



*The COMET Meeting Minutes are prepared and presented in summary form, audio recordings of the meetings are on file at The COMET and are part of the approved minutes. If you would like to hear the recording from the meeting, please contact Paige Jernigan at [cometadmin@thecometsc.gov](mailto:cometadmin@thecometsc.gov).*

*Per SC Code of laws, Title 30, Chapter 4, Section 30-4-80 - - Per SC Code of Laws, Title 30, Chapter 4, Section 30-4-80 All public bodies shall notify persons or organizations, local news media, or such other news media as may request notification of the times, dates, places, and agenda of all public meetings, whether scheduled, rescheduled, or called, and the efforts made to comply with this requirement must be noted in the minutes of the meetings, The COMET complied with the notification of this meeting on Wednesday, October 18, 2019 at 3:15 p.m.*

**Central Midlands Regional Transit Authority  
TRANSIT OPERATOR RFP SUBCOMMITTEE MEETING  
Wednesday, October 23, 2019 -11:00 A.M.  
3613 Lucius Road, Columbia, SC 29201 - Small Conference Room**

**Members Present:**

John V. Furgess, Sr.  
Derrick Huggins  
Lill Mood  
Dr. Robert Morris

**Guests Present:**

Leo Auger, Auger Consulting  
Pamela A. Baker, Burr, Foreman, McNair Law Firm

*\*Indicates participation by phone.*

**Absent:**

Andy Smith

**The COMET Staff Present**

John Andoh, Executive Director/CEO  
LeRoy Deschamps, Director of Administration & Operations/COO  
Paige Jernigan, Administrative & Customer Service Specialist  
Dr. Arlene Prince, Director of Regulatory Compliance & Civil Rights Officer

**1. CALL TO ORDER**

Mr. Huggins called the meeting to order at 11: 16 a.m.

**2. ADOPTION OF AGENDA**

**Motion:**

A motion was made Mr. Furgess and seconded by Dr. Morris to adopt the agenda.

**Approved:** Furgess, Huggins, Mood, Morris

**Absent:** Smith



Motion passed.

3. APPROVAL OF MINUTES FROM AUGUST 28, 2019

4. APPROVAL OF MINUTES FROM SEPTEMBER 16, 2019 MEETING

5. APPROVAL OF MINUTES FROM SEPTEMBER 30, 2019 WORKING GROUP MEETING

Motion:

A motion was made Dr. Morris and seconded by Mr. Furgess to adopt the minutes.

**Approved:** Furgess, Huggins, Mood, Morris

**Absent:** Smith

Motion passed.

6. DISCUSSION & ACTION ITEMS

A. LBE Program and Policy

Dr. Prince began by explaining the LBE Program and Policy. She has suggested that the we set the overall LBE at 25%. Currently, The COMET utilizes the Disadvantaged Business Enterprise (DBE) Program for the utilization of minority and women-owned businesses. She continued that the DBE program is implemented in accordance with the United States Department of Transportation (USDOT) regulations. It provides a vehicle for increasing the participation by minority and women in state and local procurement opportunities. United States Department Of Transportation regulations require state and local transportation agencies that receive United States Department Of Transportation financial assistance, to establish goals for the participation of DBEs. Dr. Prince added that the creation of an Local Business Enterprise program for minority and women owned businesses would allow The COMET to apply other procedures that do not involve federal funding in the award and tracking of local dollars available for contracting opportunities to minority and women-owned businesses.

She explained the certification criteria highlights for Local Business Enterprise.

Mr. Furgess expressed concern in the 25% goal and the reduction overall from the 25.9%. Mr. Furgess was hoping to see a goal of 30% - 35%. Mr. Andoh explained that we are spending 56% on contracts. The COMET is taking away some responsibility of the contractor to prevent paying profit and overhead double. For example, security, landscaping, mystery rider, etc. The COMET will procure those items separately. Attorney Baker added that pulling out those items will be more financially responsible. She continued that the prime may go to 20% but we are still providing those services and could end up at 30%. She stressed that we want a realistic minimum goal so that we will see growth. Mr. Andoh urged that this 25% is a minimum and the goal is to go above and beyond.



Mr. Furgess wanted clarification on the Disadvantaged Business Enterprise being in business for a year. Attorney Baker advised that by a business being in business for at least a year, we can ensure that business is established in Richland and Lexington counties. Ms. Mood expressed that one purpose of this goal is to clean up the contract. She added that when we did the last procurement, we started the goal at 25% and that Transdev proposed 25.9% which awarded them the contract. Mr. Andoh reminded the committee that the Disadvantaged Business Enterprise is federally funded, and the goal is 5.7%.

Dr. Prince reminded that this is a draft and modifications can always be made. Ms. Mood asked if we need a motion to take to the Board? Mr. Furgess stated that he does not feel the Committee is prepared for Board presentation. Dr. Morris asked what happens if the contractor or The COMET goal is not met. Mr. Andoh stated that we would charge a liquidated damage if the goal is unmet. He added that for The COMET, he would be ultimately responsible. Dr. Morris added that the Board will be responsible also. Mr. Huggins suggested that we have a special call meeting to prepare for the Board presentation.

Ms. Mood asked how this will impact on Request For Proposal timeline and could we do a partial motion stating that the Committee agrees to remove the items Mr. Andoh suggested from the prime contract. Mr. Andoh stated that we need consensus from the Committee to procure separately: landscaping, security maintenance, mystery rider, bus stop maintenance, pest control and the feasibility of bringing customer service in house, a value of \$926 thousand procured outside of the operator contract. Mr. Andoh estimates that \$3.5 million would remain in the operator contract.

Ms. Mood stated that we should propose to the Board to proceed with the Request For Proposal and remove the items listed above. Mr. Furgess expressed that the issue is finding Disadvantaged Business Enterprises in each category. Attorney Baker reminded that Dr. Prince presented a chart in an earlier meeting that identifies local firms by category. Mr. Andoh referred to Page 28 regarding the Disadvantage Business Enterprise firms available.

Attorney Baker added that the way the agency will meet the goal based the on prime contract and Local Business Enterprise goals. But whatever The COMET does, can not be any lower than 25% in an overall sum. She added that the goal is to avoid budget impacts, paying overhead and profit.

Mr. Andoh stated that we must stretch our money as far as we can because we only have nine (9) years of funding. Attorney Baker added that the policy of how the agency reaches this goal is based on the contracts.

Ms. Mood suggested a motion that the Request For Proposal committee proceed with developing the Request For Proposal by taking out the contract opportunities out of the operator's contract.



Dr. Morris stressed that the committee is not ready, and we do not want to piece the contract together. Ms. Mood urged that we should take the plan to the Board simply to keep them informed. Attorney Baker advised that discussion of what to take out and the percentages within the Committee and then ask the Board to approve the drafting of the Request For Proposal and then present to the Board.

Mr. Huggins suggested Attorney Baker speak on this during the Board meeting immediately following the Request For Proposal meeting.

Mr. Auger mentioned the timeline and explained that on November 13, 2019 the draft would be sent to the Committee and Legal Counsel. He then added that everything will be completed by November 25, 2019 per Legal Counsel to approve the final Request For Proposal and then present to the Board.

B. Authorize Staff and Legal Counsel to Draft Requests for Proposals

Staff recommends that the Transit Operations Request For Proposal Ad-hoc Committee recommend to the Board of Directors to proceed with a Request for Proposals for Transit Operations and Maintenance incorporating the findings of the Request For Information meeting and seek Board approval.

No motion.

C. Next Meeting Date

Special Committee meeting before on Monday, October 28, 2019 Board Meeting.

7. ADJOURN

No motion.

The meeting ended at 12:00 p.m.

CENTRAL MIDLANDS REGIONAL TRANSIT AUTHORITY

Adopted this \_\_\_\_\_, 2019, Agenda Item \_\_\_\_\_

Prepared by:

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Paige Jernigan, Administrative & Customer Service Specialist

Approved by:

  
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Andy Smith, Secretary

