



# **Transportation Penny Advisory Committee Meeting**

**Monday, August 22, 2016 at 5:30 PM**

**4<sup>th</sup> Floor Conference Room**

**2020 Hampton Street, Columbia SC 29202**

## **Agenda**

- 1. Call to Order:** Hayes Mizell, Chairman
- 2. Citizen's Input**

## **Information Items**

- 3. Update on Council Actions**
- 4. Audit Updates**
- 5. Small Local Business Enterprise Program:** Program update
- 6. The Comet:** Program update
- 7. PDT:** Program update
- 8. Transportation Department:** Program update

## **Action Items**

- 9. Approval of Minutes:** July 25, 2016
- 10. TPAC Staff Position:** Position Description
- 11. Other Business**
- 12. Adjourn**
- 13. Next Scheduled Meeting:** September 26, 2016 – 2020 Hampton Street



### 3. Update on Council Actions

**Discussion Point:**

Council has not met since the last regularly scheduled TPAC meeting, and as such has taken no action on Richland Penny items.



## 4. Audit Updates

### Discussion Point:

Included in your agenda you will find Judge Cooper's ruling in the litigation between the County, Richland PDT and The S.C. Department of Revenue.

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2016CP4003102

Richland County South Carolina

South Carolina Department Of Revenue

CMRTA

Richard Reames III

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: \_\_\_\_\_

Attorney for :  Plaintiff  Defendant or  Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. No. suit);  Rule 43(k), SCRPC (Settled);  Other \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  Affirmed;  Reversed;  Remanded;  Other \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge \_\_\_\_\_ Judge Code 2126 Date \_\_\_\_\_

For Clerk of Court Office Use Only

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 17 day of August, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Benjamin Edward Nicholson V  
Mary Elizabeth (Liz) Crum  
Larry Cornell Smith

Ray Nelson Stevens  
Ray E. Jones

James Emerson Smith Jr.  
Elizabeth Van Doren Gray  
Robert T. Strickland

Milton Gary Kimpson  
Tara C. Sullivan

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court Jeanette White

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
Richland County, South Carolina, )  
Plaintiff, )  
Central Midlands Regional Transit Authority, )  
Intervenor Plaintiff, )  
v. )  
The South Carolina Department of Revenue, )  
and Rick Reames, III in his official capacity as )  
its Director, )  
Defendants/Third Party )  
Plaintiff, )  
v. )  
Richland PDT, a joint venture consisting of )  
M.B. Kahn Construction Co., Inc., ICA )  
Engineering, Inc., and Brownstone )  
Construction Group, LLC, as a unit and )  
individually, )  
Third-Party Defendants. )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO.: 2016-CP-40-3102

**ORDER GRANTING THIRD-PARTY  
DEFENDANTS' MOTIONS TO DISMISS  
THE THIRD-PARTY COMPLAINT**

RICHLAND COUNTY  
FILED  
2016 AUG 16 PM 4:11  
JEANETTE H. McBRIDE  
C.C.P. & G.S.

This matter comes before the Court by way of four (4) Motions to Dismiss, pursuant to Rules 12(b)(6), and 9(b), SCRCF, filed by Third-Party Defendants Richland PDT, M.B. Kahn Construction Co., Inc., ICA Engineering, Inc., and Brownstone Construction Group, LLC.<sup>1</sup> The Court held a hearing on these motions on August 4, 2016. Keith M. Babcock, Esquire, and David L. Paavola, Esquire, appeared for Richland PDT. Robert T. Strickland, Esquire, and Catherine Ava Kopiec, Esquire, appeared for M. B. Kahn Construction Co., Inc. Erik T. Norton, Esquire,

<sup>1</sup> Richland County, Plaintiff, also filed a motion to dismiss that is addressed in a separate Order.

appeared for ICA Engineering, Inc. John Julius Pringle, Jr., Esquire, and Kirby D. Shealy, III, Esquire, appeared for Brownstone Construction Group, LLC. James E. Smith, Jr., Esquire, Milton G. Kimpson, Esquire, Dana R. Krajack, Esquire, and Lauren Acquaviva, Esquire, appeared for the South Carolina Department of Revenue and Rick Reames, III in his official capacity as its Director (collectively referred to as “SCDOR”).

For the reasons set forth below, I GRANT Third-Party Defendants’ Motions to Dismiss because I find that SCDOR lacks standing to pursue a third-party complaint against Richland PDT or its individual members—M.B. Kahn Construction Co., Inc., ICA Engineering, Inc., and Brownstone Construction Group, LLC (collectively “PDT Members”).<sup>2</sup> As alternative grounds, SCDOR’s third-party complaint is dismissed for the following reasons: (1) SCDOR’s third-party complaint is improper under Rule 14, SCRCP; (2) SCDOR’s third-party complaint does not allege any wrongdoing by the PDT Members in their individual capacities.

## LAW/ANALYSIS

### **I. SCDOR Does Not Have Standing to Proceed Against the Private Parties in this Action.**

In order for SCDOR to institute and maintain a lawsuit against Richland PDT and the PDT Members, it must demonstrate that it has the legal standing to do so. *South Carolina Pub. Interest Found. v. South Carolina Dep’t of Transp.*, 412 S.C. 18, 24, 770 S.E.2d 399, 402 (Ct. App. 2015). Standing is the fundamental legal requirement that a party bringing a lawsuit must have a personal stake in the subject matter of the lawsuit, *id.*, also known as being the real party in interest. “A real party in interest is one with a real, material, or substantial interest.” *Baird v. Charleston Cnty.*, 333 S.C. 519, 530, 511 S.E.2d 69, 75 (1999). SCDOR has the burden of proving that it has

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<sup>2</sup> The PDT Members have joined Richland PDT’s Motion to Dismiss in full. As such, this Order addresses all four (4) motions together except where specifically noted.

standing to bring this lawsuit. *South Carolina Pub. Interest Found. v. South Carolina Transp. Infrastructure Bank*, 403 S.C. 640, 645, 744 S.E.2d 521, 524 (2013).

In reviewing a motion to dismiss, this Court considers “only the allegations set forth on the face of the plaintiff’s complaint.” *Plyler v. Burns*, 373 S.C. 637, 645, 647 S.E.2d 188, 192 (2007) (citation omitted). Richland PDT is a joint venture of the three PDT Members. Richland PDT is a private entity formed for the purpose of contracting with Richland County to perform program development and program management services for Richland County’s transportation improvement program (“Transportation Penny Program”). Richland PDT was awarded a contract with Richland County pursuant to Richland County’s designated penny sales tax procurement process. SCDOR does not allege any facts showing a relationship between it and Richland PDT, or between it and the PDT Members.

SCDOR’s third-party complaint against Richland PDT and the PDT Members is based entirely on contractual representations made by Richland PDT to Richland County. While SCDOR asserts that in entering the contract with Richland County, Richland PDT made certain representations to SCDOR, I find no factual or legal support for this conclusion from the allegations in the third-party complaint. The absence of any allegation concerning a direct connection between Richland PDT’s contractual representations to Richland County and SCDOR is fatal to SCDOR’s attempt to maintain a lawsuit against Richland PDT and the PDT Members. Richland County is the proper party to enforce the contractual obligations owed to it by Richland PDT, not SCDOR.

During the hearing on this matter, SCDOR argued that Richland PDT owes a duty directly to SCDOR because Richland PDT is paid with, or is expending, public funds pursuant to its contract with Richland County. Standing premised on this basis alone could conceivably extend

GC 3

to any private entity contracting with any public entity in South Carolina. SCDOR has provided no authority, and this Court has found none, that would grant SCDOR such expansive oversight over the expenditure of public funds.

Additionally, while this Court has ruled that SCDOR has standing as against Richland County based upon a “special interest” in Richland County’s use of the Penny Tax Revenue,<sup>3</sup> I find that this special interest does not extend to private entities contracting with Richland County. This Court has also ruled that the public importance exception gives SCDOR standing concerning the limited purpose of the resolution of the unique issues concerning Richland County raised by this case.<sup>4</sup> I find that the public importance exception does not grant standing to SCDOR to sue a private entity (or its members) based solely on the private entity’s contract with a separate public body.

SCDOR has failed to allege the existence of a relationship between it and Richland PDT or the PDT Members from which could arise a legal duty necessary to maintain tort causes of action. Accordingly, SCDOR does not have standing to maintain a third-party complaint against Richland PDT or the PDT Members.

**II. Richland PDT and the PDT Members Are Not Proper Third-Party Defendants Under Rule 14, SCRPC.**

Richland PDT and the PDT Members are not properly named third-party defendants in this action. Rule 14, SCRPC, permits the defendant (SCDOR) as a third-party plaintiff to “cause a summons and complaint to be served upon a person not a party to the action who is or may be liable to him for all or part of the plaintiff’s claim against him.” SCDOR has not alleged that

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<sup>3</sup> Order Granting Plaintiff’s Petition for Writ of Mandamus, Denying Plaintiff’s Motion for Temporary Injunction, and Denying Defendants’ Motion for Injunction and in the Alternative Appointment of Receiver 14 (August 2, 2016).

<sup>4</sup> *Id.* at 15.



Richland PDT would be liable to SCDOR if SCDOR is ultimately liable to Richland County. *First Gen. Servs. Of Charleston, Inc. v. ServiceMaster, Inc.*, 314 S.C. 439, 442, 445 S.E.2d 446, 447 (1994) (“Under Rule 14, the third-party plaintiff must have a substantive claim against the third-party defendant founded upon derivative liability.”). Accordingly, dismissal of the third-party complaint against Richland PDT and the PDT Members is alternatively granted on this basis.

### III. CONCLUSION

#### ACCORDINGLY, THIS COURT FINDS:

1. SCDOR does not have standing to institute and maintain a lawsuit against Richland PDT or the PDT Members.
2. Richland PDT and PDT Members are improper third-party defendants in this action under Rule 14, SCRPC.

#### THEREFORE,

Richland PDT's and the PDT Members' motions to dismiss are **GRANTED**.

#### AND IT IS SO ORDERED.



Judge G. Thomas Cooper, Jr.  
Fifth Judicial Circuit

August 16, 2016  
Columbia, South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2016CP4003102

Richland County South Carolina

South Carolina Department Of Revenue

CMRTA

Richard Reames III

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: \_\_\_\_\_

Attorney for :  Plaintiff  Defendant or  Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. 2 suit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court

ORDER INFORMATION

This order  ends  does not end the case.  
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Circuit Court Judge \_\_\_\_\_ Judge Code 2126 Date \_\_\_\_\_

For Clerk of Court Office Use Only

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 18 day of August, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

- |                             |                    |                          |                     |
|-----------------------------|--------------------|--------------------------|---------------------|
| Benjamin Edward Nicholson V | Ray Nelson Stevens | James Emerson Smith Jr.  | Milton Gary Kimpson |
| Mary Elizabeth (Liz) Crum   | Ray E. Jones       | Elizabeth Van Doren Gray | Tara C. Sullivan    |
| Larry Cornell Smith         |                    | Robert T. Strickland     |                     |

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court Jeanette Williams

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

Richland County, South Carolina, )  
 )  
Plaintiff, )

Civil Action No. 2016-CP-40-3102

v. )

The South Carolina Department of )  
Revenue and Rick Reames, III, in his )  
official capacity as its Director, )

Defendants. )

**ORDER DENYING PLAINTIFF  
RICHLAND COUNTY'S  
MOTION TO DISMISS COUNTERCLAIMS**

RICHLAND COUNTY  
FILED  
2016 AUG 17 PM 2:27  
JENNIFER L. DENISE  
CLERK OF COURT  
S.C.

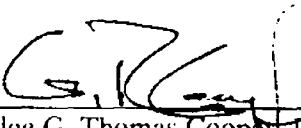
This matter is before this Court on Richland County's Motion to Dismiss Counterclaims of the South Carolina Department of Revenue ("DOR") and Rick Reames, III dated July 20, 2016. A hearing was held with all counsel of record present on August 4, 2016. After a review of the pleadings, the motion, the written submissions by the parties, and the oral arguments of counsel, this Court denies the Plaintiff's Motion to Dismiss for the reasons discussed below.

"In deciding a motion to dismiss pursuant to 12(b)(6), SCRCP, the trial court should consider only the allegations set forth on the face of the plaintiff's complaint." *Plyler v. Burns*, 373 S.C. 637, 645 (citing *Stiles v. Onorato*, 318 S.C. 297, 300 (1995)). "A 12(b)(6) motion should not be granted if 'facts alleged and inferences reasonably deducible therefrom would entitle the plaintiff to any relief on any theory of the case.'" *Id.* "The question is whether, in the light most favorable to the plaintiff, and with every doubt resolved in his behalf, the complaint states any valid claim for relief." *Id.* (citing *Toussaint v. Ham*, 292 S.C. 415, 416 (1987)). "A motion to dismiss under Rule 12(b)(6) should not be granted if facts alleged and inferences reasonably

deducible therefrom would entitle the plaintiff to relief on any theory of the case." *Plateau v. Harrelson*, 355 S.C. 197, 202, 584 S.E.2d 413, 415 (Ct. App. 2003).

After careful and thorough consideration of the record and arguments of counsel, the Court finds that Defendants' Counterclaims, when taken in the light most favorable to Defendants, properly states claims for relief under South Carolina law. It is therefore **ORDERED** that the Plaintiff's Motion to Dismiss Counterclaims is hereby **DENIED**.

**AND IT IS SO ORDERED.**

  
\_\_\_\_\_  
Judge G. Thomas Cooper, Jr.  
Fifth Judicial Circuit

August 7, 2016

Columbia, South Carolina



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# ADMINISTRATOR'S REPORT



Office of the  
**COUNTY ADMINISTRATOR**  
GERALD SEALS, Interim County Administrator  
Richland County, South Carolina

*"The mission of the government of Richland County, South Carolina, is to provide essential services, efficiently and effectively, in order to improve the quality of life for its citizens. Richland County Government shall be accessible to all and shall provide cordial, responsible assistance and information in a prompt, equitable, and fair manner. This mission shall be achieved with minimal bureaucracy, with integrity, and within the parameters and power set forth in applicable federal, state, and local laws."*

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Vol. 1, Issue 3

August 12, 2016

## STATUS REPORT: PROJECTS

**Lower Richland Sewer Project:** The Rural Infrastructure Authority (RIA) rescinded its \$350,000 grant award to the County due to project delays. RIA informed the County that it will reconsider the County's request for funding once the project is ready to proceed. Staff will continue to communicate with RIA regarding this project as well as other opportunities for funding. Richland County will continue to coordinate with DHEC regarding the Administrative Law Court (ALC) hearing to defend DHEC's issuance of the Lower Richland Sewer permit. County staff will inform Council of the hearing date once set by the ALC.

## DAY-TO-DAY OPERATIONS

**Wastewater Treatment Plant:** County staff is working on short-term and long-term plans to correct maintenance and other issues with the Broad River Regional wastewater treatment facility. The system is currently operating at its designed efficiency, which was compromised due to a failing ultraviolet light disinfection system over the last week. All possible efforts are underway to ensure that the system functions properly.

The facility, which serves citizens in the Northwest area of the County, discharges into the Broad River about five miles upstream of the City of Columbia's surface water intake for the Canal Water Treatment plant. The eight-year-old system was built without a redundancy, or backup system, to retreat effluent if needed. As a result, malfunctions at the facility – including a failure of the ultraviolet light disinfection system – led to an incident of wastewater being discharged without being treated appropriately. DHEC was on site this week and is aware of the situation.

A consultant, who was brought in to make the necessary corrections, is developing a short-term corrective measure to include a backup disinfection system. County staff is exploring funding options for a mid-term corrective measure that could cost more than \$500,000 and a long-term solution, which would include retrofitting the entire system.

**SCAC Legislative Policy Development Process:** County staff submitted the County's legislative positions to the SC Association of Counties (SCAC) on August 8, 2016 as a response to its request for input from Counties on legislative policy issues that should be considered by SCAC's Legislative Committee and Policy Steering Committees. A copy of the County's submission is attached, and includes the input received from Council.

**Federal Legislative Activity Report:** The County's federal lobbyist submitted the federal legislative activity report for July 2016, providing updates on the following items: the Low or No-Emission (Low-No) Bus Competitive Grant Program; the TIGER Grant Program and the monitoring of House and Senate appropriation bills. The complete report is attached.

**2016 Storm Water Annual Report:** As part of the County's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit requirements, the County's Storm Water Division submits an annual NPDES report on the storm water-related activities completed by the County to the SC Department of Health and Environmental Control (SCDHEC). The County's Storm Water Division administers the vast majority of the implementation of the NPDES MS4 permit which was re-issued on July 1, 2016.

The storm water-related activities are conducted by multiple County departments, including Utilities, Solid Waste, Building Inspections, Development Services and the Soil and Water Conservation District. The County's Utilities Department submitted its data relative to its activities for the period of June 11, 2015-July 30, 2016 on August 8, 2016. The data provided by the Utilities Department details current and future actions being taken by the County's Utilities Department to meet the permit requirements related to limiting sanitary sewer and septic seepage and municipal facility maintenance. The data includes information on the following items: The number of Sanitary Sewer Overflows (SSO); Plans, Studies, Evaluations and Rehabilitations; Identification/Correction of Sewer Cross Connections; Rehabilitation and Inspection of Sewer Lines and Manholes; Future and Long Term Plan; Septic Elimination Program; Infiltration & Inflow; Wastewater Treatment Plant SWPPPs; Measures To Improve Operations Standards; Ordinances Violations; Public Education and Outreach Activities; and Storm Water Actions.

The complete data report provided by the County's Utilities Department is attached and will be included in the annual Storm Water Report that will be submitted to SCDHEC the for the County's NPDES MS4 permit.

**Financial Software:** The Finance and Information Technology departments are working to upgrade the County's financial software from IFAS to a new program, ONE Solution. The launch date for ONE Solution is October 24, 2016. The Finance department is currently performing testing for the upgrade.

**Debt Setoff Program:** The Finance Department's Accounts Receivable unit will participate this calendar year in the Debt Setoff program for the first time. The program, run by the South Carolina Association of Counties (SCAC), will allow the County to collect payment for past due invoices from individual state tax refunds for services provided by the County. SCAC will submit the collection data to the SC Department of Revenue to be processed accordingly.

**EMS Award:** The County's Emergency Services Department (EMS) received the Gold Award from Mission Lifeline and the American Heart Association. EMS achieved the recognition by having a 75 percent or higher adherence for 24 months to all Mission Lifeline EMS quality measures to improve the quality of care for STEMI patients. STEMI patients are those that have ST segments that are elevated in their EKG which indicates the patient is having an MI (Myocardial Infarction – Heart Attack). Having the correct equipment and training allows EMS to rapidly identify a STEMI patient, promptly notify the hospital and trigger an early response from the hospital team, and transport the patient providing lifesaving treatment. This increases the chance of survival for the patient. The Gold Award follows Richland County's Silver Award presented last year for 12 months of service under the program criteria and indicates a continuing effort to provide the best pre-hospital care possible.

**Cybersecurity:** Between August 3 and August 9, Richland County received 181,585 emails. Only 46,515 were deemed safe enough to deliver normally. In this date range, we also had 408,406 attempts to breach the County's firewalls, one of which was considered very serious.

**Wellness Program Award:** Richland County Human Resources Department received a Cigna Well-Being honorable mention award for its commitment to improving the health and wellness of employees through

workplace programs. Cigna, Richland County's healthcare provider, honored the County last year with its top award.

**Body Cameras:** Given national and local concerns, the County Administrator has directed finalization of a plan to secure body cameras for the Richland County Sheriff's Department. Next week's Administrator's Report will include the final funding and implementation plan.

## COUNCIL REQUESTS (NON-OMBUDSMAN)

### TRANSPORTATION PENNY

#### Public Involvement:

Project Specific: A Public Information Meeting for the Bluff Road Widening Phase 2 project is tentatively set for September 8, 2016.

General: The following Community Outreach Meetings have either occurred or will be scheduled: Coalition of Downtown Neighborhoods on August 5, 2016; Society of American Military Engineers on August 9, 2016; United Way of Midlands/Partner Agency CEO's Association on August 7, 2016; and Spring Valley Rotary Club on September 29, 2016.

#### Transportation Project Updates:

- **Right of Way Acquisitions:** The following projects are programmed to begin acquisitions this quarter: Atlas Road Widening; Clemson Road Widening; Clemson Road and Sparkleberry Lane Intersection advanced acquisition; and School House Road Sidewalk.
- **Planned Project Construction and Groundbreakings:**  
The following projects are anticipated to start construction in the next 60 days: Hardscrabble Road Widening; Kennerly Road and Coogler Road Intersection Improvement; Senate Street Sidewalk; Franklin Street Sidewalk; Jefferson Street Sidewalk; and Resurfacing Package H. Construction on the North Main Street Widening project should begin in the fall if bids are favorable.

The following projects have planned groundbreaking events in the next 60 days: Kennerly Road and Coogler Road Intersection Improvement on September 15, 2016 and the Hardscrabble Road Widening Project which is being coordinated with SCDOT.

Construction began on North Springs Road and Risdon Way Intersection Improvement on August 8, 2016.

- **Planned Project Completions/Ribbon Cuttings:**  
The following projects are anticipated to complete construction in the next 60 days: Greene Street Phase 1; Riverbanks Zoo Pedestrian Bridge; Maple Street Sidewalk.

The following projects have proposed ribbon cuttings in the next 60 days: Greene Street Phase 1 in October and Riverbanks Zoo Pedestrian Bridge on September 7, 2016.

## PLEASE MARK YOUR CALENDARS

**Council Priority Setting Session:** Thursday, September 15 and Friday, September 16. Times and location will be forwarded to Council once confirmed.





**OFFICE OF SMALL BUSINESS**

July 25 – August 22, 2016

**1. Office Overview**

- SLBE “Estimating and SC DOT Specifications” training course was cancelled due to low registration, low interest, and five of the six scheduled Fall Session courses have been cancelled
- Attended training at the State Fiscal Accountability Authority on August 11
- The recertification and expansion components of the B2GNow Certification module have been fully activated, we are actively working with the configuration team to improve the process
- SLBE Compliance Responsibilities Form has been revised which should be in the B2GNow system by the end of August
- The two-year renewal process has begun for twenty-one of the eighty-seven SLBE firms currently certified; we are currently awaiting the approval of the size standard revisions to move forward with processing
- Weekly conference call with B2GNow representatives regarding reconfiguration updates on various modules, training, and evaluation of best practices in uses of the system
- Selected and began the implementation process for the “Utilization Plan” module in B2GNow; this will allow the lowest responsive and responsible bidder to input their SLBE/DBE utilization plans prior to award for our office’s evaluation and approval
- The Procurement Vendor Registration form is awaiting final approval from the Procurement staff for the input into B2GNow for vendors to use

**2. SLBE Certification Program Overview**

A) SLBE Firms by Industry Category

Primary Industry Category	Total Firms	Percentage
Construction Services	42	48.28%
Professional Services	26	29.89%
Non-Professional Services	3	3.45%
Engineering Services	10	11.49%
Architectural Services	5	5.75%
Wholesale Operations	1	1.15%
<b>Total</b>	<b>87</b>	

B) Gender & Ethnicity of SLBE Firms

Ethnicity	SLBE Firms
African American	56 (64.37%)
Asian	2 (2.30%)
Caucasian	28 (32.18%)
Hispanic	1 (1.15%)

Gender	SLBE Firms
Male	59 (67.82%)
Female	28 (32.18%)

**3. SLBE Contract Participation**

- Of the \$45,015,566.45 payments made on Penny Tax funded projects, \$13,757,158.60 has been paid to firms that are solely SLBE certified; \$1,736,717.29 has been paid to firms that are solely DBE certified; additionally, \$1,390,475.60 was paid to firms that are both SLBE and DBE certified. The chart below shows the total SLBE and DBE payments when the aforementioned amount is added to each of the individual SLBE and DBE paid to date amounts

	Including Payments to Firms both SLBE & DBE Certified	Percentage of Total
Payments to SLBE Certified Contractors	\$15,147,633.00	33.65%
Payments to DBE Certified Contractors	\$3,127,192.80	6.95%

- \$80,634,311.38 in Penny Tax Funds over thirty (30) contracts/service orders are currently being tracked by the OSBO in the B2GNow Compliance Management System. Twenty-two (22) of the contracts are currently open and are actively monitored for payment and utilization compliance

- Of the five On-Call Engineering Team (OET) contracts, four are currently projected to meet their overall SLBE goal with existing issued task orders



## 6. The Comet: Program Update

### Discussion Point:

Representatives from the Comet are in attendance to provide a program update.



## 7. PDT: Program Update

### Discussion Point:

Representatives from the PDT are in attendance to provide a program update.

### Design

- Atlas Road Widening – 70% Complete Plans will be finalized in August/September allowing R/W acquisition to begin.
- Clemson Road Widening – 70% Complete Plans have been finalized and SCDOT has issued R/W authorization. R/W activities have begun.
- Bluff Road Widening Phase 2 – 65% Complete Plans scheduled for late August/Early September. A second public meeting has been scheduled for September 8, 2016 from 5-7.
- Pineview Road Widening – 65% Complete Plans scheduled to be delivered for PDT review late September.
- Greene Street Phase 2 – 65% Complete Plans will be finalized in early September.

### Procurement

- Hardscrabble Road Widening – SCDOT has awarded to Palmetto Corporation in the amount of \$56.4 million. Construction activities should begin late October/early November and be completed in Fall of 2019.
- Resurfacing Package H – Contracted executed. Work anticipated to begin Fall 2016.
- North Main Street – Bids received on August 3, 2016. County and PDT currently coordinating review of bid documents with SCDOT and FHWA.
- Senate Street Sidewalk – Bid opening is on August 24, 2016.
- Bluff Road Widening Phase 1 – Bid opening is on September 7, 2016.
- Shop Road Ext. Phase 1 – Bid opening is on September 14, 2016.
- 3 Rivers Greenway – Plan to advertise in September/October.
- Resurfacing Packages I, J, K, L – Plan to advertise in September/October.

### Construction

- Greene Street Phase 1 – Lincoln Street opened to traffic. Project scheduled for completion in September.
- Riverbanks Zoo Pedestrian Bridge – Ribbon cutting scheduled for September 7, 2016 at 9:00 am.
- N. Springs/Risdon Intersection – Project scheduled for completion in late October.
- Farrow/Pisgah Intersection – Project scheduled to begin in September/November.
- Kennerly/Coogler Intersection – Project scheduled to begin in late August. Groundbreaking scheduled for September 15, 2016 at 10:00 am.



## 8. Transportation Department: Program Update

### Discussion Point:

TPAC was emailed the July Progress Report. In addition, here are a few highlights:

### Completed Projects in last 30 days

- Maple Street Sidewalk Project
- Mildred Street Sidewalk Project
- Wiley Street Sidewalk
- Broad River/Rushmore Intersection Improvement Project

### Partnering Opportunities

- Percival Road Sidewalk Project: This project is being presented to the County Transportation Committee (CTC) August 30th in the hopes the CTC will provide matching funds for this project. The Richland Penny Program includes \$700,000 towards this project with limits from Forest Drive to Decker Boulevard.



## 9. Approval of Minutes: July 25, 2016

### Discussion Point:

TPAC did not have a quorum, and as such there are no minutes to approve for the July 25, 2016 meeting.