

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### OFFICE OF SMALL BUSINESS OPPORTUNITY AD HOC COMMITTEE MEETING

December 1, 2015  
3:00 PM  
4<sup>th</sup> Floor Conference Room

*In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building*

#### CALL TO ORDER

Mr. Washington called the meeting to order at approximately 3:02 PM

#### ADOPTION OF THE AGENDA

Mr. Jackson moved, seconded by Mr. Malinowski, to adopt the agenda as published. The vote in favor was unanimous.

#### MENTOR PROTÉGÉ PROGRAM UPDATE:

- Final draft completed and submitted to Procurement
- The Procurement Director is presently reviewing the final draft
- Public Information Office will assist with marketing the mentor protégé program
- Allows any SLBE certified firm to participate in the program in their particular discipline

#### PROCEDURAL MANUAL UPDATE

- Approximately 60-65% complete
- The Standards of Conduct and Business Ethics for OSBO sections are completed
- Staffing descriptions for the Outreach Coordinator and the Compliance Division Representative and have been developed. The Assistant Director's position description has not been completed.
- The remaining sections should be completed within the next 2 weeks.



#### Council Members Present

Kelvin E. Washington, Sr., Chair  
District Ten

Damon Jeter  
District Three

Paul Livingston  
District Four

Norman Jackson  
District Eleven

#### Others Present:

Torrey Rush  
Tony McDonald  
Gloria Tanner  
Cheryl Patrick  
Kim Roberts  
Chris Gossett  
Roxanne Ancheta  
Michelle Onley  
Kristen Hutto  
Rob Perry  
Monique McDaniels

Mr. Washington inquired if Ms. Tanner has been training the OSBO/Procurement staff with regards to the Mentor Protégé Program and going over the procedures in the procedural manual.

Ms. Patrick stated Ms. Tanner is still working on the paperwork. Ms. Tanner has been submitting the paperwork to Ms. Patrick for review and comment.

Mr. Washington inquired how the bidder's information being broadcast (i.e. e-mail, etc.)

Ms. Tanner stated the OSBO Office does not have access to the information prior to the award of the contract. The bid information goes strictly to the Program Development Team.

Mr. Perry stated the bids are read out loud and the Program Development Team checks to insure the numbers add up and then placed on the agenda with a recommendation to award. If the bids are not within the engineer's range it is re-advertised.

Mr. Jackson inquired about what the engineer's range is.

Mr. Perry stated an internal estimate is set prior to opening bids. If the bids are within 10% of the engineer's estimate then the recommendation is to award. Otherwise the bid is thrown out.

- The remaining sections that need to be developed are: Trend and Development; SLBE Goals and Compliance.
- The Goal Setting Committee has not been incorporated into the manual
- The OSBO Office is responsible for setting goals for each project

Mr. Washington inquired about what input the County has when the project is a DOT project.

Mr. Perry stated the agreement states the project will also have a DBE.

Ms. Tanner stated DOT has pre-set formula to arrive at the goals. If the County has disciplines beyond the DOT they do not include the category/trade when considering the goal or look at the sub-activities included in the project.

### **QUICK PAY PROGRAM UPDATE**

Ms. Tanner stated she has run into challenges with the Quick Pay Program.

- Cannot identify other existing programs that are functioning with the same criteria the Committee is looking for
- Contacted systems recommended by Franklin Lee and their systems are completely different than the system the County has
- The program will have to be developed from scratch

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- Finance and IT has been involved in reviewing the County's current capabilities
- Ms. Tanner has identified the current capabilities and some of the needs

Mr. Livingston inquired if there is a problem with the current process and vendors being paid in a timely manner.

Ms. Patrick stated the biggest problem she's identified is the subcontractors acknowledging the receipt of payment.

Mr. Gossett stated there is approximately 10-12 days from the time the invoice is approved till the payment is processed for the prime and 3-5 days from the prime to the subcontractors.

Mr. Washington inquired if there is a way to capture the completion of work by the subcontractor if the prime has not submitted their invoice.

Mr. Gossett stated there is not presently.

Mr. Livingston requested staff to research if there are any problems with the subcontractors being paid in a timely manner.

If an invoice has not been paid the subcontractor would communicate with the Procurement Department. The Procurement Department would then contact the PDT to inquire about the status of the invoice.

Mr. Malinowski inquired if there was anything included in the contracts between the primes and subcontractors that outlines when payment is due to the subcontractors and their options if they are not paid accordingly.

Ms. Patrick stated there is a section on the bids themselves that outlines how the subcontractors are to be paid, which is reinforced at the pre-bid and pre-construction bids as well.

There has only been one complaint received regarding the subcontractor being, which was due to a difference in the amount of concrete the subcontractor invoiced for and the amount the prime stated it was less than that. The Transportation Department verified the amount of concrete and the subcontractor was paid within 6 days.

Mr. Jeter stated the prime and the subcontractor should be responsible for the agreement between them regarding invoicing and payment.

Ms. Patrick stated County staff could work with the PDT to draft a document that addresses the payment and invoicing issues of the subcontractors.

Ms. Tanner stated the first thing she would do was modify the contract documents to include in the bid documents an agreement to abide by the terms and conditions set forth.

Staff was directed to review the language regarding "retainage" and bring back to the Committee.

### **SHELTERED MARKET PROGRAM UPDATE**

- There were two bids: sidewalk package and Joustler Road paving
- The bids opened on November 18<sup>th</sup> and are currently being evaluated by the PDT in conjunction with the Procurement
- Pre-bid is scheduled for December 2<sup>nd</sup> for an additional sidewalk package
- Maximum of \$250,000 per project; Cap of \$1.5 million
- Must be re-certified every 2 years
- Draft "Share the Wealth Plan"

### **COMPLIANCE PROCESS TO TRACK ALL CONTRACTS FOR SLBE PARTICIPATION**

This item was held in committee.

### **CONSULTANT CONTRACT: EXECUTIVE SESSION**

No action was taken.

### **ADJOURNMENT**

The meeting adjourned at approximately 4:15 PM