



# **RICHLAND COUNTY COUNCIL**

## **ADMINISTRATION AND FINANCE COMMITTEE**

Greg Pearce	Torrey Rush	Joyce Dickerson (Chair)	Damon Jeter	Paul Livingston
District 6	District 7	District 2	District 3	District 4

**JUNE 25, 2013  
6:00 PM**

**2020 Hampton Street**

### **CALL TO ORDER**

### **APPROVAL OF MINUTES**

1. Regular Session: May 28, 2013 [PAGES 3-6]

### **ADOPTION OF AGENDA**

### **ITEMS FOR ACTION**

2. Local Public Agency Administration [PAGES 7-23]
3. Collecting H-Tax at Sponsored Events [PAGES 24-27]

4. Budget Motions List [**PAGES 28-30**]
5. Inmate Food Service Management Contract [**PAGES 31-34**]
6. FY14 Airport Master Rate Schedule and Ramp Fee Collection Procedures [**PAGES 35-40**]
7. Requested Authorization for Negotiation and Award of Fleet Maintenance Contract [**PAGES 41-45**]
8. Approval of FY 13-14 Budgets within the FY 12-16 Consolidated Plan for Community Development Department Funds [**PAGES 46-48**]
9. Purchase of Building and Lot for New Blythewood Magistrate District Office [**PAGES 49-63**]

## **ADJOURNMENT**



# Richland County Council Request of Action

## **Subject**

Regular Session: May 28, 2013 [**PAGES 3-6**]

## **Reviews**

**MINUTES OF**



**RICHLAND COUNTY COUNCIL  
ADMINISTRATION AND FINANCE COMMITTEE  
TUESDAY, MAY 28, 2013  
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: Joyce Dickerson  
Member: Damon Jeter  
Member: Paul Livingston  
Member: Torrey Rush

Absent Greg Pearce

**ALSO PRESENT:** Kelvin E. Washington, Sr., Bill Malinowski, Norman Jackson, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Justine Jones, John Hixon, Tracy Hegler, Bill Peters, Alonzo Smith, Michael Byrd, Pam Davis, Hayden Davis, Elizabeth McLean, Monique Walters, Michelle Onley

**CALL TO ORDER**

The meeting started at approximately 6:01 p.m.

**APPROVAL OF MINUTES**

**April 23, 2013 (Regular Session)** – Mr. Jeter, seconded by Mr. Rush, to approve the minutes as distributed. The vote in favor was unanimous.

**ADOPTION OF AGENDA**

The agenda was adopted unanimously.

**ITEMS FOR ACTION**

**Close Businesses Operating Without Current Licenses** – Mr. Rush moved, seconded by Mr. Jeter, to forward to Council with a recommendation to approve to initially target businesses illegally operating as night clubs. The vote in favor was unanimous.

**Richland County Public Library Bonds** – Mr. Jeter moved, seconded by Mr. Livingston, to forward to Council with a recommendation to approve the holding of the referendum and take action on the associated reimbursement and bond ordinance related to the proposed financing. The vote was in favor.

**Palmetto Health JEDA Bond Issuance** – Mr. Livingston moved, seconded by Mr. Jeter, to forward to Council with a recommendation to approve the request to support the County's issuance of the Bonds by JEDA for the benefit of Palmetto Health as required by the Enabling Act and to hold a joint public hearing with JEDA in connection with the Bonds. The vote in favor was unanimous.

**Detention Center Security Control Updates** – Mr. Livingston moved, seconded Mr. Jeter, to forward to Council with a recommendation to approve the request to purchase in the amount of \$195,447 the upgraded Security Controls for the Detention Center's twenty-five (25) work stations. The vote in favor was unanimous.

**Detention Center Fire Control Updates** – Mr. Livingston moved, seconded Mr. Jeter, to forward to Council with a recommendation to approve the request to purchase in the amount of \$255,000.00 the upgraded Fire Controls for Detention Center's housing, kitchen and administrative locations. The vote in favor was unanimous.

**FY13 Budget Amendment for Risk Management** – Mr. Livingston moved, seconded by Mr. Rush, to forward this item to Council with a recommendation to approve the request to cover liability claims through June 30, 2013 and to have the County evaluate the claims history (paid type, functions responsible and frequency) to determine if a policy or practices change could save the County money. The vote in favor was unanimous.

**Volunteer Fire Operations Insurance** – Mr. Livingston moved, seconded by Mr. Rush, to forward this item to Council with a recommendation to approve Selective Insurance Company as the volunteer fire operations insurer. The vote in favor was unanimous.

**Emergency Services Contract for Property Purchase** – Mr. Livingston moved, seconded by Mr. Rush, to forward this item to Council without a recommendation. The vote in favor was unanimous.

**Emergency Back-Up Generator Replacement at Fire Stations** – Mr. Rush moved, seconded by Mr. Jeter, to forward this item to Council with a recommendation to authorize the Procurement Director to enter into and award a contract with Generator Services, Inc. The vote in favor was unanimous.

## ADJOURNMENT

The meeting adjourned at approximately 6:18 p.m.

Submitted by,

Item# 1

The minutes were transcribed by Michelle M. Onley

Joyce Dickerson, Chair

**Item# 1**

Attachment number 1  
Page 3 of 3

# Richland County Council Request of Action

## **Subject**

Local Public Agency Administration [**PAGES 7-23**]

## **Reviews**

# Richland County Council Request of Action

**Subject:** Local Public Agency Administration

**A. Purpose**

County Council is requested to approve Public Work's application to become a Local Public Agency for a county-wide crosswalk project.

**B. Background / Discussion**

A Local Public Agency (LPA) is an agency that has been approved by the South Carolina Department of Transportation (SCDOT) to manage transportation projects funded through SCDOT either by federal or state funds in which an LPA enters into a contractual agreement with SCDOT to manage any phase of the project development process or construction activities. The LPA guidelines are attached for reference.

In FY13, Richland County received a Transportation Enhancement grant from SCDOT in the amount of \$145,000 for a sidewalk project that will upgrade sidewalks and cross walks across the County. This grant was approved in the FY13 budget process. Becoming an LPA will allow Public Works to manage the project instead of SCDOT, which will allow the County to complete the project in a timely manner. If granted LPA status, Richland County will be allowed to manage this project as well as others in similar size or scope for the next year.

Richland County meets the eligibility requirements and feels that this project will be very difficult to manage through SCDOT as it involves numerous cross walk sites across the County. To keep cost down Public Works planned to do the engineering in-house. If the County is not LPA, the engineering would need to be outsourced to consultants significantly increasing the cost of the project. The timeline of the project would also be in SCDOT's hands which could cause costly delays. SCDOT is currently managing the Rhame Road sidewalk project for the County from 2011-12 and this project has yet to start.

In addition, the LPA application requires documentation of Contract Authority that establishes clear authority for the County to enter into a project agreement with SCDOT. If the application is approved, the Chair of County Council will be named as Contract Authority for this process, per Council Rule 2.8:

**2.8 Signatures**

The Chair shall sign all ordinances, resolutions and other documents authorized by the Council. In the absence of the Chair, the Vice Chair is authorized to sign official documents.

**C. Legislative / Chronological History**

Examples:

- June 2012 – Council approved the Transportation Enhancement grant for the crosswalk project.

**D. Financial Impact**

There is no financial impact associated with this request, if approved.

There would be additional costs associated with the project if the County is not chosen as an LPA. If the project is managed by SCDOT, the County would need to pay for project engineering plus any cost increases as project implementation would not occur right away. The project would be put into the SCDOT priority system and could take months or years to complete. Cost estimates for SCDOT management are not known at this time.

**E. Alternatives**

1. Approve the request to allow the County to apply for Local Public Agency status with SCDOT for the cross walk project. Approval will allow the County to manage this project in-house.
2. Do not approve the request to allow the County to apply for Local Public Agency status with SCDOT for the cross walk project which will pro-long the completion date and increase the cost of the cross walk project.

**F. Recommendation**

It is recommended that Council approve the request to allow the County to apply for Local Public Agency status with SCDOT for the cross walk project.

Recommended by: David Hoops                      Department: Public Works                      Date: 6/6/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers                      Date: 6/17/13  
 Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation:

Recommendation is to approve the County making application. As stated in the ROA, the SCDOT will charge an administrative fee to oversee the project due to the burden additional oversight can place on an organization’s resources. Therefore it is recommended that the County evaluate the SCDOT administrative costs associated with similar projects and consider making an internal distribution of that level of funding to ensure the County establishes appropriate resources to maintain the appropriate level of program oversight.

**Legal**

Reviewed by: Elizabeth McLean                      Date: 6/17/13  
 Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation: Policy decision left to Council’s discretion.  
Legal will provide assistance with all required contracts/intergovernmental agreements.

**Administration**

Reviewed by: Sparty Hammett                      Date: 6/20/13  
 Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation:

# Procedures for Local Public Agency Project Administration

(Revised 6/2012)

## OVERVIEW

A Local Public Agency (LPA) is defined as a county, municipal corporation, state or local authority, board, commission, agency, department or political subdivision created under the authority of the state. Local Public Agency Projects are defined as any transportation project funded through the South Carolina Department of Transportation (SCDOT) either by federal or state funds in which an LPA enters into a contractual agreement with SCDOT to manage any phase of the project development process or construction activities.

In accordance with the Code of Federal Regulations, 23CFR 1.11 and 635.105, SCDOT may delegate administration and management of certain Federal-aid projects to a Local Public Agency (LPA); however, this delegation does not relieve SCDOT of its responsibility of administering those funds.

As allowed by the Federal Highway Administration (FHWA) and SCDOT an LPA may request to perform work which is funded by Federal-aid or state transportation funds provided that the following minimum conditions are met:

1. The LPA must be adequately staffed and suitably equipped to undertake and satisfactorily complete the project.
2. The LPA must provide a full-time agency employee to be in responsible charge of the project.
3. All applicable Federal and State requirements shall be completed and documented.
4. The LPA must be approved by the LPAA according to the *LPA Qualifications Evaluation Form (Rev. 2/2010)*.

These procedures have been developed to assist SCDOT staff and local governments in the LPA project administration and project development processes. Where applicable, links in the web format of this document are provided to available materials and reference materials that may be necessary or of use to deliver the project. These procedures are designed to address the majority of LPA projects. In addition to these procedures it is critical that the project Participation Agreement (PA) be specific and detailed with regard to its intent as well as FHWA and SCDOT policies. To ensure the PA is properly prepared and meets the needs of the LPA, it is imperative that the project be well defined and specific. Project scoping is the fundamental element that will determine the basic outcome of the project. Considerable planning, review and expertise are required at this stage to ensure a successful project that meets the needs of the community while ensuring accountability during administration.

Projects are identified through the project development process, commission action, congressional designation, or local participation whereby a Local Public Agency with the authority to enter into a contractual agreement for federal or state transportation funds is considered to manage day to day operations of a project or phase of project. LPA projects can include but are not limited to Transportation Enhancements, Congestion Mitigation, Congressional Earmarks, State Earmarks, Scenic Byways Projects or any form of project in

which SCDOT federal transportation or state transportation funds may be used to finance or supplement development of a transportation project.

## PROCESS PROCEDURES

### Local Public Agency Administration Unit

To improve the oversight of all LPA managed projects, SCDOT has established a unit within the Local Program Administration office to manage projects administered by LPAs. This unit will be led by the Local Public Agency Administrator (LPAA). The Local Program Administration office is a part of the Engineering Division allowing authority for the entire spectrum of a project from inclusion into the Statewide Transportation Plan (STIP) through design, environmental permitting, and the completion of construction. The LPAA will be responsible for coordinating the administration and development of all LPA projects.

The responsibilities of the LPAA Unit include but are not limited to determining an LPA's ability to manage a project, leading the development of the LPA participation agreement, managing appropriate SCDOT staff during various phases of an LPA administered project, maintaining official SCDOT project files, verifying qualified invoices, making recommendations for payment, and monitoring the project closure process of a project or phase of project.

The Federal Highway Administration (FHWA) is ultimately responsible for all Federal-aid highway projects. FHWA has the authority to retain full oversight or a high level of oversight on any Federal-aid project in accordance with the SCDOT and FHWA Stewardship and Oversight Plan dated November 2007 and its addendums. On full oversight projects, FHWA personnel will, at a minimum, review and approve project designs, approve any design exceptions, approve Plans, Specifications, and Estimates (PS&E), authorize advertisement, concur in contract award, approve changes in contract (change orders, supplemental agreements, time extensions, claims, etc.), conduct project inspections including a final inspection, and prepare a Final Acceptance Report. For projects involving a high level of oversight, FHWA may elect to perform any or all of the items listed commiserate with the project type.

If any questions arise in carrying out the work under a Participation Agreement, the LPA shall contact the LPAA Unit directly to ensure the questions are answered by the appropriate SCDOT staff.

### A. PROGRAMING PHASE

#### 1. LPA Request to Manage Project

If an LPA desires to administer a project, the LPA must make a written request to the LPAA to administer and manage an identified project or phases of a project. An LPA's approval to administer federal or state funded projects will be reviewed on an annual basis. The annual review will include, but is not limited to, an update of the LPA's financial audits, revisions to approved procurement procedures, etc. The LPA will not be required to qualify for administration of subsequent projects of similar or lesser scope within the calendar year. However, the LPA will be required to submit an abridged *LPA Qualifications Evaluation Form* providing project specific information in order to

initiate and program each subsequent project once funding is received. An LPA's approval to administer a specific project is valid throughout the completion of the project unless circumstances warrant reconsideration by SCDOT.

If an LPA has been approved to administer projects of a specific scope and magnitude, the LPA is expected to administer subsequent projects of similar or lesser scope and magnitude unless extenuating circumstances prohibit the LPA's administration of those projects. Should circumstances with the local government prohibit its administration of the project, the LPA may request SCDOT to administer the project. The cost associated with administering the project shall be included in the project budget.

An LPA may request to administer a project or portions of a project on behalf of another LPA or non-profit organization that would otherwise not be eligible to administer a project. The request must include at a minimum the completed *LPA Qualifications Evaluation Form*, attached to these procedures and:

- a. a cover letter with a detailed SCOPE and budget for the work that is being requested to administer
- b. the name of the agency or organization for which the LPA is requesting to administer the project, if applicable, and
- c. if matching funds are to be provided by an agency or organization other than the requesting LPA, financial statements should be provided for both the LPA and the agency/organization as indicated in question III.B.I of the qualification application.

If no request is received, SCDOT would manage the project provided staff time is available and the project is programmed. The project would be developed through the *Project Development Process* or applicable standards and published guidelines or processes.

## **2. Evaluation of LPA Qualifications**

SCDOT's LPAA office will evaluate the *LPA Qualifications Evaluation Form* submitted by the LPA to determine if the applicant is qualified and adequately staffed to administer the specific project or phase of a project. The LPAA may utilize SCDOT staff from both the engineering and administration departments as appropriate to assist in evaluating the various components of the request. If it is determined that the LPA has the ability to administer and manage the project or portions of a project, the LPA will be notified and the project will proceed as an LPA project and will be managed in accordance with these Procedures for Local Public Agency Project Administration. The LPAA office will notify the appropriate Headquarters (HQ) Director and or Director of Construction as to the determination and request the name of the Preconstruction Project Manager (PPM) and/or District Engineering Administrator's designee (DEA) that will be assigned to the identified project. The DEA's designee must be able to act in the capacity and with the authority of a Resident Construction Engineer (RCE) according to *SCDOT's Construction Manual*. The responsibilities and expectations of the PPM and DEA during the development of the PA will be clearly outlined in this request.

If an LPA is determined "Not Qualified," to administer the project, the LPA will be notified and SCDOT would manage the project provided staff time is available and the

project is programmed. The project would be developed through the [Project Development Process](#) or applicable standards and published guidelines or processes. The LPAA will notify the appropriate HQ Director and the Director of Construction of the identified project.

If SCDOT has determined that the LPA is "Qualified" to administer portions of a project the LPA will be notified and those portions will be managed in accordance with this directive. The LPAA will notify the appropriate HQ Director and or Director of Construction as to the portions that will be administered by SCDOT and request the name of the Preconstruction Project Manager (PPM) and or District Engineering Administrator's designee (DEA) that will be assigned to the identified project. The DEA's designee must be able to act in the capacity and with the authority of a Resident Construction Engineer (RCE) according to [SCDOT's Construction Manual](#). The responsibilities and expectations of the PPM and DEA during the development of the PA will be clearly outlined in this request.

### **3. Identify Funding**

Sources of funding that are proposed to finance and fully support an LPA project through the completion of construction are identified in the initial request by an LPA. Project estimates are necessary to determine the feasibility of proceeding with the project. Upon qualifying to administer a project, the LPA shall contact the PPM and submit documentation of the proposed project funding and project estimates. The PPM assigned to the LPA project is responsible for reviewing the proposed funding and proposed project estimates submitted by the LPA and advise the LPAA if there are sufficient funds to proceed to the development of a PA. If funding is to be provided from sources outside SCDOT, a financial participation agreement may be necessary before further project development activities can begin. Documentation of the funding by any local sponsoring agencies will be provided to the LPAA according to the LPA project request.

### **4. Field Review & Scope Development**

Upon verification of sufficient funding, the PPM will notify the LPA of their responsibility for scheduling the field review and scoping meeting. The LPA must conduct an onsite project field review and complete the [Local Public Agency Project Planning Report](#) (PPR) to include the project(s) description, location, length, purpose, need or goal of project. The LPAs Project Administrator and the Construction Project Engineer (as applicable) as listed in the LPA Qualification Evaluation form, must attend this field review. In scheduling these activities, the LPA shall include, at a minimum, the PPM, and DEA in which the project is located. The LPA shall distribute copies of the PPR among the participants and submit a copy to the LPAA. The PPR will be used to conduct and document the LPA project field review and is intended to also be used as a preliminary determination in establishing roles and responsibilities in developing the PA. The completed PPR must be submitted to the LPAA prior to the development of the PA.

### **5. Development of Participation Agreement**

Subsequent to the receipt of the PPR, the LPAA submits a request to the Contracts Office for a draft Participation Agreement. This request may also be made by the PPM for large

transportation infrastructure projects whereas the PA serves as an amendment to an existing Intergovernmental agreement or participation agreement. In such cases, the PPM will notify the LPAA of the requested action by copy of the request to the Contracts Office. The PPM will coordinate with the LPAA for necessary reviews and concurrences prior to the execution of the PA in accordance to these procedures. The PPM shall provide documentation to the LPAA of the project's federal compliance prior to execution of the agreement. Upon execution, a copy of the executed agreement shall be submitted to the LPAA office.

The standard PA will serve as the framework and will be specifically customized to meet the need and intent of the proposed LPA project. Federal and State requirements applicable to the project should be well defined and applicable to the project. Copies of the completed LPA request (as applicable), PPR and LPA Qualifications Evaluation Form should be submitted for the preparation of the draft. The LPAA will review and distribute the draft agreement for corrections and comments to all SCDOT areas of responsibility identified and required to complete the project. All comments returned to the LPAA are used to finalize the PA with the Contracts Office.

#### **6. Program Project**

The PPM is responsible for preparing a *Program Action Request (PAR)* for the project (following established procedures for programming SCDOT projects), to establish the Project Identification Number (PIN) for SCDOT tracking and monitoring. The PPM must indicate that the project will be administered by an LPA by checking the appropriate box on the PAR. Upon submission to the Obligations Management Office, the project will be identified in the financial management systems as an LPA project and coded as an LPA project for all FMIS action requests. The Obligations Management Office will also assign other identifiers as necessary (i.e., Federal-aid Project Number, project charge code, file number, Contract Project Control Number (PCN)). PARs must be phase specific for preliminary design, right of way services, and construction. The PPM must provide a copy of the PAR to the LPAA for the project file. The Obligations Management Office will provide copies of approvals with notices from FHWA to the LPAA and PPM for the project file.

**Any work accomplished prior to FHWA authorization of that particular phase of work is not eligible for federal-aid reimbursement.**

FHWA's level of project oversight will be in accordance with the most recent Stewardship Oversight Plan between SCDOT and FHWA. The LPAA will be responsible for ensuring the necessary project reviews and approvals are received from FHWA. The PPM shall coordinate all FHWA project reviews and approvals through the LPAA.

#### **7. Execute Participation Agreement / Notice to Proceed**

The Participation Agreement is sent to the LPA by the LPAA for signatures. After it is signed and returned, the agreement will be recommended by the LPAA and executed by the Deputy Secretary for Engineering. The executed agreement will serve as the approving document for the LPA.

SCDOT'S LPAA office will provide copies of the participation agreement to all anticipated stakeholders. The LPA will be given a Notice to Proceed (for each project phase) from SCDOT upon successful completion of the previous project phase and the LPAA's receipt of notification from the Obligations Management Office that the work has been authorized. The LPA shall not proceed with any given phase of work prior to receiving notification by SCDOT.

#### **8. Invoices and Payments**

All requests for reimbursement for locally administered projects must be submitted to SCDOT's LPAA office. The request for reimbursement must include documentation to support compliance with federal and state requirements and must be done in a manner that supports a determination that contract requirements were met and the work was completed in reasonable conformance with the contract documents. Invoices for qualified work and/or materials will be forwarded to the appropriate PPM or DEA for verification of documents and recommendation of payment. The invoice is then returned to the LPAA along with any additional support documentation, as deemed necessary. Upon satisfactory concurrence, the invoice will be recommended by the LPAA for processing by the Accounting Office.

#### **9. Use of Consultants**

The LPA may procure consultant firms to assist in carrying out engineering and design related services needed in either the project development and/or construction phases. In general, the procurement process used by the LPA must meet all State and Federal requirements necessary to support a qualification based selection process. The procurement process is to be submitted to SCDOT for review and approval prior to initiating the selection process. The LPA is required to maintain adequate documentation to substantiate each phase of the selection process has been carried out in conformance with the approved procurement process.

The LPA is to develop its own independent cost estimate to serve as the basis for negotiations of a fair and reasonable cost with the most qualified consultant. The LPA is to maintain adequate documentation of its review of all consultant invoices to support compliance with State and Federal cost principles, terms of the contract, and progress of the work completed.

### **B. PROJECT DEVELOPMENT PHASE**

#### **1. Plan Development**

The LPA will be responsible for preparing all necessary plan drawings, special provisions, utility coordination or documents needed to execute and deliver the project as outlined in the PA.

The LPA may utilize the services of a project consultant to perform any of the necessary services as described in paragraph A.9, above. The consultant must be procured according to the procurement procedures submitted in the [LPA Qualifications Evaluation Form](#) as approved by SCDOT. Prior to the execution of a consultant contract, the LPA must submit an [LPA Consultant Concurrence Request Form](#) to the LPAA for review and concurrence of consultant selection. The LPAA may utilize SCDOT staff from both the engineering and administration departments as appropriate to assist in evaluating the various components of the request.

The LPA must receive written concurrence of the consultant selection from the LPAA prior to the execution of any contract with a consulting firm. **Failure to receive this written concurrence will be sufficient cause to terminate the Participation Agreement.**

Plans developed under LPA agreements must be submitted to the PPM at various stages during development as outlined in the PA. The PPM will forward plan submittals to the appropriate staff for coordination of plan review. The PPM will assemble comments, prepare a response to the LPA, and forward a copy to the LPAA unit for the project files. **Failure to submit plans or address comments resulting from review prior to proceeding with the next phase of design will be sufficient cause to terminate the Participation Agreement.**

The LPA must receive approval from SCDOT for any design exceptions on state owned facilities prior to incorporating into the project. Requests for design exceptions must be submitted to the PPM for review coordination and approval. Copies of the request and SCDOT's response (approval or denial) are to be provided to the LPAA for the project file.

## 2. **Environmental Review**

All Federal-aid projects must comply with and adhere to the National Environmental Policy Act (NEPA). The LPA is responsible for conducting any public involvement activities. The LPA is also responsible for the preparation of all required documents, reports and other necessary supporting material to satisfy the NEPA process. Once prepared, this information shall be submitted to the PPM. The PPM will forward the submitted documentation to the Environmental Office for a NEPA decision. The PPM will assemble comments or provide the NEPA determination to the LPA, and forward a copy to the LPAA unit for the project file. The [South Carolina Department of Transportation Environmental Guidance Manual](#) must be consulted in developing the proper environmental documentation. **A NEPA determination must be made by SCDOT prior to any acquisition of necessary rights of way, development of final design plans, and/or prior to the project advertisement for a construction contract.**

Written approval of NEPA compliance must be received from SCDOT by the LPA. **Failure to receive this written approval will be sufficient cause to terminate the Participation Agreement.** A copy of this approval is to be forwarded to the LPAA for the project file.

### 3. Right of Way / Utilities

The LPA shall submit a written determination of the need for any rights of way to the PPM following the plan development and environmental review phase. The PPM will forward the submitted documentation to the LPAA and the Director of Right of Way to ensure that the SCDOT Right of Way Office will conduct appropriate coordination with the LPA. The Director of Right of Way will assign a Right of Way Field Agent (RW Agent) to the identified project.

The LPA shall provide a *Right of Way Certification Letter (Certification for Present Rights of Way)* to the PPM prior to advertisement for a construction contract if no new additional Right of Way is required. The PPM will forward the submitted certification letter to the SCDOT Right of Way Office to determine acceptance. The PPM will assemble comments or once approved, provide certification acceptance to the LPA and forward a copy to the LPAA for the project file.

Should it be necessary to obtain permanent or temporary rights of way to deliver the project, all right of way activities shall be performed in accordance with the requirements of the *Uniform Relocation Assistance and Real Property Acquisition Act (The Uniform Act)*. The LPA shall provide the PPM with a *Right of Way Certification Letter (Certification for Acquisition)* at the time rights of way acquisitions are complete and prior to advertisement for a construction contract. The PPM will forward the submitted certification letter to the SCDOT Right of Way Office to determine acceptance. The PPM will assemble comments or once approved, provide certification acceptance to the LPA and forward a copy to the LPAA for the project file.

An accepted Right of Way Certification Letter must be received from SCDOT by the LPA prior to advertisement of a construction contract. **Failure to receive this written acceptance will be sufficient cause to terminate the Participation Agreement.**

An LPA is required to document in the project records that they have verified that all necessary utility relocation work have been completed as required. **This verification shall be in the form of a certification and provided to SCDOT prior to advertisement of the associated construction project.**

For those utility relocations that are not practicable in advance of the construction project, the certification shall state that all necessary arrangements have been made for it to be undertaken and completed as required for proper coordination with the physical construction schedule. The LPA shall ensure that the bid proposal includes an appropriate notification describing the extent of utility work that is to be underway concurrently with the construction project.

For federally reimbursable utility relocations, the utility agreement (between the utility company and SCDOT or LPA) shall be supported by plans, specifications, and itemized cost estimates. The LPA must maintain sufficient source documentation to verify a utility relocation invoice is accurate and reasonable. Field records (i.e., daily diaries) need to be maintained to verify that utility relocation work was actually performed as required and determined to be acceptable.

#### 4. Plan Review and Plans, Specifications & Estimate (PS&E) Package Approval

##### a. Plan Reviews

The LPA shall submit plans to the PPM for review prior to submittal of the PS&E package. The plans shall be submitted at 30%, 65%, and 90 to 100% complete or at a stage or frequency indicated in the PA. The PPM will assemble comments and provide a response to the LPA. Upon incorporation of comments, corrections, or resolution of concerns, the LPA must submit the corrected plans for final plan approval.

Written approval of the plans must be received from SCDOT by the LPA prior to submittal of the Plans, Specification, & Estimates Package.

##### b. PS&E Package Approval

Upon approval of the project plans, the LPA may submit the PS&E package for approval. The LPA must submit the PS&E Package to the PPM for review and approval prior to construction advertisement as outlined in the PA. The package shall include a completed "Calculations of DBE Goals for LPA Projects" Worksheet. SCDOT will review the worksheet for concurrence with the recommended goal to assure that LPA project goals are appropriate in meeting SCDOT's overall program goal. The PPM shall complete the *PS&E Review Checklist* and forward the submitted documentation to the appropriate preliminary engineering staff and the Office of Business Development and Special Programs (OBD) for review. The PPM will assemble comments or recommend approval of the submitted package. Upon approval of the PS&E Package, a final copy is sent by the PPM to the LPAA and Obligations Management Office requesting authorization from FHWA. Upon authorization, the LPAA will notify the LPA of the approval of the PS&E package and approval to advertise the project. The PS&E package shall contain all necessary information and items to advertise the project for construction bids to include but not limited to a Proposal Document, *Cost Estimate (sample)*, and approved project plans. The Proposal Document shall include the following **required** Federal Aid and SCDOT Contract Provisions:

- *Required Contract Provisions Federal Aid Construction Contracts*
- *Specific Equal Employment Opportunity Responsibilities Training special Provisions*
- *Standard Federal Equal Employment Opportunity Construction Contract Specifications*
- *Application of Davis-Bacon and related Acts to Independent Truck Drivers and Miscellaneous Construction Activities*
- *Requirements for Federal Aid Contracts which Affect Subcontractors, DBE Haulers, Material Suppliers and Venders*
- *Buy America Provisions*
- *Disadvantaged Business Enterprises (DBE) – Federal Projects*
- *Late Discovery of Archaeological/Historical Remains on federal Aid Projects and approval of Designated Borrow Pits*

- *SCDOT Required Contract Provisions*

The LPA must receive written approval of the PS&E package from the LPAA. **Failure to receive this written approval will be sufficient cause to terminate the participation agreement.**

5. **Encroachment Permit**

For any project managed by an LPA that may involve work or activities on rights of way of SCDOT, an *Encroachment Permit* must be submitted by the LPA and approved by SCDOT. The Encroachment Permit application must include a cover letter indicating that the project is an LPA project. The LPA must submit the Encroachment Permit application to the appropriate Resident Maintenance Engineer (RME) for review and approval prior to the advertisement of a construction contract. Upon receipt of an approved encroachment permit by the LPA, the LPA will provide a copy of the encroachment permit to the LPAA.

6. **Advertisement and Award of Construction Contracts**

Upon approval of the PS&E package, approval of construction authorization by FHWA and receipt of an approved encroachment permit, the LPAA shall notify the LPA that they may proceed with the advertisement of the construction contract. The advertisement and bid evaluation must be conducted according to the procurement procedures submitted in the *LPA Qualifications Evaluation Form* as approved by the LPAA. The LPAA will copy the DEA and the PPM with this notification.

*The LPA shall review the bid proposals for responsiveness to the proposal requirements, competitiveness, and for reasonable comparison to the engineering estimate. The LPA is to document this review taking into consideration the evaluation factors outlined in FHWA's Bid Evaluation Guidelines.*

*If the LPA's bid review determines that all bids should be rejected, the LPA is to submit a request to SCDOT for concurrence in the rejection of all bids. SCDOT shall review and approve any revisions, if necessary, to the PS&E prior to authorizing re—advertisement.*

*When the LPA's bid review identifies a reasonable and responsive bidder (or bidders), the LPA shall submit to the LPAA a request to concur in the award of the project to the lowest responsive bidder according to the *LPA Concurrence Request Form*. Upon review and written concurrence from LPAA, the LPA shall provide a formal *Award Letter (sample)*.*

The LPA shall not procure sole source construction services or engage in self performing construction work without prior approval of SCDOT through the LPAA Unit.

Upon approval of construction concurrence, the LPA shall submit the following construction documentation to the LPAA for the project file:

- a. LPA Construction Contract Information Form with requested documentation

- b. Copy of Executed Construction Contract
- c. AS-LET plans (approved PS&E plans as let to construction contract): The LPA is responsible for providing as-let plans, when available, to the LPAA office. The plans must include the date that the plans are authorized to be constructed. The LPAA office will forward the plans to the Plans Storage Office for archiving.

**NOTE: LPAs shall submit DBE Quarterly Reports beginning on the calendar quarter when construction work begins on the project.**

**Failure to receive this written concurrence prior to award will be sufficient cause to terminate the participation agreement.**

## **C. CONSTRUCTION PHASE**

### **1. Construction**

The LPA is responsible for ensuring all project construction is in accordance with the PA and contract documents. The DEA or designee (RCE) should fully understand the contents of the participation agreement, the Contract, Plans, and the Project Specifications. A Preconstruction Conference will be held prior to starting each LPA construction project. After receipt of the concurrence of the notice of award of the construction contractor from SCDOT and before the beginning of construction, the LPA shall contact the RCE assigned to the project and establish a mutually agreeable date for a Preconstruction Conference. It is mandatory that the RCE attend the Preconstruction Conference and assist the LPA in completing an RCE Pre-Construction Checklist. The role of SCDOT on the project is to be explained to all parties involved in the project. The LPA will identify their full time representative/governmental employee managing the construction project. Prior to a pre-construction conference, the RCE should discuss with the LPA, SCDOT's expectations for project inspection, sampling, and testing, and review the Quality Management Team's Checklist to ensure the LPA is aware of all project requirements. Furthermore, there shall be a clear explanation and understanding of the various Federal provisions (if federally funded) that the LPA will need to monitor including, but not limited to prevailing wage and payroll requirements, DBE program requirements, and Buy America requirements. Other documents that should be discussed are SCDOT's Standard Specifications, Standard Drawings, SCDOT's Construction Manual, RCE NPDES Environmental Guidelines and any other pertinent documents applicable to the project.

The RCE will ensure that the LPA has the appropriate Environmental approvals in place prior to commencement of each construction activity (permits, NOI, etc.). The LPA is responsible for recording and maintaining all documentation, to include all relevant Construction Forms, and is responsible for providing the Material Certification at project closeout. The LPA is required to maintain the official project files. The RCE shall provide copies of commonly used Construction forms to the LPA for their use, which are applicable to the project.

The RCE will be available to the LPA to discuss issues and provide guidance; however, SCDOT's active role in resolving everyday issues should be limited. The RCE should

generally visit the project routinely. The number of visits shall depend upon the scope and complexity of the work, number of active contractors, work activities being performed, etc. All visits to the project by SCDOT personnel are expected to be documented and submitted to the LPAA and made a part of the project files. The RCE is responsible for identifying and informing the LPA's Project Manager of any project, contractor, material, and construction deficiencies, as well as document those deficiencies and the corrective action taken. Follow-ups on the deficiencies will be required to ensure corrective action has been taken. The RCE will inform the LPA, in writing, when deficiencies are not corrected in a timely manner. The LPA will notify the RCE in writing when corrective action has been completed. The RCE will review project paperwork on a routine basis, to include workzone traffic control inspections and erosion control inspections. The RCE will be given access by the LPA to all project documentation. The RCE will attend, with the LPA's representative, utility and/or progress meetings in order to be informed of upcoming work.

The LPA Project Manager must submit to the LPAA and RCE for review and approval of any change orders or contract time adjustments. Modifications to scope may require coordination with the LPAA, PPM, FHWA, and others, depending on the project and when required by the Project Agreement. The LPA must conduct an independent cost analysis for each negotiated contract change. This analysis must be documented and of detail to sufficiently support the reasonableness of the negotiated price. The analysis should also address the impact of the change on the critical path and the need for a contract time extension. The RCE should ensure methods are in place for accurately computing quantities, and should concur in payment requests.

## **2. Inspection, Testing and Material Certification**

The LPA is responsible for ensuring all project materials meet or exceed federal, state, and industry standards and proper documentation must be maintained as the materials are delivered and applied to the project for certification and final inspection. The LPA (with assistance from the RCE) should prepare a *Minimum Sampling Requirements Checklist* in accordance with SCDOT Office of Materials and Research and SCDOT's Construction Manual. Inspection and acceptance testing by the LPA should be performed at the frequency, and with the methods, specified in the Construction Manual or as recommended by the manufacturer. All testing should be performed by an AASHTO accredited laboratory and the disposition of non-conforming materials should be documented by the LPA and approved by the DEA or designee. Independent Assurance testing will be performed by SCDOT.

The LPA may utilize the services of a project consultant to perform inspection and or construction oversight services as described in paragraph A.9. The consultant must be procured according to the procurement procedures submitted in the *LPA Qualifications Evaluation Form* as approved by SCDOT. Prior to the award of a consultant contract, the LPA must submit an *LPA Consultant Concurrence Request Form* to the LPAA for review and concurrence of consultant selection. The LPAA may utilize SCDOT staff from both the engineering and administration departments as appropriate to assist in evaluating the various components of the request.

The LPA must receive written concurrence of the consultant selection from the LPAA prior to the execution of any contract with a consulting firm. **Failure to receive this written concurrence will be sufficient cause to terminate the Participation Agreement.**

The Resident Construction Engineer shall ensure that the LPA is providing adequate inspection services and the appropriate sampling and testing is provided, as required by the work activities taking place. The LPA inspection services shall be performed by personnel certified as required by SCDOT in accordance with the SCDOT's Construction Manual – *Section 101.2.4.3*. All items of work will be inspected by an SCDOT certified inspector.

**3. Final Inspection**

Upon completion of the project and prior to final payment, the LPA shall coordinate a final inspection according to the PA with the RCE. SCDOT will review the project to ensure the project has been completed in conformity with the PA, approved plans, permits, and construction contract documents in addition to meeting the scope and intent of the project. The LPA shall prepare a summary report of the final inspection in conjunction with the RCE. The Final Inspection Summary Report must be submitted to the DEA. In addition, the LPA shall document resolution of all items found during the final inspection in a letter to the DEA. The DEA or designee shall verify that the items have been resolved and provide a copy of the Final Inspection Summary Report and the LPA response letter to the LPAA.

**4. Final Material Certification**

The LPA is responsible for providing the RCE with certification that all materials sampling and testing was performed in accordance with SCDOT specifications and contract documents. The certification, once accepted by the DEA, should be sent to the LPAA for inclusion in the project file.

**5. As-Built Plans**

Upon completion of the project, the LPA shall submit copies of the as-built plans to the RCE. The RCE will forward the as-built plans to the As-built Plans Office and notify the LPAA of the submittal. The As-built Plans Office will review the plans and forward to the Plans Storage Office for archiving. All plans will be placed in the Plans Library for electronic access in accordance with SCDOT policy.

**6. Final Acceptance**

Upon receipt of the Final Inspection Summary Report, the LPA response, and an acceptable material certification for projects on SCDOT owned facilities; Final Acceptance according to [2007 STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION – Section 105.15.2](#) is issued by the DEA or designee to the LPA in place of the contractor. The DEA shall provide a copy of the Final Acceptance Report to the LPAA.

D. **PROJECT CLOSEOUT PHASE**

1. **LPA Project Evaluation**

An *LPA Project Evaluation* form is completed by the appropriate PPM and DEA or designee and submitted to the LPAA office documenting the LPA's project management and delivery performance for each phase of the project. Unsatisfactory or negligent performance in the management of a Local Public Agency project can be considered in future project requests by the LPA.

2. **Project Documentation and Closure**

Upon successful completion of the LPA administered project, the LPAA monitors the SCDOT Closure Process to ensure the project is closed and all project documentation is accounted for and included in the project file within the LPAA office.

Upon receipt of the Final Inspection Letter and or the Final Acceptance Report from the Director of Construction, the LPAA shall notify the Deputy Secretary of Finance and Administration that the project is complete and subject to a final voucher review. The Deputy Secretary of Finance and Administration will conduct final voucher reviews on a representative sample (randomly selected) of LPA administered projects each year.

Project files may now be forwarded to Central File Storage for storage and retention.

# Richland County Council Request of Action

**Subject**

Collecting H-Tax at Sponsored Events [**PAGES 24-27**]

**Reviews**

## Richland County Council Request of Action

**Subject:** Collecting Hospitality Taxes at Sponsored Events

### **A. Purpose**

Pursuant to Council member Jackson's Motion at the June 4, 2013 Council meeting, Council is requested to consider a new method of collecting Hospitality Taxes at sponsored events.

### **B. Background / Discussion**

Any organization that receives Hospitality or Accommodations Tax grant funding for events in the unincorporated areas of the County is provided with a document setting forth the County's requirements to conduct, hold, sponsor or organize an event. This includes a Special Event Reporting Form for vendors to remit Hospitality Taxes to the County following an event. There are eight known festivals or events in the County that *may* have food vendors present for which Hospitality Taxes would need to be remitted.

These forms have been used by special event vendors and returned to the Treasurer's Office. However, these forms are processed in the same manner as all other forms, and therefore the number of forms and the revenues generated from these events cannot be determined.

Additionally, effort is regularly made to proactively contact organizers of events to educate them regarding the County's requirements to conduct business and hold special events.

Strict and vigorous enforcement of these requirements *is* possible. This would involve sending inspectors from the Zoning Office, potentially the Fire Marshal's Office and the Business Service Center to each event and physically inspect each vendor for compliance. However, a vigorous inspection program has several drawbacks:

- (1) significant manpower and potential overtime costs, or less time spent by staff addressing other priorities,
- (2) cost/benefit: the extra Hospitality Tax revenues that would be generated at special events may not cover the cost to the County to collect these revenues,
- (3) more inspections would be disruptive to the event and lessen the enjoyment of the event by vendors and attendees alike,
- (4) more inspections would be contrary to the County's efforts to be "business friendly," and
- (5) more inspections would be contrary to the County's focus on generating more special events and the tourists that attend them.

If the County desires food vendors at special events to pay a fee or a percentage of their vendor's fee to the County in lieu of paying Hospitality Taxes, several changes would need to be made. (1) The Hospitality Tax ordinance would need to be amended to exempt revenues from all sales of prepared/modified foods/beverages at special events, since Hospitality Taxes would no longer be collected from these vendors at these events. (2) A new ordinance would need to be approved by Council requiring the charging, collecting and enforcing of a new tax or fee on special event food vendors.

There are several challenges with implementing a new tax or fee. Since the intent would be to collect the same amount of money from vendors as the Hospitality Tax currently generates from these vendors (to avoid the County losing Hospitality Tax revenues by exempting these vendors), it would be difficult to determine whether the new tax or fee should be a percentage of the vendor's fee (over which the County has no control) or a flat fee, and in either case, what the tax or fee rate should be to avoid losing revenues. Additionally, the new tax or fee would also need to be enforced, which requires the same inspections to be conducted, and with the same challenges, as inspections of the Hospitality Tax.

### **C. Legislative / Chronological History**

At the Council meeting of June 4, Council member Jackson made a motion, shown below:

“Explore the possibility of vendors paying a fee or a percentage of their vendor's fee at tourist sponsored events for tourist-related activities. Vendors at these events are not collecting the H-Tax. The Business License Office has no way of monitoring or collecting these taxes.”

Council forwarded this Motion to the June A&F Committee meeting.

### **D. Financial Impact**

While additional Hospitality Tax revenues may be generated with more inspections, the cost in staff time, with possible overtime, may be greater than the resulting Hospitality Tax revenues generated.

If a new tax or fee is ultimately approved by Council, Hospitality Taxes would be reduced (by exempting special event food vendors). It is unknown at this time if a new tax or fee would make up this loss in revenue. Additionally, this tax or fee would also require inspections for enforcement, with similar associated costs.

### **E. Alternatives**

1. Keep the Hospitality Tax to include all applicable businesses, including special event vendors, and initiate a vigorous inspection program for County special events.
2. Keep the Hospitality Tax to include all applicable businesses, including special event vendors, and conduct random inspections at special events.
3. Amend the Hospitality Tax ordinance to exempt food vendors at special events, approve an ordinance charging a new tax or fee on food vendors at special events, and initiate a vigorous inspection program for County special events.
4. Amend the Hospitality Tax ordinance to exempt food vendors at special events, approve an ordinance charging a new tax or fee on food vendors at special events, and conduct random inspections at special events.

### **F. Recommendation**

Explore the possibility of vendors paying a fee or a percentage of their vendor's fee at tourist sponsored events for tourist-related activities. Vendors at these events are not collecting the H-Tax. The Business License Office has no way of monitoring or collecting these taxes.

Recommended by: Norman Jackson      Department: County Council      Date: June 4, 2013

Item# 3

## G. Reviews

### Finance

Reviewed by: Daniel Driggers

Date: 6/17/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommendation is to support exploring the options

### Business Services

Reviewed by: Pam Davis

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Exploring new methods of facilitating compliance with County requirements is always prudent.

### Planning

Reviewed by: Tracy Hegler

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommendation is to support exploring the options.

### Legal

Reviewed by: Elizabeth McLean

Date: 6/20/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The exploration of options is a policy decision left to Council's discretion. The implementation of any new tax or fee, or the exemption of one group from a tax or fee, is governed by state law. The Legal Department will provide additional information on the legality of those options upon request.

### Administration

Reviewed by: Roxanne Ancheta

Date: 6/20/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council direct staff to draft options for Council's consideration with regards to collecting all appropriate taxes and fees at events and other tourism-related activities. Legal will be involved in the drafting of these options. Once the options are drafted, the item will be brought back to the A&F Committee for review and comment.

# Richland County Council Request of Action

## **Subject**

Budget Motions List [**PAGES 28-30**]

## **Reviews**

# Richland County Council Request of Action

**Subject:** Budget Motions List

**A. Purpose**

At the June 4<sup>th</sup>, 2013 Council meeting, Councilman Manning made the following motion:  
“Staff will provide Council with the Budget processes' preliminary motions list 24 hours prior to the deadline for item submission and the final list within 48 hours following the submission deadline.”

**B. Background / Discussion**

The motions list is used during the budget process so that changes to the Administrator’s Recommended Budget are reviewed and voted on in an orderly, documented and consistent manner. Council members are asked to submit motions by a certain date to allow for administrative review and distribution before a reading of the budget.

**C. Legislative / Chronological History**

None.

**D. Financial Impact**

There is no financial impact associated with this request.

**E. Alternatives**

1. Approve the request for staff to provide Council with the Budget processes' preliminary motions list 24 hours prior to the deadline for item submission and the final list within 48 hours following the submission deadline.
2. Do not approve the request for staff to provide Council with the Budget processes' preliminary motions list 24 hours prior to the deadline for item submission and the final list within 48 hours following the submission deadline..

**F. Recommendation**

It is recommended that Council direct staff to provide Council with the Budget processes' preliminary motions list 24 hours prior to the deadline for item submission and the final list within 48 hours following the submission deadline.

Recommended by: Councilman Manning      Department: County Council    Date: 6/4/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 6/13/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision for Council since this is a request on the best procedures to guide Council through the budget process.

Establishing defined procedures should provide for a more efficient process therefore approval is recommended. I believe that the procedure recommended above can be implemented by the Finance staff for FY15 budget process if approved.

Item# 4

**Legal**

Reviewed by: Elizabeth McLean

Date: 6/13/13

Recommend Council approval

Recommend Council denial

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

**Administration**

Reviewed by: Tony McDonald

Date: 6/14/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval for implementation beginning with the FY 15 budget process.

# Richland County Council Request of Action

**Subject**

Inmate Food Service Management Contract [**PAGES 31-34**]

**Reviews**

# Richland County Council Request of Action

Subject: Inmate Food Service Management

## **A. Purpose**

County Council is requested to approve for the Alvin S. Glenn Detention Center to enter in a five year contact with ABL Food Service Management that is renewable each year, provided the vendor provides quality service.

## **B. Background/Discussion**

The Alvin S. Glenn Detention privatized its food service in 2001 to reduce the overall over cost for inmate food service. The first contact was awarded to Aramark Food Service Management and later awarded to ABL Food Service Management. In October 2012 a RFP was solicited for Food Service Management for the Detention Center. There were four food services companies that responded to the RFP.

Trinity Service Group  
CBM Managed Services  
ABL Management  
A'viands LLC

The top responders were Trinity Service Group and ABL Management. On April 11, 2013 the top two responders met to present their proposals at the detention center. A representative was on site from the Procurement Department and the evaluators from the Detention Center. They listened to both companies' presentation. After the presentations the evaluators graded the company on the cost and proposed services. ABL was determined to be the most responsive vendor on the food service RFP (see previous ABL contract in Appendix 1, page 3).

## **C. Financial Impact**

The estimated expenditure for FY 13/14 is \$1,578,396.72 of the \$5,637,835.00 requested in Account # 2100-5265, Professional Services. Also, additional cost may be incurred if the average daily population exceeds 1,150 inmates per day.

## **D. Alternatives**

1. Negotiate and award the ABL Food Service Management Contact with the annual renew option.
2. Do not renew contract.
3. Do not use a food service contactor and allow the detention center to provide food services at a higher cost.

## **E. Recommendation**

Item# 5

It is recommended that Council approve the request to negotiate and award a five year contract that is renewed annually if the company provides quality services to the detention center. The first year cost is for ABL Food Service Management is amount of \$1,578,396.72

Recommended by: Ronaldo D. Myers Department: Detention Center Date: April 30, 2013

**F. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 6/13/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommend approval based on results of evaluation process. Funding is included in the budget as stated.

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 6/21/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 6/19/13

Recommend Council approval

Recommend Council denial

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

**Administration**

Reviewed by: Sparty Hammett

Date: 6/20/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**AGREEMENT FOR FOOD SERVICE MANAGEMENT**

\*\*\*\*\*

THIS AGREEMENT is made and entered into this 1<sup>st</sup> day of **September 2007**, by and between **RICHLAND COUNTY, 2020 HAMPTON STREET, COLUMBIA, SOUTH CAROLINA, 29204**, hereinafter referred to as the **County**, and **ABL MANAGEMENT, INCORPORATED**, whose address is **11224 BOARDWALK, SUITE B 1-5, BATON ROUGE, LA 70816-8344**, hereinafter referred to as **ABL**.

**WITNESSETH**

WHEREAS, Richland County desires to engage ABL to render services to perform Food Service Management located at the County's Alvin S. Glenn Detention Center (ASGDC);

NOW, THEREFORE, in consideration of the premises and mutual covenants and conditions hereinafter set forth, the parties hereto do mutually agree as follows:

The County engages and designates ABL for the purpose of rendering Food Service Management to include the requirements as stipulated in the Request for Proposal RC-031-P-0607 for Food Service Management, ABL proposal dated March 27, 2007 and including all changes, additions and exclusions, negotiated terms and conditions.

NOW, THEREFORE, in consideration of the covenants and promises hereinafter made, the parties hereto agree as follows:

**Scope of General Services**

The general scope of services sought includes personnel, labor, materials and equipment necessary to establish and operate a Food Services Section for the Facility, and to furnish nutritious, wholesome, and palatable food to such inmates, staff and visitors in accordance with Section "F" Requirements of the Request for Proposal RC-031-P-0607 and this Agreement. The food service shall meet all current standards as established by the:

- a. American Correctional Association,
- b. National Commission on Correctional Health Care,
- c. State of South Carolina,
- d. Richland County.

**Operational Responsibilities**

1. ABL shall furnish all labor, food, beverages, materials, supplies, and chemicals necessary to provide food services for the inmates, staff and visitors for special functions at the Alvin S. Glenn Detention Center. ABL agrees to be responsible for the procurement, receiving, handling and storage of all food related items, supplies and chemicals necessary for the food service program. ABL shall pay for all food products used during the term of this contract. The food products procured for use in the food service operation will remain the property of COUNTY.

9/1/2007

1 Initials: County RAE ABL [Signature]

# Richland County Council Request of Action

**Subject**

FY14 Airport Master Rate Schedule and Ramp Fee Collection Procedures **[PAGES 35-40]**

**Reviews**

# Richland County Council Request of Action

**Subject:** FY14 Airport Master Rate Schedule and Ramp Fee Collection Procedures

**A. Purpose**

County Council is requested to approve a proposed master rate schedule of airport fees for Fiscal Year 2014 (FY-14) and formal procedures for the collection of ramp fees.

**B. Background / Discussion**

In the course of routine airport operations, a variety of fees are collected from airport patrons. In an effort to streamline administration, a single rate schedule for these fees has been developed. A copy of this schedule is provided as Appendix 1 to this Request of Action (ROA). It is the intention of Airport staff in future years to review and update this schedule annually and include it in the annual airport operating budget request.

In addition to the master rate schedule is a procedure for the collection of airport ramp fees which is provided as Appendix 2. Ramp fees are currently collected at the airport, but there has been no written procedure for their collection, waiver, and administration. If approved, this procedure will be incorporated into the *Airport Operations Manual*.

The current ramp fee rates are:

Single engine	\$5.00
Multi engine	\$10.00
Single Turbine / Helicopter	\$15.00
Multi Turbine	\$20.00
Light Jet	\$30.00
Medium Jet	\$50.00
Heavy Jet	\$100.00

In Fiscal Year 2012 (FY-12), a total of \$1,575 in ramp fees was collected. Richland County retained \$1,181 (75%) of this amount.

Approval of these documents will:

1. Provide thorough and formal guidance for the collection of ramp fees.
2. Provide a single, master rate schedule of all airport fees.
3. Increase ramp fees charged to pilots of transient (non-based) aircraft to a level consistent with those charged by Eagle Aviation at Columbia Metropolitan Airport (CAE).
4. Establish a variety of hangar lease periods and provide incentive to tenants for longer-term leases (three years). Future three-year hangar leases are at current established monthly rates. There are monthly rate increases for shorter lease periods.

**C. Legislative / Chronological History**

The Richland County Airport Commission voted to recommend approval of both of these documents at their May 13, 2013 meeting.

**D. Financial Impact**

Financial impact is not known; however, it is estimated to be neutral or positive to airport revenue. Because of the historic lack of formal procedures for the collection of ramp fees, as well as their increased rate, it is estimated that ramp fee collection will increase.

**E. Alternatives**

1. Approve the proposed master rate schedule of airport fees for FY14 and the procedures for the collection of ramp fees.
2. Do not approve the proposed master rate schedule of airport fees for FY14 and the procedures for the collection of ramp fees.
3. Approve one of the two requests stated above.

**F. Recommendation**

It is recommended that Council approve the documents contained in Appendices 1 and 2 as recommended by the Richland County Airport Commission.

Recommended by: Christopher S. Eversmann    Department: Airport    Date: 6/4/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 6/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval based on the proposed schedule. The 3-year lease period is consistent with the current lease structure and should be revenue-neutral. Additionally the schedule establishes a standard practice for the lease and fee review.

**Legal**

Reviewed by: Elizabeth McLean

Date: 6/19/13

Recommend Council approval

Recommend Council denial

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

**Administration**

Reviewed by: Tony McDonald

Date: 6/19/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the revised rate schedule as proposed.

**Jim Hamilton - LB Owens Airport  
(CUB)  
Fiscal Year 2014 (FY-14) Master Rate schedule**

Updated: 4-Jun-13

**Hangar monthly lease rates**

Item	Lease Period				
	3-year	2-year	1-year	6-month	1-month
T-Hangar, 40 foot	\$ 170.00	\$ 187.00	\$ 204.00	\$ 221.00	\$ 238.00
T-Hangar, 41.6 foot	\$ 200.00	\$ 220.00	\$ 240.00	\$ 260.00	\$ 280.00
T-Hangar, 43 foot	\$ 200.00	\$ 220.00	\$ 240.00	\$ 260.00	\$ 280.00
Corporate, small	\$ 375.00	\$ 412.50	\$ 450.00	\$ 487.50	\$ 525.00
Corporate, medium	\$ 500.00	\$ 550.00	\$ 600.00	\$ 650.00	\$ 700.00
Corporate, large	\$ 600.00	\$ 660.00	\$ 720.00	\$ 780.00	\$ 840.00
Corporate, large, improved	\$ 675.00	\$ 742.50	\$ 810.00	\$ 877.50	\$ 945.00

**Tie-down monthly lease rates**

Item	Lease Period		
	1-year	6-month	1-month
Paved	\$ 40.00	\$ 44.00	\$ 48.00
Grassed	\$ 30.00	\$ 33.00	\$ 36.00

**Daily ramp fees**

Aircraft type	Fee	Comment
Single engine	\$ 10.00	
Multi engine	\$ 20.00	
Single turbine / Helicopter	\$ 30.00	
Multi turbine	\$ 60.00	
Light Jet	\$ 100.00	(MTOW < 12,500 lbs)
Medium Jet	\$ 150.00	(12,500 lbs < MTOW < 41,000 lbs)
Heavy Jet	\$ 300.00	(MTOW > 41,000 lbs)

Note: MTOW = Maximum Take

Off Wt

**Hangar pedestrian door key replacement / additional**

Best key blank	\$ 15.00
Schlage blank	\$ 10.00
Kwickset blank	\$ 10.00

**Hangar pedestrian door lock replacement**

Best lock	\$ 105.00
Schlage lock	\$ 80.00
Kwickset lock	\$ 80.00

**Airport ID Badge replacement**

AIDB Prox card	\$ 15.00
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**Ramp Fee Collection Procedures**

A ramp fee will be charged to the operator of all transient (*i.e.* – non-based) aircraft which land and park on the aircraft apron, taxilane, or other tie down areas at the Jim Hamilton – LB Owens Airport (CUB). The ramp fee will only be charged once in a 24-hour period per aircraft. The ramp fee schedule will be approved by the Richland County Airport Commission and the Richland County Council and will be reviewed annually as part of the airport operating budget process. The current ramp fee schedule will be posted in the airport terminal building in a visible, prominent location.

The ramp fee will be waived in the following situations:

- If the aircraft operator purchases goods or services from the airport Fixed Base Operator (FBO) or based Specialized Aviation Services Operator (SASO) during their visit;
- If the aircraft remains on the airport for less than a two-hour period;
- For all government and military aircraft;
- If the aircraft is on a medical mission (including medical mercy missions);
- If the aircraft is supporting an EAA-242 Young Eagles event;
- At the discretion of the Airport Director.

The ramp fee will be collected by the FBO and the revenue split between the Airport Sponsor (75%) and the FBO (25%). The FBO will report and pay the Airport Sponsor their portion of the revenue accumulated over the preceding month on a monthly basis. The payment by the FBO will include a report, by aircraft registration number, of the following data:

- Aircraft registration number;
- Aircraft classification;
- Date of visit;
- Time of arrival;
- Amount of ramp fee collected; or
- Reason for waiver.

# Richland County Council Request of Action

**Subject**

Requested Authorization for Negotiation and Award of Fleet Maintenance Contract **[PAGES 41-45]**

**Reviews**

## Richland County Council Request of Action

**Subject:** Requested Authorization for Negotiation and Award of Fleet Maintenance Contract

**A. Purpose**

County Council is requested to authorize the Procurement Director to negotiate and award a contract to First Vehicle Services (FVS) for the provision of Richland County fleet maintenance services.

**B. Background / Discussion**

The Richland County fleet has 1,265 pieces, which ranges from small mowers, generators, automobiles, pickup trucks and other light equipment to tractors to large trucks and construction equipment in the heavy equipment fleet.

The current agreement with First Vehicle Services for County fleet maintenance is expiring. The Office of Procurement and Contracting conducted an RFP process to determine the best contractor for the provision of these services. RFP RC-011-P-1213, for Fleet Maintenance and Management Services. A team of nine members were chosen to evaluate and score the responses to the RFP. The contract, once approved, would include four possible annual renewals that are dependent on performance, for a total length of five years.

The team included Procurement and the County Fleet Manager, as well as department fleet representatives from seven other departments: the Richland County Sheriff's Department, Emergency Services Department, the Alvin S. Glenn Detention Center, Public Works, Utilities, Animal Care and Planning. Four proposals were received from maintenance companies interested in providing the County's fleet maintenance. The companies, with their evaluation team total score were:

<u>Company</u>	<u>Total Evaluation Score (900 Possible Points)</u>
Elite Line Services (ELS)	739
First Vehicle Services (FVS)	791
Vector Fleet Management	694
VehiCare Fleet	584

The two highest scoring companies, Elite Line Services and First Vehicle Services, were given the opportunity to make presentations to the evaluation team members on May 1. The presentations covered various aspects of the company's proposal and the details of their maintenance program, and afforded the evaluators the opportunity to ask questions in response. After these sessions, seven team members submitted narrative evaluations. First Vehicle Services (FVS) received a majority of the evaluation team recommendations and has been selected as the most responsive, responsible responder that best met the specifications and requirements of the RFP process.

If approved by Council, the Procurement Director will initiate discussions with First Vehicle Services regarding the proposal, finalize the details and award the contract.



## APPENDIX 1

Consolidated Evaluations					
Evaluation Criteria RC-011-P-1213 Description: Fleet Maintenance & Management Services	Maximum Percentage	Elite Line Services	First Vehicle Services	Vector Fleet Management	VehCare Fleet
<b>Functionality &amp; Suitability</b>	30				
Fleet		28	29	26	23
Sheriff		27	28	28	25
Procurement		28	28	23	20
EMS		21	27	25	13
ASGDC		27	26	29	25
Public Works		25	30	20	15
Utilities		20	22	25	24
Animal Control		30	30	30	20
Planning		29	27	20	10
	<b>270</b>	<b>235</b>	<b>247</b>	<b>226</b>	<b>175</b>
<b>Performance History &amp; Standards</b>	25				
Fleet		23	25	22	20
Sheriff		23	24	24	20
Procurement		23	23	23	20
EMS		17	21	19	15
ASGDC		24	24	24	23
Public Works		20	20	20	10
Utilities		12	15	18	10
Animal Control		25	25	22	15
Planning		25	24	15	10
	<b>225</b>	<b>192</b>	<b>201</b>	<b>187</b>	<b>143</b>
<b>Professional Qualifications</b>	20				
Fleet		19	20	17	15
Sheriff		18	18	18	16
Procurement		18	20	18	17
EMS		12	18	15	14
ASGDC		19	19	19	19
Public Works		20	20	15	10
Utilities		10	15	12	12
Animal Control		20	20	20	10
Planning		19	18	10	10
	<b>180</b>	<b>155</b>	<b>168</b>	<b>144</b>	<b>123</b>
<b>Experience</b>	10				
Fleet		8	10	9	7
Sheriff		4	10	9	2
Procurement		7	8	8	6

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EMS		7	9	8	10
ASGDC		10	10	10	10
Public Works		10	10	10	5
Utilities		6	9	8	7
Animal Control		8	10	10	9
Planning		10	10	5	10
	<b>90</b>	<b>70</b>	<b>86</b>	<b>77</b>	<b>66</b>
<b>Minority Participation</b>	10				
Fleet		10	8	2	2
Sheriff		10	10	0	2
Procurement		10	5	3	3
EMS		10	10	10	10
ASGDC		5	5	5	5
Public Works		10	0	0	10
Utilities		5	5	1	1
Animal Control		0	10	0	0
Planning		6	5	1	1
	<b>90</b>	<b>66</b>	<b>58</b>	<b>22</b>	<b>34</b>
<b>Cost</b>	5				
Fleet		2	3	4	5
Sheriff		3	4	5	5
Procurement		3	4	4	5
EMS		2	2	4	4
ASGDC		3	5	4	5
Public Works		0	5	5	5
Utilities		2	2	4	4
Animal Control		2	3	4	5
Planning		4	3	4	5
	<b>45</b>	<b>21</b>	<b>31</b>	<b>38</b>	<b>43</b>
Total	900	739	791	694	584

# Richland County Council Request of Action

**Subject**

Approval of FY 13-14 Budgets within the FY 12-16 Consolidated Plan for Community Development Department Funds  
**[PAGES 46-48]**

**Reviews**

## Richland County Council Request of Action

Subject: Approval of FY 13-14 Budgets within the  
FY 12-16 Consolidated Plan for Community Development Department Funds

### A. Purpose

County Council is requested to approve the itemized budgets for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funds for FY 13-14. These budgets are not County general funds but federal funds. The upcoming year's budget will be included in the proposed FY 13-14 Annual Action Plan which will be submitted to the US Department of HUD by August 15, 2013. A public meeting will be advertised and held in August 2013. Please note this public meeting is not required to be a part of a Council meeting, but is still open to Council and for the public to attend. The Annual Action Plan however does require Council action through endorsement and/or approval of the plan. The completed FY 13-14 Annual Action Plan will be submitted for Council endorsement and/or approval in Fall 2013. At this time, we seek approval on the FY 13-14 CDBG and HOME budgets as outlined below.

### B. Background / Discussion

- This is more of an internal mandate than HUD requirement, but Council action will strengthen the plan as well as provide public support.
- The Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) budgets reflect FY 13-14 funds under the Annual Action Plan section.
- This approval is requested because the Action Plan is due August 15<sup>th</sup> and Council will be on break during that time. The CD Department will bring the full Consolidated Plan before the Council this fall for full approval.

### C. Legislative / Chronological History

This is a staff-initiated request. Therefore, there is no legislative history.

### D. Financial Impact

**Please see the estimated draft budgets below for both CDBG and HOME funds:**

<b>CDBG For FY 13-14</b>	<b>\$1,270,319</b>
New: Columbia Urban League	\$47,500.00
New: Sistercare	\$10,746
Ongoing: Monticello Road Streetscape (Phase 2)	\$350,000
Ongoing: HMIS Match (Phase 2)	\$30,000
Ongoing: Columbia Housing Authority – Job Development/Training for Section 3 Residents	\$50,000
Ongoing: SE Columbia Medical Facility (Phase 2)	\$375,000
Ongoing: Emergency Repair Program	\$153,010
Administration (not to exceed 20%)	\$254,063

<b>HOME Budget FY 13-14 *</b>	<b>\$ 451,016.00</b>
CHDO Set Aside Programmatic and	\$ 100,000.00

Operating Funds	
Housing Rehab Program (owner-occupied only)	\$ 85,915.00
RCHAP (down payment assistance)	\$ 220,000.00
Administration (not exceed 10%)	\$ 45,101.00

\* The only financial impact to the County is the HOME match requirement. The amount of HOME match is \$101,479 and is required to be allocated from the General Fund. The County has provided the required match amount since the HOME program began in 2002.

**E. Alternatives**

1. Approve the FY 13-14 estimated budgets for CDBG and HOME to be found in the FY 13-14 Action Plan due to HUD by August 15, 2013. These funds are grant funds from the U.S. Department of HUD.
2. Do not approve the estimated FY 13-14 budgets for CDBG and HOME and the funds will not be entered by Finance Department. Subsequently, the funds could be rescinded or not spent timely, thereby creating additional areas of concern for the County. These funds are grant funds from the US Department of HUD.

**F. Recommendation**

It is recommended that Council approve the FY 13-14 estimated budgets for CDBG and HOME to be found in the FY 13-14 Action Plan which will be submitted to HUD by August 15, 2013.

Recommended by: Valeria Jackson Department: Community Development Date: 6/7/2013

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers Date: 6/18/13  
 Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation:

**Grants**

Reviewed by: Sara Salley Date: 6/19/13  
 Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean Date: 6/19/13  
 Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation: Policy decision left to Council's discretion.

**Administration**

Reviewed by: Sparty Hammett Date: 6/19/13  
 Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation:

# Richland County Council Request of Action

## **Subject**

Purchase of Building and Lot for New Blythewood Magistrate District Office **[PAGES 49-63]**

## **Reviews**

## Richland County Council Request of Action

**Subject:** Purchase of Building and Lot for New Blythewood Magistrate District Office

### **A. Purpose**

County Council is requested to approve the purchase of 118 McNulty, Blythewood, SC 29016, Tax Map Number R15213-01-11 for the purpose of housing the newly created Blythewood Magistrate District Office in a County owned facility in the Blythewood District. A map and photos of the location are attached (Appendix 1).

### **B. Background / Discussion**

The 2010 Census information and the 2009-2010 SC State Treasurer's Accommodations and Revenue Distribution information created changes in the maximum number of magistrates in Richland County with an increase of 2.25. Additionally, Magistrate jury lines were redrawn effective June 7, 2012, creating a new Blythewood jury area. For FY 12-13, County Council approved creation and support for the new Blythewood Magistrate District Office.

The property, 118 McNulty, Blythewood, SC 29016, Tax Map Number R15213-01-11, is owned by Goody Investments, LLC. The purchase price is \$1,050,000.00. Closing costs are to be determined (see number 8 of the contract that says, "Each of the parties shall pay its own attorney's fees arising from this transaction. Seller shall pay the transfer tax on the deed and any and all general and special assessments against the property. Ad valorem taxes shall be prorate (sic) based on an estimate and either party shall be entitled to seek an adjustment of the proration based on the actual tax amount no later than March 31 of the following year." The contract is attached (Appendix 2).

### **C. Legislative / Chronological History**

This is a staff-initiated request for a new office. Therefore, there is no legislative history.

### **D. Financial Impact**

The funds are currently available in the Public Safety Bond and the costs will be allocated as follows:

1. Building and lot (to include up-fitting) is \$1,050,000.00.
2. Closing costs will be determined just prior to closing.

### **E. Alternatives**

1. Approve the request to purchase the building located at 118 McNulty Street Blythewood, SC, 29016. The purchase will provide an office for the newly created Blythewood Magistrate District office. The location, which is within the District, would provide adequate space for the Court operations.
2. Do not approve the request to purchase the building located at 118 McNulty Street Blythewood, SC, 29016.

**F. Recommendation**

It is recommended that County Council approve the purchase of 118 McNulty Street, Blythewood, SC 29016 for the purpose of housing the newly created Blythewood Magistrate District Office in a County owned facility located in the Blythewood District.

Recommended by: Chief Donald J. Simons      Department: Magistrate      Date: 6-18-2013

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers      Date: 6/20/13  
 Recommend Council approval       Recommend Council denial  
Comments regarding recommendation:

Recommendation is based on availability of budget funds and the request is consistent with the Capital Improvement Plan.

**Sheriff**

Reviewed by: Leon Lott      Date:  
 Recommend Council approval       Recommend Council denial  
Comments regarding recommendation:

**Legal**

Reviewed by: Brad Farrar      Date:  
 Recommend Council approval       Recommend Council denial  
Comments regarding recommendation:       Policy decision/Council discretion

**Administration**

Reviewed by: Tony McDonald      Date: 6/21/13  
 Recommend Council approval       Recommend Council denial  
Comments regarding recommendation: This action is consistent with the County’s long term plan to house magistrates in County owned facilities, and bond funds are available for this transaction. Recommend approval.



Item# 9

Attachment number 1  
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The front of the building and the columns will have 24 inches of brick at the bottom and the remainder will be stucco.

Item# 9



Item# 9



Item# 9



Item# 9

Appendix 2

AGREEMENT OF PURCHASE AND SALE

**THIS AGREEMENT** made this 18 day of JUNE, 2013, by and between GOODY INVESTMENTS, LLC (hereinafter "Seller"), whose address is \_\_\_\_\_, and **RICHLAND COUNTY, SOUTH CAROLINA** (hereinafter "Purchaser"), whose address is Attention: Tony McDonald County Administrator, 2020 Hampton Street, Room 4058, Columbia, South Carolina 29201.

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. **Property.** Seller agrees to sell and transfer and Purchaser agrees to purchase and accept, upon the terms and conditions hereinafter set forth, that certain parcel of land, together with improvements thereon, situate, lying and being on 118 McNulty Street in (or near) the Town of Blythewood, Richland County, South Carolina, Richland County Tax Map Parcel 15213-01-11, a copy of such map or sketch being attached hereto as Exhibit A and made a part hereof (the "Property").
2. **Purchase Price.** The purchase price shall be One Million Fifty Thousand Dollars and 00/100 (\$1,050,000.00) (the "Purchase Price") and shall be payable at closing by Purchaser to Seller by bank wire transfer or by cashier's check or attorney escrow check.
3. **Feasibility Study.** Any provision hereof to the contrary notwithstanding, Purchaser shall have thirty days (30) days after the date hereof (the "Feasibility Period") to perform development studies, financial analyses, feasibility studies, inspections, utility studies, storm drainage analyses, soil tests, surveys, appraisals, environmental studies and such other tests, evaluations and examinations of the Property as Purchaser may desire.
4. **Subject to County Council Approval.** This Agreement is being executed by the County Administrator subject to the condition that this Agreement and the appropriation of funds to close must be approved by Richland County Council.
5. **Title and Survey.** Seller shall satisfy all mortgage liens and all other liens on the Property at Closing. Seller will convey the Property by general warranty deed subject to easements and restrictions of record and matters of survey.
6. **Closing.** Closing shall be held on or before September 30, 2013 and shall take place at the offices of \_\_\_\_\_ or at such other place as the parties may otherwise agree.
7. **Closing Documents.** Seller shall execute and deliver the following to Purchaser at Closing:
  - (a) **Deed.** A general warranty deed, subject to easements and restrictions of record and matters of survey. The deed shall be in proper form for recording and shall be duly executed, witnessed and acknowledged.

(b) Affidavits, Residency Certificate, Tax Compliance Certificate. If applicable under law or if required by Purchaser's title insurance company, affidavits and indemnification agreements that there are no amounts owed for labor, materials or services respecting the Property and that there are no parties in possession except under current leases, any residency certificates pursuant to S.C. Code § 12-5-850 and Section 1445 of the U.S. Internal Revenue Code, and a current tax compliance certificate from the South Carolina Department of Revenue, if required under applicable law.

8. **Closing Costs, Taxes and Assessments.** Each of the parties shall pay its own attorney's fees arising from this transaction. Seller shall pay the transfer tax on the deed and any and all general and special assessments against the Property. Ad valorem taxes shall be prorated on a calendar year basis. If the current year tax amount is not available, the parties shall prorate based on an estimate and either party shall be entitled to seek an adjustment of the proration based on the actual tax amount no later than March 31 of the following year.

9. **Assigns.** This Agreement shall be binding upon and shall insure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns.

10. **No Commissions.** Each party represents that no brokerage fees are involved in the sale of the property.

11. **Entire Agreement.** It is understood and agreed that all understandings and agreements heretofore and between the parties hereto are merged in this Agreement, which alone fully and completely expresses their agreement, neither party relying upon any statement or representation not embodied in this Agreement, made by the other. The covenants and warranties contained herein shall survive the Closing.

12. **Modification.** This Agreement may not be modified or amended nor shall any of its provisions be waived except by a written instrument signed by Seller and Purchaser.

13. **Possession.** Possession of the Property will be delivered at Closing.

14. **Severability.** In the event any provision in this Agreement shall be held by a court of competent jurisdiction after final appeal (if any) to be illegal, unenforceable or contrary to public policy, then such provision shall be stricken and the remaining provisions of this Agreement shall continue in full force and effect.

15. **Paragraph Headings.** The paragraph headings contained herein are for convenience only, and should not be construed as limiting or altering the terms hereof.

16. **Governing Law.** This Agreement shall be construed and enforced according to the laws of the State of South Carolina.

17. **Notices.** All notices required or permitted to be given hereunder shall be in writing and either hand delivered or sent by certified mail, return receipt requested, to the party to be notified at its address set forth above. Notice by mail shall be effective on the date of receipt as evidenced by signed receipt.

IN WITNESS WHEREOF, this Agreement has been duly signed, sealed and delivered by the parties hereto the day and year first above written.

Witnesses:

**SELLER**

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_ (SEAL)

**PURCHASER**

RICHLAND COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_ (SEAL)

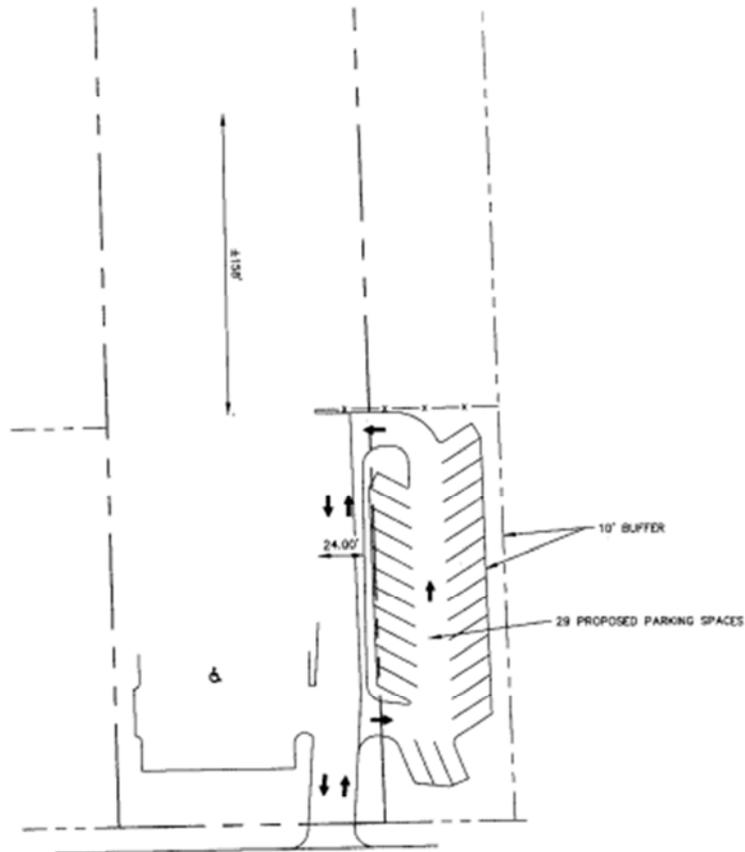
Tony McDonald  
County Administrator

EXHIBIT A

PROJECT: BLYTHEWOOD MAGISTRATE / REGION #6 RICHLAND COUNTY SHERIFF DEPT.  
118 MCNULTY STREET BLYTHEWOOD, S.C. 29016  
TMS# 15212-01-11

BUILDING/LAND	\$750,000
ARCHITECTURAL DRAWINGS / ENGINEERING	\$18,200
PERMITS	\$4,000
LANDSCAPING	\$4,500
DEMOLITION	\$6,100
PAVING	\$52,225
FENCING	\$16,500
STUCCO/BRICK	\$21,000
PLUMBING	\$18,200
ELECTRICAL	\$16,050
HVAC	\$10,400
PETITION WALLS	\$14,500
ACCUSTICAL CEILINGS	\$6,300
CARPENTRY	\$18,600
DRYWALL	\$14,500
FLOORING	\$6,800
DOORS / TRIM	\$7,000
PAINT	\$7,500
COURTROOM CARPENTRY	\$4,600
HARDWARE / FIXTURES	\$4,500
ACCESSORIES	\$3,000
CLEANUP	\$2,500
GENERAL CONDITION	\$11,025
PROFIT	\$32,000
TOTAL PROJECT – 8,000 SQFT. BUILDING, 5+ ACRES OF LAND	\$1,050,000.00

118 MCNULTY STREET BLYTHEWOOD, S.C. 29016



McNULTY STREET

PARKING SUMMARY  
 EX. PARKING SPACES = 18 SPACES  
 PROPOSED PARKING SPACES = 29 SPACES  
 TOTAL NUMBER OF PARKING SPACES = 47 SPACES

NOTE: THIS PLAN MAY BE SUBJECT TO SITE AND REGULATORY CONSTRAINTS NOT INVESTIGATED AT THIS TIME AND MUST BE CONSIDERED CONCEPTUAL IN NATURE.

SKETCH "C"  
 SCALE: 1" = 40'

