personnel

From: Dennis Yaccarino, Budget Director

Date: 8/30//2018

Re: Finance & Personnel Committee approval Required
For Single Source Contract
Professional Services Agreement for Independent Licensed Architect
ADA Settlement Agreement Compliance

The Department of Administration (DOA) is seeking to amend the Professional Services Agreement for Independent License Architect (ILA) services with LCM Architects. The amendment expands scope of services to complete all required surveys, resurveys, plan review, technical assistance, and reporting of accessibility concerns as required under the Settlement Agreement between the City of Milwaukee and United States Department of Justice (USDOJ).

Background

The City of Milwaukee, under the terms of conditions of the Settlement Agreement Between the United States Department of Justice (USDOJ) and the City of Milwaukee Under the Americans with Disabilities Act (ADA), was to retain an architectural consulting firm to act as the City's ILA. The ILA was to be approved by the USDOJ and be knowledgeable about the architectural accessibility requirements of the ADA and Section 504 of the Rehabilitation Act. The ILA must act independently to certify whether any alterations, additions, or modifications made by the City during the term of the Agreement comply with the applicable standards pursuant to 28 C.F.R. Section 35.151(c) and the Appendix to 28 CRF Section 35.151 (c).

May 24, 2016 a formal Request for Bid for Professional Services to provide ILA services was advertised through Department of Public Works (DPW) and administered by the Department of Administration Budget and Management Division. The bid documents included nine line items which included: resurveying 31 polling locations previously surveyed by USDOJ to verify barrier removal; survey 164 polling locations not previously surveyed by USDOJ; survey polling registration locations; survey seven emergency evacuation sites; resurvey emergency evacuation sites to verify barrier removal; survey all curb ramps and other sloped areas built

during the Settlement Agreement; survey all City of Milwaukee facilities' entrances that are open to the public; survey all City of Milwaukee facilities and sites not previously surveyed by USDOJ; and General Contract Administration. LCM Architects was selected based on their past experience with accessibility compliance projects, inclusion of a SBE subcontractor, and they were the lowest bidder at \$262,368. September 13, 2016 the City of Milwaukee entered into a Professional Services Agreement for ILA services with LCM Architects.

May 31, 2017 LCM Architects requested a change order to increase fees to their Professional Services Agreement by \$75,000 due to an increase to the scope of work. DPW Building and Bridges Division (B&B) had compiled the list of facilities and sites where City programs, services and activities are held; however, the list of facilities and sites in the bid documents was not all inclusive. DPW B&B was unaware of facilities either developed or maintained by other City departments which includes parks, surface parking lots and municipal facilities. Also, at the time of the bid process it was not known how many DPW Streets projects would be completed for each year and the scope of each of those projects. The increase of facilities and sites to be surveyed required additional time for schedule coordination, technical support, and reporting of non-compliant concerns. Work was completed to keep working in good faith on the terms and conditions of the Settlement Agreement with the USDOJ. The request for the additional \$75,000 brought LCM Architect's Professional Services Agreement up to \$337,368.

August, 2018 LCM Architects requested a second change order to increase fees to their Professional Services Agreement by \$105,000 due to additional time needed to complete originally defined services and other services not previously included in the original Scope of Work but required under the Settlement Agreement. LCM Architects projects additional time and services based upon the past year history of site conditions within the City of Milwaukee, need for technical assistance, plan review, and meetings. Also extra time is needed for resurveying remediation of non-compliant items and preparation of Certificate of Compliance that are to be included in the City of Milwaukee's report to the US Department of Justice. The second request for additional funding of \$105,000 will bring LCM Architect's Professional Services Agreement up to \$442,368.