



DIRT ROAD AD HOC COMMITTEE
November 14, 2017 – 3:00 PM
4th Floor Conference Room
2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Norman Jackson, Chair and Bill Malinowski

OTHERS PRESENT: Tony Edwards, Roger Sears, Shawn Salley, Jamelle Ellis, Angela McCallum, and Michelle Onley

CALL TO ORDER – Mr. N. Jackson called the meeting to order at approximately 3:00 p.m.

APPROVAL OF MINUTES

October 24, 2017 – Mr. Malinowski moved, seconded by Mr. N. Jackson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA – Mr. Malinowski moved, seconded by Mr. N. Jackson to adopt the agenda as published.

Mr. Malinowski stated Ms. Myers made a motion at the last meeting to receive a legal opinion in regards to the ongoing litigation with Dennis Corporation and the impact on the completion of the 40 remaining roads and to provide alternatives for the citizens' roads. He did not think the motion fit into any of the items listed on the agenda, as it would have been an Executive Session item.

Mr. N. Jackson stated this item will be brought forward at a subsequent meeting.

Mr. Malinowski also noted for the record that Mr. Edwards is to follow-up and verify that all the dirt roads are on the Penny paving list.

The vote in favor was unanimous.

STAFF RECOMMENDATION: Moving Forward with OET Contracts – Mr. Edwards stated staff plans to assign 10 roads to each OET. They are moving forward with the process.

Mr. N. Jackson inquired about how long the process will take.

Mr. Edwards stated it is not a short process, but it will be considerably shorter than advertising and hiring another dirt road paving team. He believes the process should be completed before the end of the year.

SHELTERED MARKET RECOMMENDATION: Dirt Road Contracts – Mr. Edwards stated there are weekly meetings with the OSBO and there are discussions regarding the Sheltered Market Program.

Mr. N. Jackson stated the Transportation Department needs to let us know if they have enough roads to use the sheltered market process. If there are only so many roads and we do not have enough companies to do the work, the sheltered market can help move the process forward.

Mr. Edwards inquired if Mr. N. Jackson was referring to the sheltered market in relation to construction. He stated thus far they had only been utilizing the sheltered market process for construction.

Mr. N. Jackson inquired if the sheltered market process could also be used for design.

Mr. Edwards stated that is the part of the discussion that has been missing. What they decided to do with the design of the dirt roads was to use the OETs so more work can get to the SLBEs.

Mr. N. Jackson inquired about how many dirt roads the County has.

Mr. Sears stated there are approximately 40 roads in years 1 & 2 and an additional 100 roads in years 3 & 4.

Mr. Malinowski inquired if that included the 40 roads that are on hold due to litigation.

Mr. Sears stated that is the 40 roads he his referring to.

Mr. N. Jackson inquired about what year we are working on.

Mr. Edwards stated we are still working through years 1 & 2.

Mr. N. Jackson inquired about what year of the program we are on.

Mr. Edwards stated we are on the 3rd year.

Mr. N. Jackson stated what he is trying to find out is whether we can use the sheltered market to move it forward. He stated his concern is that we have these completed projects in the City of Columbia and USC. The dirt roads, which do not have to follow SCDOT standards, are behind. To catch up, if we can use sheltered market, so the citizens in the unincorporated area can see progress.

Mr. Edwards stated the sheltered market program is based upon a dollar amount, so we can develop potential contracts to stay under those amounts.

RECOMMENDATION: Additional Dirt Roads – Mr. N. Jackson stated this was already discussed and will be a part of the Sheltered Market Program discussion.

RECOMMENDATION: Changes to OETs – Mr. Edwards stated there were no changed recommended at this time.

STAFF RECOMMENDATION: Timely Payment of Subcontractors – Mr. N. Jackson inquired about what is being done to ensure the subcontractors are paid in a timely manner.

Mr. Edwards stated outside of the “prompt payment” portion of the contract he is not sure what else we could do to hold the prime to paying the subs in a timely manner.

Ms. McCallum stated the OSBO Office is working to gather information to get a good understanding of what is going on and where the disconnect is.

Mr. N. Jackson stated it is his understanding there was a situation with Dennis Corporation which led to them being suspended or removed from the County’s list.

The Transportation Department is not working with the Dennis Corporation, but Mr. Edwards is not sure if the County overall has ceased business with them. That would be a question for the Procurement Department.

Mr. N. Jackson inquired if Dennis Corporation is still working on the dirt roads.

Mr. Edwards stated Dennis Corporation's contract expired.

Mr. N. Jackson stated one of the concerns is that some of the subs that worked with the Dennis Corporation have not been paid.

Mr. Edwards stated Dennis Corporation submitted two (2) more invoices after the contract expired. Those invoices are held up in litigation.

Mr. Malinowski stated there was a list of roads to be assigned to the OETs that was included in the document provided by the Transportation Department. He inquired if these are the first roads being done.

Mr. Edwards stated the roads listed are for years 3 and 4.

Mr. Malinowski requested a list of the roads for years 1 and 2, which show the roads that were done and those not done so far.

*The committee went into Executive Session at approximately 3:15 p.m.
and came out at approximately 3:22 p.m.*

Mr. Malinowski moved, seconded by Mr. N. Jackson, to direct the Transportation Director and his staff to contact the Richland County Legal Department to determine what, if anything, Richland County can do to get the subcontractors paid for work they have done for, and with, the Dennis Corporation. Mr. Malinowski stated there is documentation by the Dennis Corporation saying Richland County has not paid them yet and we do not know if that is a statement for the entire payment or a partial payment. If there are still monies owed to the Dennis Corporation by the County we could possibly use those funds to pay directly to the subs. The vote in favor was unanimous.

Mr. N. Jackson stated there should be some follow-up answers at the OSBO meeting on Thursday, November 16th.

Mr. Tony Mizzell stated the subcontractors met with Administration in July. Administration indicated the contracts were going out to the OETs, but they were going to have a kick-off meeting and invite the subs that were not at fault to see how they could participate. The meeting has never happened. He has personally reached out to several OETs and have not gotten a return calls. He stated it would be nice if the County could follow through on their verbal commitment.

Mr. N. Jackson stated when the OETs were chosen they were committed to getting several SLBEs to participate and he has heard from some of the SLBEs that the OETs are not responding.

Mr. Edwards stated that is the issue that he has been seeing, but he is not in the position to demand them to do whatever from a SLBE and OSBO standpoint.

Mr. N. Jackson stated if the contract was that they would reach out and have the SLBEs participate and they are not doing it then we need to know. He suggested amending the OSBO contracts in the future.

Dr. Ellis stated that part of the problem is there has not been a standard operating procedure.

ADJOURNMENT – The meeting adjourned at approximately 3:30 p.m.