



# MEMORANDUM

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**To:** Mayor and Members of the City Council

**From:** Montrè Freeman, City Manager  
Dwan Bell, Public Utilities Director  
Jon Hawley, Grants Administrator

**Date:** January 20, 2023

**Re:** Consideration - Proposal for Curb Ramp Retrofits

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***BACKGROUND:***

In the spring of 2019, the NC Department of Transportation, Office of Civil Rights, notified the City of Elizabeth City that it needed adopt a Transition Plan for furthering our compliance with the Americans with Disabilities Act; in part, such compliance is required for the City to receive federal highway funds. To comply with the ADA and better serve our citizens, City staff conducted an ADA self-assessment and developed an ADA Transition Plan. Finalized in 2021, the plan evaluated the City's pedestrian facilities, including sidewalks and curb ramps, and found many were not compliant with the ADA.

To address areas of noncompliance, Public Utilities has developed a master list of sidewalk and curb ramps to be brought into ADA compliance; these projects will be done incrementally from now until 2040.

Fortunately, to help the City get started on this extensive work, the General Assembly has appropriated \$250,000 through Senate Bill 105 (SL2021-180) for sidewalk improvements. This appropriation is being administered through the Office of State Budget and Management, and City staff have identified a potential use of funds.

***ANALYSIS:***

Following the ADA Transition Plan, the City has identified more than 300 curb ramps in need of retrofits to bring them into compliance. These are ramps with relatively minor defects that can easily be brought into ADA compliance. For expediency and simplicity, City staff are proposing to "piggyback" on an existing NCDOT contract for identical work, meaning we would simply hire their contractor under similar terms and pricing without a need for a separate procurement/bidding. NC General Statute 143-129(e)(9) allows for a unit of local government to make purchases "from contracts established by the State or any agency of the State, if the contractor is willing to extend the political subdivision of

the State the same or more favorable prices, terms, and conditions as established in the State contract.” That means that piggybacking, in addition to streamlining procurement, would also ensure against any price increases since NCDOT’s project went out for bids.

NCDOT has recently awarded a contract to Eastern Earthscapes and Construction, of Stantonsburg, NC, for curb ramp installation and retrofits in Pasquotank and surrounding counties. (More information on their award is available [here](#).) Eastern Earthscapes and NCDOT are amenable to us piggybacking on their contract. In City staff’s conversation with the company, they have estimated they can retrofit at least 70 curb ramps for us, but we are awaiting their final price estimates as of this memo’s writing. (Again, per statute, they must offer terms equal or better than NCDOT’s for piggybacking to proceed.) City staff have enclosed our master list of curb ramps to be retrofitted; Eastern Earthscape would proceed down this list only as far as our state appropriation allows. No local matching funds are required or proposed.

City staff request tentative Council authorization to pursue piggybacking on NCDOT’s contract to Eastern Earthscapes; this memo does not request a final award of contract. If our approach is acceptable, we will present our scope of work to OSBM. With the agency’s approval and the Council’s acceptance of final grant documents, we would then return to the City Council to propose a formal contract with Eastern Earthscapes.

***STAFF RECOMMENDATION:***

By motion, authorize City staff to finalize a curb ramp retrofit project, to be funded through the City’s appropriation of \$250,000 through SL2021-180, and to pursue piggybacking on NCDOT’s contract with Eastern Earthscapes, as described above.