



The COMET Committee 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.

Per SC Code of laws, Title 30, Chapter 4, Section 30-4-80 - - Per SC Code of Laws, Title 30, Chapter 4, Section 3D-4-BD 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 23, 2019 at 3:15 p.m.

**Central Midlands Regional Transit Authority
TRANSIT OPERATOR RFP SUBCOMMITTEE MEETING
Monday, October 28, 2019 -11:00 A.M.
3613 Lucius Road, Columbia, SC 29201 – Large Conference Room**

Members Present:

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

**Indicates participation by phone.*

Guests Present:

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

Absent:

None

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: 22 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, Smith

Absent: None

3. DISCUSSION & ACTION ITEMS

A. LBE Program and Policy and Goal Setting

Mr. Andoh referred to Item #6A and explained that the Local Business Enterprise will be changed to Minority Business Enterprise Program so that the program is not only focused on business in Richland and Lexington Counties.

Dr. Prince began by explaining the proposed Program and Policy. She explained that a Minority Business Enterprise or means a business firm owned and operated by a person(s) in an historically socially and economically disadvantaged group. She added that the Minority Business Enterprise must have been established and in business for at least one year.

Dr. Prince stated that to streamline, The COMET will rely on the certifications granted through the South Carolina Unified Certification Program implemented by the South Carolina Department of Transportation and the South Carolina Division of Small and Minority Contracting and Certification to identify minority and women-owned business enterprises for contracting and procurement activities.

Dr. Prince explained that the Minority Business Enterprise owner must have the authority to sign responses to solicitations and contracts, make price negotiation decisions, sell or liquidate the business, and have the primary authority to direct the day-to-day management and operation of a business enterprise without interference from others.

Dr. Prince added The COMET will engage in outreach activities, including procurement networking sessions, roundtables and workshops, to make it possible for minority and women owned business owners to meet key contracting and other COMET personnel, and be counseled and/or mentored on the procurement and contract processes. The COMET will establish and maintain relationships with community groups and attend meetings to provide information and guidance on this Minority Business Enterprise policy.

As far as Program Administration, Dr. Prince explained that the Regulatory Compliance and Civil Rights Department will be responsible for implementing the Minority Business Enterprise Program. Each department within The COMET will be encouraged to strongly consider application of this Minority Business Enterprise Policy during procurement awards. The COMET Staff responsible for oversight of this program shall maintain an accurate and up-to-date directory of certified Minority Business Enterprise firms and share information with other departments within The COMET.



Mr. Huggins requested that Dr. Prince and Mr. Andoh expound on the outreach programs. Dr. Prince suggested holding a participation meeting. She also referred to the Disadvantage Business Enterprise Directory and suggested that we contact when a contract or Request For Proposal is

being released and even perhaps host a workshop. Mr. Andoh mentioned that we will continue notification on the South Carolina Business Opportunities website, revised website and aggressively seek more robust tactics for communicating with Minority Business Enterprise participants. He added that The COMET will be releasing five (5) or six (6) contracts that are expiring, and this is a good opportunity to include Minority Business Enterprise in our goal for procurement contracts.

Mr. Huggins asked if he could work directly with Mr. Andoh and Dr. Prince for one on one meetings to prove the Board 's leadership support and that they are fully committed to this program. Attorney Baker stated that is fine, if the opportunity is open to everyone. She suggested that the one on ones should be limited to a small number of Board members.

Mr. Smith asked for clarification on the "contracting opportunities" and is this the denominator of this 25% goal? Mr. Andoh referred to the revised spreadsheet and explained that this details our current contracts. He further explained that the projected budget, would be the denominator and the projected Local Business Entity spend will be based on the percentage goal set for those contracts.

Mr. Smith stated that the Committee needs to clearly define "contracting opportunities." He suggested using "budgeted contracted services" from the prior year budget. Mr. Smith also asked if on criteria 3, South Carolina Department Of Transportation "and" South Carolina Division of Small and Minority Contracting and Certification should be "or" instead of "and." See below.

3. The COMET will rely on the certifications granted through the South Carolina Unified Certification Program implemented by the South Carolina Department of Transportation ~~and~~ or the South Carolina Division of Small and Minority Contracting and Certification to identify minority and women-owned business enterprises for contracting and procurement activities.

Mr. Smith expressed concern on the Outreach criteria section and the use of the word "mentor" regarding the Penny. Dr. Prince suggested keeping the word "counsel" and strike the word "mentor."

Mr. Andoh mentioned that we can have a specific page that details the Minority Business Enterprise projected goal and projected Minority Budget Enterprise budget amount. Mr. Andoh



stated that the projected budget is \$20 million, with capital equals \$29 million. Dr. Morris asked for clarification of the 26.04% is derived by the numerator as Minority Business Enterprise and the denominator is the contracted budget. Mr. Andoh cautioned that the contracts that are at 100%, we must award all of them to meet the goal. Mr. Huggins and Dr. Prince agreed on the importance of aggressive outreach.

Ms. Mood asked about the Minority Business Enterprise versus a non-Minority Business Enterprise firms, if the non-Minority Business Enterprise is more qualified. Attorney Baker stated we are not excluding non-Minority Business Enterprise forms for participating, the Minority Business

Enterprise would gain extra points. Mr. Smith added that if a non- Minority Business Enterprise is chosen, the Authority would have to adjust the rest of the contracts to meet the 25%. Mr. Andoh suggested that preferential points will be awarded to a Minority Business Enterprise business consistent with our procurement policy process.

Mr. Andoh stated that the Staff recommend that the Committee recommend to the Board to set a COMET Minority Business Enterprise goal of a minimum spend of 25%. Directing Staff to spend 25% of contracted spend. Mr. Furgess asked that the Transit Contractor percentage will go out on the street at 20%? Mr. Andoh agreed.

Discussion ensued regarding the time frame of the contract of 2020 – 2029. Mr. Furgess felt the time frame needs to be the entire duration of the contract, not yearly. Mr. Smith stated he does not think the policy has a time frame, only when change occurs. Mr. Andoh clarified that this is not in the policy, only in the memorandum. Attorney Baker reminded that we always can adjust.

Mr. Andoh suggested deleting the table in the policy. Attorney Baker recommended leaving the table and using the phrase “for example.”. Attorney Baker stated that if we use 2020 - 2029, she is concerned that we will be locked in and the policy cannot be changed. She proposed removing the fiscal year language.

Every Request For Proposal released, staff will include liquidated damage for the term of the contract if goal is not met. Mr. Andoh stated that we can add a section for program administration to make changes to the goal during the budget process. Mr. Andoh made the appropriate changes in the policy based on the feedback and resubmitted copies to the Board. Mr. Andoh said to ignore Page 1, 2 and 3, the memorandum.

Ms. Mood left call at 12:20 p.m.



Motion:

A motion was made Mr. Furgess and seconded by Dr. Morris to adopt the Program Policy and set a minimum Minority Business Enterprise goal of 25%.

Approved: Furgess, Huggins, Morris, Smith

Absent: Mood

Dr. Morris confirmed that this percentage of 25% is only for The COMET. He asked if we could include the Transit goals? Mr. Andoh stated that the Transit goals will fall in the overall 25%.

B. Transit Operations RFP MBE Goal Setting

Mr. Andoh stated that this is a two-tiered recommendation. He reminded the Board that the Request For Proposal from 2014 set a goal of 25%. We are proposing to reduce the cost of overhead and profit on Prime and Subcontractor percentage to 20%. This will reduce cost 20% of overall amount.

Example: Projected spend is \$17 million paid to the Prime. \$3.4 million would be payments made to the Minority Business Enterprise. Recommending that The COMET will directly contract: landscaping, security, facility maintenance, pest control IT management services and bus stop maintenance. A value of approximately \$926 thousand dollars.

Motion:

A motion was made my Mr. Furgess and seconded by Dr. Morris for the Board to pull out areas from the Prime on the spreadsheet and set the Prime goal at 20% as a result of pulling tasks from the Prime.

Approved: Furgess, Huggins, Morris, Smith

Absent: Mood

C. 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.

Mr. Huggins asked to have a working group meeting before November 20, 2019 so we are all on the same page. Mr. Andoh suggested having the meeting before the Board meeting on November 20, 2019. Mr. Huggins asked if Attorney Heizer could attend in Attorney Bakers place. Mr. Huggins urged that we note the "touchy points" are concise for the November 20, 2019.

Motion:



A motion was made Mr. Furgess and seconded by Mr. Smith to authorize Staff and Legal Counsel to draft Requests for Proposals.

Approved: Furgess, Huggins, Morris, Smith

Absent: Mood

D. Next Meeting Date

Transit Operator RFP Sub Committee meeting November 25, 2019 from 11 a.m. to 1:00 p.m.

4. ADJOURN

Motion:

A motion was made by Mr. Huggins and seconded by Mr. Furgess to adjourn the meeting. The meeting ended at 1:30 p.m.

CENTRAL MIDLANDS REGIONAL TRANSIT AUTHORITY

Adopted this _____, 2019, Agenda Item _____

Prepared by:

Paige Jernigan, Administrative & Customer Service Specialist

Approved by:



Andy Smith, Secretary