



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
Monday, March 30, 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 12:02 P.M.

2. ADOPTION OF AGENDA

Motion:

A motion was made Dr. Morris and seconded by Ms. Mood to adopt the agenda.

Approved: Furgess, Huggins, Mood, Morris, Smith

Absent: None

Motion passed.



3. DISCUSSION & ACTION ITEMS

- A. Continued Discussions Regarding Forwarding a Recommendation to the Board of Directors Regarding Transit Operations and Maintenance Request for Proposals Issued on January 13, 2020.

Attorney Baker began by discussing the Memorandum that was sent out over the weekend in detail.

Option 1

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

Pros

- It demonstrates prudent fiscal management to prevent The COMET from paying excessive profit and overhead as the case in the 2015 Transdev Contract.
- It poses the least legal risk to The COMET as there were no complaints or protests related to the inclusion of the language in the RFP. The deadline to raise a protest of the language has long expired.
- Contract transition can occur by June 30, 2020.
- The requirement is legal.
- The requirement is consistent with other transit agencies are doing in the industry.
- It is likely to be accepted by DOR as it avoids duplicative or excessive costs.
- Staff is ready to present a recommendation to the Board of Directors to move forward.

Cons

- No known cons with Option 1.

Timeline:

| | |
|-----------------|---------------------------------------------------------------|
| March 30, 2020: | Transit Operations-RFP-Ad-hoc Committee Meeting |
| March 31, 2020: | Special Board of Directors Meeting |
| April 8, 2020: | Special Board of Directors Meeting to Authorize Negotiations |
| April 22, 2020: | Board of Directors Meeting to Authorize Execution of Contract |
| April 23, 2020: | Formally start transition (67 days) |
| July 1, 2020: | Start new Contract |

Option 2

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



Pros

- It could attract a maximum of two (2) more proposers to submit a proposal, in addition to the four that already did.

Cons

- It could cause one (1) or more of the proposers to not submit a proposal as proposal preparation takes time.
- Resubmission of proposals may result in higher costs proposed to The COMET.
- Estimated budget to procure is \$14,400 in legal fees, estimated at 48 hours @ \$300, plus \$2,700 in selection committee per diem and lodging cost.
- Need to see if Selection Committee will serve again or identify five new people.
- Transdev has started transitioning and identifying new roles for staff.
- Service is suffering and is likely to worsen.
- Transdev is likely to request a rate increase since the base contract period has ended and the compensation terms for the first 5 years do not apply.
- Should The COMET force a 180 day extension, Transdev could "walk" from contract thus causing The COMET to take legal action to ensure service is not interrupted.
- The COMET could not hire union employees as a government agency cannot collective bargain.
- The COMET could receive no bids.
- The cancellation of the solicitation could be protested by one or more of the proposers.

Timeline (assumes Transdev agrees to extension):

| | |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| March 30, 2020: | Transit Operations RFP Ad-hoc Committee Meeting |
| March 31, 2020: | Special Board of Directors Meeting |
| April 1, 2020: | Executive Director provides notice to Transdev to extend 180 days |
| April 2-17, 2020 | Negotiate costs for Transdev |
| April 2-9, 2020: | Update RFP (incorporate addendum 1, 2 into RFP, update dates, remove 5% requirement, add any new requirements requested by Board of Directors |
| April 10, 2020: | Re-release RFP |
| April 15, 2020: | Pre-Proposal Meeting |
| April 17, 2020: | Questions Due |
| April 22, 2020: | Question Responses to Proposers |
| April 22, 2020: | Board of Directors Meeting to Authorize Execution of Transdev Extension |
| May 8, 2020: | Proposals Due |
| May 11-15, 2020: | Review Proposals |
| May 28-29, 2020: | Interviews |
| June 2020: | Negotiations |
| June 24, 2020: | Board of Directors Meeting to Authorize Execution of Contract |



July 6, 2020: Start Transition
October 1, 2020: Start new Contract

Mr. Andoh explained that Transdev has already started transitioning and a Transition Manager has been hired to inventory equipment and help with the change.

Mr. Furgess asked about the estimated legal fees. Attorney Baker explained that these numbers are simply an estimate.

Legal options were discussed if Transdev was forced to stay and extend to their contract. Attorney Baker explained that there are two types of protest: 1) content, 2) after the award.

Discussion ensued regarding the Disadvantaged Business Enterprise goal. Mr. Andoh explained that all firms have presented between twenty percent (20%) - twenty seven percent (27%).

Attorney Baker mentioned that the Request For Proposals sets the parameter for The COMET.

Mr. Furgess requested a copy of the memorandum (letter) from Attorney Heizer. Mr. Andoh agreed to resend.

The Committee discussed the five percent (5%) cap that was in the Request for Proposal. Mr. Andoh explained that this stemmed from Department of Transportation. He referred to Page 5 of the packet for further explanation.

Attorney Baker reviewed the options for the committee:

- 1) Send to Board **with** recommendation of Option 1 or Option 2 voted on by the Request for Proposals Committee.
- 2) Send to the Board **without** recommendation for consideration.

Motion:

A motion was made by Ms. Mood and seconded by Mr. Smith to recommend to the Board Option 1.

Approved: Huggins, Mood, Smith

Voice vote:

Furgess: Nay

Mood: Yay

Morris: Abstain

Smith: Yay

Huggins: Yay



Motion passed.

4. ADJOURN

No motion needed for adjournment.

Meeting adjourned at 12:51 P.M.

CENTRAL MIDLANDS REGIONAL TRANSIT AUTHORITY

Adopted this April, 2020, Agenda Item _____

Prepared by:



Paige Jernigan, Administrative & Customer Service Specialist

Approved by:



Andy Smith, Secretary

