



## Richland County Council

DIRT ROAD AD HOC COMMITTEE  
FEBRUARY 20, 2018 – 5:30 PM  
4<sup>TH</sup> FLOOR CONFERENCE ROOM  
2020 Hampton Street, Columbia, SC 29202

Bill Malinowski	Norman Jackson	Dalhi Myers
District 1	District 11	District 10

1. Call to Order

The Honorable Norman Jackson,  
Chairman

2. Election of Chair

3. Approval of Minutes:

- a. November 14, 2017 [PAGES 2-4]
- b. December 12, 2017 [PAGES 5-8]

4. Adoption of Agenda

5. Current Number of Dirt Roads Permitted and Ready for Construction

6. Proposed Date For Advertising for Bids

7. Status of 50 Roads

8. Status of 10 Dirt Roads Awarded

9. Status of Consent/Denial Letters

10. Number of Roads Denied and Locations

11. Status of Other 40 Contracts (10 each with 4 Engineering Firms)

12. Adjournment



DIRT ROAD AD HOC COMMITTEE November  
14, 2017 – 3:00 PM  
4<sup>th</sup> Floor Conference Room  
2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Norman Jackson, Chair and Bill Malinowski

OTHERS PRESENT: Tony Edwards, Roger Sears, Shawn Salley, Janelle Ellis, Angela McCallum, and Michelle Onley

**CALL TO ORDER** – Mr. N. Jackson called the meeting to order at approximately 3:00 p.m.

**APPROVAL OF MINUTES**

October 24, 2017 – Mr. Malinowski moved, seconded by Mr. N. Jackson, to approve the minutes as distributed. The vote in favor was unanimous.

**ADOPTION OF THE AGENDA** – Mr. Malinowski moved, seconded by Mr. N. Jackson to adopt the agenda as published.

Mr. Malinowski stated Ms. Myers made a motion at the last meeting to receive a legal opinion in regards to the ongoing litigation with Dennis Corporation and the impact on the completion of the 40 remaining roads and to provide alternatives for the citizens' roads. He did not think the motion fit into any of the items listed on the agenda, as it would have been an Executive Session item.

Mr. N. Jackson stated this item will be brought forward at a subsequent meeting.

Mr. Malinowski also noted for the record that Mr. Edwards is to follow-up and verify that all the dirt roads are on the Penny paving list.

The vote in favor was unanimous.

**STAFF RECOMMENDATION: Moving Forward with OET Contracts** – Mr. Edwards stated staff plans to assign 10 roads to each OET. They are moving forward with the process.

Mr. N. Jackson inquired about how long the process will take.

Mr. Edwards stated it is not a short process, but it will be considerably shorter than advertising and hiring another dirt road paving team. He believes the process should be completed before the end of the year.

**SHELTERED MARKET RECOMMENDATION: Dirt Road Contracts** – Mr. Edwards stated there are weekly meetings with the OSBO and there are discussions regarding the Sheltered Market Program.

Mr. N. Jackson stated the Transportation Department needs to let us know if they have enough roads to use the sheltered market process. If there are only so many roads and we do not have enough companies to do the work, the sheltered market can help move the process forward.

Mr. Edwards inquired if Mr. N. Jackson was referring to the sheltered market in relation to construction. He stated thus far they had only been utilizing the sheltered market process for construction.

Mr. N. Jackson inquired if the sheltered market process could also be used for design.

Mr. Edwards stated that is the part of the discussion that has been missing. What they decided to do with the design of the dirt roads was to use the OETs so more work can get to the SLBEs.

Mr. N. Jackson inquired about how many dirt roads the County has.

Mr. Sears stated there are approximately 40 roads in years 1 & 2 and an additional 100 roads in years 3 & 4.

Mr. Malinowski inquired if that included the 40 roads that are on hold due to litigation.

Mr. Sears stated that is the 40 roads he is referring to.

Mr. N. Jackson inquired about what year we are working on.

Mr. Edwards stated we are still working through years 1 & 2.

Mr. N. Jackson inquired about what year of the program we are on.

Mr. Edwards stated we are on the 3<sup>rd</sup> year.

Mr. N. Jackson stated what he is trying to find out is whether we can use the sheltered market to move it forward. He stated his concern is that we have these completed projects in the City of Columbia and USC. The dirt roads, which do not have to follow SCDOT standards, are behind. To catch up, if we can use sheltered market, so the citizens in the unincorporated area can see progress.

Mr. Edwards stated the sheltered market program is based upon a dollar amount, so we can develop potential contracts to stay under those amounts.

**RECOMMENDATION: Additional Dirt Roads** – Mr. N. Jackson stated this was already discussed and will be a part of the Sheltered Market Program discussion.

**RECOMMENDATION: Changes to OETs** – Mr. Edwards stated there were no changes recommended at this time.

**STAFF RECOMMENDATION: Timely Payment of Subcontractors** – Mr. N. Jackson inquired about what is being done to ensure the subcontractors are paid in a timely manner.

Mr. Edwards stated outside of the “prompt payment” portion of the contract he is not sure what else we could do to hold the prime to paying the subs in a timely manner.

Ms. McCallum stated the OSBO Office is working to gather information to get a good understanding of what is going on and where the disconnect is.

Mr. N. Jackson stated it is his understanding there was a situation with Dennis Corporation which led to them being suspended or removed from the County’s list.

The Transportation Department is not working with the Dennis Corporation, but Mr. Edwards is not sure if the County overall has ceased business with them. That would be a question for the Procurement Department.

Mr. N. Jackson inquired if Dennis Corporation is still working on the dirt roads.

Mr. Edwards stated Dennis Corporation's contract expired.

Mr. N. Jackson stated one of the concerns is that some of the subs that worked with the Dennis Corporation have not been paid.

Mr. Edwards stated Dennis Corporation submitted two (2) more invoices after the contract expired. Those invoices are held up in litigation.

Mr. Malinowski stated there was a list of roads to be assigned to the OETs that was included in the document provided by the Transportation Department. He inquired if these are the first roads being done.

Mr. Edwards stated the roads listed are for years 3 and 4.

Mr. Malinowski requested a list of the roads for years 1 and 2, which show the roads that were done and those not done so far.

*The committee went into Executive Session at approximately 3:15 p.m.  
and came out at approximately 3:22 p.m.*

Mr. Malinowski moved, seconded by Mr. N. Jackson, to direct the Transportation Director and his staff to contact the Richland County Legal Department to determine what, if anything, Richland County can do to get the subcontractors paid for work they have done for, and with, the Dennis Corporation. Mr. Malinowski stated there is documentation by the Dennis Corporation saying Richland County has not paid them yet and we do not know if that is a statement for the entire payment or a partial payment. If there are still monies owed to the Dennis Corporation by the County we could possibly use those funds to pay directly to the subs. The vote in favor was unanimous.

Mr. N. Jackson stated there should be some follow-up answers at the OSBO meeting on Thursday, November 16<sup>th</sup>.

Mr. Tony Mizzell stated the subcontractors met with Administration in July. Administration indicated the contracts were going out to the OETs, but they were going to have a kick-off meeting and invite the subs that were not at fault to see how they could participate. The meeting has never happened. He has personally reached out to several OETs and have not gotten a return calls. He stated it would be nice if the County could follow through on their verbal commitment.

Mr. N. Jackson stated when the OETs were chosen they were committed to getting several SLBEs to participate and he has heard from some of the SLBEs that the OETs are not responding.

Mr. Edwards stated that is the issue that he has been seeing, but he is not in the position to demand them to do whatever from a SLBE and OSBO standpoint.

Mr. N. Jackson stated if the contract was that they would reach out and have the SLBEs participate and they are not doing it then we need to know. He suggested amending the OSBO contracts in the future.

Dr. Ellis stated that part of the problem is there has not been a standard operating procedure.

**ADJOURNMENT** – The meeting adjourned at approximately 3:30 p.m.



Richland County Council  
Dirt Road Ad Hoc Committee  
December 12, 2017 – 5:30 PM  
4<sup>th</sup> Floor Conference Room  
2020 Hampton Street, Columbia 29204

COMMITTEE MEMBERS PRESENT: Norman Jackson, Chair; Bill Malinowski, and Dalhi Myers

OTHERS PRESENT: Jim Manning, Michelle Onley, Tony Edwards, Roger Sears, Shawn Salley, Jamelle Ellis and Angela McCallum

1. **CALL TO ORDER** – Mr. N. Jackson called the meeting to order at approximately 3:02 PM
2. **ADOPTION OF AGENDA** – Mr. Malinowski moved, seconded by Mr. N. Jackson, to approve the agenda as published. The vote in favor was unanimous.
3. **UPDATE OF CURRENT MEAD & HUNT TEAM DIRT ROAD CONTRACT**
  - a. **Proposed end date** – Mr. Edwards stated the dirt roads from years 2 and 3 are being worked up by Mead & Hunt. A memo was provided to the committee that stated:

“Group 1” was executed in January 2017; group consisted of 17 roads; 5 are currently in procurement; 5 are in construction; 3 roads are pending City utilities; 2 were refused by property owners. If Council allows condemnation on dirt roads, there are 2 more roads that can move forward. Those property owners have liens and/or property mortgage issues preventing them from moving forward.

Mr. N. Jackson stated it was his understanding the ordinance says if you have over 75% consent on the road you can condemn.

Mr. Edwards stated it does say that and they have used it to get to the point where they are now. They do consent/denial and if they get back over 75% consent on that road then they move forward with design of that road. In this case, the road has been designed and the property owners are being requested to donate the right-of-way to the County. If the property owners have legal issues they cannot donate the right-of-way until the legal process and has been cleared up.

Mr. N. Jackson inquired about a memo that stated a 100 dirt roads have been paved.

Mr. Edwards stated he had not seen that memo.

Mr. Malinowski stated it was his understanding when it came to dirt roads there would not be condemnation.

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Mr. Edwards stated Mr. Malinowski is correct and that is the reason they did not move forward. When they were faced with this in the past the property owners did not wish to have the road paved. In this case, the property owners do not mind the road being paved, but have legal issues that would require condemnation for them to donate the property to the County.

Ms. Myers inquired as to where the properties are located.

Mr. Edwards stated he is not sure where the properties are located.

Ms. Myers stated in the past the County ran into people not understanding what we were doing and were afraid to sign documents. She inquired if we are beyond that now.

Mr. Edwards stated on these two properties it is true legal issues that will require condemnation for the properties to be located.

Mr. Sears stated one of the property owners lives in Atlanta and there has been trouble getting him to sign off on the paperwork. He is non-responsive.

Ms. Myers stated staff needs to inform Council of where the roads are located, so the Council members can contact the constituents to assist with getting these matters resolved.

Mr. Edwards stated they would be glad to provide the list of roads to the Council members.

- b. Proposed date of construction contracts for all dirt roads – Mr. N. Jackson inquired about how many dirt roads the County has left.

Mr. Edwards stated in “Group 1” there are 5 roads under construction and 5 roads that are in procurement. The remaining staff is working on the right-of-way or City utility coordination issues. There are 10 roads in “Group 2”. They began the design contract in the Summer and are currently working on the right-of-way portion of those roads.

Mr. N. Jackson stated to him dirt road designs are simple and should not take much time.

Mr. Edwards stated it is taking about 6 months for design, right-of-way acquisition, and procurement.

Ms. Myers stated the right-of-way acquisition is the same issue we have been dealing with all year. She stated it will not take 6 months’ worth of right-of-way acquisition if people going out will wear Richland County t-shirts, arrive in a Richland County vehicle, and inform the property owners they are with the Penny Project’s Dirt Road Paving Program and their Council representative has requested them to talk with them. She further stated if staff wants Council members to sign a letter on County letterhead with their pictures on it to present to the constituents they would be glad to do so. In addition, we can have community meetings and/or have the Council representatives to go out into the communities and get the citizens to consent. The constituents want this so it should not be a 6 month process. It takes that long to get a right-of-way on Clemson Road, which is a SCDOT road. In her opinion, this should be the County’s red letter project where we can say we have paved a 100 dirt roads to make it easier for kids to get to the bus, citizens to get to the doctor, the grocery store, etc.

Mr. N. Jackson stated to him dirt roads are so simple to design because they do not have to be designed

to SCDOT standards.

Mr. Edwards stated there are still standards the dirt roads have to be designed to.

Mr. N. Jackson inquired about how many dirt roads are left.

Mr. Edwards stated he will be honest there are a lot left to do.

Mr. N. Jackson stated he is trying to get a handle on how many because if we have shovel ready projects with TIGER Grants, or other grants, we have the design to do them. He would hate to see an opportunity where it is backed up. Whoever can do it, let them do it instead of waiting. We need a target date or campaign to get these things done. That is the reason he mentioned the Sheltered Market Program and not relying solely on the OETs.

Mr. Malinowski stated he agreed with Mr. N. Jackson and Ms. Myers. We need to get the overall program on the fast track and get the projects out to whoever can do them appropriately.

Mr. Edwards stated there are approximately 100 dirt roads in years 3 and 4 that are going to be dispersed to the OETs. Hopefully, that will get the program jumpstarted.

Mr. N. Jackson stated if the companies are there that can do it why wait for years 3 and 4.

Mr. Edwards stated we are currently in years 3 and 4.

Ms. Myers stated in her “regular life” she works with SCDOT to train their DBEs to get shovel ready projects, how to get into business and how to get stuff done. We have an opportunity with Richland County to do something with the small businesses that will allow us to build capacity and get something done that citizens want. We are making this too hard. We are making it too difficult to pave a quarter of a mile of road. She suggested making some suggestions on things she has done with the SCDOT to get these things done.

Mr. Malinowski suggested staff tell Council members what they need to get the program going.

#### 4. UPDATE OF OET 50 ROADS CONTRACT

- a. Current negotiation status with OET teams – Mr. Edwards stated the quotes they got were a little high, so they are trying to negotiate to get a better grasp on where we need to be to maximize the use of funds available.

Ms. Myers inquired if the County had considered purchasing the gravel in bulk to bring the cost down or using small companies.

Mr. Edwards stated he is only talking about design right now.

- b. Proposed dates for completion of negotiation and Notice to Proceed date for OET teams – Mr. Edwards stated the objective is to get them started with the design in early 2018, acquire the right-of-ways and begin construction in the Spring or early Summer.

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- c. Percentage of sub-contracts for each OET compared with original proposal – Mr. N. Jackson inquired if the percentages have remained the same or have they changed.

Mr. Edwards stated he does not know the answer to that.

Mr. N. Jackson requested staff to check with them to ensure what they initially decided is what they do.

Mr. Edwards stated they work with the OSBO Office to ensure they are following the procedures. With the exception of the Dennis Corporation, they have not been notified that any of them have not been their goals.

Mr. Malinowski stated we need to reach out to the firms and request information and ensure they are in compliance.

Mr. Edwards stated the goals is tracked by their invoices through the OSBO Office and he has not been notified of anyone not meeting their goals.

- d. Proposed schedules for completion of design contract by OET teams with timely responses from County staff – Mr. Edwards stated they are still currently negotiating the contracts to begin the design phase.
- e. Anticipated construction dates for dirt road projects – Mr. N. Jackson stated Mr. Edwards previously answered that construction is anticipated to begin in Spring 2018.

- 5. **UPDATE ON SLBE OFFICE ON SUPPORT AND PREPARATION TO CONSTRUCTION CONTRACTORS FOR ADDITIONAL COMPANIES TO BE PREPARED IN CONSTRUCTION OPPORTUNITIES IN 2018** – Mr. Salley stated they have not seen any new companies on the construction side. He further stated there are a good many on the certified list that are not attempting to get jobs.

Mr. Edwards stated they will have a mandatory pre-bid when they are procuring a project and they will attend, but will not submit a bid.

Ms. Myers stated they do not bid in Richland County because they feel like Richland County does not reach out to the small business community, minority and women owned businesses like the SCDOT and the City of Columbia does. They spend their time where they think they will get work. We have to change that perception.

Mr. Malinowski stated for the sake of Richland County's professional image we need to curb the use of individual company's name being listed when citing deficiencies in performance.

- 6. **ADJOURN** – The meeting adjourned at approximately 3:30 PM