



Richland County Council  
Transportation Ad Hoc Committee  
April 28, 2020 – 1:00 PM  
Zoom Video Conference  
2020 Hampton Street, Columbia 29204

COMMITTEE MEMBERS PRESENT: Calvin “Chip” Jackson, Chair; Paul Livingston, Bill Malinowski, Dalhi Myers and Yvonne McBride

OTHERS PRESENT: Allison Terracio, Chakisse Newton, Michelle Onley, Kimberly Toney, Michael Niermeier, Allison Steele, Jennifer Wladischkin, Leonardo Brown, John Thompson, Mohammed Al-Tofan, , Nathaniel Miller, Michael Maloney, Ali Eliadorani, Sierra Flynn, Kimberly Williams-Roberts, Ashiya Myers, Ashley Powell, Angela Weathersby, Brad Farrar and Stacey Hamm

1. **Call to Order** – Mr. Jackson called the meeting to order at approximately 1:10 PM.
2. **Approval of Minutes: February 25, 2020** – Ms. McBride moved, seconded by Mr. Livingston, to approve the minutes as distributed.

In Favor: Malinowski, McBride, Livingston, Jackson and Myers

The vote in favor was unanimous.

3. **Adoption of the Agenda** – Mr. Livingston moved, seconded by Ms. McBride, to adopt the agenda as published.

In Favor: Malinowski, Jackson, Myers, McBride and Livingston

The vote in favor was unanimous.

4. **Project Descopes** – Mr. Niermeier stated the project descopes were presented at the March 3<sup>rd</sup> Work Session. Staff is recommending approval of Option 1 and utilize the remaining funds to cover unforeseen future costs.

Mr. Jackson inquired if anything had changed since the work session.

Mr. Niermeier responded there were not changes.

Mr. Malinowski noted the recommendation says to proceed with Option 1, but nowhere in the agenda briefing does he see any options notated.

Mr. Niermeier responded in the “Transportation Projects Summary”, located on p. 12 of the agenda, it states,

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“Evaluate the remaining projects in order to de-scope them based on the following criteria: a. Addressing and improving safety issues (based on crash data analysis); b. Addressing and improving traffic capacity\flow issues (traffic study data); c. Economic development”, which is what is being presented as “Option 1”.

Mr. Malinowski stated, it was his understanding that we were trying to complete roadways in order to help level of service, as well as the safety, but many times he sees where we are going to move forward with a sidewalk project. He does not see anything that is improving level of service or safety on the roadways. He inquired if the sidewalks are something that we should be doing, and will they be used, or is it a do good type project, so people see sidewalks. Or, should we take these millions of dollars and put them into the roadways to make them safer.

Mr. Niermeier responded that we have to separate the 2 issues. We have gotten clear guidance to complete the remaining sidewalks in the referendum ordinance. What we are really looking at are projects over referendum/under referendum that have not gone to construction. We are first looking at improving safety, which was data based (i.e. crash/deaths). Then, the traffic capacity/flow issues were taken into consideration. Lastly, if there was any economic development aspects.

Dr. Thompson stated we have to keep in mind there were 3 “buckets” of funds. He does not see us tapping into the sidewalk/greenway projects, which is far less in terms of dollar amounts.

Mr. Malinowski stated, if all the sidewalks in these projects are coming from the sidewalk funding category, he is fine with that. The way he read it was these sidewalks were a part of the referendum funding that was to be utilized for road improvements.

Dr. Thompson stated there is a specific pot of money for the sidewalks and greenways, which is separate from the road widening and improvement projects.

Mr. Malinowski used the Crane Creek Improvement Project, located on p. 37 of the agenda packet, as an example of what he is referring to. From this, his understanding is that we are paying \$8M for the sidewalks, and nothing is going toward the roadways.

Dr. Thompson stated he will get with the Transportation staff on this item to see if there is dedicated amount, in the referendum, for sidewalks, or if the sidewalks were included in the overall project.

Mr. Niermeier responded there was \$63M designated in the referendum for neighborhood improvement projects. These neighborhood improvement projects included sidewalks.

Ms. McBride noted that Mr. Niermeier was correct, and those funds were designated for neighborhood improvement projects. In addition, she noted that some sidewalks are for safety.

Mr. Malinowski stated if there is a safety factor he is fine with that, but when he read the briefing document it seemed were building sidewalks to the exclusion of roadways.

Ms. Myers stated, she understands staff’s recommendation is to refocus the transportation projects on the element of safety, and to drive the referendum amount based on safety questions.

Mr. Niermeier stated the first look was on safety. Whatever adjustments that could be made to decrease the number of crashes, fatalities, etc. The next thing that was looked at was increasing capacity.

Ms. Myers stated she is concerned about the safety of the roads, but there is a Department of Transportation that recently received a whole lot of money for this purpose. She would not like to shift these projects, based almost exclusively on that analysis because that is SCDOT's job. She inquired if we have harmonized our redirection of funds with what SCDOT is doing. If, for example, there are more fatalities on the roads with the absence of a sidewalk, in the Crane Creek Neighborhood, is more likely, than not, there has been some SCDOT consideration given to that. Reshuffling the deck on our projects, and taking some of these that were approved in the referendum, which are lower in safety concerns, and shuffling money to those are a higher priority, based on safety concerns, supplants some of what the SCDOT has to do. She thought what we were doing, with the Penny, was supplementing parts of Richland County that might not be high priority to SCDOT. Therefore, for the purpose of the citizens we represent, might present opportunities to buttress what SCDOT is doing, rather than supplanting it. She is concerned how we have reprioritized to basically do what SCDOT does, which is to say this is a more dangerous road, so let's put all the money there. She would support looking at Option 2, which is looking at the roads we promised the taxpayers we would repair, widen, pave or augment with sidewalks/greenways because those are the things that induced the taxpayers to vote for the projects. Our focus should be what we promised in the referendum, and how we can best get as close to that as possible.

Mr. Malinowski noted Table 3.A-D were not in his agenda packet.

Mr. Niermeier responded that was a typographical error. It should be Tables 4.A-D, located on p. 16.

Mr. Livingston moved, seconded by Ms. McBride, to forward to Council with a recommendation to approve staff's recommendation.

Mr. Livingston stated, when he reflects back on what the voters requested/wanted, Option 1 reflects more what the voters were saying, rather than looking at the other options, which could result in you not being able to get to all of the projects.

Mr. Malinowski noted, when you add up the widenings in 4.A., it comes to approximately \$60.3M. On p. 15, it notes there will be an estimated remaining balance of \$56.5M; therefore, he wondered, rather than using this remaining balance for contingencies, if it was not possible to use those funds on these 3 widening projects and get as much done as possible, on a percentage basis.

Mr. Niermeier stated, if you follow the project descopes, we would have an estimated remaining balance of \$56M in the Transportation Improvement category. That money, as stated, can be a contingency for some unknowns, but as these scopes are redeveloped there could be items that should be included that comes to bear. The scope would then come back to Council, and Council could choose to use those funds to source that. However, he believes, as the program moves forward, the contingency will be consumed by many of these projects.

Ms. Myers stated no one answered her earlier question, as to whether we have spoken with SCDOT to see if the safety issues are being addressed in the new money they received.

Mr. Niermeier responded they have spoken to SCDOT about the realigned scopes in their monthly meeting. He is not familiar with what Ms. Myers is referring to as new money they received for safety.

Ms. Myers stated, for clarification, SCDOT got money released approximately 2 years ago for their own transportation projects, which alleviated our need to put money into "Malfunction Junction". We are descoping/rescoping, and now reprioritizing, to focus more on safety, which is the job of the SC Dept. of Transportation. She requested, rather than squeezing, and almost breaking the bank, to speak with the

SCDOT to see what the priorities of the roads that have been identified as safety priorities is from a SCDOT perspective. She stated it is their job to take the road tax money, and make roads safe. It may well be that some of the concerns are better handled by the SCDOT, given that is its prime job.

Mr. Niermeier stated, with the IGA the County has with SCDOT, the County agreed to several projects, with certain termini. Within that we had the ability to modify, as we wanted, and we prioritize, as this body desires. The agreement is just with certain projects, so when this list was given to SCDOT there was really no comment. As we move forward, there are certain approvals they have to perform anyway before we can do anything.

Ms. Myers stated, for example, if SCDOT has determined there are so many crashes on Blythewood Road that they are going to put some of their money on it. We have originally scoped it to go to Syrup Mill Road. If SCDOT is now focused on that, and it is as high of a priority for safety, as we are saying, it is likely they are focused on it. Therefore, the rescope where we are now coming in and saying, based on SCDOT stats, this is an unsafe road, and we should now focus more of the Penny money there, should be handled by SCDOT because it is their job anyway. Maybe, we should be focused on what we are supposed to do in the referendum. She understands that safety is a consideration of how these roads got chosen, but weighting it more heavily now, when there is a full department of the State that does just that, seems to be moving away from what we should be doing with our referendum money.

Mr. Livingston inquired if the descope takes into consideration the \$52M for Broad River Road, or is that still in the pot.

Mr. Niermeier responded they did not account for that money. It is still there, and has not been de-obligated by Council.

Mr. Livingston stated he believes staff should check with SCDOT, and inquire if they are planning to do anything with a specific road, even if we support the descope. Safety is important to him, whether SCDOT is going to do it, or not. That is why the voters voted for the Penny. He stated we should have enough money to complete the whole project, if it is true we are going to save the \$70M by bringing the program in-house.

Mr. Malinowski requested clarification on the \$52M for Broad River.

Mr. Livingston responded that is Crossroads, which is in the Statewide program.

In Favor: McBride, Livingston and Jackson

Opposed: Malinowski and Myers

The vote was in favor.

Mr. Jackson thanked staff for all of their hard work on this item.

5. **Greene Street Phase II Material Testing Contract** – Mr. Niermeier stated recommendation to award the contract, for material testing, in the amount of \$222,072, with a 10% contingency of \$22,072, to S&ME.

Mr. Livingston stated he was concerned about the significant difference in the bid amounts. He inquired if we double-checked to make sure they clearly understood what we were requesting.

Mr. Niermeier stated when they evaluate a bid it is agnostic to the price. Procurement addresses the costs,

and the rest is done by the evaluators.

Mr. Malinowski inquired if the cost within the appraisal amount for the project.

Mr. Niermeier stated they do not have a lot of data for comparative purposes, outside of what existed previously in the program.

Ms. Wladisckin stated they generally get estimates from the engineering team, and Procurement does not have an estimate for this project, so she is not sure if an estimate was prepared by the engineering firm, or anyone in the Transportation Department.

Mr. Malinowski noted we are being asked to vote on a dollar amount without knowing if it is close, over or under what an engineering estimate would be.

Ms. Wladischkin stated Procurement provides the pricing information to the Transportation Department where we would expect them to enter into negotiations if they felt that price was not fair and reasonable.

Ms. Myers suggested, if we accept the recommendation, to write-in this is with the full acknowledgment of the evaluation metrics. It is odd to see this great a disparity in the bids, so she wants to be sure they understand, and they did not make a mistake.

Mr. Niemeier suggested changing the recommendation to award the contract to S&ME for an amount not to exceed \$222,072. This is an estimate provided by both firms, based on the information staff provided, and how much testing they think they will do based on the scope of the construction.

Ms. Steele stated, for clarification, we do not do engineering estimates on professional services. Those are typically done on construction estimates, when there are line items you can compare to previous bids with the County and SCDOT. For these types of services, when we got their proposals in, and they got the on-call list, they provided hourly services for their employees, and that is what their cost is based on. They are given the specifications of the project, and they determine how many hours they think it is going to take them to complete the work on a project. Based on the hourly rates they submitted in their proposal, is where their estimate came from.

Mr. Jackson stated, in addition to the bid amount, the other point is to ensure they understand the full scope of the request will be covered in that dollar amount.

Mr. Niermeier stated their understanding of the full scope of work is reflected in the number being presented.

Mr. Jackson stated the committee is requesting something in writing, in the contract, which verify their understanding of the full scope of work.

Dr. Thompson responded they will ensure this is put into writing.

Mr. Livingston moved, seconded by Ms. Myers, to forward to Council with a recommendation to approve staff's recommendation.

In Favor: Malinowski, McBride, Livingston, Jackson and Myers

The vote in favor was unanimous.

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6. **Greene Street Phase II CE&I Contract** – Mr. Niermeier stated they received 6 bids for the solicitation. Subsequent to Council’s decision on April 21<sup>st</sup>, staff is recommending to award the contract to Parrish & Partners for CE&I services for Greene Street Phase II. He noted their bid was significantly higher. Once Council made its decision on April 21<sup>st</sup>, they went back to Parrish & Partners and renegotiated the price to \$815,820.44, with a 10% contingency.

Ms. McBride inquired if we can renegotiate the price with the firm selected without giving the other companies the same opportunity.

Mr. Livingston cautioned the committee on discussing certain contractual matters without being in Executive Session.

Mr. Malinowski moved, seconded by Ms. McBride, to forward to Council without a recommendation.

In Favor: Malinowski, McBride, Livingston, Jackson and Myers

The vote in favor was unanimous.

7. **Clemson Road CE&I Contract** – Mr. Niermeier stated they received 7 responses to the solicitation. Staff is recommending the award of the contract to Michael Baker International in an amount not to exceed \$390,894, with a 10% contingency of \$39,089.40.

Mr. Malinowski stated the committee received a confidential email, from the Clerk’s Office, which listed various prices for the items we are discussing. Yet, the prices are different from what are being discussed now. He inquired if those prices are inaccurate.

Ms. Steele stated she negotiated the cost down with Michael Baker on this one. They did not lower their rates, we went in and took out some things that were not necessary. For example, because it has taken so long between when the bids were opened and us having the committee meeting, there are a couple of extra months they added in that we do not need now. They also listed 2 months for a closeout process, and we only needed one. Those changes lowered the price approximately \$200,000 - \$300,000. She believes Ms. Wladischkin may be able to weigh in on this, as well. When we review the professional services, we do not rate them based on cost. It is not like we are being unfair by going to this company, and getting them to lower their costs.

Ms. Wladischkin stated these are Request for Proposal, so their award is not based solely on price. We establish the ranking of the offerors, and then we enter into negotiations with the highest ranked offeror. Also, this is why there could be such a disparity between what is being provided for cost from one firm versus another. It is all about their interpretation of the services required.

Ms. Malinowski moved, seconded by Ms. Myers, to forward to Council without a recommendation.

In Favor: Malinowski, McBride, Livingston, Jackson and Myers

The vote in favor was unanimous.

8. **ADJOURN** – The meeting adjourned at approximately 1:55 PM.