



RICHLAND COUNTY COUNCIL

ADMINISTRATION AND FINANCE COMMITTEE

Joyce Dickerson	Paul Livingston	Greg Pearce (Chair)	Jim Manning	Kelvin Washington
District 2	District 4	District 6	District 8	District 10

**APRIL 22, 2014
6:00 PM**

2020 Hampton Street

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Session: March 25, 2014 [PAGES 3-6]

ADOPTION OF AGENDA

ITEMS FOR ACTION

2. Detention Center: Provide Epoxy Coating System for Phase 1 Housing Showers [PAGES 7-16]
3. Motion related to County Attorney's Representation of the Board of Elections and Voter Registration [PAGES 17-19]

4. Potential Yard Waste Management Options [PAGES 20-25]
5. Quit Claim of Branning Drive [PAGES 26-35]
6. Small Local Business Enterprise Program Design Model and Projected Budget Approval [PAGES 36-58]

ADJOURNMENT



Special Accommodations and Interpreter Services

Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

Richland County Council Request of Action

Subject

Regular Session: March 25, 2014 [**PAGES 3-6**]

Reviews

MINUTES OF



RICHLAND COUNTY COUNCIL ADMINISTRATION AND FINANCE COMMITTEE TUESDAY, MARCH 25, 2014 6:00 P.M.

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.

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MEMBERS PRESENT

Chair: Greg Pearce
Member: Joyce Dickerson
Member: Paul Livingston
Member: Kelvin E. Washington, Sr.

Absent: Jim Manning

ALSO PRESENT: Damon Jeter, Bill Malinowski, Norman Jackson, Seth Rose, Julie-Ann Dixon, Tony McDonald, Roxanne Ancheta, Sparty Hammett, Warren Harley, Elizabeth McLean, Quinton Epps, Bill Peters, Andy Metts, Daniel Driggers, Buddy Atkins, Jocelyn Jennings, Dwight Hanna, Monique Walters

CALL TO ORDER

The meeting started at approximately 6:03 p.m.

APPROVAL OF MINUTES

February 25, 2014 (Regular Session) – Ms. Dickerson moved, seconded by Mr. Washington, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Ms. Dickerson moved, seconded by Mr. Livingston, to adopt the agenda as published. The vote in favor was unanimous.

ITEMS FOR ACTION

Department of Community Development Budget Amendment – Mr. Washington moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation to approve the request to amend the Community Development budget and accept the \$71,000.00 from the City of Columbia. A discussion took place.

The vote in favor was unanimous.

Petition to Close a Portion of Old Forest Drive – Mr. Washington moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation to approve petitioner's request to close the subject road and direct Legal to answer the suit accordingly. A discussion took place.

The vote in favor was unanimous.

Septic and Storm Drainage Problems in Suburbs – A discussion took place.

Ms. Dickerson moved, seconded by Mr. Livingston, to forward this item to the April D&S Committee meeting. The vote in favor was unanimous.

Renewal of Operating Agreement between Richland County and Columbia Rowing Club and Short-Term Proposal Directives for Site – Mr. Livingston moved, seconded by Mr. Washington, to forward this item to Council with a recommendation to approve the request to extend the Operating Agreement for five (5) years with Columbia Rowing Club, allowing them to continue to operate as they have for the last 14 years. Endorse the short term option conceptually for the property. By doing so, staff will determine safety/liability concerns associated with moving the entrance gate, as well as the costs associated with the gate relocation. Once this has been determined, staff will bring the item back to Council for review and action. A discussion took place.

The vote in favor was unanimous.

Policy Change for Placement of Committee Items Forwarded with No Recommendation on the Consent Agenda – Mr. Washington moved, seconded by Mr. Livingston, to forward this item to the Rules & Appointments Committee. The vote in favor was unanimous.

Approve award of the Countywide Watershed Improvement Plan contract to Brown & Caldwell – Mr. Washington moved, seconded by Mr. Livingston, to forward this item to Council without a recommendation. The vote was in favor.

ADJOURNMENT

The meeting adjourned at approximately 6:45 p.m.

**Richland County Council
Administration and Finance Committee
March 25, 2014
Page Three**

Submitted by,

Greg Pearce, Chair

The minutes were transcribed by Michelle M. Onley

Item# 1

Richland County Council Request of Action

Subject

Detention Center: Provide Epoxy Coating System for Phase 1 Housing Showers [**PAGES 7-16**]

Reviews

Richland County Council Request of Action

Subject: Detention Center: Provide Epoxy Coating System for Phase 1 Housing Showers

A. Purpose

County Council is requested to approve the repair and upgrade of Phase 1 housing showers at the Detention Center, in the amount of \$117,720. This includes preparation and installation of a moisture barrier and a new epoxy coating system. Phase 1 consists of six (6) dormitories, at approximately 633 square feet of surface for repair, totaling an estimated 3800 square feet. The phase 1 showers are open shower bays and a handicap shower location is adjacent to the open shower. Scope includes demolition of existing shower tiles

B. Background / Discussion

The existing tiled shower walls and floors are breaking down and the tiles are coming loose and falling out. The failures of the existing showers began approximately four years ago and have continued and are failing at a higher rate. The components listed in the attached quote need replacement due to the following:

- Normal wear. The phase 1 housing showers were installed in 1995 and have been in continuous operation.
- The tile failure is due to loss of adhesive bond and wear on the tile surface areas.
- Cracks in existing walls and floor have damaged the integrity of the water tight sealing.

The failure and loss of the tiles are resulting in structural damage to the concrete walls and floor. Continuous repairs to the existing showers have allowed the facility continued use of the showers but has not eliminated the structural damage from the water from the loss of the water tight seal. The proposed repairs and upgrades will remove all of the damaged tiles and brittle adhesives. Once the existing structural walls and floors have been repaired and prepped, the new moisture barrier and epoxy coating will be installed to provide a smooth, sealed surface that will retain the water and route to the appropriate drains for proper removal.

This moisture barrier /epoxy coating system was installed in the Detention Center's phase 3 housing showers in 2012 and has performed well. The phase 3 showers were tiled showers as well prior to the repairs and upgrades.

Dormitories

Alpha	Delta
Bravo	Echo
Charlie	Foxtrot



Ph 1 Tiled Showers (Typical) Ph 3 Epoxy System (Reference)

Item# 2

C. Legislative / Chronological History

This is a staff-initiated request with no legislative history.

D. Financial Impact

The funding for this project will come from the Detention Center’s current allocated budget.

The estimated expenditure is \$ 117,720 requested in account # 11002100005303, Building Improvements.

E. Alternatives

1. Approve the repair and upgrade of Phase I housing showers at the Detention Center, in the amount of \$117,720. This alternative will provide water tight sealed showers in the phase I housing dormitories.
2. Do not approve the repair and upgrade of Phase I housing showers at the Detention Center, in the amount of \$117,720. This alternative could result in continual damage to the existing structural walls and floors.

F. Recommendation

It is recommended the County Council approve the repair and upgrade of Phase I housing showers at the Detention Center, in the amount of \$117,720.

Recommended by: Ronaldo D. Myers Department: Detention Center Date:03/18/2014.

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/3/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood

Date: 4/3/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 4/3/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion. I am not sure what Attachment 1 is, so I have provided no review of the document.

Administration

Reviewed by: Warren Harley

Date:

Recommend Council approval

Recommend Council denial

Item# 2

Comments regarding recommendation:

Item# 2

PH I SHOWERS- SEAMLESS EPOXY COATINGSYSTEM

Scope of Work

Provide upgraded Showers for Phase I dormitories at the Detention Center. Phase I consists of six (6) dormitories, at approximately 633 square ft of surface for repair, totaling an estimated 3,800 square feet. Each dormitory has one (1) shower location on the 1st floor. Phase I showers are open shower bays with six (6) shower heads. The handicap shower location is adjacent to the open shower and this area is also included in scope of work. Scope includes demolition of existing shower tiles and attachment adhesives mounted directly to concrete construction walls. This scope also includes preparation and installation of a new epoxy coating. Existing system s breaking down and the tiles are breaking loose and falling out. The components that are listed in the attached quote need replacement due to the following:

- Normal wear.
- Tile failure due to loss of adhesive bond.
- Cracks in existing walls and floor.

QUALITY ASSURANCE

- A. All resin used in the epoxy/polyurethane wall coating system shall be manufactured by a single manufacturer to ensure compatibility and proper bonding.
- B. Applicator shall be a licensed contractor, trained and approved by the manufacturer and shall have a minimum of 3 years' experience in the application of special wall coatings.
- C. All work shall be performed in strict accordance with the manufacturer's written instructions.

WARRANTY

- A. Contractor shall guarantee that materials are free from defects and comply with manufacturer's published specifications.
- B. Contractor shall warranty against faulty workmanship and the performance and quality of all coating applications for a period of five (5) years from substantial completion of the project.

MATERIALS

- A. Wall coating system shall consist of build coats of 100% solids Epoxy and a full broadcast layer of aggregate to serve as a build coat for subsequent coatings.
- B. Material shall be unaffected by the following:
 1. Blood
 2. Urine
 3. Alcohol
 4. Mineral Spirits
 5. 10% Sulfuric Acid
 6. 10% Hydrochloric Acid
 7. 10% Acetic Acid

Item# 2

8. Cleaning solvents.

PREPARATION

- A. Prep work will entail the removal of the ceramic tile to the construction wall.
 - a. Contractor shall take measures to contain the construction area within the shower stall to limit the dust and debris from the open dormitory as well as to reduce the direct exposure to inmates as the dormitories will remain occupied during demolition and construction. This may be achieved by a plastic sheathing barrier or other temporary barrier.
 - b. Using surface grinders clean and prepare the floor, wall, and ceiling surfaces to remove all existing ceramic tiling to bare construction surface. All grinders must be equipped with vacuum assisted dust shrouds, containing the dust generated during the grinding process.
 - c. Scope to include floor base repairs and preparation for application.
 - d. Install specialized sealant to vertical corners to provide a small concave radius suitable for subsequent coatings.
 - e. Install 100% solids epoxy patching material to patch dings, holes and imperfections to walls, ceiling and floors.
 - f. Install a barrier lip, to the inside perimeter to contain water within shower stalls.
 - g. Application of any material shall signify that surfaces have been inspected and are satisfactory.
 - h. All surfaces to be coated shall be clean, dry and sound.

INSTALLATION

- A. All contractor’s work will be limited to (1) dormitory and is to be completed before demolition can begin on the next scheduled dormitory. Multiple dormitories cannot be out of service at the same time due to housing limitations.

Dormitories

Alpha	Delta
Bravo	Echo
Charlie	Foxtrot

- B. Install 100% solids epoxy primer by brush and roller per manufacturer’s

- specifications to floor, ceiling and walls.
- C. Install 100% solids epoxy, fiber reinforced, high-build material by specialized high-output airless spray equipment per manufacturer's specifications to floors, ceiling and walls.
 - D. Install 100% solids epoxy topcoat/ glaze coat by brush and roller per manufacturer's specifications to floor, ceiling and walls.
 - E. An epoxy flooring system will be installed at a nominal 1/8" thickness, average, including all slopes and wall attachments.
 - F. Floor slopes to existing drains will contour to existing design of original installation.
 - G. Contractor shall monitor the thickness of the system as work progresses. Areas found not to meet the required thickness (according to the manufacturer's recommendations) shall receive additional material until the required thickness is attained.
 - H. The wall applications will be 50 mils thick, over a 1/16" skim coat. The outside corner applications can average less due to the wrap and seal issues of these locations.
 - I. The floors are to receive an aggregate for non-skid texture.
 - J. Floor preparations shall include a moisture barrier process to protect the new epoxy system
 - K. An antimicrobial additive must be added to the finish coat to help fight fungi.

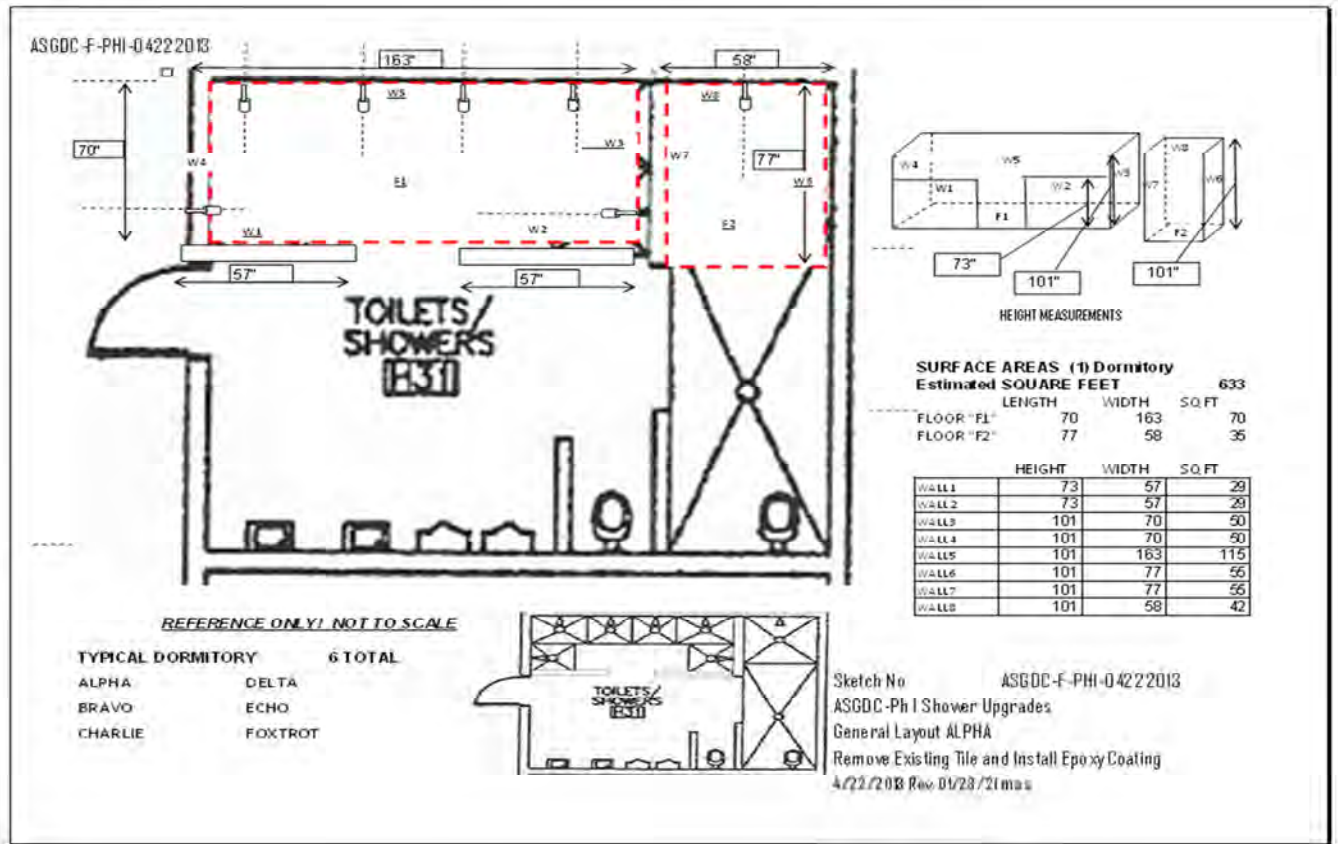
ADDITIONAL INFORMATION

- A. Richland County Facility Maintenance will provide the following supporting services as indicated:
 - a. Electrical circuit(s) with power of 110 Volts, 1 phase, and 20 Amps continuous operating current
 - b. Toilet facilities in the building or on site
 - c. Storage space in the building, securable against illegal or unauthorized entry, for product, equipment and machinery
 - d. Access to workspaces on weekends for continuity of product installation if applicable
 - e. Richland County Facility Maintenance will prepare the work environment by removing excessive dirt, debris and other hindrances and will keep any water,

oil, or other contaminants from entering the work area 24 hours prior to contractor's work commencing

- f. Richland County Facility Maintenance will remove all plumbing fixtures, handicap fixtures, steel vents and drains that apply, prior to contractor's work commencing and will reinstall at satisfactory completion of work
- g. Provide a dumpster for demolition debris such as wall tile.
- h. All inmates will be moved to other dormitories prior to the beginning of work in scheduled dormitory.

REFERENCE INFORMATION (ATTACHMENT ONE)



REFERENCE INFORMATION (ATTACHMENT TWO)



MAIN SHOWER DORMITORY



HANDICAP SHOWER



Sketch No. ASGDC-F-PHI-04222013
ASGDC-Ph I Shower Upgrades
General Layout ALPHA
REFERENCE PHOTOGRAPHS
4/22/2018 mas

Richland County Council Request of Action

Subject

Motion related to County Attorney's Representation of the Board of Elections and Voter Registration **[PAGES 17-19]**

Reviews

Richland County Council Request of Action

Subject: Motion related to County Attorney's Representation of the Board of Elections and Voter Registration

A. Purpose

County Council is requested, per the motion of Mr. Pearce, Mr. Rose, and Mr. Malinowski, to direct the County Administrator to investigate the amount of time the County Attorney's Office is spending providing legal assistance to the Election Commission and decide whether such time is interfering with that Office's duties to Richland County government.

B. Background / Discussion

At the March 18, 2014, Council meeting, Mr. Pearce, Mr. Rose and Mr. Malinowski made the following motion:

Without any statutory requirement to do so, the Richland County Attorney's Office has been providing advice and counsel to the Richland County Election Commission at no cost for an undetermined length of time. During the past year there has been a notable increase in the amount of time the County Attorney's office has been committing to Election Commission issues. This motion requests that the County Administrator initiate an immediate review and assessment of how much time Richland County is providing legal assistance to the Election Commission. Should the Administrator determine that the County Attorney's commitment of time is excessive to the extent that his duties to Richland County government are being significantly compromised, the Election Commission will either be held financially responsible for this time or they will be asked to employ outside legal counsel.

At this time, staff is requesting direction from Council with regards to this motion.

C. Legislative / Chronological History

Motion by Mr. Pearce, Mr. Rose, Mr. Malinowski (March 18, 2014)

D. Financial Impact

None associated with the motion.

E. Alternatives

1. Approve the motion and direct staff as appropriate.
2. Do not approve the motion.

F. Recommendation

Recommended by: Mr. Pearce Department: Council
 Mr. Rose
 Mr. Malinowski

Date: April 3, 2014

Item# 3

G. Reviews

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing on. Thank you!)

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers

Date: 4/7/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 4/7/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion.

Administration

Reviewed by: Tony McDonald

Date: 4/8/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend that the County Administrator be given the directive to proceed with a review of the legal assistance provided to the Office of Elections and Voter Registration as proposed by the motion above.

Richland County Council Request of Action

Subject

Potential Yard Waste Management Options [**PAGES 20-25**]

Reviews

Richland County Council Request of Action

Subject: Potential Yard Waste Management Options

A. Purpose

County Council is requested to provide Administration with direction regarding Council's preference on managing yard waste collected at curbside.

B. Background / Discussion

- Richland County through its curbside collection contractors has picked up yard waste countywide since January of 1986. The service was provided to select areas of the county at least ten (10) years prior to that date.
- All curbside collected yard waste has been disposed of in various landfills since the program was initiated. In recent years most of the yard waste from Service Areas 1 & 2 has been delivered to the County's Class Two Landfill off Monticello Road. The yard waste from the other 6 Services Areas has been delivered to the Pine Hill Class Two Landfill (Waste Management) or L&L Class Two Landfill (Waste Industries) both located off Screaming Eagle Road.
- For calendar year 2013, nine thousand (9,000) tons (31% of all collected yard waste) of curbside yard waste was disposed of in our county Class Two Landfill. Twenty thousand (20,000) tons (69%) was disposed of in the L&L Class Two Landfill. Thus the total curbside yard waste generation for 2013 was 29,000 tons.
- On November 5, 2013, Council decided to allow yard waste to be placed at curbside loose, bagged or containerized. At that time Council directed staff to investigate the potential for composting yard waste.
- Composting of yard waste in and of itself is a fairly simple process which can generate a useful product. Composting is good for the environment and it saves landfill space. However, there are many complex issues that have to be evaluated and resolved before the county should fully engage in a program to expand our existing compost operation to include yard waste. The more critical issues are as follows:

1. Contamination – The County (via a consultant) conducted a year-long evaluation of landfill operations (2011-2012) which included a waste stream analysis. It was extraordinarily clear during that study that curbside yard waste, as it came off the collection trucks, was wholly unsuitable for composting. It typically contained plastic bags, plastic toys, other plastics, metal and construction/demolition debris. The plastics and metal, if not removed, make yard waste unsuitable for composting from both a processing perspective and from an end product perspective. For compost purposes, plastic of any form in compost makes it virtually impossible to even give away. Due to logistics and labor costs there are no practical/economical ways to remove contamination at the end point. The general consensus in the industry is that yard waste must be cleaned at the point of generation/collection to be considered as a suitable feedstock for composting.

Even if contaminants are removed, our yard waste, by contract, can have brush and limbs mixed with pine straw and leaves. From a processing standpoint the limbs and brush would require us to add a grinding step to the process. Grinding the mixture adds \$3-\$5 per ton to the cost of processing. Without the brush and limbs, processing consists of piling the leaves and pine straw in windrows to begin the composting process. To avoid the extra processing costs Council would have to require citizens to separate brush/limbs from leaves/pine straw and require separate collection by the hauler which would likely necessitate a contract modification with increased hauling costs.

Item# 4

2. Logistics – Since 69% of the yard waste collected countywide is closer to the Screaming Eagle Road landfills, neither of which for various reasons would be inclined to compost, that portion of yard waste would have to be transported to our county landfill where we already have a composting/wood chipping operation in place. This would likely require a revision to some hauler contracts to offset their added transportation costs. An alternative could be to establish a compost site in the southern part of the county perhaps as part of a broader plan to re-locate the Lower Richland Drop-Off Center currently on Garners Ferry to a safer more functional facility with enhanced services e.g., providing a fee based disposal option for contractors and a composting/wood chipping operation for suitable wood waste and some suitable yard waste.
3. Feedstock Concerns – The ease of composting is a direct function of the type and quality of feedstock one utilizes. Uncontaminated leaves are an excellent feedstock that composts in a reasonably short time frame and generates a good product. On the other hand pine straw poses significant problems and we have large quantities of pine straw in our waste stream. Due to chemical characteristics pine straw does not break down easily. However that can be offset a degree by mixing in chemicals or other feedstock to enhance the decomposition.

The residents of Richland County typically generate about 30,000 tons of yard waste per year. We currently take another 10,000 tons or more of wood waste at the landfill which is being ground into mulch. Perhaps that much more wood waste could be collected at the Lower Richland Drop-Off Center if we had an expanded drop-off center site.

In the long term some consideration might be given to assessing the feasibility of developing sources of putrescible waste for mixing with clean yard waste to improve the composting potential. This would require significant planning, coordination, the certainty of having an end user, and most importantly, the commitment to make it work.

4. End user – Prior to engaging in a major composting program, the county must identify guaranteed end users. Compost/mulch sites are substantially regulated by the state (SCDHEC). The law does not provide opportunity to stockpile unlimited quantities of feedstock or mulch/compost. In fact, the state permit requires that we predetermine how the entire operation will function which forces us to pre-determine how much feedstock and product we will ever have on site. If the quantity of feedstock or product exceeds predetermined levels, we would be subject to enforcement (with fines). It is critical an end user is always ready to take the products we generate.

Potential users are Support Services, citizens, landscapers, and in some instances, industrial buyers (wood chips for boiler fuel). In terms of volume, Support Services would be minimal. The probability of citizens outside the north central part of county coming to the Landfill for compost or mulch, even at no charge, is not anticipated to be significant. Landscapers within 10-15 minutes of the Landfill might purchase limited quantities if the price is noticeably lower than the market. Industrial buyers would only be interested in clean properly sized wood chips for fuel. I would not recommend the county intrude too far into the market place.

5. Economic Highlights – Part of the discussion on yard waste management must be about the cost analysis. Our landfill space is very expensive. When we dispose of curbside yard waste in the County, we consume landfill capacity; therefore, we do not have that capacity to sell to commercial users at \$18.50 per ton. At L&L Landfill, we pay L&L

\$8.25 per ton which is extraordinarily inexpensive. We cannot dispose of yard waste at our landfill for a cost remotely approaching the L&L figure even if we disregard the lost revenue associated with lost capacity.

The economics of large scale composting vary greatly depending on a variety of factors. Without getting into an in depth discussion, the County's cost to compost curbside yard waste *if it were clean* would likely range between \$8 and \$12 per ton which would necessarily include adding up to 6-10 permanent positions and several pieces of equipment if we operated two sites. It is estimated that cleaning the yard waste at curbside or the drop point could cost an additional \$5 - \$8 per ton. If we have to grind the yard waste due to being mixed with wood debris, we add another \$3 - \$5 per ton. Overall our costs would be projected to be in the range of \$16 - \$25 per ton, and I would suggest it would be close to the \$25 typically, and there would be a major upfront investment for equipment. Mulching wood waste has an added cost of about \$5 per ton, and we current manage the mulch generated at the landfill with existing staff. We likely could manage mulch at a new Lower Richland Drop-Off Center with exiting staff. However, neither the landfill nor Lower Richland could manage compost sites adequately without adding several new positions.

- Richland County secured a Composting/Wood Chipping Registration (Permit) from SCDHEC in August of 2009. We began to accumulate trees, stumps, limbs, brush and general land clearing debris in the fall of 2012 as feedstock for mulching and compost. Since startup we have generated over 10,000 cubic yards of quality mulch part of which has now decomposed into compost. Due to the Council-approved Vulcan Soils Project, we currently are limited in our ability to store this type of wood feedstock. After the Project is completed (estimated mid-summer 2014), we will have approximately 8 acres available under our SCDHEC permit to process wood waste or yard waste into mulch or compost. We will be able to divert virtually all brush and wood waste along with certain clean loads of leaves coming to our landfill to the permitted mulch/compost area. If yard waste was clean we might have the ability to compost some of the curbside yard waste currently coming to our facility in the permitted area, but the site is not adequate to take the remaining 69% currently delivered to L&L Landfill.

C. Legislative / Chronological History

This is a request with no legislative history but surfaced as a discussion during the hauler contract discussions with Council over much of 2013.

D. Financial Impact

The actual financial impact is not easily calculated due to the complexity of the variables and the potential pathways. However, some estimates are laid out above in the Background / Discussion section.

E. Alternatives

Provide guidance to staff on the alternative(s) Council wishes to pursue:

1. In the short-term:
 - a) Continue to dispose of curbside yard waste in landfills based on the litany of factors noted above but largely centered on economic factors. It would be expensive to generate the end product and we do not have a known end user for the entire product potentially to be generated
 - b) Continue to grind wood waste into mulch/compost; expand as opportunities come along even to include some clean yard waste. We can generate product for the LF, Support Services, and the citizens.

Item# 4

2. Develop a strategic long-term solid waste management plan that has an economically viable and practical integrated yard waste management component. This could include feasible public-private partnerships.
3. Notwithstanding the economic impact, potential citizen push back and stormwater concerns along with not having identified end users of all the product to be generated, we could compost all or some of the curbside yard waste generated provided one of the following happens:
 - a) Revise the Solid Waste Ordinance to require residents to place clean leaves and pine straw at curbside – no contamination including plastic bags. Brush and limbs can be allowed understanding our processing costs will increase due to grinding.
 - b) Via contract, clean and debag yard waste at curbside before it is loaded into the collection trucks. This may have significant added cost.
 - c) Once offloaded, manually clean the curbside yard waste currently coming to the LF. This necessitates hiring several employees and thus significant added cost.

Phase in yard waste composting in the southern portion of the county after we evaluate re-locating the Lower Richland Drop-Off Center to a site that offers opportunity to compost.

F. Recommendation

It is recommended that Council choose Alternative 1 and 2.

Recommended by: **Rudy Curtis** Department: **Solid Waste & Recycling** Date: 4/4/14

G. Reviews

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing on. Thank you!)

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers Date: 4/10/14
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

The Finance Department agrees with the recommendation for Council to approve alternatives 1 and 2: to continue the use of landfills for the disposal of yard waste in the short term and to develop a long-term waste management plan. While the information presented offers a number of possible alternatives to the County’s current yard waste disposal methods and related cost estimates, it also points out a number of obstacles and “unknowns” which precludes us from performing a detailed financial analysis at this point. However, the costs and concerns included in this ROA clearly indicate that the implementation of any kind of composting program for yard waste would require additional funding by the County for both the initial investment and on an ongoing basis. The development of a long-term, comprehensive waste management plan, which would no doubt seek to maximize the efficiency of all of the County’s waste management services, will provide the required information for a full-scale analysis of costs and overall financial feasibility.

Legal

Reviewed by: Elizabeth McLean Date: 4/11/14

Item# 4

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

Administration

Reviewed by: Warren Harley

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration recommends that County Council approve alternatives 1&2. This gives us an opportunity to evaluate all of the options available to Richland County.

Richland County Council Request of Action

Subject

Quit Claim of Branning Drive **[PAGES 26-35]**

Reviews

Richland County Council Request of Action

Subject: Quit Claim of Branning Drive

A. Purpose

County Council is requested to approve a Quit Claim of Branning Drive to Chinese Culture Center, a 501(c)3 non-profit organization whose Registered Agent is Lea Walker.

B. Background / Discussion

Branning Drive is a County-owned dirt road (3-305) just south of the city limits of the City of Columbia. Branning Drive runs off Pineview Road, approximately 2050 feet east of its intersection with Bluff Road. Branning Drive is approximately 1050 feet long and 50 feet wide (see Exhibit "A")

A deed was prepared to deed Branning Drive to Richland County and signed on May 24, 1971 by Charlie Milton Walker and Pearlene B. Walker. The deed was signed and witnessed by both parties; however, the deed was not recorded because neither signature was notarized. (see Exhibits "B-1 and B-2")

Attached is a letter by which the claimant makes the request for Branning Drive to be quit claimed to the adjoining property owners. The Chinese Culture Center owns all the adjoining properties around Branning Drive. (see Exhibit "C")

A Quit Claim is a transfer of all one's interest, as in a parcel of real estate, especially without a warranty of title. (see Exhibit "D")

C. Legislative / Chronological History

May 27, 1971: Branning Drive was deeded to Richland County

February 18, 2014: Ms. Lea Walker, a/k/a Chinese Culture Center, completed acquisition of all the properties surrounding the county-owned portion of Branning Drive. The road is currently being used only by Ms. Lea Walker.

D. Financial Impact

As this road will be quit claimed to a non-profit organization, there will be no new taxes on this road. However, this road will come off the road maintenance inventory. Even though it has not been maintained in several years, a request could come in anytime. Also, at this time, a request could be made to have the road paved.

E. Alternatives

1. Approve the request to quit claim this road back to the adjoining property owners. If this request is approved, a Quit Claim Deed is attached for the Chairman of the Richland County Council to sign.
2. Do not approve the request.

F. Recommendation

It is recommended that this Quit Claim request be granted:

Recommended by: Ismail Ozbek Department: Public Works Date: 03/31/14

G. Reviews

(Please replace the appropriate box with a v and the support your recommendation in the Comments section before routing on. Thank you!)

Finance

Reviewed by: Daniel Driggers Date: 3/31/14
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Planning

Reviewed by: Tracy Hegler Date:
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Approval is based on the requestor owning all adjacent properties.

Legal

Reviewed by: Elizabeth McLean Date: 4/2/14
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Policy decision left to Council’s discretion.
Relevant ordinance is below.

Sec. 21-14. Abandonment of public roads and right-of-ways.

(a) Any person or organization wishing to close an existing public street, road, or highway in the county to public traffic shall petition a court of competent jurisdiction in accordance with section 57-9-10, et seq. of the state code of laws. The petition shall name the county as a respondent (unless the county is the petitioner). The county attorney shall advise the court with regard to the county's concurrence or opposition after consultation with the county's planning, public works, and emergency services departments, and after consideration by county council. It shall be the responsibility of the petitioner to physically close the roadway if a petition is successful. The county attorney may submit such petition on behalf of the county if so directed by county council.

(b) Any person or organization wishing the county to abandon maintenance on an existing county-maintained street, road or highway shall submit to the public works department a petition to do so signed by the owners of all property adjoining the road and by the owners of all property who use the road as their only means of ingress/egress to their property. The petition shall state that the property owners release and indemnify the county from any duty to maintain the road. At the recommendation of the county engineer, the county administrator shall have the authority to act on a petition that involves a dead-end road; county council shall have the authority to approve petitions under all other circumstances. If the petition is approved, the county engineer may require the property owners to place an appropriate sign alongside or at the end of the road.

(c) Any person or organization wishing to acquire ownership of an unused road right-of-way in the county (including a public right-of-way that is dedicated either by deed, prescription, or recordation of a plat) may submit a petition for consideration by county council. If it is determined by the county's planning department and public works department that the right-of-way will not be utilized by the county for road purposes, county council may approve a quit-claim deed conveying the county's interest to the owners of the adjoining property. Unless the owners of the adjoining property agree to another division, each may acquire that portion of the right-of-way adjacent to his/her property on his/her side of the right-of-way's centerline. The grantee(s) of the quit-claim deed(s) shall be responsible for preparing the deed(s) prior to county council's consideration of the request. Upon approval and execution of the deed(s), the grantee(s) shall be responsible for recording the deed(s) in the office of the register of deeds and for returning a filed copy to the office of the county attorney. The county council may require the grantees) to pay up to the fair market value, as determined by the county assessor's office, in exchange for the conveyance of the right-of-way. Upon recordation of the deed, the county assessor's office shall adjust the appraisal of the adjoining parcels to reflect the value of the additional property.

Administration

Reviewed by: Sparty Hammett

Date: 4/16/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Exhibit A

All that certain piece, parcel or lot of land, situate, lying and being in the County of Richland, State of South Carolina, having the County designation of dirt road 3-305, Branning Drive

Item# 5

This right of way to be 20 feet in width off of Lot 6 of the lands of now or formerly of Pearline B. Walker and Charles Milton Walker, along with 30 feet in width off of Lot 7 of the lands of now or formerly Pearline B. Walker and as shown on a survey for Mr. O. J. Summers by A. L. Lown, surveyor, dated January 15, 1941 and recorded in the ROD of Richland County in Plat Book J, Page 80.

Along with a 50 foot strip of land from canal on back of lot to make right of way through lands to back lands, leaving strip of land 50 feet in length and 50 feet in width (by canal)

Length through lands is 929 feet more or less.

The beginning of this quit claim deed shall begin 208 feet off Pineview Drive.

This is being a part of the existing road system, there is no Tax Map Sheet Number.

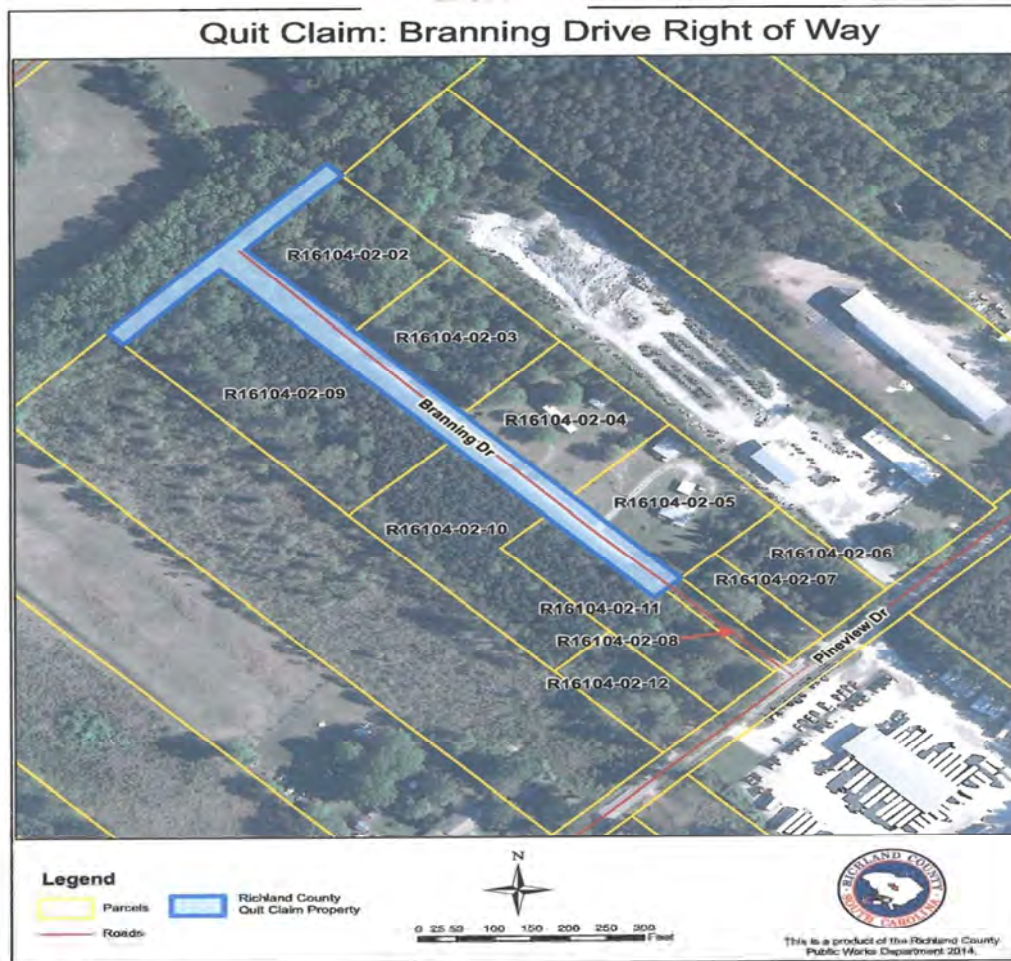


EXHIBIT "B-1"

THE STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

EASEMENT AND RIGHT-OF-WAY DEED

THIS INDENTURE made this the 24th day of May, 19 71,
B.

by and between Pearline/Walker of the County and State aforesaid, Party of the First Part, and the Supervisor and County Council of Richland County, of the County and State aforesaid, Party of the Second Part, WITNESSETH:

That the said Parties hereto, for and in consideration of the sum of one (\$1.00) dollar each to the other paid, the receipt whereof is hereby acknowledged, and in further consideration of the agreements and conditions hereinafter contained do mutually agree as follows:

That the Party of the First Part does hereby grant, bargain, sell, release and convey unto the Party of the Second Part, their successors in office, easements and rights-of-way, 50 feet in width, over and across the lands hereinafter described for the purpose of constructing and maintaining streets or roads thereon, said easements and rights-of-way for the construction and maintenance of such streets or roads being more particularly described as follows:

20 ft. width off Lot 6 of lands of Pearline B. Walker and Charles Milton Walker

30 ft. off Lot 7 of Pearline B. Walker's property.

(Leaving a width of 50 feet strip of land from canal on back of lot to make right-of-way through lands to back lands, leaving strip of land 50 ft. in length and 50 ft. in width (by canal).

Length through lands - 929 ft. more or less.

(The beginning of right-of-way shall be 208 ft. off Pineview Drive joining rock drive.)

*Banning Dr.
3-305*

It is understood and agreed that the width of the above described easements and rights-of-way exceed _____ feet if made necessary by cuts and fills or by drainage ditches.

Together with all and singular the rights, members, hereditaments and appurtenances thereunto belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD the said easements and rights-of-way unto the said Party of the Second Part, their successors and assigns, upon the following conditions:

Party of the First Part understands that said streets or roads are located by the Party of the First Part; that the construction and maintenance of said streets or roads will tend to collect surface waters into artificial channels and cast same on the lands adjoining said rights-of-way in concentrated form, through interference with the natural flow of such surface waters; that the Party of the Second Part do not hold themselves out to perform, nor do they have equipment and material or appropriations of money to purchase equipment and material necessary to adequately pipe and ditch the lands adjoining said rights-of-way (the contemplated road beds) for the purpose of removing the surface waters or to provide means so that the natural flow of water shall not be impounded or interfered with to the damage of adjoining lands; and it is therefore agreed as one of the material considerations and inducements for constructing and maintaining said streets or roads by the Party of the Second Part, that the Party of the first part does, hereby release the Party of the Second Part, and their successors in office and Richland County, in the State aforesaid, from, and does hereby assume all risks of loss, damage, destruction or claims, of every kind or description, present or future, caused to, or suffered by Party of the First Part, _____ heirs, assigns or successors in title to property adjoining said rights-of-way resulting from the collection of, or interference with, the natural flow of surface water due to the construction, maintenance and repair, including future construction, maintenance and repair, of said streets or roads creating or resulting in a nuisance or of the taking of property without due process of law.

And the said Party of the First Part for _____ and for their heirs, assigns or successors to title does hereby further agree to save and hold harmless the Party of the Second Part, their successors in office, and Richland County, from all such losses, damages, destruction and claims hereinabove specified.

It being understood and agreed by and between the parties hereto that the Party of the First Part shall furnish, at no cost to the Party of the Second Part, all necessary drain pipe to be used in construction of the roads or streets over the rights-of-way hereinabove described and the Party of the Second Part shall furnish at no cost to the Party of the First Part all necessary pipe for opening driveways from said rights-of-way to the adjoining property.

And the Party of the Second Part, their successors in office agree to maintain and repair said streets or roads in a reasonably good and workmanlike manner.

IN WITNESS WHEREOF the Parties hereto have hereunto set their hands and seals the day and year first hereinabove written.

Charles Milton Walker
Party of the First Part (Seal)
Pearline B. Walker
PARTY OF THE FIRST PART (SEAL)

SUPERVISOR AND COUNTY COUNCIL
OF RICHLAND COUNTY

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:
Faye E. Lewis
Mary A. Griffin
As to Party of the First Part
Barbara M. Stone

By C. Lancy J. ... (SEAL)
Supervisor

EXHIBIT "B-2"

THE STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

PROBATE NO. 1
As to Party of the First Part

PERSONALLY appeared before me Faye P. Lewis Pearlina B. Walker
who being duly sworn says that he saw the within named MARY Griffin
Party of the First Part, sign, seal and as its act and deed deliver the within written Instrument for the uses
and purposes therein mentioned, and that he with FAYE P. LEWIS
witnessed the execution thereof.

SWORN to before me this Mary A. Griffin
day of _____ 19____

(L. S.)
Notary Public for South Carolina

THE STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

PROBATE NO. 2
As to Party of the Second Part

PERSONALLY appeared before me Goodwyn M. HANE
who being duly sworn says that he saw the within named Supervisor and County Council of Richland County by the Supervisor,
attested to by the Administrative Assistant, sign, seal; and as their act and deed deliver the within written Instrument for the uses
and purposes therein mentioned and that he with James W. Payer
witnessed the execution thereof.

SWORN to before me this Goodwyn M. Hane
day of _____ 19____

(L. S.)
Notary Public for South Carolina

THE STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

RENUNCIATION OF DOWER

I, _____ Notary Public for S. C.,
do hereby certify unto all whom it may concern that Mrs. _____
the wife of the within named _____, did this day appear
before me, upon being privately and separately examined by me did declare that she does, freely, voluntarily, and without any com-
pulsion, dread or fear of any person or persons whomsoever, renounce, release, and forever relinquish unto the within named Super-
visor and County Council of Richland County, S. C., their successors and assigns, all her interest and estate, and also her right and
claim of dower of, in and to, all and singular, the premises within mentioned and released.

Given under my hand and seal, this _____ day of _____
Anno Domini, 19____

Signature of Wife
Sworn to before me this _____ day of _____ A. D. 19____

(L. S.)
Notary Public for South Carolina

STATE OF SOUTH CAROLINA
RICHLAND COUNTY

— TO —
SUPERVISOR AND COUNTY
COUNCIL
RICHLAND COUNTY, S. C.

OFFICE OF RIGHT-OF-WAY
certify that the within deed has

A. D.
Filed in Book

Clerk of Court for Richland County.

certify that the within deed has

A. D.
Filed in Book

Auditor.

COPYING OFFICE SUPPLY CO. 844827


Lea Walker

From: "Lea Walker" <walkerlea@gmail.com>
Date: Tuesday, February 11, 2014 2:13 PM
To: "RANDY BYRD" <BYRDR@rcgov.us>
Subject: Re: 2 Deeds in attachments

Dear Mr. Byrd:

Would you please deed the Branning Drive and the related easement to Chinese Culture Center? Thanks!

Best regards,



Lea Walker, President
(US) Chinese Culture Center
1708 Greene Street
Columbia, SC 29201, USA
(803) 252-9086
walkerlea@gmail.com
walker@ChineseCultureCenter.org
www.ChineseCultureCenter.org
Call me free from China: 950-40333-555
Extension: 8991112637#

Exhibit D

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) QUIT CLAIM DEED

THIS QUIT-CLAIM DEED, executed this _____ day of _____, 20__ by Richland County, (hereinafter “Grantor”), and Chinese Culture Center (hereinafter “Grantee”). (Wherever used herein, the terms “Grantor” and “Grantee” shall include singular and plural, heirs, successors, assigns, legal representatives and corporations wherever the context so permits or requires).

WITNESSETH, that the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), in hand paid by the grantee, the receipt of which is hereby acknowledge, does hereby remise, release, and quit-claim unto the Grantee, their heirs, successors, and assigns, forever, all their right, title, interest, claim and demand which Grantor has in and to the following described lot, piece, or parcel of land, situate, lying and being in the County of Richland, State of South Carolina, to wit:

Description:

See Attached Exhibit “A”

TO HAVE AND TO HOLD the same together with all and singular the rights, members, hereditaments and appurtenances to the premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the remises before mentioned unto the said Grantee, their heirs, successors and assigns forever so that neither the said Grantors nor their heirs successors, or assigns nor any other person or persons, claiming under their heirs, successors, or assigns, predecessors, or them, shall at any time hereafter, by any way or means, have claim or demand any right or title to the aforesaid premises or appurtenances, or any part of parcel thereof, forever.

WITNESS my hands and seals this _____ day of _____ in the
_____ year of our lord.

WITNESSES:GRANTOR

_____ By _____
(Witness #1) Councilperson Norman Jackson
Its: Chairman Richland County Council

(Witness #2/Notary)

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

PROBATE
(Grantor)

Personally appeared before me _____ and
(Name of Witness #1)
made oath that (s)he saw the within named _____

Execute, seal and as its act and deed, deliver the within Assignment and that (s)he with
_____ witnessed the execution thereof
(Name of Witness #2/Notary

Signature of Witness #1

Sworn to before me this _____
day of _____, 20__

Notary Public for South Carolina

MCE _____

Richland County Council Request of Action

Subject

Small Local Business Enterprise Program Design Model and Projected Budget Approval [**PAGES 36-58**]

Reviews

Richland County Council Request of Action

Subject: Small Local Business Enterprise Program Design Model and Projected Budget Approval

A. Purpose

County Council is requested to approve a program design model and budget for the Small Local Business Enterprise (SLBE) division for countywide and Transportation Penny Tax generated projects and contracts.

B. Background / Discussion

The primary objectives of the program are to:

- Utilize a race- and gender-neutral procurement tool to increase the capacity of small and local businesses, including Minority/Women/Disadvantaged Business Enterprises (M/W/DBEs);
- Promote equal opportunity for businesses in construction, architectural, professional, engineering and commodities industries by entering into contracts or engaging in business relationships solely with businesses that have demonstrated equal treatment of vendors, suppliers, subcontractors or commercial customers in their solicitations, selection, and hiring practices;
- Provide additional avenues for the development of broad-based competition for County contracts from the growing pool of small and locally-based businesses;
- Establish new, locally-based sources of supply which promotes economic development.

The general responsibilities associated with administering the program include, but are not limited to:

- Providing general program oversight, management and support;
- Preparing progress, performance and annual reports of goals;
- Certifying SLBEs, Emerging SLBEs and joint ventures;
- Form Goal Setting Committee(s) to establish and apply Affirmative Procurement Initiatives (APIs) when needed;
- Conducting contract compliance verifications;
- Managing contract specification reviews, oversight and close-outs;
- Determining whether graduation and/or suspension provisions of SLBE, Emerging SLBE firms and joint ventures have been met;
- Marketing, community outreach and developing community partnerships;
- Budget and cost monitoring and control.

In designing a model for the program, a Program Needs Assessment was completed which included performing a staffing analysis, projecting personnel and operating costs, and developing a proposed overall budget. In evaluating the program's needs, the City of Columbia, SCDOT, Charleston County, City of Charlotte, City of Durham, City of Houston, and the City of San Diego were consulted during the study to learn how their programs were structured and

staffed. In this evaluation five (5) positions were identified as most vital to the operations of the SLBE program. These positions will report to the Assistant Director of the SLBE division.

Each position's pay rates will be proportional with the percent of work completed through the Penny Tax and the amount completed countywide which is estimated to be allocated at a rate of 75% from the Transportation Penny Tax fund and 25% from the General Fund. These positions may be eliminated when total projected revenues from the Transportation Penny program have been collected and expended in roughly 21 years.

A brief description of each position is provided below as well as the number of staff persons needed in each category. These positions are also illustrated in the SLBE organization chart, which is attached as Appendix 1:

- **Certification Specialist (1-2):** Responsible for reviewing and processing applications for primes and subcontractors; examining, evaluating, and investigating program eligibility; conducting site visits to verify program eligibility and confirming eligibility of industries that work with other businesses or firms. Recommendations for certification or denial will be made by the incumbent however the Assistant Director will make final determination of eligibility and whether certification ultimately will be granted. The outcome of a classification study conducted by HRD has established a pay range between \$32,152 and \$51,298 per year.
- **Contracts and Compliance Specialist (1-2):** Responsible for ensuring federal, state and local laws, regulations and ordinances governing contracts are complied with. This individual will ensure policies, procedures and regulations are being practiced in accordance with the provisions of the scope of services within the contract. This individual will also monitor performance and other related activities of primes and subcontractors to ensure each participant remains eligible for involvement in the program. Recommendations to graduate, suspend or terminate participants from the program will be made to the Assistant Director who will make the final determination whether program criteria for advancement from the program have been satisfied. This individual may also assist with contract development, administration, tracking, analysis, monitoring and communicating performance. The outcome of a classification study conducted by HRD has established a pay range between \$39,062 and \$62,420 per year.

Shortly after the program has been fully implemented, in FY 15 a subsequent determination will be made when the additional positions will need to be brought in to the program. The positions outlined below have not undergone a classification study so the pay amounts are purely estimates only. They include the following:

- **Procurement Specialist (1):** Responsible for developing schedules for final construction plan submittals, project advertisements, addendums, mandatory pre-bid meetings, and

bid openings. Develops proposals for individual project bids and provides final engineering cost estimates prior to project advertisement. Conducts bid openings, analysis of bid tabulations and makes recommendations to the Assistant Director for awards and rejections. Produces standard specifications for proposals to ensure SLBE requirements for individual projects and oversight procedures for compliance are adhered to.

- **Program Specialist / Intake Coordinator (1):** As the first point of contact, the incumbent is responsible for providing administrative support to the program, including intake and coordination of certification applications; communicating with and responding to questions from potential applicants and the public; monitoring and updating the bidder registration system; maintaining schedule for outreach meetings and workshops in conjunction with the PDT and providing assistance as needed; responding to information requests; conducting basic research and storing and integrating information from existing files and databases to a new system.

Prior to implementing the program, it is recommended one Certification Specialist and one Contracts and Compliance Specialist be hired immediately. In the first few months after the program launches staffing levels will build as the program fully develops and its needs expand at which time a second Certification or Contracts and Compliance Specialist, a Procurement Specialist and a Program Assistant. Council is also requested to approve hiring these positions as well; however, these positions are not as critical as the other two requested and could be filled after July 1, 2014.

The program will be continuously and closely monitored after implementation to verify all positions adequately cover the needs of the program. Adjustments will be made as needed to ensure the program's operations function in a high quality, efficient and streamlined manner. It is therefore recommended funding for all estimated personnel costs be approved and encumbered *now* as part of the division's FY15 budget request. When program need dictate the need for additional staff, the vacant positions and associated personnel costs will have already been approved and the positions can be filled as quickly as possible. Administration and Council will be updated of any anticipated changes in program needs at the earliest time possible.

The program is projected to launch in July 2014 and assumes the program design and proposed budget have received Council approval, the necessary resources are available and accessible as requested, and the two requested employees are in place prior to implementation. Although firm estimates are not available on the prospective number of SLBEs that will participate in the program, gauging from the level of public interest in the Penny Tax initiative, upcoming projects scheduled to begin in summer 2014, and from discussions with and inquiries from small business owners, the interest is predicted to be moderate to high.

C. Legislative / Chronological History

- On February 18, 2014 County Council approved the Retreat Directive for staff to provide Council a program design model and present a proposed budget.
- At the Council Retreat held on January 23, 2014 Council was provided an update on the status of the program.
- On December 30, 2013 the SLBE program was added as a second division to the Procurement Office.
- Ordinance No. 049-13HR was approved on September 17, 2013 (attached as Appendix 2).

D. Financial Impact

All program-related costs will be allocated from both the Transportation Penny Tax Fund and the General Fund based on the division of the work in each area. The program as well as operating costs provided in Table 1 is *estimate only* since this is a newly-developed program.

The initial one-time purchase of vehicles, computers and related equipment, and office supplies required for staff will be higher in the first year than in subsequent years when these items will be maintained. The Certification and Contracts and Compliance Specialist positions have been identified as most critical and time sensitive to implementation. However, the Procurement Specialist and Program Specialist positions will be classified by HRD in the near future.

To provide Council a realistic sense of what the personnel costs would be for the positions that have not undergone a classification study, similar positions from the municipalities mentioned earlier were reviewed, as well as research from the National Occupational Employment and Wage Estimates from the Bureau of Labor statistics salaries. However because each particular program design and its needs are unique, and because the variables associated with determining pay ranges vary so widely, the information reviewed could only be applied in a general manner. After the classification analysis for the Procurement and Program Specialist positions have been completed and concrete pay ranges for each have been determined, the budget will be updated accordingly.

When the classifications have been completed and the pay ranges have been defined, the information will be presented to Council in a progress report update.

Table 1. SLBE Program Budget

Line Description	FY15
Estimated Personnel Costs	\$382,151
Estimated Operating Costs	\$109,000
Total Estimated Program Costs	\$ 491,151

E. Alternatives

1. Approve the request to implement the proposed SLBE program model and projected budget for the remainder of FY14 and authorize two staff persons to be immediately hired in FY 14 prior to implementation. The personnel budget for the remaining three positions will be

approved and encumbered as part of this request to allow the additional three staff positions to be hired in FY15. Approval of five positions is being requested.

2. Do not approve the request to implement the proposed SLBE program model and projected budget for the remainder of FY14 and FY 15.

If this Alternative is selected, the program will not be implementable. All associated program expenditures and proposed positions are critical to the development, implementation, and administration of the program.

F. Recommendation

It is recommended Council approve the request to implement the proposed SLBE program model and projected budget for the remainder of FY14 and authorize two staff persons to be immediately hired in FY 14 prior to implementation. The personnel budget for the remaining three positions will be approved and encumbered as part of this request to allow the additional three staff positions to be hired in FY15. Approval of five positions is being recommended.

Recommended by: Justine Jones Department: Procurement Date: 4/7/14

G. Reviews

Finance

Reviewed by: Daniel Driggers Date: 4/18/14
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommendation supports Administration's comments below

Human Resources

Reviewed by: Dwight Hanna Date:
 Recommend Council approval Recommend Council denial
 County Council discretion
Comments regarding recommendation: It appears that Council has already approved and/or agreed to this project. Upon review, there are different individuals designated for approvals. Some approval authorizations are designated to Procurement Director, and Assistant Procurement Director [and] appropriate Contracting Officer. Human Resources recommends the County clearly designates who has approval authority. Human Resources has not participated in the staffing analysis and assessment to determine the appropriate number or type positions needed for this project. Human Resources involvement has been limited to classification of jobs based on information provided from the Procurement Department.

Legal

Reviewed by: Elizabeth McLean Date: 4/18/14
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Policy decision left to Council's discretion.

Administration

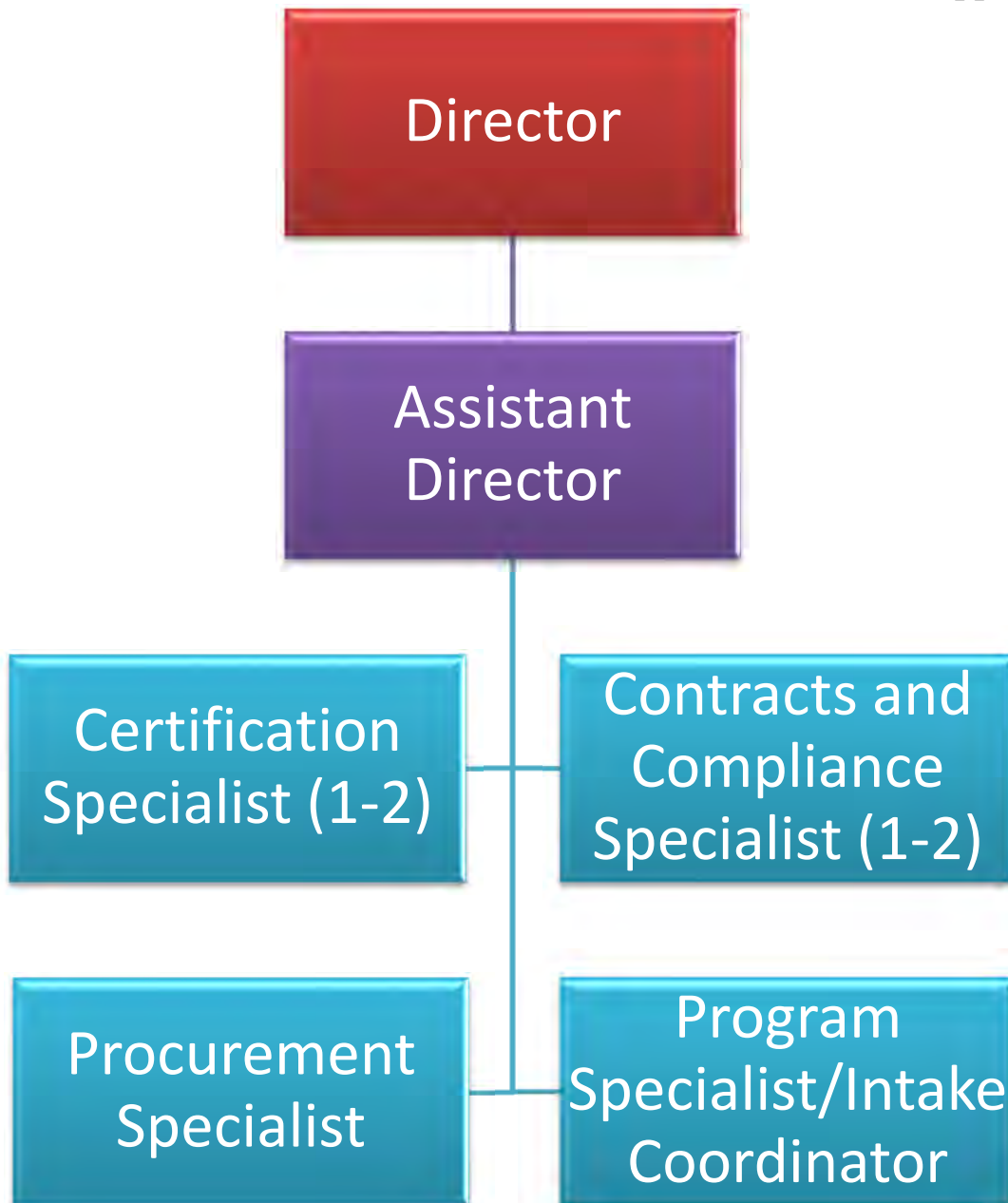
Reviewed by: Roxanne Ancheta Date: April 18, 2014
 Recommend Council approval Recommend Council denial

Comments regarding recommendation: It is recommended that Council approve the request to implement the proposed SLBE program model as outlined above. It is also recommended that Council immediately approve the creation and hiring of one (1) Certification Specialist, and one (1) Contracts and Compliance Specialist. A budget amendment will be required. Council may choose to approve the remaining three (3) proposed new positions at this time, or wait to see how the program progresses, and determine staffing needs at a later date. This portion of the request (remaining 3 positions) is a policy decision of Council.

**Small Local Business Enterprise (SLBE)
Program Organization Chart**

FYs14/15

Appendix 1



Appendix 2

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 049-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE X, PURCHASING; BY ADDING A NEW DIVISION ENTITLED 7, SMALL LOCAL BUSINESS ENTERPRISE PROCUREMENT REQUIREMENTS; AND AMENDING CHAPTER 2, ADMINISTRATION; ARTICLE XI, INQUIRIES AND INVESTIGATIONS; SO AS TO RENUMBER THE PARAGRAPHS THEREIN.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances; Chapter 2, Administration; Article XI, Inquiries and Investigation; Section 2-639, Short title; is hereby renumbered to read as Section 2-647, and all remaining paragraphs in Article XI are renumbered in appropriate chronological order.

SECTION II. The Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; is hereby amended by the creation of a new Division, to read as follows:

DIVISION 7. SMALL LOCAL BUSINESS ENTERPRISE PROCUREMENT REQUIREMENTS

Sec. 2-639. General Provisions.

(a) *Purpose*

The purpose of this division is to provide a race- and gender-neutral procurement tool for the County to use in its efforts to ensure that all segments of its local business community have a reasonable and significant opportunity to participate in County contracts for construction, architectural & engineering services, professional services, non-professional services, and commodities. The Small Local Business Enterprise (“SLBE”) Program also furthers the County’s public interest to foster effective broad-based competition from all segments of the vendor community, including, but not limited to, minority business enterprises, small business enterprises, and local business enterprises. This policy is, in part, intended to further the County’s compelling interest in ensuring that it is neither an active nor passive participant in private sector marketplace discrimination, and in promoting equal opportunity for all segments of the contracting community to participate in County contracts. Moreover, the SLBE Program provides additional avenues for the development of new capacity and new sources of competition for County contracts from the growing pool of small and locally based businesses.

(b) *Scope and Limitations*

This SLBE Program may be applied by the County on a contract-by-contract basis to the maximum practicable extent permissible under federal and state law.

(c) *Definitions*

Affirmative Procurement Initiatives – refers to any procurement tool to enhance contracting opportunities for SLBE firms including: bonding / insurance waivers, bid incentives, price preferences, sheltered market, mandatory subcontracting, competitive business development demonstration projects, and SLBE evaluation preference points in the scoring of proposal evaluations.

Award – the final selection of a bidder or offeror for a specified prime contract or subcontract dollar amount. Awards are made by the County to prime contractors or vendors or by prime contractors or vendors to subcontractors or sub-vendors, usually pursuant to an open invitation to bid (“ITB”) or request for proposal (“RFP”) process. (Contract awards are to be distinguished from contract payments in that they only reflect the anticipated dollar amounts instead of actual dollar amounts that are to be paid to a bidder or offeror under an awarded contract.)

Bid Incentives – additional inducements or enhancements in the bidding process that are designed to increase the chances for the selection of SLBE firms in competition with other firms. These bid incentives may be applied to all solicitations, contracts, and letter agreements for the purchase of Architectural & Engineering services, Construction, Professional Services, Non-professional Services, and Commodities including change orders and amendments.

Centralized Bidder Registration System (“CBR”) -- a web-based software application used by the County of Richland to track and monitor SLBE availability and utilization (i.e., “Spend” or “Payments”) on County contracts.

County – refers to the County of Richland, South Carolina.

Commercially Useful Function – an SLBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the SLBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quantity and quality, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether an SLBE is performing a commercially useful function, an evaluation must be performed of the amount of work subcontracted, normal industry practices, whether the amount the SLBE firm is to be paid under the contract is commensurate with the work it is actually performing and the SLBE credit claimed for its performance of the work, and other relevant factors. Specifically, an SLBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of meaningful and useful SLBE participation, when in similar transactions in which SLBE firms do not participate, there is no such role performed.

Emerging SLBE – an emerging firm that meets all of the qualifications of a Small Local Business Enterprise, and that is less than five years old, but has no more than five full-time employees and annual gross sales as averaged over the life of the firm that are less than \$1 million.

Goal – a non-mandatory annual aspirational percentage goal for SLBE contract participation is established each year for Architectural & Engineering services, Construction, Professional Services, Non-professional Services, and Commodities contracts. Mandatory percentage goals for SLBE subcontract participation may be established on a contract-by-contract basis by either the Director of Procurement or a Goal Setting Committee.

Goal Setting Committee – a committee established by the Director of Procurement for the County (including a representative of the Procurement Department and a representative of the end-user agency) and chaired by the Director of Procurement that establishes SLBE Program goals and selects appropriate SLBE Affirmative Procurement Initiatives to be applied to each contract for the County based upon industry categories, vendor availability, and project-specific characteristics. The Director of Procurement may establish as many as five separate Goal Setting Committees (i.e., one for each industry category).

Good Faith Efforts – documentation of the Bidder’s intent to comply with SLBE Program goals and procedures, including, but not limited to the following: (1) documentation within a bid submission or proposal reflecting the Bidder’s commitment to comply with SLBE Program goals as established by the Director of Procurement or a Goal Setting Committee for a particular contract; or (2) documentation of efforts made towards achieving the SLBE Program goals (e.g., timely advertisements in appropriate trade publications and publications of wide general circulation; timely posting of SLBE subcontract opportunities on the County web site; solicitations of bids from all qualified SLBE firms listed in the County’s SLBE Directory of certified SLBE firms; correspondence from qualified SLBE firms documenting their unavailability to perform SLBE contracts; documentation of efforts to subdivide work into smaller quantities for subcontracting purposes to SLBE firms; documentation of efforts to assist SLBE firms with obtaining financing, bonding, or insurance required by the bidder; and documentation of consultations with trade associations and consultants that represent the interests of small and local businesses in order to identify qualified and available SLBE subcontractors.)

Graduation – An SLBE firm permanently graduates from the County’s SLBE program when it meets the criteria for graduation set forth in this policy.

Independently Owned, Managed, and Operated – ownership of an SLBE firm must be direct, independent, and by individuals only. Business firms that are owned by other businesses or by the principals or owners of other businesses that cannot themselves qualify under the SLBE eligibility requirements shall not be eligible to participate in the SLBE program. Moreover, the day-to-day management of the SLBE firm must be direct and independent of the influence of any other businesses that cannot themselves qualify under the SLBE eligibility requirements.

Industry Categories – procurement groupings for County contracts for purposes of the administration of Affirmative Procurement Initiatives shall be inclusive of Architectural &

Engineering, Construction, Professional Services, and Non-professional Services, and Commodities procurements. Industry Categories may also be referred to as “business categories.”

Joint Venture - an association of two or more persons or businesses carrying out a single business enterprise for which purpose they combine their capital, efforts, skills, knowledge and/or property. Joint ventures must be established by written agreement.

Local Business Enterprise (“LBE”) - a firm having a Principal Place of Business or a Significant Employment Presence in Richland County, South Carolina. This definition is subsumed within the definition of Small Local Business Enterprise.

Non-professional Services – non-construction, non-architectural, and non-engineering services that are other than Professional Services, and such “other” services that do not require any license or highly specialized training and credentials to perform.

Points – the quantitative assignment of value for specific evaluation criteria in the selection process.

Prime Contractor – The vendor or contractor to whom a purchase order or contract is awarded by the County for purposes of providing goods or services to the County.

Principal Place of Business – a location wherein a firm maintains a company headquarters or a physical office and through which it obtains no less than fifty percent of its overall customers or sales dollars, or through which no less than twenty-five percent of its employees are located and domiciled in the County of Richland and/or Richland County.

Professional Services – any non-construction and non-architectural & engineering services that require highly specialized training and / or licensed credentials to perform, such as legal, accounting, scientific, technical, insurance, investment management, medical, or real estate services.

Responsive - a firm’s bid or proposal conforms in all material respects to the invitation to bid or request for proposal and shall include compliance with SLBE Program requirements.

Sheltered Market – An Affirmative Procurement Initiative designed to set aside a County contract bid for bidding exclusively among SLBE firms.

Significant Employee Presence – no less than twenty-five percent of a firm’s total number of full and part-time employees are domiciled in Richland County.

Small Local Business Enterprise (“SLBE”) – an independently owned firm that is not dominant in its industry, and that satisfies all requirements of being both a “*Small Business Enterprise*” and a “*Local Business Enterprise*.”

SLBE Plan Execution Certification (SLBE Form – C) - The form certifying the general contractor’s intent to use a SLBE subcontractor, verifying that an agreement has been executed between the prime and the SLBE.

SLBE Directory - A listing of the small local businesses that have been certified by the Procurement Department for participation in the SLBE Program.

SLBE Certification/Re-certification Application (SLBE Form – R) – This form shall be completed by Small Local Business Enterprises (SLBEs) when applying for and/or recertifying SLBE status for participation in the County’s Small Local Business Enterprise Program. This form shall be completed every two years by certified Small Local Business Enterprises by the anniversary date of their original certification.

SLBE Schedule for Subcontractor Participation (SLBE Form – S) – This form must be completed by all non-SLBE firms that subcontract to SLBE firms. A form must be submitted for each SLBE subcontractor. This form(s) must be reviewed and approved by the Director of Procurement before contract award.

SLBE Unavailability Certification (SLBE Form – U) - This form demonstrates a bidder's unsuccessful good faith effort to meet the small, local participation requirements of the contract. This form will only be considered after proper completion of the outreach and compliance efforts and methods used to notify and inform SLBE firms of contracting opportunities have been fully exhausted.

Small Business Enterprise (“SBE”) a small business enterprise is any for- profit enterprise as defined by South Carolina Code of Laws, Title 33, Chapter 31 that is not a broker, that is independently owned and operated, that is not a subsidiary of another business, and that is not dominant in its field of operation; and that also meets the following size standard limitations: (1) the SBE must have no more than fifty full-time employees; and (2) the SBE and must have annual gross revenues within its largest primary NAICS commodity code as averaged over its most recent past three fiscal years of not more than \$10 million for construction firms, specialty trade contractors, and manufacturing firms; not more than \$5 million for architectural firms; not more than \$3 million for professional services firms (e.g., scientific, real estate, insurance, accounting, legal, etc.); not more than \$2.5 million for engineering firms; and not more than \$2 million for wholesale operations, retail firms, and all other services firms (e.g., truck transportation, administrative support services, repair and maintenance services). If a business has not existed for 3 years, the employment and gross sales limits described above shall be applied based upon the annual averages over the course of the existence of the business not to exceed the three years. Once the gross annual receipts of a business exceed the gross sales average limits, it should no longer be eligible to benefit as an SLBE firm and should be graduated from the program. The size standards in number of employees and annual gross revenue dollars should be reviewed annually and adjusted periodically to meet economic changes. Joint ventures must be certified on a bid-by-bid basis. The joint venture shall not be subject to the average gross receipts and employee limits imposed by this section. However, each individual business participating in the joint venture must be certified by the Procurement Department as an SBE. *This definition is subsumed within the definition of Small Local Business Enterprises.*

Small Local Business Enterprise (“SLBE”) – A Local Business Enterprise that is also a Small Business Enterprise.]

Spend Dollars – dollars actually paid to prime and / or subcontractors and vendors for County contracted goods and/or services.

Subcontractor – any vendor or contractor that is providing goods or services to a Prime Contractor in furtherance of the Prime Contractor’s performance under a contract or purchase order with the County.

Suspension – the temporary stoppage of a SLBE firm’s participation in the County’s contracting process under the SLBE Program for a finite period of time due to the cumulative contract payments the SLBE received during a fiscal year.

Sec. 2-640. Program Objectives and General Responsibilities.

(a) To meet the objectives of this Program, the County is committed to:

1. Increasing the participation of Small Local Business Enterprises (“SLBEs”) in County contracting, and, to the extent possible, ameliorating through race- and gender-neutral means, any disparities in the participation of minority business enterprises or women business enterprises on County contracts.
2. Regular evaluation regarding the progress of the Program using accumulated availability and utilization data to determine specific program provisions that require modification, expansion, and/or curtailment;
3. Establishing one or more Goal Setting Committee(s) (“GSCs”) to provide guidance on the implementation of the rules under this Policy;
4. Continuous review and advice of the GSC in administering the policy and goals herein. The County’s Director of Procurement shall determine the size of each GSC that is to be chaired by the Procurement Director. The Procurement Director shall also appoint the remaining members of the GSC from the County’s procurement personnel and other County departments affected by this Program; and
5. Providing accountability and accuracy in setting goals and in reporting program results through the implementation of a mandatory centralized bidder registration process capable of identifying with specificity the universe of firms that are available and interested in bidding on and /or performing on County contracts, and of providing the means of tracking actual County bids, contract awards, and prime contract and subcontract payments to registered bidders on the basis of firm ownership status, commodity or sub-industry codes, firm location, and firm size. Accordingly, Prime Contractors and Subcontractors will be required to register and input data into the CBR or other related forms and systems as a condition of engaging in business with the County.

(b) At a minimum, the Procurement Director shall:

1. Report to the County Administrator and the County Council on at least an annual basis as to the County’s progress towards satisfying SLBE program objectives;

2. Formulate Program waivers, improvements and adjustments to the GSC goal-setting methodology and other Program functions;
3. Have substantive input in a contract specification review process to be undertaken in advance of the issuance of County's RFPs and bid solicitations to ensure that contract bid specifications are not unnecessarily restrictive and unduly burdensome to small, local, minority-owned, and other businesses;
4. Receive and analyze external and internal information including statistical data and anecdotal testimonies it deems appropriate to effectively accomplish its duties; and
5. Monitor and support the implementation of the rules under this Program, and where appropriate, make recommendations to the County Administrator for approval of changes to established size standards for SLBE firms, and provide notice of all approved changes to the County Council.

(c) At a minimum, each Goal Setting Committee shall:

1. Meet as often as it deems necessary to accomplish its duties but not less than twice annually;
2. Develop the SLBE goal setting methodology to be implemented by the Director of Procurement on a contract-by-contract basis; and
3. Monitor and support the implementation of the rules under this Program policy.

Sec. 2-641. Eligibility for the SLBE Program.

(a) For the purpose of this program, a firm will be certified as a Small and Local Business Enterprise (*SLBE*) with the Procurement Department upon its submission of a completed certification form (SLBE Form-R), supporting documentation, and a signed affidavit stating that it meets all of the SLBE eligibility criteria as set forth below:

1. It is an independently owned and operated for-profit business concern as defined by South Carolina Code of Laws, Title 33, Chapter 31 that is not a broker, that is not a subsidiary of another business, that is not dominant in its field of operation; whose owners are actively involved in day-to-day management and control of the business, and that also is performing a commercially useful function;
2. It meets size standard eligibility requirements for Small Business Enterprises as defined below:
 - a. Construction firms, specialty trade firms, and manufacturing firms have not employed more than 50 full-time persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$7 million in its most recently completed 3 fiscal years;

- b. Architectural business firms have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$3 million in its most recently completed 3 fiscal years;
- c. Professional services business firms have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$3 million in its most recently completed 3 fiscal years;
- d. Engineering business firms , have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$2.5 million in its most recently completed 3 fiscal years;
- e. Wholesale operations, retail firms, and all other services business firms have not employed more than 50 persons at any time during the last three years, and the gross annual revenues of the business for its largest primary NAICS code have not exceeded an average of \$2 million in its most recently completed 3 fiscal years; and

If a business has not existed for 3 years, the employment and gross revenue limits described above shall be applied based upon the annual averages not to exceed three years.

Once the gross annual revenues of a business exceed the three-year average gross annual revenue limits, it should no longer be eligible to benefit as an SLBE firm and should be permanently graduated from the program. The size standards in number of employees and annual gross revenue dollars should be reviewed annually and adjusted periodically to meet changes in market conditions. Joint ventures must be certified on a bid-by-bid basis. The joint venture itself shall not be subject to the size standard limitations imposed by this section. However, each individual business participating in the joint venture must be certified by the Procurement Department as an SLBE in order for the joint venture to receive the benefits of the SLBE program.

This definition is subsumed within the definition of Small Local Business Enterprises.

- 3. The firm is a Local Business Enterprise as defined by this Policy with a principal place of business or significant employment presence in Richland County, SC as defined herein;
- 4. The firm has been established for at least one year or the managing principals of the business each have at least three years of relevant experience prior to forming or joining the business; and
- 5. In the year preceding the date of the initial certification application, the applicant has not received more than \$1,000,000 in County contract payments as a result of contract awards from the County achieved through an open competitive bidding process.

(b) Upon receipt of SLBE certification or re-certification applications, the Director of Procurement or designated Procurement Department staff shall review all enclosed forms affidavits and documentation to make a prima facie determination as to whether the applicant satisfies the SLBE eligibility requirements as set forth in this policy. Applicants determined ineligible to participate as a SLBE shall receive a letter from the Director of Procurement stating the basis for the denial of eligibility. Applicants determined ineligible shall not be eligible to submit a new application for one year after the date of the notice of denial of eligibility.

(c) Applicants determined eligible to participate in the SLBE program shall submit a completed re-certification form (SLBE-R) every two years to the Procurement Department for review and continued certification. However, upon application for re-certification, an SLBE firm must be an independently owned and operated business concern, and maintain a Principal Place of Business or Significant Employment Presence in the County of Richland in accordance with this Section 2-641 of Division 7, "Eligibility for the SLBE Program," of this Policy. To qualify for recertification, an SLBE's maximum employment numbers and annual gross revenues average for the three fiscal years immediately preceding the application for recertification shall not exceed the size standard eligibility requirements.

(d) In the course of considering the certification or re-certification status of any SLBE firm, the Director of Procurement or his or her designees shall periodically conduct audits and inspect the office, job site, records, and documents of the firm, and shall interview the firm's employees, subcontractors, and vendors as reasonably necessary to ensure that all eligibility standards are satisfied and that the integrity of the SLBE Program is maintained.

(e) For purposes of this Program, a firm will be certified as an *Emerging SLBE* by the Procurement Department upon its submission of a completed certification form (SLBE Form-R), supporting documentation, and a signed affidavit stating that it meets all of the Emerging SLBE eligibility criteria as set forth below:

1. The firm complies with SLBE criteria as specified above in Sec. 2-641 (a)(1) and (a)(3);
2. The firm has been in existence for less than five years;
3. The firm has no more than five full-time employees; and
4. The firm's annual gross revenues as averaged over the life of the firm are less than \$1 million.

Sec. 2-642. Graduation and Suspension Criteria.

(a) A bidder may not count towards its SLBE or Emerging SLBE participation the amount subcontracted to an SLBE or Emerging SLBE firm that has graduated or been suspended from the program as follows:

1. An SLBE firm shall be permanently graduated from the SLBE Program after it has received a cumulative total of \$5 million of County-funded prime contract or subcontract payments in at least five separate contracts since its initial certification as an SLBE firm;

2. An SLBE firm shall be permanently graduated from the SLBE program after its three fiscal year average gross sales exceeds the size standard eligibility requirements;
 3. An SLBE firm shall be temporarily suspended by the Director of Procurement for the balance of any fiscal year after it has received a cumulative total of \$1.5 million in payments as a prime contractor and / or subcontractor for that fiscal year; provided, however, that the SLBE firm shall be eligible to participate in Affirmative Procurement Initiatives in the following fiscal year so long as the firm has not yet satisfied the graduation criteria;
 4. An SLBE firm may have its SLBE eligibility permanently revoked by the Director of Procurement if it fails to perform a Commercially Useful Function under a contract, or if it allows its SLBE status to be fraudulently used for the benefit of a non-SLBE firm or the owners of a non-SLBE firm so as to provide the non-SLBE firm or firm owners benefits from Affirmative Procurement Initiatives for which the non-SLBE firm and its owners would not otherwise be entitled;
 5. An Emerging SLBE firm shall be permanently graduated from Emerging SLBE status after it has received a cumulative total of \$2.5 million of County-funded prime contracts or subcontract payments in at least five separate contracts since its initial certification as an Emerging SLBE firm;
 6. An Emerging SLBE firm shall be permanently graduated from Emerging SLBE status once its three-year average annual gross sales exceeds \$2 million; and
 7. An Emerging SLBE firm shall be temporarily suspended from Emerging SLBE status by the Director of Procurement for the balance of any fiscal year after it has received a cumulative total of \$750,000 in payments as a prime contractor and / or subcontractor for that fiscal year; provided, however, that the Emerging SLBE firm shall be eligible to continue participating in Affirmative Procurement Initiatives as an SLBE firm for the remainder of the fiscal year, and may also participate in Affirmative Procurement Initiatives as an Emerging SLBE firm in the following fiscal year so long as the firm has not yet satisfied the graduation criteria for such status.
- (b) The Director of Procurement shall provide written notice to the SLBE firm or Emerging SLBE firm upon graduation or suspension from the SLBE program, and such notice shall clearly state the reasons for such graduation or suspension.

Sec. 2-643. Appeals.

A business concern that is denied eligibility as an SLBE or as an Emerging SLBE, or who has its eligibility revoked, or who has been denied a waiver request can appeal the decision to the County Administrator. A written notice of appeal must be received by the County Administrator within 15 days of the date of the decision. Upon receipt of a timely notice of appeal and request for hearing, the Director of Procurement, or designee (other than the Director of Procurement), shall also participate in a hearing conducted by the County Administrator or the County Administrator's designee soon as practicable. The decision of the County Administrator, or designee, shall be the final decision of the County.

Sec. 2-644. Affirmative Procurement Initiatives for Enhancing SLBE and Emerging SLBE Contract Participation.

(a) The County in conjunction with the appropriate Contract Officer and the Director of Procurement may utilize the following Affirmative Procurement Initiatives in promoting the award of County contracts to SLBEs or Emerging SLBEs.

1. *Bonding and Insurance Waiver:* The County, at its discretion, may waive or reduce the bonding, or insurance requirements depending on the type of contract and whether the County determines that the bonding and or insurance requirements would deny the SLBE or Emerging SLBE an opportunity to perform the contract which the SLBE or Emerging SLBE has shown itself otherwise capable of performing.

2. *Price Preferences:* The County may award a contract to a SLBE or Emerging SLBE which submits a bid within 10% (inclusive) of a low bid by a non-SLBE. However, this price preference would not apply if the award to the SLBE would result in a total contract cost that is, on an annual basis, more than \$25,000 higher than the low bid; nor would it apply on a contract in which the total contract cost would exceed the County’s budgeted price for the contract.

3. *Evaluation Preferences:* The County may reserve up to 20% of the total points available for evaluation purposes for respondents to an RFP to firms that are certified as SLBE or Emerging SLBE firms, or to joint ventures that have SLBE and/or Emerging SLBE partners

a. For Architectural & Engineering, Professional Services, Other Services, and design / build or CM at risk contracts that are awarded based on evaluation criteria, there shall be SLBE or Emerging SLBE participation criterion for all contracts let at predetermined percentage of the total points awarded. The determination will be made using the suggested model outlined in the “Point Evaluation Table” below:

POINT EVALUATION TABLE

10 Points for SLBE Participation	20 Points for SLBE Participation
> 51% = 10 points	> 51% = 20 points
> 45% = 7 points	> 45% = 17 points
> 40% = 6 points	> 40% = 16 points
> 35% = 5 points	> 35% = 14 points
> 30% = 4 points	> 30% = 12 points
> 25% = 3 points	> 25% = 10 points
> 20% = 2 points	> 20% = 8 points
> 15% = 1 points	> 15% = 6 points
	> 10% = 4 points

Contractors may be evaluated on their SLBE or Emerging SLBE participation by utilizing the following schedule, which is most often used by Architectural & Engineering:

Points Awarded		% of Participation Criteria
5.0	51-100	Proposals by registered SLBE owned and/or controlled firms
4.0	36 – 50	Majority prime with registered SLBE participation
3.0	30 – 35	Majority prime with registered SLBE participation
2.0	24 – 29	Majority prime with registered SLBE participation
0	0 – 23	Less than the goal for registered SLBE participation

4. *Mandatory Subcontracting:*

a. The Goal Selection Committee may, on a contract-by-contract basis, at its discretion, require that a predetermined percentage of a specific contract, up to 40%, be subcontracted to eligible SLBEs or to eligible Emerging SLBEs, provided however, that if the prime contractor is a certified SLBE or Emerging SLBE, then the prime contractor shall be able to count the dollar value of the work performed by its own forces towards satisfaction of the Mandatory Subcontracting goal for that contract.

b. An SLBE or Emerging SLBE prime contractor may not subcontract more than 49% of the contract value to a non-SLBE.

c. A prospective bidder on a County contract shall submit at the time of bid SLBE – Form S providing the name of the SLBE or Emerging SLBE subcontractor or subcontractors and describing both the percentage of subcontracting by the SLBE or Emerging SLBE, and the work to be performed by the SLBE or Emerging SLBE. A bidder may request a full or partial waiver of this mandatory subcontracting requirement from the Director of Procurement for good cause by submitting the SLBE Unavailability Certification form to the Director of Procurement at the time of bid. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the bidder and careful review by the Director of Procurement. The Director of Procurement shall base his or her determination on a waiver request on the following criteria:

(1) Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available SLBEs or Emerging SLBEs;

(2) Whether subcontracting would be inappropriate and/or not provide a “Commercially Useful Function” under the circumstances of the contract; and

(3) Whether there are no certified SLBE or Emerging SLBE firms that are qualified and available to provide the goods or services required.

d. In the absence of a waiver granted by the Director of Procurement, failure of a Prime Contractor to commit in its bid or proposal to satisfying the mandatory SLBE subcontracting goal shall render its bid or proposal non-responsive.

e. In the absence of a waiver granted by the Director of Procurement, failure of a Prime Contractor to attain a mandatory subcontracting goal for SLBE participation in the performance of its awarded contract shall be grounds for termination of existing contracts with the County, debarment from performing future County contracts, and / or any other remedies available under the terms of its contract with the County or under the law.

f. A Prime Contractor is required to notify and obtain written approval from the Director of Procurement in advance of any reduction in subcontract scope, termination, or substitution for a designated SLBE or Emerging SLBE Subcontractor. Failure to do so shall constitute a material breach of its contract with the County.

5. *Sheltered Market:*

a. The Director of Procurement and the appropriate County Contracting Officer may select certain contracts which have a contract value of \$250,000 or less for award to a SLBE or a joint venture with a SLBE through the Sheltered Market program. Similarly, the Director of Procurement and the appropriate County Contracting Officer may select certain contracts that have a value of \$50,000 or less for award to an Emerging SLBE firm through the Sheltered Market program.

b. In determining whether a particular contract is eligible for the Sheltered Market Program, the County's Contracting Officer and Director of Procurement shall consider: whether there are at least three SLBEs or Emerging SLBEs that are available and capable to participate in the Sheltered Market Program for that contract; the degree of underutilization of the SLBE and Emerging SLBE prime contractors in the specific industry categories; and the extent to which the County's SLBE and Emerging SLBE prime contractor utilization goals are being achieved.

c. If a responsive and responsible bid or response is not received for a contract that has been designated for the Sheltered Market Program or the apparent low bid is determined in the Procurement Director's discretion to be too high in price, the contract shall be removed from the Sheltered Market Program for purposes of rebidding.

6. *Competitive Business Development Demonstration Project:*

a. With the concurrence of the Director of Procurement, the appropriate County Contracting Officer may reserve certain contracts for placement into a Competitive Business Development Demonstration Project ("CBD Demonstration Project") wherein those contracts require the purchase of goods or services from an industry that routinely has too few sources of bidders to provide meaningful or sufficient competition for such County contracts. The purpose for the placement of a contract into the CBD Demonstration Project shall be to encourage the development of new capacity within an industry to competitively bid on the future supply of specialized goods or services to the County.

b. Contracts reserved for CBD Demonstration Projects shall be subject to a Request for Proposals process whereby the selected firm will be required to be a joint venture between an established firm or experts in that relevant industry and an SLBE firm. The scope of work for the selected joint venture shall include teaching a hands-on curriculum to SLBE firms that have expressed an interest in diversifying into the relevant industry, in addition to performing the customary functions of the contract. This curriculum shall include both administrative skills (e.g. cost estimating, bidding, staffing, project management) and technical skills (e.g., hands-on demonstration of how to perform necessary tasks in the field) required to qualify for future County contracts and to successfully compete in the industry.

c. The Director of Procurement shall be required to select SLBE candidate firms for participation on such CBD Demonstration Projects on the basis of an assessment of their current capabilities and their likely success in diversifying into the new relevant industry once given technical assistance, training, and an opportunity to develop a performance track record in the industry.

Sec. 2-645. SLBE Program Performance Review.

(a) The Director of Procurement or designee shall monitor the implementation of this Policy and the progress of this Program. On at least an annual basis, the Director of Procurement or designee shall report to the County Administrator and County Council on the progress of achieving the goals established for awards to certified SLBE and Emerging SLBE firms, reporting both dollars awarded and expended. In addition, the Director of Procurement or designee shall report on the progress in achieving the stated Program Objectives, including, but not limited to, enhancing competition, establishing and building new business capacity, and removing barriers to and eliminating disparities in the utilization of available minority business enterprises and women business enterprises on County contracts.

(b) The County shall periodically review the SLBE Program to determine whether the various contracting procedures used to enhance SLBE contract participation need to be adjusted or used more or less aggressively in future years to achieve the stated Program Objectives. The County Council shall conduct a public hearing at least once every two years in order to solicit public comments on the Program.

Sec. 2-646. Conflicts.

To the extent language in this Division conflicts with other language in Article X, the language in this Division controls only with respect to contracts wherein the Small Local Business Enterprise Program is being applied by the Director of Procurement. In all other respects, prior language in this Article shall remain in full force and effect.

SECTION III. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION IV. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION V. Effective Date. This ordinance shall be effective from and after September 17, 2013.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

Attest this _____ day of
_____, 2013.

Michelle Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

First Reading: May 21, 2013
Second Reading: July 2, 2013
Third Reading: September 17, 2013
Public Hearing: June 18, 2013