

# CITY OF WILLIAMSPORT, PA RESOLUTION

RESOLUTION # 9190

DATE 9-9-21

TITLE

## RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT BETWEEN ACCESSIBILITY CONSULTANT MARK DERRY OF EASTLAKE, DERRY & ASSOCIATES, LLC AND CITY OF WILLIAMSPORT

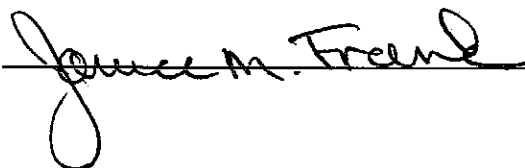
**WHEREAS**, the City of Williamsport is required by a Consent Decree to retain an accessibility consultant; and

**WHEREAS**, Mark Derry of Eastlake, Derry & Associates, LLC is qualified and certified to perform said duties; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Williamsport, Lycoming County, Pennsylvania, that the attached Agreement between the City of Williamsport and Eastlake, Derry & Associates, LLC is approved, and Mark Derry is appointed as the Accessibility Consultant at a rate of \$200.00 per hour, and,

**BE IT FURTHER RESOLVED**, the Mayor and City Controller are authorized to execute any documents necessary to effectuate the intent of this Resolution, and the City Clerk be authorized and directed to attest and seal same.

Approved

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
President



Eastlake, Derry & Associates, LLC  
737 Powell Ave., Morgantown, WV 26505  
304-685-3510  
[ADAmard@gmail.com](mailto:ADAmard@gmail.com) [www.adaderry.net](http://www.adaderry.net)  
Fed I.D. # 55-0785674

**Proposal – ADA Consulting Services**

Mayor Derek Slaughter  
City of Williamsport  
245 W. 4<sup>th</sup> Street  
Williamsport, PA 17701

Facility: City Hall and 3 additional buildings

August 26, 2021

Thank you for the opportunity to provide you with this Proposal per your recent request for accessibility review and consulting. I am pleased to provide you with this information on behalf of Eastlake, Derry & Associates, LLC (ED&A). We would be pleased to assist the City of Williamsport with a site visit and walkthru of the City Hall and 3 additional ancillary facilities we recently discussed located in Williamsport, PA, to be followed by a written site observation report, and follow-up technical assistance regarding the report.

We will use the 2010 ADA Accessibility Standards as referenced in the ADA Title III regulation 28 CFR 36, issued by the Department of Justice to evaluate accessibility for this project. The report will include suggestions for solutions, where appropriate, and will also include photos of the issues identified in our site visit but will not include costing of remediation. Reporting tables will be provided in MS Excel or MS Word format.

**Description of Services:**

**This Proposal is for providing an initial on-site survey assessment, followed by a site observation report and technical assistance on accessibility regarding the information in the report.**

On-site survey work will take place according to the previous scope and planning information gathered, and ED&A staff will remain available to participate in a wrap-up meeting with any interested parties following the assessment walk through of the facility. The remainder of the duties then move off-site.

Off-site report compilation will take place within 30 days of the site visit. ED&A will deliver an electronic copy of the site observation report with recommendations if any, complete ADA Services under this limited-scope Proposal/Agreement.

This proposal assumes a survey of all public areas, accessible walkway and parking site elements at City Hall, as well as additional site assessment for up to three buildings currently being used for city programs and services. This proposal is provided at an hourly rate of \$200.00, with travel billed door to door at half-time rate, plus approved expenses, which will be invoiced upon delivery of the report and due within 30 days of invoice date. A retainer deposit of \$1,000.00 is required to schedule the site visits and kick off the project. If all of this sounds agreeable to you, I would greatly appreciate your email confirmation with a pdf copy of this signed & accepted Proposal, sent to [adamard@gmail.com](mailto:adamard@gmail.com), so that I have something for the file confirming our agreements. Thank you.

*Mark E. Derry*  
Mark E. Derry, President  
Eastlake, Derry & Associates, LLC

Agreed to by: *Derek Slaughter, Mayor*  
Date: 09.10.2021

While there is currently no legal certification for accessibility review services under the ADA, our experience in providing interpretations of the ADA (and its implementing regulations) on behalf of the Federal Government has left us in a uniquely qualified position to be of service to you. However, we are not lawyers, and this review and accessibility guidance should not be considered legal advice or binding on Eastlake, Derry & Associates, LLC as such or in any way; but rather as a resource for ensuring/planning features within current and future facilities and projects that will enhance accessibility for individuals with disabilities.



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## FEE SCHEDULE

Accessibility Consulting /Surveying.....\$ 200.00 / Hour or Contract "Not to Exceed"  
Accessibility Testimony.....\$ 400.00 / Hour w/retainer  
Administrative Rate.....\$ 75.00 / Hour

Thank you for the opportunity to provide you with this rate schedule per your recent request for accessibility review and consulting. I am pleased to provide you with this information on behalf of Eastlake, Derry & Associates, LLC (ED&A), a family-owned business specializing in accessibility and universal design consulting and training.

This fee schedule is for ongoing consulting services to be provided by ED&A, which may include, on-site accessibility consulting/surveying services, inspection/investigation services and/or facility plan review, as well as development of training modules or additional project accessibility consulting upon request. We will use the ADA Standards for Accessible Design appended in the ADA Title III regulation 28 CFR 36, issued by the Department of Justice, to evaluate accessibility for these projects, as well as the applicable state-referenced building code accessibility standard, ICC/ANSI A117.1 where appropriate or requested by the client. A specific per-project Proposal is available upon request to further define scope and costs.

ED&A proposes to provide these services at the hourly rate referenced above, plus pre-approved travel expenses (i.e., mileage, parking, hotel, \$45./day meal per diem, copying). The hourly administrative rate for duties including transcription, and copying is \$75.00, and hourly rates are billed door-to-door. All account balances and approved expenses are invoiced monthly, and due within 30 days of invoice date. A deposit or retainer is generally required on each project Proposal.

While there is currently no legal certification by the Federal Government for accessibility review services under the ADA, our experience in providing interpretations of the ADA (and it's implementing regulations) since 1992 has left us in a uniquely qualified position to be of service to you. However, we are not lawyers, and this review and accessibility guidance should not be considered legal advice or binding on Eastlake, Derry & Associates, LLC as such or in any way; but rather as a resource for planning features within current and future projects that will enhance accessibility for individuals with disabilities.

*Mark E. Derry*

Mark E. Derry, President  
Eastlake, Derry & Associates, LLC

Revised 11/2020

# Eastlake, Derry & Associates, LLC

## *Statement of Qualifications*



**Eastlake, Derry & Associates, LLC**

737 Powell Avenue

Morgantown, WV 26505

304-296-3510

[ADAmarkD@aol.com](mailto:ADAmarkD@aol.com)

[www.adaderry.com](http://www.adaderry.com)



Eastlake, Derry & Associates, LLC is a family-owned corporation with offices in Morgantown, West Virginia, USA. The business was founded as a sole proprietorship in 1999, and later incorporated in 2001, as a result of the successful growth of our customer base. **The mission of ED&A is to provide services and consultation to business, government, and consumers to promote accessibility for people with disabilities, and equal access in all aspects of society.**

We offer various **training and seminar programs** to teach people about accessibility.

We have presented training programs and accessibility seminars in venues coast to coast and Hawaii, to groups numbering from 2 to 200 live, and in webcast format for over 1400 participants for a survey training presented on behalf of the National Council on Independent Living (NCIL).

We have performed **accessibility assessments** on millions of square feet of buildings, thousands of acres of facilities, and years of government programs, providing accessibility advice and help to facility managers, business owners, architects, building officials and many government entities over the years.

We provide **Universal Design and Home Modification advice** to consumers and contractors. If you are not within our immediate region we may have someone who can be of assistance through our network of consultants within the US.

We have the construction and design expertise to offer **practical, affordable, achievable solutions that benefit the customer and increase business.**

Our goals include acting as a **referral point** to various resources for publications and technical assistance and training available, and linking our customers to other resources for accessibility services we may not provide.

**We are people with disabilities, and an employer of people with disabilities. We have the personal perspective.**

Call us at 304-296-3510. See more about us and the services we offer at our web site: [www.adaderry.com](http://www.adaderry.com)



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## BIO – Mark Derry

Mark Derry is President of Eastlake, Derry and Associates, LLC. Since 1999, the firm has specialized in accessibility, universal design, and Americans with Disabilities Act (ADA) consulting and training. For two years prior to starting ED&A, Mark worked as a Technical Assistance Specialist and Trainer for the ADA Information Center for the Mid-Atlantic Region. ED&A has continued to provide technical assistance and training on behalf of the Center over the years, as well as receiving updates and training from various Federal agencies charged with enforcement of the ADA/ABA Accessibility Guidelines and the ADA.

Mark spends about a third of his time writing and delivering training on the ADA Accessibility Standards and teaching groups of architects, facility managers and advocates how to survey for accessibility. The rest of his time is spent reviewing blueprints for designers to help ensure accessibility in their projects, as well as surveying physical properties for accessibility, having assessed millions of square feet of facilities. He has written articles for several publications on the ADA and architectural access. As a below-knee amputee, the result of a motorcycle accident in 1983, Mark brings a personal perspective to the consulting and teaching he provides. As a solutions-based resource to corporate clients, Mark has assisted with project management for over a hundred million dollars in barrier removal projects at medical care facilities since 2007.

Mark has been appointed by three West Virginia Governors to the Statewide Independent Living Council (SILC), and has served as Chair of the Council. He is also a past Chairperson for the West Virginia ADA Coalition, and member of the WV Code Officials Association. He has served as a member of the Public Rights of Way Access Advisory Committee, and the Medical Diagnostic Equipment Access Advisory Committee for the U.S. Access Board. Since 1996 Mark has been an Affiliate ADA Trainer for the National Council on Independent Living (NCIL), and has served on the NCIL Governing Board from July 26, 2000 to 2016. As Chair of the NCIL ADA/Civil Rights Subcommittee, Mark presented testimony on rulemaking regarding accessibility regulations to the U.S. Department of Justice, and the U.S. Access Board.

Mark lives with his wife Jan Derry in West Virginia, USA. Jan is the Executive Director of the Northern West Virginia Center for Independent Living. Between them, they have six children, from 21 to 38 years old, and two grandchildren. His hobbies include restoring classic cars and motorcycles.

**Mark E. Derry**  
(304)296-3510

737 Powell Ave.  
Morgantown, WV 26505

**PROFILE:**

- < Extensive contract administration and architectural and communication accessibility design experience
- < Expert in laws relevant to civil rights of persons with disabilities, as well as building codes and standards for accessibility
- < Nationally-known Trainer, with the ability to effectively develop and deliver presentations
- < Strong commitment to the Americans with Disabilities Act (ADA), and Independent Living Philosophy

**EXPERIENCE:**

**Eastlake, Derry & Associates, LLC**  
737 Powell Avenue, Morgantown, WV 26505  
*President, 6/99 to present*

Mr. Derry is currently provides accessibility & ADA consulting and training services, including accessibility surveys and survey training for State and Local Governments, Public Accommodations, Fair Housing entities, Corporations, and advocates. Having provided accessibility plan review services for various architectural firms, his developing specialties have included Universities, and Medical Care Facilities. From 2002 thru 2005, Mark provided site surveys and proactive accessibility program development for Triad Hospitals with over 50 hospital campus facilities in the mid- and southwest, and the following year provided consulting to Radiologix, Inc., to provide accessibility advice and solutions for case settlement with the Department of Justice regarding multiple locations of Valley Radiology. Mark is currently engaged with Community Health Systems Professional Services Corporation on accessibility survey and remediation program for over 260 facilities throughout the U.S., as well as due diligence surveys of prospective facility acquisitions, and construction plan review. Other satisfied clients have included RadioShack Corporation, Zamias Property Management Services, the American Psychological Association, City of Bowie, MD, the WV Attorney General's Office, Wood County Airport, among many others. In 2001, Mark assessed the Johns Hopkins University Campus, in Baltimore, MD, with more than 60 buildings at 2.6 million square feet over 128 campus acres. In 2004, he completed an accessibility survey of Loyola College of Maryland in Baltimore, and most recently provided an access survey and consulting with Lock Haven University and Kutztown University in PA.

Provision of presentations and trainings on the Americans with Disabilities Act Titles II & III, the ADA Accessibility Guidelines and updates, Fair Housing / 504 accessibility, and disability awareness and sensitivity training. Past customers include the ADA National Network, the National Council on Independent Living (NCIL), the U.S. Department of Defense, Tennessee DOT, Cornell University, The Kennedy Center for the Performing Arts, AIA West Virginia, AIA Oklahoma, Oklahoma State University, Arkansas State University, the National Center on Accessibility, Penn State University, Triad Hospitals, and many (over 100) Centers for Independent Living nationally.

Mark is the past Vice President of NCIL thru 2016. In 1999-2000, Mark represented NCIL on the Public Rights of Way Access Advisory Committee for the Access Board, and more recently on the Medical & Diagnostic Equipment Advisory Committee. He has been a NCIL Affiliate Trainer since 1996, and has been serving as a member of the NCIL Board of Directors from July 26<sup>th</sup>, 2000 thru present. He served 15 years as Co-Chair of the NCIL ADA/Civil Rights Subcommittee, also having provided written and oral testimony to the Department of Justice regarding rulemaking on accessibility standards, and several settlement/consent agreements. Mark is a past Chair of the West Virginia Statewide Independent Living Council (SILC) by 3rd gubernatorial appointment; Past Chair, Ron Yost Personal Assistance Services (RYPAS) Board in West Virginia; and Past Chair of the West Virginia ADA Coalition.

## **National ADA Network**

### **ADA Center for the Mid-Atlantic Region (Federal Region 3)**

451 Hungerford Drive, Rockville, MD 20850-4151

*Technical Assistance Specialist*, 8/97 to 10/99 (1999 to present contract **Trainer**)

Provided telephone technical assistance to callers on the ADA hotline, and helped develop a tracking system for handling calls. Developed new curriculum directed at architects and building officials, and wrote articles for Center Newsletter "ADA in Focus", and articles for training ads and CIL newsletters.

I remain a contract Trainer, providing presentations on behalf of the ADA Center within Region III, including a multi-level ADAAG training utilizing accessibility survey techniques to teach the principles of accessibility.

## **Action Toward Independence, Inc.**

2927 Route 6, Slate Hill, NY 10973

*Program Manager / Architectural Barrier Consultant / ADA Coordinator*, 3/94 to 7/97

Responsible for initial setup of full-time Satellite Office, and for the management of Center operations, training and supervision of five full time staff and three volunteers. Developed architectural consulting services including: commercial site surveys, home evaluations to determine consumers' needs, project planning, and contract administration. Set up and organized a Resource Library for ADA and Assistive Technology at the Center. Developed and hosted monthly NPR radio call-in talk show called "Making Waves" to promote awareness and provide information on ADA and other issues effecting people with disabilities.

## **Ma-Mar Construction, Inc., Sparrowbush, NY**

*Owner*, 1983 to 1993

Owned and operated construction business specializing in residential home improvements and remodeling. Designed and built custom kitchens, bathrooms, and other projects utilizing up to three construction crews while managing marketing, sales, and bookkeeping operations.

## **Wright-Way, Inc., Garland, TX**

*Accessible Van Designer/Builder*, 1981-1983

Specialized in the design and construction of accessible van conversions. Installed wheelchair lifts, power doors, power seat systems, hand controls, raised roofs, and complete interiors to enable people with disabilities to drive.

**MILITARY SERVICE:** *United States Air Force, Honorably Discharged*

## **EDUCATION and TRAINING:**

U.S. Air Force, Denver, CO, **Technical Procurement**, 1976

U.S. Air Force, Whiteman AFB, MO, **Contract Administration** 1977

Bergen Community College, Paramus, NJ **Construction Estimating** 1986

Action Toward Independence, Slate Hill, NY **ADA/ADAAG Training (DREDF)** 1994

NCIL ADA-ILC National Training Project, **Advanced ADA Training (M.Golden)** 1996

ADA-Ohio Training Project, **EEOC/ADA Title I Advanced Training (R.Jones)** 1997

Department of Justice, **ADA Title II & III Advanced Training** 1998

NCIL/DOJ/DOT, **ADA & Transportation Training** 1998

BOCA International, **Accessibility Codes Training** 1998

Access Board (USATBCB), **Accessibility Guidelines Advanced Training** 1999

National Center on Accessibility (NCA), **Recreation Guidelines Training** 2000