



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 pjernigan@thecometsc.org.

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, March 25, 2020 at 3:15 P.M.

Central Midlands Regional Transit Authority
TRANSIT OPERATOR REQUEST FOR PROPOSAL SUBCOMMITTEE MEETING
Friday, March 27, 2020-12:00 P.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*

Guests Present:

Pamela A. Baker, Burr, Foreman, McNair Law Firm
Frannie Heizer, Burr, Foreman, McNair Law Firm
Col. Roger (R) Leaks, Guest

**Indicates participation by phone.*

Absent:

None

The COMET Staff Present

John Andoh, Executive Director/CEO

1. CALL TO ORDER

Mr. Huggins called the meeting to order at 12:00 P.M.

2. ADOPTION OF AGENDA

Motion:

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

Approved: Furgess, Huggins, Mood, Morris, Smith

Absent: None

Motion passed.



3. APPROVAL OF MINUTES FROM JANUARY 8, 2020 TRANSIT OPERATIONS RFP AD-HOC SUBCOMMITTEE AGENDA MEETING

Deferred to the next meeting.

4. DISCUSSION & ACTION ITEMS

A. Forward recommendation to the Board of Directors Regarding Transit Operations and Maintenance Request for Proposals Issued on January 13, 2020

The committee discussed in detail the process in which the Request for Proposals was handled. The Committee discussed the five percent (5%) cap that was in the Request for Proposal. It was verified that the Request for Proposal that went on the street included the five percent (5%) cap.

Concern was expressed regarding this statement in Page 11 of the Request For Proposals which states the following:

The COMET has imposed a requirement that up to five (5%) percent of subcontracts costs can go towards overhead, profit or non direct related costs on top of the CONTRACTOR's overhead and profit costs

Per the Staff report, this paragraph was added during the draft stages of its development, however, the final version that was sent to the Committee on January 3, 2020 did not have this phrase.

This phrase was added due to discussions that the Committee had at the November 20, 2019 meeting resulting in the concerns about management fees, the profit and overhead paid to the prime contractor and then the profit and overhead paid to the subcontractor. In addition, this was a topic of discussion during Executive Session also on November 20, 2019.

The intent of the language as discussed with the Committee on November 20, 2019, was to discourage excessive and duplicative fees that the South Carolina Department of Revenue (DOR) has rendered ineligible for Richland County Penny Tax funds.

Attorney Baker explained that the Committee could choose to do one of the following:

Option 1

Ratify the 5% cap on profit and overhead for subcontractors and proceed with award of a contract to the highest ranked proposer.

Option 2

Cancel the solicitation and start over and reissue the RFP without the five percent (5%) requirement.



Attorney Heizer explained that the minutes are in summary form and the documents did not show the five percent (5%) cap. Ms. Mood stated that she remembered the discussion of the percentage cap in the Committee and Board meetings. Dr. Morris disagreed and stated that the five percent (5%) cap was added to the proposal without committee approval and stated that this was "unethical."

It was debated whether the November 20, 2019 recording would need to be pulled. Dr. Morris and Mr. Furgess agreed the concern is that it was added in the proposal without the committee's knowledge.

Discussion ensued regarding the relationship between the subcontractor and the prime regarding the overhead costs.

Attorney Baker suggested putting together a pros and cons list and have the full Board vote.

Mr. Huggins asked the opinion of the Committee members regarding Attorney Baker's options.

Furgess - Option 2

Mood - Option 1

Morris - Option 2

Smith - Option 1 (wanted to further discuss the percentage) Asked if the improper communication between a Board member and contractor could be a reason to start over?

Mr. Huggins asked Attorney Baker, Attorney Heizer and the Committee if Col. Leaks could have input as he is the Chair of the Service Committee.

No one from the Committee opposed.

Col. Leaks - Option 1

Mr. Huggins desired input on the Option 2 ramifications. Mr. Andoh stated that a Transition Manager has been hired to help in the Transdev departure. He added that service is suffering and is likely to worsen. Mr. Andoh also mentioned the date is unattainable due to the negotiating time and the issue of the extension to the contract.

Mr. Huggins confirmed that there would be no action taken today but we need to have a Committee meeting and a Special Board meeting as early as next week.

The Committee was polled regarding the Special Board meeting. All could be available for call in.



Motion:

A motion was made by Ms. Mood and seconded by Dr. Morris to direct Staff and Legal to work on a list of pros and cons to be sent to the Board.

Approved: Furgess, Huggins, Mood, Morris, Smith

Absent: None

5. ADJOURN

No motion needed for adjournment.

The meeting adjourned at 1:17 P.M.

CENTRAL MIDLANDS REGIONAL TRANSIT AUTHORITY

Adopted this April, 2020, Agenda Item _____

Prepared by:

A handwritten signature in black ink, appearing to be 'Paige Jernigan', written over a horizontal line.

Paige Jernigan, Administrative & Customer Service Specialist

Approved by:

A handwritten signature in black ink, appearing to be 'Andy Smith', written over a horizontal line.

Andy Smith, Secretary