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Title: Actions pertaining to provision of Certified Access Specialist training and mentoring services:
 1. Approve an agreement with California Certified Accessibility Specialists, Inc., in the amount of \$65,000 for Certified Access Specialist training and mentoring services.
 2. Approve an agreement with SZS Engineering Access, Inc., in the amount of \$49,980 for Certified Access Specialist mentoring and incidental services.

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 21-931 California Certified Accessibility Specialists Inc. Agreement, 2. 21-931 SZS Engineering Access Inc. Agreement

Date	Ver.	Action By	Action	Result
12/9/2021	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

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SUBJECT

Actions pertaining to provision of Certified Access Specialist training and mentoring services:
 1. Approve an agreement with California Certified Accessibility Specialists, Inc., in the amount of \$65,000 for Certified Access Specialist training and mentoring services.
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RECOMMENDATIONS

Staff recommends the City Council approve the agreements with California Certified Accessibility Specialists, Inc (CalCASp) and SZS Engineering Access, Inc. (SZS) for Certified Access Specialist (CASp) training and mentoring services and authorize the Public Works Director or designee to sign all necessary implementing documents on behalf of the City of Fresno.

EXECUTIVE SUMMARY

The City is required by the State of California to employ or retain a sufficient number of Certified Access Specialists (CASp) with at least one-half of the CASps employed or retained being building inspectors who are CASps. Currently the City does not meet this requirement. The City is initiating a CASp training and mentoring program to meet the state requirements, invest in and encourage existing employees of the City to pursue CASp certification, and to support the retention of existing CASp employees through access to quality mentoring and continuing education. More than 15 employees from four departments (Planning & Development, Public Works, Airports, and Transportation) are committed to participation in the training program; CASp mentoring services would be available to all employees to utilize. Staff is recommending the award of two (2) individual contracts to the most qualified consultants, which will enable the City to take advantage of the unique strengths and experiences of each consultant. The anticipated contract duration for these contracts is one (1) year from start of the agreement with an option for up to three (3) one-year extensions. Funding for the program comes from Disability Access & Education CASp Certification and Training Funds.

BACKGROUND

A CASp is a professional who has passed an examination and has been certified by the State of California to have specialized knowledge of state and federal construction-related accessibility standards.

Cal. Civ. Code § 55.53 (d)(2) states that “commencing January 1, 2014, a local agency shall employ or retain a sufficient number of building inspectors who are certified access specialists to conduct permitting and plan check services to review for compliance with state construction-related accessibility standards by a place of public accommodation with respect to new construction, including, but not limited to, projects relating to tenant improvements that may impact access. If a local agency employs or retains two or more certified access specialists to comply with this subdivision, at least one-half of the certified access specialists shall be building inspectors who are certified access specialists.”

Currently the City does not meet this requirement. The City employs three (3) CASps: one is a Building Inspector (Associate Environmental/Safety Consultant I), one is an Architect, and one is an ADA Coordinator. The City aspires to invest in existing employees' growth and understanding of accessibility and to support the retention of existing CASp employees through access to experienced CASp mentoring and training resources for continued education. Planning & Development, Public Works, Airports, and Transportation departments have each committed to having employee participation in the training program. CASp mentoring services will be made available to all employees.

The City collects Disability Access & Education CASp Certification and Training Funds that are earmarked specifically for increasing CASp training and certification within the local jurisdiction. The highest priority for use of the fund must be placed on the training and retention of CASps to meet the needs of the public in the jurisdiction. See Fiscal Impact for additional information about the fund.

A notice inviting Statements of Qualifications (SOQ) was published on August 11, 2021. The goal of the SOQ was to solicit qualifications from firms to perform CASp training and mentoring services, as

outlined in the Scope of Services. Two (2) proposals were received and opened on September 13, 2021. The two (2) consultants that submitted qualifications were CalCASp and SZS.

The Consultant Selection Committee (Committee) consisted of the three (3) CASps currently employed by the City and a Management Analyst I. Once the SOQ review process was completed, the Committee determined that both firms should be offered the opportunity to interview. The interviews were conducted on October 6, 2021.

At the conclusion of the interview process the Committee identified that both firms were highly qualified, however each firm had a unique niche of expertise that could be of benefit to City employees. Staff is recommending a contract with CalCasp for weekly training and mentoring services and a contract with SZS for mentoring and incidental training services.

Since 2009 CalCasp has been a leader in accessibility training and education. Their online and in person training programs have become widely known for assisting professionals within public and private entities increase their understanding and knowledge of Federal and State Accessibility Regulations, Standards, and Codes. They have developed and delivered a CASp training curriculum, known as the CalCasp Academy, which has been provided in person and virtually to over 1,200 industry professionals since 2009. The CalCasp Academy is considered a “must attend” for those seeking a better understanding of accessibility regulations and codes in California and those studying for the State’s CASp Exam. CalCasp is equipped to provide the City with weekly accessibility training and education as well as mentoring services.

SZS has decades of experience working with local jurisdictions across the country to provide training on access compliance requirements, developing and implementing ADA Self-Evaluation and Transition Plans, providing CASp plan review and inspection services, litigation assistance, and website auditing. SZS operates from the perspective that education is one of the most important tools that a jurisdiction can use to avoid litigation long before a summons arrives, and it can also help to conserve public funds by facilitating compliance from the outset of an alterations or new construction project. SZS has experience as an approved Independent Licensed Architect (ILA) for the US Department of Justice, and as part of Federal Highway Administration complaint resolution, litigation and policy development. SZS' comprehensive approach to ADA access compliance means their firm has the depth of experience and unique ability to mentor employees and provide incidental trainings.

The City Attorney’s Office has reviewed and approved both agreements as to form.

ENVIRONMENTAL FINDINGS

The approval of agreements for training and mentoring services is not a “project” pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378.

LOCAL PREFERENCE

Local preference was not applied, as no local firms submitted a statement of qualifications.

FISCAL IMPACT

The proposed agreements will have no impact to the General Fund. The agreements will be funded through the City’s Disability Access & Education CASp Certification and Training Fund for a total cost

of \$114,980.

Under California Government Code Section 4467, Disability Access & Education, the City must collect an additional \$1 with each business tax certificate application or renewal; 30% of the funds are collected by the Division of the State Architect and 70% of the funds are retained by City.

AB1379 increased the amount from \$1 to \$4 on and after January 1, 2018, through December 31, 2023. The amount of the fee will revert back to \$1 on and after January 1, 2024. January 1, 2018 through December 31, 2023 the City will retain 90% of the fees collected. The amount retained reverts back to 70% on and after January 1, 2024.

These funds can only be used for:

- Increasing Certified Access Specialist (CAsp) training and certification within the local jurisdiction
- Activities or programs to facilitate compliance with construction-related accessibility requirements
- Related administrative services (maximum 5% of retained monies)

In accordance with the regulatory requirements, the highest priority shall be given to the training and retention of CASps to meet the needs of the public in the jurisdiction.

Attachments:

California Certified Accessibility Specialists, Inc. Agreement
SZS Engineering Access, Inc. Agreement