

What Does a Good Transition Plan RFP/RFQ Look Like?

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Description

This session will discuss what entities should consider when preparing a governmental Request for Qualifications (RFQ) or Request for Proposals (RFP) to do or update their Transition Plan. Participants will understand the critical components of a well-written RFP to assure that the final product is a meaningful and actionable plan. During the session, participants will be provided with examples of both poorly and well-written RFPs, highlighting possible pitfalls and how to avoid vague and limited responses.

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Learning Objectives

The session will explore the following questions and more:

- What deliverables will assure that you end up with a good plan in the end?
- How do items that you include (or don't include) in your RFQ or RFP affect responses you receive?
- Who will make up your RFQ/RFP evaluation team? What information should you provide to applicants so that you receive the best responses possible?

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Outline

- Definition, Scope, and Context
- Perspective
- Team
- Approach Options
- Consultants
- Systems, Software, and Data
- RFPs and Cost Proposals

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PERSPECTIVE

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What is a Good RFQ or RFP for a Transition Plan?

A good RFQ or RFP is one that requests all the information you will need to evaluate and decide who will be the best consultant to help you prepare your Transition Plan to meet your immediate and long-term needs to provide accessible programs and compliance.

This webinar covers options for you to consider when developing your Transition Plan. You may not have the money to do everything discussed here.

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We Will Not Cover

- RFX logistics
 - Communication procedures
 - Submissions procedures
 - Schedules
 - Contracting requirements
 - Insurance
 - Confidentialities
 - Diversity and sustainability initiatives
 - Indemnifications, warranties, etc.

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Special Services

Where the RFX is issued to respond to a lawsuit or investigation, there may be specific additional obligations for the consultant that also exceed the scope of this webinar. They may include specific analysis, reporting, or ILA (Independent Licensed Architect) certification duties. Where those or other specific responsibilities exist, they should be clearly explained in the RFX.

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Self-Evaluation vs Transition Plan

- Under Title II of the ADA, public entities were required to complete a Self-Evaluation of their services, policies, and practices, and the effects thereof, that did not meet the ADA.
- Where structural changes to facilities would be undertaken to provide access to programs offered by the entity, they were required to produce a Transition Plan listing those changes.
- This webinar will not be discussing the requirements for a Self-Evaluation. That's a different session.
- We will also not be discussing the detailed requirements for a Transition Plan, or how to do one. That's a different webinar.

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Planning Perspective

- The most effective time(s) to research & plan
 - Research before you start
 - Plan before you act
 - Reevaluate and revise before you get off course
- The balance between planning and action

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Start with the Big Picture in Mind

You might want to start with an introduction to your reasons for issuing the RFQ/RFP.

Your legal obligation is not to create a report, but to remove barriers that limit access to your programs by people with disabilities.

(It turns out that a new or “updated” Transition Plan is a great way to go about meeting that obligation.)

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What’s Your Destination?

- What do you want to accomplish?
- How will you know if or when you succeed?

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Why are you doing a Transition Plan?

- You've been told to create a transition plan by someone who didn't tell you much more than that
- Check the box that you have a Transition Plan for some funding oversight agency
- Make your programs generally more accessible for people with disabilities
- Responding to a lawsuit or investigation
- Comply with the ADA and/or Section 504 of the Rehab Act

(The drivers may change over time as decision-makers begin to understand the ADA's value. Be prepared to efficiently change with that improved understanding.)

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Direction

Your direction is set by the planning process and the approach you choose to take on the effort.

- You're looking for the stepping stones in an effective **and** efficient process
- As with orienteering, the process will be to research, plan, execute, verify, discuss, adjust, and repeat

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Distance (or Progress)

- Don't confuse effort for progress
- Don't confuse movement with progress
- Don't confuse spending with progress
- Don't miss the details that mean real progress

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ADA/504 Compliance and Your Transition Plan

Your legal obligation is a performance requirement, not a prescriptive one.

- Transition Planning services are very inconsistently defined, designed, and executed across the country.
- The scope and approach options for consultants are more like hiring a defense lawyer than hiring an architect where the scope of services is fairly consistent between professionals.
- You have many significant choices about how to create your Transition Plan.

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ADA Transition Plan Requirements

A Transition Plan under 35.150(d) of the ADA is a listing of the physical changes that you plan to make to provide access to your programs for people with disabilities. It must include four mandatory pieces of information about the physical barriers that limit program access:

- 1) Identify physical obstacles that limit the accessibility of its programs or activities to individuals with disabilities;
- 2) Describe in detail the methods that will be used to make the facilities accessible;
- 3) Specify the schedule for taking the steps necessary to achieve compliance and,
- 4) Indicate the official responsible for implementation of the plan.

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The Reality About Those Requirements

In order for you to actually do the work to meet your ADA obligations, you'll need to collect, analyze, generate, and manage a lot more information that you'll want to associate with those four data sets. The extra data points will need to be detailed in your RFX or evaluated as part of what is submitted by your candidates.

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Your Team

Normally, the working group that performs and oversees the Transition Planning process will include:

- The ADA Coordinator
- Most departmental ADA coordinators or liaisons, including legal counsel, and risk management representatives if they are not departments
- Office of Disability Rights, Mayor’s Committee for People with Disabilities, Disability Student Services, and/or other internal disability advocacy or services representatives

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APPROACH OPTIONS

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One Possible Approach to the TP

Two possible approaches – Pick one to follow:

Identify every program offered and evaluate each program for barriers. Remove barriers, then:

- Train program-setting employees to follow a detailed process to identify and avoid barriers when moving and adding programs and services and when scheduling all public activities and events
- Update Transition Plan, secure funding, and eliminate barriers every time programs move or are added to inaccessible facilities or areas within facilities

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The Most Common Approach

Identify areas in every facility where programs are offered and then identify all barriers in those areas. Remove barriers, then:

- Identify all accessible program areas and train program-setting employees to schedule programs, services, public activities and events only in areas of facilities that are already physically accessible
- Update Transition Plan, secure funding, and eliminate barriers only when programs move or are added to the few remaining inaccessible facilities or areas within facilities

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Before You Plan

People make a lot of assumptions about what you want when you put out an RFX for a Transition Plan. A good Request will allow you to eliminate many of those assumptions and turn them into clear expectations.

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The Biggest Approach Questions

1. Facility selections
2. Choice of Standards
3. Which "barriers" to document and solve
4. How to survey and manage the data
5. How to be consistently thorough
6. Quality control
7. Phases of the program
8. Expectations about meetings and communications
9. Coordination with everything else your entity does

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Facility Selections

Which facilities offer programs that need to be accessible?

- Which facilities will you include in this RFQ/RFP?
 - If the budget doesn't allow surveys of all of them
 - If you want to stay just ahead of the barrier removal
 - Highest use / Highest need facilities
 - Facilities where access improvements have been requested
 - Distributed
 - Geographically
 - Access to transportation
 - Etc.

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Quick Response Solutions

When you don't include all of your facilities and programs in your initial Transition Plan, you'll need a quick-response solutions process to handle other program access needs as they come up.

Allocate a portion of your budget to accommodate these requests and provide authority to selected decision-maker(s) who can approve them quickly, without administrative delays.

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Choice of Standards

Which access standards will you use to define "barriers" to program access for people with disabilities? (**T**riggers)

Which access standards will you use to fix the barriers identified in your Plan? (**S**olutions)

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Access Standards

- 2010 ADA Standards and regulations
- DOT's ADA/ABA Standards for Transportation Facilities
- UFAS
- State and/or local accessibility standards _____
- Access Board's Recreation Area Guidelines
- Access Board's Outdoor Developed Area Guidelines
- Access Board's PROWAG
- MUTCD
- _____
- _____

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Which Barriers to Document & Solve

- Program access barrier types per facility, every barrier that limits program access, or a hybrid approach?
- Physical barriers that do not limit program access? (How will those be defined and identified?)
- Any non-compliant conditions to be purposefully ignored? (e.g. Safe harbored elements, operational barriers, maint. barriers, etc.)
- Fire alarms, signage, details from the referenced standards, etc.?
- "Minor", or de minimis barriers? (If so, how defined consistently?)
- How will the consultant avoid missing other non-compliant conditions?
- How will applicable tolerances be defined and applied in the field? Will methods of measurement be specified?
- Programmatic solutions to particular barriers and barrier types?

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How to Survey and Manage the Data

Identifying program access barriers to people with disabilities is a HUGE task for most public entities. It generates a lot of detailed information that must then be carefully managed over the years to result in access and compliance.

How you choose to identify, document, analyze, solve, prioritize, plan, design, construct, purchase, maintain, operate, contract, track, monitor, verify, communicate, and publish this data will be the source of one of your greatest difficulties or capabilities.

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Survey and Data Management Systems

Our advice:

- Don't develop your own software system – there are enough programs out there already.
- If you have specific needs, you may want to supplement what's already available, but starting from scratch is extremely costly, time consuming, and prone to error.
- Decide what you need your system to do and look for that from your consultant. Some will modify their systems to meet your specific requirements.

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Which Data to Collect

- In addition to the four required data fields, there are many options that will allow you to efficiently, effectively, and consistently manage your efforts.
- This is the topic of an entire separate webinar.
- One approach to handling this question at the RFQ/RFP stage is to see what your proposers have to offer.

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How to Be Consistent & Thorough

- Start with a process and a system that are designed to be consistent, thorough, and highly efficient in use
- Identify the areas of likely and experienced inconsistency
- Document the preferred approaches and answers
- Communicate the information for easy, quick reference
- Training...

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Team Training

- Train, train, train the whole team
- For the survey and analysis teams
 - How to measure, exceptions in the standards, consistent interpretations, preferred solutions, additional data fields, etc.
 - Most common problems
- Train your team members when to ask questions
- Provide “Just-In-Time” answers (e.g. in-system, FaceTime, Corada)
- Conferences and webinars – not just the boss

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Quality Control – Field Surveys

- Collect enough information to evaluate surveyors’ work
 - Photographs
 - Drawings
- Analyze the work and give feedback
- Track team member performance metrics
- Teach others on the project to ask questions

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Quality Control – Barrier Removal

When there’s not an access specialist watching the design and construction progress, we find that only a fraction of the problems found in the surveys and listed in the Transition Plan are actually fixed correctly. We’ve seen that fraction run between 40% and 80% with full compliance only reached when everyone knows that’s what is required. You can’t expect what you don’t inspect. Design then verify, construct then verify, maintain and verify, and then operate and verify.

Targeted training is critical because there are so many people who will affect your results.

Create a measured feedback loop for everybody who has a role in your success. Then celebrate your successes as they occur.

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Quality Control – Day-to-Day

- Use your Transition Plan database to track new barriers as they become known and integrate them into your process
- “Harvest” examples and photographs from your TP database to create real-life training programs for people who have specific responsibilities
- Have contractors and others upload the results of their barrier removal efforts for Transition Plan progress tracking and for future reference

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Phases of Transition Planning

- Scope definition
- Pilot surveys
- Surveys
- Analysis
- Plan(s)
- Reports
- Draft Transition Plan(s)
- Internal and public engagement presentations for input from interested parties
- Transition Plan (This becomes a living database)

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Phases of the Work

- Design
- Construction
- Purchasing
- Operations
- Monitoring and verification of completed work
- Maintenance
- Contracting, Leasing, and Partnering
- Plan reviews for new facilities and alterations
- Responding to questions
- Training of staff, design consultants, contractors, building officials, and others
- Requested changes and periodic updating of the plan

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Other Expected Tasks

- Meetings (in-person, virtual, telephonic)
 - Periodic
 - At specific milestones
- Communications
 - Logistics
 - Quick feedback about urgent matters (e.g. safety concerns, bicycles & scooters blocking ramps, etc.)
 - Minutes of meetings
- Training for consulting team members
- Security clearances and procedures

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Entity-Wide Coordination

How will the existence and removal of physical barriers in the Transition Plan be coordinated with:

- Program location decisions
- Construction and alterations projects
- Maintenance department work orders
- Other planning projects and services, like evacuation planning, emergency sheltering programs, elections, etc.
- Signage programs
- Website updates including campus maps showing accessible parking, public transit stops, accessible routes, entrances, elevators, toilet rooms, etc.
- Your Self-Evaluation
- Capital planning

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CONSULTANTS

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Transition Planning Consultants

Four national accessibility specialist organizations have members who provide ADA Transition Planning consulting services:

1. ADA Coordinator Training Certification Program (**ACTCP**)
2. Accessibility Professional Association (**APA**)
3. Certified Access Specialists Institute (**CASI**)
4. National Association of ADA Coordinators (**NAADAC**)

Corada also lists accessibility specialists who provide Transition Planning services

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Finding Transition Planning Consultants

The APA and Corada websites both allow you to filter their lists to show only those consultants who list Transition Plan development as a specialty.

- **APA**
https://www.accessibilityprofessionals.org/content.aspx?page_id=2940&club_id=903704
- **Corada**
https://www.corada.com/find_an_accessibility_specialist

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Four Evaluation Points

- Expertise
 - Knowledge
 - Skills
 - Systems
 - Flexibility
 - With mastery comes realistic creativity
 - Knowing what you don't know
- Experience
- Efficiency
- Effectiveness
 - Bandwidth (capacity)
 - Systems...

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Expertise - General

- Who will actually be doing the detailed work?
- Do each of their team members have the necessary qualifications, knowledge, and skills for each of their responsibilities?
 - Planning, oversight, presentations
 - Field surveys, analysis, and solution development
 - Plan reviews
 - Quality control
 - Project management and support roles
- Use of staff and sub-consultants

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Expertise – Qualifications & Training

- Professional registrations and certifications
- Do all team members specialize in accessibility work or are they generalists with other responsibilities, too?
- How many years of pure access experience do each of their proposed team members have?
- How do they train their people?
 - Conferences (Which conferences and which courses?)
 - Classroom (Whose?)
 - Online (Whose training and which courses?)
 - In-field mentoring
 - Just-in-time methods – In-system instructions and references, facetime, etc.
 - Project-specific training for large projects
- How do they evaluate the performance of their staff and modify their training as needed?

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Expertise – Flexibility and Creativity

Options can offer more results for the money

- Approach and procedure options offered
 - Options based on initial budget
 - Options based on changing budgets
 - Can the options be applied differently per facility?
 - Can the options be applied differently per barrier type?
- How does the consultant communicate and manage the selected options for consistency across teams?
- Is that management process integrated into their normal workflow?

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Experience and References

- Knowledge does not always come from experience.
- Practice makes permanent, not perfect.
- Experience with your entity type may be important due to necessary knowledge of particular standards, interpretations, analysis techniques, etc.
- When considering references for a consultant, they are most helpful when they come from people who have experience with multiple access consultants
- Will you ask for a limited list of references or a full list of clients and select your own? (Some clients may be confidential.)

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Efficiency

- What methods does the consultant employ to make and keep their teams efficient at the defined level of quality and thoroughness you've selected?
- How do they duplicate their efficiencies throughout their organization?
- How do they track efficiencies?
- How do they reward efficiency?

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Effectiveness

- Does their work give you the best opportunity to become accessible and compliant?
- Can they communicate the results of their work to others involved in the process to help them be effective?
- Bandwidth
 - Can they deliver quality results?
 - Can they deliver on time?

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SYSTEMS, SOFTWARE, AND DATA

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Systems

Systems are the integrated methods that organizations use to deliver consistent results.

- How they approach client needs, preferences, and mandates (both known and unknown at the start)
- Policies, practices, and procedures
- Software, hardware, and data systems
- Equipment
- Training
- Communications
- Quality assurance & feedback methods

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Project Management Software

- Do you have any collaboration software that you want to use during the process?
- Do you want to use any dynamically-shared cloud data? (Like MS live sharing and Google Sheets)
 - Scheduling, contacts, logistics, tracking, and/or other project management information
 - Facility-related data
 - Barriers data
 - Training programs

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Survey & Data Management Software

- What software does the consultant propose to use to identify, document, analyze, solve, prioritize, plan, budget, maintain, operate, track, verify, communicate, report, and publish barriers and their solutions to produce your Transition Plan?
- Is the software being updated as needed?
- Will the same complete system be available for updating the TP into the future? If so, at what cost?
- How will your TP data interface with your other data systems? (GIS, work orders, program planning, capital planning, etc.)
- (If specific interface needs can be identified before issuing the RFX, such as those for GIS data collection and integration, include the specifics in the RFX.)

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Data

- What information can they identify, document, analyze, solve, prioritize, plan, budget, maintain, operate, track, verify, communicate, report, and publish to users?
- Which data sets?
 - Entity-wide
 - Per program (Developed by consultant or in-house?)
 - Per facility
 - Per barrier to be removed
- Which data fields? (This is an entire webinar by itself)

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Data Management

- Where will your data be stored and maintained? For how long after the Transition Plan is delivered?
- Who will own the “work product”?
- Who will “own” your data? Are their limitations?
- Can they comply with your cybersecurity requirements?
- How will they avoid capturing PHI & PCI data during the project?
- How will they silo, secure, and manage PII data in your databases?

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Software Demo

Make sure you see a live demo of the proposed software and data systems before selecting your consultant.

- Include your people who will have to use the data
- Does the software allow different options for producing a Transition Plan?

Beware of carefully-scripted routes through the system, you may only be looking at design templates for what they propose to build. Surprise them by asking to show off-script information and capabilities.

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Survey and Barrier Data

- Have them demonstrate how they will do surveys using the expected variables for your project
- How are photographs and reference drawings tied to barrier details?
- Which data fields do they include to analyze, solve, prioritize, plan, budget, maintain, operate, track, verify, communicate, report, and publish the data?
- How easy is it to see all of the information about a facility, a barrier, or a barrier type in one place?

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Viewing and Reporting

- Demo how the data can be viewed &/or modified online.
 - For internal use and reference
 - Can it create or support selected public data sets?
- Reports (What types are available, in which formats, and what do they each include?)
- Which information points can be exported for other uses?
- What types of data exporting and interfaces does the consultant have experience using?
- Is any specific training needed for entity staff to use the database and generate reports? Will that training be provided as part of the proposed services?
- Is the data system user interface independently usable by people with disabilities?

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Data Updating

- How is the data updated to report on progress?
- How do you add new barriers as they are identified and as new facilities are added?
- Can the system handle changes to:
 - Preferred solutions
 - Responsible parties
 - Priorities
 - Schedules
 - Capital planning and budget sources
 - Barrier assignments to funded projects

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Software and System Updating

- Discuss how the system will remain live and viable into the future.
- Does it have a useful shelf life? If so, what is it?
- Does the system accommodate changing requirements?
- Does the system incorporate new technical assistance and interpretations?
- How often are these updates available or provided?
- What does updating the software for these purposes cost and who pays for it?

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RFPS AND COST PROPOSALS

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Comparable Cost Proposals

If you issue an RFP, how will you compare cost proposals?

We've seen RFPs with quotes that were a factor of 10 or more different due to assumptions made by consultants. A range of quotes varying by a factor of one to three is not uncommon. When there are large differences between your fee quotes, you know that there are differences in what your bidders are expecting to do. One way to compare is to have your top choices perform Pilot Surveys and compare their results. You can have them do the same facilities or different ones.

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Reducing Cost Differences - Facilities

- Particularly when issuing an RFP, include a list of facilities to be included in the price.
- Include addresses, acreage, gross square feet (GSF), functional use(s), year built with any historic protections, last major renovation date, owned vs leased or supported, etc.
- Where possible, also provide access to floor plans that will allow proposers to count toilet rooms, doors, elevators, stairs, ramps, etc.
- Where curb ramps, on-street parking, sidewalks, public transit stops, and other PROW facilities are to be included, provide detailed numerical information to allow competitive pricing based on consistent assumptions about the desired scope of work.

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Reducing Cost Differences - Training

- Have consultants show what internal training they plan to do in preparation for your work.
- When training of entity staff is a separate service, request a detailed training plan.

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Reducing Cost Differences

- List any specific requirements for “deliverables” that are based on fixed criteria.
- Show your expected schedule for the selection process and performance to key milestones and completion.
- List all of the departments that will be involved.
- List programs offered in each space in each facility if the consultant will be tasked with detailed program access analysis. If you don't list them, ask for their assumptions.
- Describe your proposed evaluation criteria.
- If you have a fixed or tightly limited budget, consider asking for their input on how to maximize your dollars.

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Additional Resources

www.accessibilityonline.org/adaonline2020 Has webinars on various ADA topics including recent sessions on Transition Planning and Self-Evaluations.

www.accessibilityonline.org Has webinars on a wide variety of ADA topics

www.ADATransitionPlans.com Has additional, more detailed Transition Planning training, reference documents, and other resources.

www.ADASelfEvaluations.com Has Self-Evaluation training, Corada's ADA Compliance Management application, the free Self-Evaluation Readiness Checklist developed by Irene Bowen and Corada, and other resources.

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Questions?

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