

# Consent Agenda

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|----------------------|--|
| <b>Agenda Item #</b> | 3B - 3C  |
| <b>Meeting Date</b>  | November 10, 2008                                  |
| <b>Prepared By</b>   | Iлона Blanchard, Community Development Coordinator |
| <b>Approved By</b>   | Barbara B. Matthews<br>City Manager                |

|                               |   |
|-------------------------------|---|
| <p><b>Discussion Item</b></p> | <p>Single Reading Ordinances:</p> <ul style="list-style-type: none"> <li>• Rescinding Ordinance 2008-42 and Authorizing the Execution of a Contract for Services to Develop a Ten Year ADA Compliance Plan for City Sidewalks</li> <li>• Rescinding Ordinance 2008-43 and Authorizing the Execution of a Contract for Services to Conduct a City-Wide Missing Sidewalk Study</li> </ul>   |
| <p><b>Background</b></p>      | <p>On October 6,. 2008, the Council adopted Ordinance 2008-42 and Ordinance 2008-43, authorizing the execution of contracts with Toole Design Group, Inc. for the completion of two projects: 1) a city-wide missing sidewalk study funded by the State of Maryland through the Safe Routes to School Program; and 2) a city-wide ADA compliance plan funded under the Community Development Block Grant (CDBG) program.</p> <p>As previously noted, proposals were received from four firms, each of which are providing similar services to other jurisdictions in the region. Three firms were interviewed and Toole Design Group, LLC was determined to have provided the most responsive and competitive proposal.</p> <p>In preparing the ordinances for Council approval, staff identified the process followed in the selection of Toole Design Group, Inc. as being a cooperative purchase. The City Attorney, in her review of the contracts authorized by the ordinances, has asked that the ordinances be rescinded and the procurement process more appropriately described as a competitive proposal process. The accompanying ordinances were prepared in response to this request.</p> <p>Adoption of the ordinances would rescind the original action taken by the Council and allow for the execution of previously approved contracts for services with Toole Design Group, Inc. Field work required for both the ADA plan and the sidewalk study is expected to begin this month.</p> |
| <p><b>Policy</b></p>          | <p>Chapter 7 of the City Code provides that the City Council shall by ordinance approve all expenditures of \$5,000 or more for professional services, and that ordinances approving such expenditures may, following a competitive bidding or proposal process, be enacted upon single reading if the expenditure is specifically authorized in the budget and the cost of the procurement is equal or less than the budgeted amount.</p>  |

| <b>Fiscal Impact</b>         | <p>Safe Routes to School - Missing Sidewalk Study: \$ 45,000<br/> Toole Design Group, Inc. Contract: \$ 35,150</p> <p>CDBG - ADA Compliance Plan: \$ 30,000<br/> Toole Design Group, Inc. Contract: \$ 29,583</p>  |                       |                  |                       |                    |          |          |                         |        |        |                   |        |        |                              |        |        |
|------------------------------|--|-----------------------|------------------|-----------------------|--------------------|----------|----------|-------------------------|--------|--------|-------------------|--------|--------|------------------------------|--------|--------|
| <b>Attachments</b>           | <ul style="list-style-type: none"> <li>• Rescinding Ordinance 2008-42 and Authorizing the Execution of a Contract for Services to Develop a Ten Year ADA Compliance Plan for City Sidewalks</li> <li>• Rescinding Ordinance 2008-43 and Authorizing the Execution of a Contract for Services to Conduct a City-Wide Missing Sidewalk Study</li> </ul>  |                       |                  |                       |                    |          |          |                         |        |        |                   |        |        |                              |        |        |
| <b>Recommendation</b>        | Approve the attached ordinances.   |                       |                  |                       |                    |          |          |                         |        |        |                   |        |        |                              |        |        |
| <b>Special Consideration</b> | <p>Firms submitting proposals:</p> <table border="0"> <thead> <tr> <th data-bbox="407 877 776 909"><u>Name of Firm</u></th> <th data-bbox="792 877 943 909"><u>ADA Study</u></th> <th data-bbox="1076 877 1279 909"><u>Sidewalk Study</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="407 909 776 940">Toole Design Group</td> <td data-bbox="792 909 943 940">\$29,538</td> <td data-bbox="1076 909 1279 940">\$35,150</td> </tr> <tr> <td data-bbox="407 940 776 972">Vanasse Hangen Brustlin</td> <td data-bbox="792 940 943 972">27,433</td> <td data-bbox="1076 940 1279 972">35,143</td> </tr> <tr> <td data-bbox="407 972 776 1003">Hord Coplan Macht</td> <td data-bbox="792 972 943 1003">48,761</td> <td data-bbox="1076 972 1279 1003">36,715</td> </tr> <tr> <td data-bbox="407 1003 776 1035">Wallace, Montgomery &amp; Assoc.</td> <td data-bbox="792 1003 943 1035">55,538</td> <td data-bbox="1076 1003 1279 1035">84,200</td> </tr> </tbody> </table> | <u>Name of Firm</u>   | <u>ADA Study</u> | <u>Sidewalk Study</u> | Toole Design Group | \$29,538 | \$35,150 | Vanasse Hangen Brustlin | 27,433 | 35,143 | Hord Coplan Macht | 48,761 | 36,715 | Wallace, Montgomery & Assoc. | 55,538 | 84,200 |
| <u>Name of Firm</u>          | <u>ADA Study</u>   | <u>Sidewalk Study</u> |                  |                       |                    |          |          |                         |        |        |                   |        |        |                              |        |        |
| Toole Design Group           | \$29,538   | \$35,150              |                  |                       |                    |          |          |                         |        |        |                   |        |        |                              |        |        |
| Vanasse Hangen Brustlin      | 27,433   | 35,143                |                  |                       |                    |          |          |                         |        |        |                   |        |        |                              |        |        |
| Hord Coplan Macht            | 48,761   | 36,715                |                  |                       |                    |          |          |                         |        |        |                   |        |        |                              |        |        |
| Wallace, Montgomery & Assoc. | 55,538   | 84,200                |                  |                       |                    |          |          |                         |        |        |                   |        |        |                              |        |        |

Introduced by:

Single Reading

**CITY OF TAKOMA PARK, MARYLAND  
ORDINANCE NO. 2008-**

**RESCINDING ORDINANCE NO. 2008-42 AND AUTHORIZING EXECUTION OF  
A CONTRACT FOR SERVICES TO DEVELOP A TEN-YEAR  
ADA COMPLIANCE PLAN FOR CITY SIDEWALKS**

WHEREAS, the City Council has supported the use of Community Development Block Grant (CDBG) funds to survey City sidewalks for compliance with the Americans with Disabilities Act (ADA) and to develop a ten-year ADA compliance plan for the City; and

WHEREAS, the FY09 budget includes \$30,000 in Community Development Block Grant (CDBG) funds for the development of the described compliance plan; and

WHEREAS, the Housing and Community Development Department solicited proposals for the project identified above in accordance with the City's competitive proposal process; and,

WHEREAS, four firms submitted proposals for the project; and,

WHEREAS, Toole Design Group, Inc. was found to have submitted the most competitive and responsive proposal in the amount of \$29,583; and

WHEREAS, on October 6, 2008, the Council adopted Ordinance No. 2008-42 awarding a contract for the completion of such study to Toole Design Group, Inc., identifying the selection as a cooperative purchase; and

WHEREAS, the City Attorney, upon review of the approved contract for services with Toole Design Group, Inc., has recommended that Ordinance No. 2008-42 be rescinded and a new ordinance adopted which more accurately describes the competitive nature of the proposal process.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT:

SECTION 1. Ordinance No. 2008-42 is rescinded.

SECTION 2. The City Manager is hereby authorized to enter into a contract with Toole Design Group, Inc. in the amount of \$29,538.00 for purposes of surveying City sidewalks for ADA compliance and the development of a ten-year compliance plan.

SECTION 3. This ordinance shall be effective immediately.

Adopted this \_\_\_\_ day of November 2008 by roll-call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

Introduced by:

Single Reading

**CITY OF TAKOMA PARK, MARYLAND  
ORDINANCE NO. 2008-**

**RESCINDING ORDINANCE NO. 2008-43 AND AUTHORIZING EXECUTION OF  
A CONTRACT FOR SERVICES TO CONDUCT A CITY-WIDE  
MISSING SIDEWALK STUDY**

WHEREAS, the City Council has supported the use of Safe Routes to School funds for the creation of sidewalk linkages to schools where there are no sidewalks; and

WHEREAS, the FY09 budget includes \$45,000 from the State of Maryland for the completion of a survey of sidewalks throughout the community for the purposes of identifying and evaluating areas of the city where sidewalks are missing; and

WHEREAS, the Housing and Community Development Department, solicited proposals for the project identified above in accordance with the City's competitive proposal process; and,

WHEREAS, four firms submitted proposals for the project; and,

WHEREAS, Toole Design Group, Inc. was found to have submitted the most competitive and responsive proposal in the amount of \$35,150 for the evaluation and ranking of all street segments missing sidewalks; and

WHEREAS, on October 6, 2008, the Council adopted Ordinance No. 2008-43 awarding a contract for the completion of such study to Toole Design Group, Inc., identifying the selection as a cooperative purchase; and

WHEREAS, the City Attorney, upon review of the approved contract for services with Toole Design Group, Inc., has recommended that Ordinance No. 2008-43 be rescinded and a new ordinance adopted which more accurately describes the competitive nature of the proposal process.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT:**

**SECTION 1.** Ordinance No. 2008-43 is rescinded.

**SECTION 2.** The City Manager is hereby authorized to enter into a contract with Toole Design Group, Inc. in the amount of \$35,150 to evaluate City streets and rank them for installation of sidewalks for children to walk safely to school.

**SECTION 3.** This ordinance shall be effective immediately.

Adopted this \_\_\_\_ day of November 2008 by roll-call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT: