

Traffic Engr.



South Carolina Department of Transportation

Minutes

Department of Transportation Commission

Meeting of

December 13, 2007

MINUTES
DEPARTMENT OF TRANSPORTATION COMMISSION
December 13, 2007
Table of Contents

	Roll Call	<u>Page</u>
Section 1	2008 Congressional High Priority Projects List	1
Section 2	Promulgation of Regulations	2
Section 3	Financial Advisory Services	2
Section 4	Adjournment	2

MINUTES

DEPARTMENT OF TRANSPORTATION OF SOUTH CAROLINA

December 13, 2007

A conference call meeting of the Department of Transportation Commission was held at the headquarters building in Columbia, South Carolina at 10:00 a.m. In compliance with the Freedom of Information Act, the news media was advised in writing of the time, date and place of this meeting

Present

Bobby Jones, Chairman, Presiding
Hugh Atkins
Marion Carnell
Joe Young

Absent

Henry Taylor

Present by Telephone

Tee Hooper
Marvin Stevenson

Also Present: H. B. "Buck" Limehouse, Secretary of Transportation
Debra Rountree, Division Director, Finance and Administration

Glennith Johnson, Division Director, Mass Transit (by telephone)

SECTION 1: On motion of Commissioner Hooper, seconded by Commissioner Stevenson, the Commission unanimously passed a motion adopting the 2008 Congressional High Priority List as presented by staff and shown in detail in the Appendix. The motion also authorized the staff to send the adopted list to the South Carolina Congressional Delegation prior to January 1, 2008.

Chairman Jones reported that had Commissioner Taylor been available to attend the meeting, he would have requested the list be amended to add the interchange at Highway 301 and I-95.

SECTION 2: On motion of Commissioner Carnell, seconded by Commissioner Young, the Commission unanimously passed a motion to adopt and formally promulgate regulations 63-20, 63-30 and 63-100 with the text published in the October, 2007 *State Register*; and regulations 63-10, 63-206 and 63-307 with the text recommended by staff. The text is shown in complete detail in the Appendix.

SECTION 3: On motion of Commissioner Young, seconded by Commissioner Stevenson, the Commission unanimously passed a motion authorizing the Department to reactivate the selection process for an "on call" financial advisory consultant through the State Treasurer's office with final award to be approved by the Commission before a contract is finalized.

SECTION 4: There being no further business to come before the Commission, the meeting was adjourned at 10:35 a.m.

Bobby Jones, Chairman
Presiding



South Carolina Department of Transportation

Appendix

Department of Transportation Commission

Meeting of

December 13, 2007

2008 SCDOT Congressional High Priority List

The projects below in alphabetical order are eligible for federal funds, in need of supplemental funding, have a designated match, and have been approved by the SCDOT Commission.

Requests from FHWA Funding

1. SC 9 Interchange Improvements in Spartanburg
2. SC 302 Intersection Improvement in Aiken
3. Statewide *InRoads* Intelligent Transportation System (ITS)
4. Statewide Road Resurfacing Program
5. Statewide Federal-Aid Bridge Replacement Program
6. Statewide Interstate Rehabilitation Program
7. US 17A from US 176 to Moncks Corner
8. US 17 ACE Basin
9. US 278 Corridor
10. US 521 Andrews Bypass (Phase II)

Requests from FTA Funding

11. High Speed Rail Service
12. Statewide Transit Facilities Construction Program
13. Statewide Vehicle Acquisition Program
14. Statewide Virtual *Transit Enterprise* Intelligent Transportation System (ITS)

* If Congress elects to provide high priority funding for any other projects, it is recommended that SCDOT be consulted to ensure that those projects are in the Statewide Transportation Improvement Plan (STIP).

Project Title: SC 9 Interchange Improvements in Spartanburg

County:

SPARTANBURG

The proposed project would include the widening of 4.3 miles of SC 9 from SC 292 to Rainbow Lake Road (Rd. S-42-42) from existing 2 and 3 lane ditch section to a 5 lane curb and gutter sections with pedestrian and bicycle facilities and enhancements. The project is currently in the SPATS Long Range Plan.

SAFETEA-LU included \$6.8 million for this project with the \$1.7 million match coming from SCDOT. The remaining funding need is \$37.7 million.

Amount Requested : \$37.7
(In Millions)

Project Title: SC 302 Intersection Improvement in Aiken**County:**

AIKEN

The project consists of constructing a new dedicated right turn lane at the intersection of SC 302 (Silver Bluff Road) and S-419 (Dougherty Road) in Aiken. Phases of work would include preliminary engineering, right of way acquisition and construction.

This project would help improve traffic flow for this intersection that is experiencing heavy turning volumes due to the movements due to the rapidly developing commercial areas. The route from Silver Bluff to Dougherty provides a direct link to these commercial areas.

The City of Aiken has appeared before the Augusta Area Transportation Study's (ARTS) Technical Advisory Committee – Citizens Advisory Committee and the Subcommittee to the ARTS Policy Committee requesting that this project be added to the STIP.

Amount Requested : **\$0.9**
(In Millions)

Project Title: SCDOT InRoads Intelligent Transportation System (ITS)

County:

STATEWIDE

SCDOT is implementing ITS elements in its statewide traffic management program, which allows incidents to be detected quicker, emergency services dispatched sooner and traffic flow restored. ITS elements include the use of a motorist's assistance program, video cameras, changeable message signs, speed detection systems and highway advisory radios. Real time information is gathered and used to inform motorists of actual traffic conditions.

Previous congressional earmarks have allowed the ITS program to be deployed at strategic locations on high volume interstates and in critical areas along the coast. There is a need to expand the system to include rural interstate and other primary roadways. Additional ITS coverage on critical evacuation routes will assist in making decisions involving evacuations and help monitor progress during emergency evacuations. The following are proposed projects for ITS expansion and regional traffic management centers for the operation of ITS system including operational space for the incident management patrol (SHEP).

-- \$2,000,000 -SCDOT Statewide ITS Expansion

-- \$2,000,000 Rock Hill SCDOT Traffic Management Center. A permanent Traffic Management Center would replace the temporary manufactured trailer. The new center would be constructed at the existing Welcome Center located on I-77 and would be utilized for the day-to-day traffic operation of 17 mile corridor of I-77 from the North Carolina State line southward.

-- \$1,500,000 -Greenville/Spartanburg/Anderson SCDOT Traffic Management Center/SCDPS Dispatch Center. A joint SCDOT Traffic Management Center and SCDPS Dispatch Center is needed for the coordination of each agency's operation on the I-85 corridor in the upstate Carolina. The co-location of these activities will have a significant benefit in address the traffic management needs on the I-85 corridor in the Greenville, Spartanburg and Anderson areas. This proposed center would be located within the existing SCDOT District Office building with the work consisting of renovation to accommodate the Information Technology and SCDPS security needs.

-- \$2,000,000 -Charleston SCDOT Traffic Management Center. A permanent Traffic Management Center for the Charleston area will replace the existing center located in a temporary manufactured trailer. This new center would be a new wing to the existing SCDOT District office and would be constructed to withstand hurricane winds to assure continuing operation of the SCDOT district operations and traffic monitoring following a hurricane.

Amount Requested : \$7.5
(In Millions)

Project Title: Statewide Road Resurfacing Program

The statewide resurfacing program is grossly under-funded. Funding would allow thoroughfares across the states to be preserved, reconstructed, or rehabilitated. Resurfacing routes are ranked in priority order based on pavement condition, traffic volumes, truck traffic percentage, pavement maintenance cost, and significance to the local community. SCDOT maintains an on-going priority list of all "resurfacing" projects statewide that can be found on the internet site at http://www.scdot.org/inside/project_list.shtml.

Amount Requested : **\$80.0**
(In Millions)

Project Title: Statewide Federal-Aid Bridge Replacement Program

South Carolina has approximately 8,300+ state-owned bridges. Federal law mandates the uniform inspection of all bridges for structural and functional adequacy at least every two years. More than 22% of bridges in South Carolina are totally substandard— either functionally obsolete or structurally deficient. Many other bridges have been closed and/or posted with a load restriction. Below are the top 15 statewide bridge projects with the greatest needs:

- 1) CSX Railroad in Kershaw (CD1) \$442,000
- 2) Turkey Creek in Abbeville (CD2) \$ 91,000
- 3) White Creek in McCormick (CD2) \$135,000
- 4) Knowles Island in Jasper (CD6) \$641,000
- 5) Abingdon Creek in Cherokee (CD4) \$131,000
- 6) Cuffeytown Creek in McCormick (CD2) \$297,000
- 7) Gilkey Creek in Cherokee (CD4) \$ 89,000
- 8) Bear Creek in Kershaw (CD1) \$213,000
- 9) Wildcat Creek in Richland (CD1) \$288,000
- 10) Flat Creek in Lancaster (CD4) \$205,000
- 11) North Pacolet River in Spartanburg (CD3) \$570,000
- 12) Bullocks Creek in York (CD4) \$866,000
- 13) Little Browns Creek in Union (CD4) \$356,000
- 14) Swift Creek in Darlington (CD5) \$290,000
- 15) Wildcat Creek in York (CD4) \$143,000

The existing program is critically under-funded. Additional funds would help replace some of the deficient state-owned bridges across South Carolina that are in great need of rebuilding. SCDOT maintains this continual priority list of statewide bridge replacement projects that can also be found on the internet site at http://www.scdot.org/inside/project_list.shtml.

Amount Requested : **\$5.0**
(In Millions)

Project Title: Statewide Interstate Rehabilitation Program

County:

The statewide Interstate Rehabilitation Program is in need of funding for the main thoroughfares across the state. Funding would allow interstates to be preserved, reconstructed, or rehabilitated. These routes are ranked in priority order based on daily traffic (ADT) volumes, length of the project, and the condition of the road (PQI rating). SCDOT maintains an on-going priority list of all "resurfacing" projects statewide that can be found on the internet site at http://www.scdot.org/inside/project_list.shtml.

Amount Requested : **\$100.0**
(In Millions)

Project Title: US 17A from S-9 to Moncks Corner**County:**

BERKELEY

This project involves the widening of US 17A from two to five lanes for approximately 7.5 miles in Berkeley County. It is the last phase for widening US 17 from I-26 to Monks Corner.

The Berkeley Charleston Dorchester Council of Governments (BCD COG) is funding the improvements. This is their only project. This program receives \$2.65 million per year or a total of \$13,255,000 over five years. This project was originally divided into two phases. Phase I was from US 176 to S-9 (Cypress Garden Road) and is complete and open to traffic. Phase II will complete the widening from S-9 to Monks Corner.

Right of Way plans are complete and acquisition activities are underway.

This project is included in the STIP. Right of Way acquisition is expected to cost \$9.5 million and construction is estimated at \$30 million. This request is for \$39.5 million to complete the project.

Amount Requested : \$39.5
(In Millions)

Project Title: US 17 ACE Basin**County:**

COLLETON

BEAUFORT

The purpose of this project is to improve safety on a 22-mile segment of US 17 from US 21 in Gardens Corner to SC 64 in Jacksonboro, in Beaufort and Colleton counties. US 17 is part of the National Highway System and the Strategic Highway Network (STRAHNET) for defense preparedness. Of the 211 miles in South Carolina, 179 miles have been upgraded to a multi-lane highway, primarily four lanes separated by a grass median. The remaining 32 miles consist of a two-lane roadway.

Because it is a convenient connection to I-95 and points south into Georgia and Florida, the route attracts considerable truck and tourist traffic. The 22-mile segment between Gardens Corner and Jacksonboro is primarily a two-lane facility, which carries 11,000 to 14,000 vehicles per day, with approximately 20% of that traffic being trucks.

The segment of US 17 in Beaufort and Colleton counties is one of the most dangerous two-lane roads in South Carolina. Between 1997 and 2003, there were 895 crashes including 23 fatalities and 552 injuries on this segment.

This Design/Build project is in the STIP and is estimated at \$248 million. It is funded through a combination of a \$10 million earmark from SAFETEA-LU, \$80.3 million SIB loan, and \$7.4 million in contributions from local government (Beaufort County, Colleton County, Low Country COG). The remaining funding request for this project is \$150 million.

Amount Requested : \$150.0
(In Millions)

Project Title: US 278 Corridor

County:

BEAUFORT

JASPER

The US 278 corridor is a four-lane divided arterial with a 55 MPH speed limit and is listed as a Principal Arterial Route on the National Highway System. US Route 278 is the only evacuation route from Hilton Head Island. The total project is approximately 22 miles long between I-95 and the bridges over Mackays Creek at Hilton Head.

Construction was recently completed on a section of the corridor from Mackays Creek To Simmonsville Road (approx. 6.5 miles). The remaining improvements along US Route 278 will extend the 6-lane widening to SC Route 170. Improvements from SC 170 to I-95 are not currently being pursued. Intersection improvements include intersecting roads at Burnt Church Road, SC Route 46, and Simmonsville Road.

The proposed improvements along the corridor intend to alleviate roadway capacity constraints and improve safety and traffic operations with intersection and corridor improvements.

To date, federal earmarks have provided \$39.7 million in earmarked funds for the corridor. Additional funding will come from SCDOT (\$15 million) through the HIMP Program, Beaufort County (through its Transportation Sales and Use Tax Program), and the Low Country COG. An additional \$60 million is needed to complete improvements to the remainder of the corridor.

Amount Requested : **\$60.0**
(In Millions)

Project Title: US 521 Andrews Bypass (Phase II)**County:**

GEORGETOWN

WILLIAMSBURG

The proposed project will extend from the recently completed Phase I at SC 41 Truck Route to US 521 west of the town of Andrews. This four-lane divided new location facility will be approximately 3.6 miles in length and will require crossings at SC 16 and Johnson's Swamp. This bypass will remove through traffic from congested conditions in-town and will provide a hurricane evacuation route for the Grand Strand area.

This project has been identified in the Waccamaw COG Transportation Improvement Plan. To date, \$650,000 has been provided for this project. An additional \$40.5 Million is needed to complete the preliminary engineering, right-of-way, and construction phases of work.

Amount Requested : \$40.5
(In Millions)

Project Title: High Speed Rail Service

County:

STATEWIDE

These projects seek to improve highway-grade crossings on the two federally designated high-speed passenger rail segments as part of the South East High Speed Rail Corridors (SEHSR) in South Carolina. Funding along these corridors will permit track improvements for additional capacity to be made, benefiting both freight and passenger services. Improvements will include, but not limited to, additional trackage, sidings, signal improvements and grade separations.

Continuing funding is needed for the implementation of on-going improvements at highway-rail grade crossings and upgrades of rail line capacity. This will enable the implementation of future additional passenger rail service in South Carolina.

High-speed and additional conventional passenger rail services in South Carolina will have significant economic impacts in the state. Such services will establish the state as a business and tourism destination rather than just a region that is "traveled through" on the route to somewhere else. Passenger rail services are vital to the movement of citizens within the state in order to provide more transportation options to an ever-growing and more mobile population.

This project is reflected in the current Statewide Transportation Improvement Program (STIP).

Amount Requested : \$15.0
(In Millions)

Project Title: Statewide Transit Facilities Construction Program

County:

STATEWIDE

The projects identified below shall provide adequate new construction or facility upgrades for transit operators to conduct and administer business, store equipment and supplies, maintain equipment, and provide shelter and accommodate the traveling public. Transit agencies have already identified their facility needs based on current and anticipated growth.

Facilities range from a relatively simple bus shelter to provide a place for passengers to wait in inclement weather to intermodal stations designed to accommodate a transfer center for local fixed-route bus service as well as intercity bus and passenger rail services.

Also anticipated are the needs of transit operators for dedicated transit lanes in some of the state's more congested urbanized areas. Transit lanes would be used by express bus services, tourist-oriented trolley services and, in some cases, regular fixed-route services.

This project is in the Statewide Transportation Improvement Program (STIP). Congress has appropriated funding for \$2 million through SAFETEA-LU and \$476,000 from 2007 Appropriations. In addition to funds already identified, \$20.0 million would be needed in FY 2008 and \$30.0 million in FY 2009 for transit facilities improvement around the state.

This program has the potential for significant impact on both the local and statewide economy. Locally, transit agencies will require the services of architects, site specialists, and contractors to design and build new and renovated facilities. Transit agencies across the state will be better able to meet both existing and anticipated needs of the traveling public.

District One -BCD RTA -New Administration Facility
Districts Two and Five -CMRTA -New Administration Facility
District One -Charleston RTA -Intermodal/Operations Facilities
District Three -City of Clemson -New Administration Facility
District Three -Edgefield County Sr. Citizens Council -Maintenance Facility for Hub
District Two -Lower Savannah COG -Facility Improvements/Generator
Districts Five and Six -SWRTA -Renovate Building/Transfer Station
District One -Waccamaw RTA -Maintenance Facility/Intermodal Center
District Six -Williamsburg County Transit System -Maintenance Facility Improvements

Amount Requested : **\$50.0**
(In Millions)

Project Title: Statewide Vehicle Acquisition Program

County:

STATEWIDE

This project was designed to enable the SCDOT to maximize the amount of available funding to replace South Carolina's aging fleet of transit vehicles in 3-5 years, whereas conventional replacement methods would take 10-15 years. Recent earmark funds are used extensively to replace aging transit vehicles and purchase new vehicles to expand transit services into underserved and un-served areas. Transit agencies throughout the state have seen a steady decrease in maintenance costs since introducing the newer vehicles into their fleets. The program is available to state authorities, local government authorities, private non-profit organizations, and regional transit authorities.

Funding for this project was initially secured from the U.S. Congress. Congressional earmarks remain the source of funds for the program. Additional funds are needed to continue the implementation of this program through subsequent fiscal years.

This project is in the Statewide Transportation Improvement Program (STIP). To date Congress has approved \$8.0 million in earmarks through SAFETEA-LU and \$2.0 million from 2007 Appropriations. In addition to funds already identified, \$27.0 million would be needed in FY 2008 and \$33.0 million in FY 2009 to meet the statewide target for vehicle replacement.

The condition of the state's fleet of vehicles used to transport riders (and potential riders) greatly impacts public transportation service effectiveness and efficiency, the health of local economies and the state's economy overall, and has other quality of life and environmental impacts as well.

Amount Requested : **\$60.0**
(In Millions)

Project Title: Statewide Virtual Transit Enterprise Intelligent Transportation System (ITS)

County:

STATEWIDE

SCDOT is pursuing a statewide transit technology initiative in conjunction with the USDOT and the Federal Transit Administration. The purpose of this project is to enhance mass transit technology in South Carolina with the goal of making the state's mass transit providers more effective in providing their services.

In addition to resource and information sharing, the focus will be on rural transit coordination opportunities, utilization of computer technology to provide solutions, and supporting public transit providers in the deployment of intelligent transportation systems (ITS) architecture and components.

The next phase of the Virtual Transit Enterprise (VTE) will develop the following:

- State Electronic Grant management system (similar to the FTA Team web)
- Electronic fare boxes
- Enhanced data collection and warehousing
- AVL Technologies
- Smart Card and/or Electronic Benefit Transfer (EBT) programs
- Mobile data computers (MDCs) for installation in transit vehicles
- 800 MHz radios

The project is identified in the Statewide Transportation Improvement Program (STIP) and has previously received \$3.0 million in earmarks to support the development of the Virtual Transit Enterprise (VTE) project. Additionally, through collaboration with existing Smart Card and/or EBT technologies, South Carolina will realize a seamless interface in coordination of services across multiple effectively "mainstreaming" a large portion of the population who are "transit dependent." The Smart Card technology will improve operational efficiency by allowing transit agencies to keep track of ridership patterns and preferences.

Amount Requested : \$5.1
(In Millions)

SCDOT Regulations for SCDOT Commission Promulgation and Legislative Approval in 2008 Session

Summary by Deborah Durden, Assistant Chief Counsel
December 6, 2007

SCDOT staff has drafted 5 sets of new or amended regulations which are being presented to the Commission for approval. Act 114 of 2007 requires SCDOT to promulgate new regulations on four subjects. These regulations have been drafted in a team effort by the legal division and the engineers and employees responsible for the work processes. The fifth set of regulations will enable SCDOT to require a minimum contractor performance evaluation score for contractors bidding on certain complex or time-sensitive projects.

The draft regulations related to Act 114 have been published in the *State Register* as required by the Administrative Procedures Act. The Contractor Evaluation regulations will be published in the December *State Register*.

The SCDOT Commission must formally adopt the regulations before they may be sent to the General Assembly for approval. Once the regulations are submitted to the General Assembly they can either be taken up and affirmatively approved or disapproved by the legislature, or they may be allowed to become effective by default if no affirmative action is taken by the General Assembly in 120 days. If the regulations have not become effective by the end of the 2008 session they will be deemed withdrawn and the promulgation process must be repeated next session.

Project Priority -- Regulation 63-10

These regulations describe the project selection process and incorporate the processes that were approved by the Commission at its June 2007 meeting and followed to develop the project priority lists that have been adopted by the Commission since the enactment of Act 114. Flexibility is built into the regulation because the specific criteria and weighting for each project category is not included in the regulation. Instead the regulation calls for a separate document to describe the details of the ranking process which will be issued as an Engineering Directive by the State Highway Engineer.

Formal comments were received from the South Carolina Coastal Conservation League following the publication of the draft regulation in *The State Register*. The attached language contains several changes to the published draft regulation. These changes are proposed in response to those comments.

Commission Approval of Actions -- Regulation 63-30

These regulations describe the procedure which SCDOT staff and the Commission will use to approve or disapprove certain requests which require

Commission approval and reporting under section 57-1-370(N) of Act 114. It describes the processes that were approved by the Commission at its June 2007 meeting, including the objective and quantifiable standards that will be used to evaluate the requests. The promulgation and approval of this regulation will give additional legal support to the procedures which allow the Commission to designate a staff member to approve curb cuts and traffic signals on behalf of the commission to prevent delay in responding to those requests.

Secretary of Transportation Approval of Actions -- Regulation 63-100

These regulations describe the objective and quantifiable standards that the Secretary of Transportation will use in approving requests for routine operation and maintenance or emergency repairs as well as the reporting of those requests for certification by the Commission that they are needed based on objective and quantifiable factors. The regulation describes the process that was approved by the Commission at its June 2007 meeting.

Chief Internal Auditor -- Regulation 63-20

This regulation sets forth the mission, functions, responsibilities, authority, and standards to be utilized by the Chief Internal Auditor.

Prequalification of Bidders and Contractor Evaluation -- Regulation 63-306 to 307

Regulation 63-306 is amended to change references to "Executive Director" to "Secretary of Transportation." A new regulation section numbered 63-307 sets forth a system of contractor performance evaluation and allows SCDOT to require a minimum contractor performance score for contractors bidding on designated projects. The regulations also provide a process for contractors to review the data and calculation of scores and to appeal a final agency decision on a score to the Administrative Law Court.

**The following pages contain the text of the regulations
recommended for Commission approval.**

Note: Items shown in ~~strikethrough~~ indicate items deleted from existing regulations. Text shown underlined indicates new language added to an existing regulation.

Document No.: _____
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
Chapter 63
Statutory Authority: 1976 Code Section 57-1-360

63-10 Transportation Project Prioritization

A. Definition of Terms

1. "State Comprehensive Plan" is the long-range statewide transportation plan, with a minimum twenty-year forecast period at the time of adoption, that provides for the development and implementation of the multimodal transportation system for the State required by Section 57-1-370(A). It shall be consistent with federal planning requirements. It includes, by reference, all applicable plans, policies or reports relevant to the development of the plan. The State Comprehensive Plan includes the plan specifying objectives and performance measures for the preservation and improvement of the existing state highway system required by S.C. Code Section 57-1-370(C). Projects from the State Comprehensive Plan may be ultimately included in the STIP or State Program.

2. "Statewide Transportation Improvement Program (STIP)" means a statewide prioritized program of federally funded transportation projects or phases of projects. The STIP must cover a period of at least four years and must be updated at least once every four years. The STIP must be consistent with the Statewide Comprehensive Plan and Metropolitan Planning Organization ("MPO") Transportation Improvement Programs ("TIPs"). All federally funded projects and/or categories of projects are required to be included in the STIP in order to be eligible for federal funds pursuant to Title 23 and Title 49, Chapter 53 of the United States Code.

3. "State Program" includes the state non federal aid improvement program and maintenance activities funded wholly by state funds administered by the Department of Transportation without federal funding participation.

4 "Metropolitan Planning Organization (MPO)" means the entity designated to carry on the continuing, comprehensive, cooperative transportation planning process for an urbanized area in accordance with 23 USCA 134 and applicable regulations.

5. "Council of Government (COG)" means the entity organized pursuant to S.C. Code Section 6-7-110 and designated to carry on the continuing, comprehensive, cooperative transportation planning process for a rural area.

6. "Project priority list" means a priority ranking of the projects proposed for inclusion in the STIP or State Program. The priority list shall be established by the Commission based upon engineering recommendations and advice, and application of the criteria set out in S.C. Code Section 57-1-370(B)(8) relevant to each category of projects according to the requirements and procedures specified in these regulations..

7. "Publications" referred to in this section may be obtained by contacting the SCDOT Publications Office.

8. "Traffic control devices" means all signs, signals, markings and other devices used to regulate, warn or guide traffic, placed on, over or adjacent to a street, highway, pedestrian facility, or bikeway.

B. The State Comprehensive Plan

1. The State Comprehensive Plan will be updated every five years, or more frequently if deemed appropriate by the Commission. The plan will be developed in accordance with all applicable federal guidelines and regulations, including a minimum twenty-year forecast period estimating future transportation needs and projected costs. It will include goals and objectives for long-term strategies for addressing transportation needs across the state. The State Comprehensive Plan will include objectives and performance measures for the preservation and improvement of the existing state highway system.

2. The State Comprehensive Plan will be subdivided into the following categories:

- a. bridge;
- b. interstates;
- c. maintenance (resurfacing, guardrail, and maintenance bridges);
- d. mass transit;
- e. statewide significant corridors;
- f. passenger and high speed rail;
- g. rail corridor preservation;
- h. non-motorized transportation modes;
- i. State Strategic Highway Safety Plan;
- j. MPO long-range plans;
- k. COG long-range plans; and
- l. statewide plan for twenty-year routine maintenance needs.

3. The State Comprehensive Plan will include a public involvement plan providing for multiple opportunities for input by an advisory task force or committee, COG or MPO, transportation user groups and the general public. A copy of the draft plan will be made available to the public for review and comment at each engineering district office and COG office.

4. The Secretary of Transportation will present the State Comprehensive Plan to the Commission for approval along with all comments received. After approval by the Commission, the final State Comprehensive Plan will be published on the SCDOT website. The State Comprehensive Plan may be revised from time to time as permitted by federal law or regulation.

C. Project Priority Lists

1. The Commission shall establish statewide project priority lists for all federal aid program projects proposed to be included in the STIP and State non federal aid program projects. The Secretary of Transportation shall present a recommendation for Commission approval using a detailed analysis and evaluation applying the specific criteria applicable to each project category. State Infrastructure Bank, local option sales tax projects, and projects funded solely by C-Funds are excluded from the project prioritization process established by S.C. Code Section 57-1-370(B)(8). Congressional earmark projects and projects individually funded by the General Assembly will be prioritized prior to commission action approving those projects for inclusion in the STIP or State Program if the project falls within a project category on the priority list.

2. The project priority list is a decision-making tool to provide information to the Commission and the public. The order in which projects appear in the priority list does not necessarily control the order in which those projects will be constructed. When a project is placed in the STIP which

substantially deviates from the priority list, written justification based upon fiscal, engineering, or other transportation considerations shall be made.

3. The State Highway Engineer shall develop a ranking process for applying uniform and objective criteria applicable to each project category included in the priority list. The ranking process will be described in an engineering directive issued prior to the development of the priority list. That ranking process shall list the criteria to be considered in each project category, and include a methodology for applying the criteria and the weight to be accorded each criterion where applicable. The criteria shall include any criteria listed in S.C. Code Section 57-1-370(B)(8) which is relevant to the project category and any other criteria relevant to the project category.

4. In project categories where evaluating the environmental impacts is an approved criterion for prioritization, environmental impacts to be evaluated should consider the potential adverse effects of the project on natural resources including, to the extent applicable to the particular project:

- (a) wetlands and other aquatic resources;
- (b) water quality;
- (c) endangered species and wildlife;
- (d) natural areas and forests (including fragmentation thereof); parklands, refuges, preserves and other public properties managed primarily for their natural resource values; and
- (e) secondary impacts (induced growth) on natural resources.

5. In project categories where evaluating alternative transportation solutions is an approved criterion for prioritization, alternative transportation solutions should include potential alternatives to the proposed project that are economically viable and potentially less disruptive to both the human and natural environment, including local flow improvements such as turn lanes and improved signalization, and potential for modal alternatives such as transit and rail freight.

6. In project categories where evaluating consistency with local land use plans is an approved criterion for prioritization, the proposed project, including its growth-inducing impacts, will be evaluated for consistency with zoning or other land use classifications in the local comprehensive plan for the geographic area impacted by the project.

7. In project categories where evaluating potential for economic development is an approved criterion for prioritization, the evaluation of potential economic development will include a consultation with the Department of Commerce.

8. In project categories evaluating financial viability as a criterion for prioritization, the evaluation of financial viability will include an evaluation of the anticipated funding sources for the project, the projected total cost of the project by the time the project is reasonably anticipated to be completed, taking into account expected future cost increases, and an analysis of the costs of maintenance and repair over the life of the project.

D. Statewide Transportation Improvement Program

1. A draft of a new STIP or any revision to the STIP to adjust category or project information relating to cost, schedule, scope, and priority will be prepared under the direction of the Secretary of Transportation and presented to the Commission for consideration and approval. The draft STIP will include fiscally constrained project cost and schedule information for the reporting period and will be based on estimated federal-aid funding levels by program. The draft

STIP will be made available to the public for review and comment at each SCDOT district office and at the COG offices.

2. The draft STIP will be presented to the Commission for review along with any relevant project priority rankings, the recommendations of local transportation technical committees, and all public comments received. The Secretary may make recommendations to the Commission regarding any funding changes to the annual allocation plan resulting from federal legislation.

3. The STIP adopted and approved by the Commission will reflect Commission decisions on the overall funding distribution for the federal-aid programs during the years covered by the STIP. After approval by the SCDOT Commission the STIP will be submitted to the Federal Highway Administration and the Federal Transit Administration for final approval and published in the SCDOT website.

E. State Program

1. A draft of a new State Program or any revision to the State Program to adjust category or project information relating to cost, schedule, scope, and priority will be prepared under the direction of the Secretary of Transportation and presented to the Commission for consideration and approval. The draft State Program will include fiscally constrained project cost and schedule information for the reporting period and will be based on estimated funding levels by program. The draft State Program will be made available to the public for review and comment at each SCDOT district office and at the COG offices.

2. The draft State Program will be presented to the Commission for review along with any relevant project priority rankings, and all public comments received. The Secretary may make recommendations to the Commission regarding any funding changes to the annual allocation plan. The State Program adopted and approved by the Commission will reflect Commission decisions on the overall funding distribution for the program during the years covered by the State Program.

Document No.: _____
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
Chapter 63
Statutory Authority: 1976 Code Section 57-1-370

63-30 SCDOT Commission Approval of Actions

A. Definition of Terms

1. "Request" means an oral or written communication from a member of the public or a public official asking for action to be taken. It does not include actions scheduled or initiated by SCDOT staff in the performance of their job duties.
2. "Resurfacing" means the placement of hot mix asphalt along the entire width of the roadway between defined termini in layers greater than or equal to 125 pounds per square yard.
3. "Traffic Control Signal" means any highway traffic signal operated by electronic or mechanical means by which traffic is alternately directed to stop and permitted to proceed.
4. "New Signal" means a traffic control signal to be placed at a location that is not currently controlled by a traffic control signal.
5. "Curb Cuts" means a point where access is allowed for ingress and egress of motor vehicle traffic onto a primary route within the State Highway System.
6. "Bike Lanes" means a portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.
7. "Construction Project" means the addition of a new road, bridge or highway component or the substantial alteration of an existing road or bridge within the state highway system undertaken by contracting with an outside entity to perform the work. Requests for work to replace or repair existing roadway features or improve drainage systems is a maintenance request and will be handled pursuant to Section 63-100 of these regulations.
8. "Publications" referred to in this section may be obtained by contacting the SCDOT Publications Office.
9. "State Highway Engineer" means the division director of the construction, engineering and planning division of SCDOT.

B. Requests for Resurfacing.

1. All requests for the resurfacing of any road on the state highway system will be referred to the State Highway Engineer or his designee for investigation. The State Highway Engineer will make a recommendation to the Commission as to whether the resurfacing is needed based upon the factors in subsection 2 below. The Commission will review the recommendation of the State Highway Engineer and approve or disapprove the request for resurfacing. If approved, the Commission will certify that the resurfacing is needed.
2. The determination of need for the requested resurfacing will be based upon the following objective and quantifiable factors:

- a. pavement condition;
- b. traffic volume;
- c. current pavement maintenance costs for the road;
- d. the road's location and significance to the community and local businesses; and
- e. available funding.

3. Each resurfacing request that is certified as needed will be assigned a priority pursuant to Section 63-10 of these regulations.

C. Requests for Installation of New Signals.

1. All requests for installation of new traffic control signals on the state highway system shall be evaluated by the State Highway Engineer or his designee to determine if the signal is justified based on compliance with the objective and quantifiable standards published in the current editions of the following publications:

- a. Part 4 of the *Manual on Uniform Traffic Control Devices*;
- b. SCDOT Traffic Signal Design Guidelines;
- c. SCDOT Access and Roadside Management Standards; and
- d. SCDOT Engineering Directive Memorandum Number 2, "Fiscal and Maintenance Responsibilities for Traffic Signal Installations on the State Highway System."

2. If the State Highway Engineer or his designee determines that the new signal is justified, he or she will recommend approval of the installation of the signal as funding is available. Before the signal may be installed the Commission or its designee must approve and certify that the signal is needed based on the objective and quantifiable factors referenced in subsection 1 above.

D. Requests for Curb Cuts on Primary Roads.

1. All requests for curb cuts on primary routes on the state highway system shall be evaluated by the State Highway Engineer or his designee to determine if the curb cut is acceptable based on compliance with the objective and quantifiable factors published in the current editions of the following publications:

- a. SCDOT Access and Roadside Management Standards;
- b. SCDOT Engineering Directive Memorandum Number 16, "Installation of Residential Driveway Entrances by Maintenance Forces;"
- c. SCDOT Guidelines for School Transportation Design; and
- d. Section 63-370 of these regulations.

2. On highway construction projects access shall be installed to properties in accordance with any Right-of-Way Special Provisions noted in plans based on agreements with the landowner.

3. If the State Highway Engineer or his designee determines that a curb cut is acceptable, he or she will recommend approval of the encroachment permit or installation of the curb cut to the Commission or its designee. The Commission or its designee must certify that the curb cut is acceptable based on the objective and quantifiable factors in subsection 1 above before the encroachment permit or installation of the curb cut may be approved.

4. A requestor aggrieved by a decision of a designee of the Commission regarding a curb cut may request a final agency decision from the SCDOT Commission. A decision of the Commission approving or disapproving a curb cut is a decision of the department subject to judicial review pursuant to S.C. Code Section 57-5-1120.

E. Requests for Bike Lanes.

1. All requests for bike lanes will be referred to the State Highway Engineer or his designee for investigation and consideration of the request. The State Highway Engineer or his designee will make a recommendation to the Commission as to whether the addition of bike lanes is acceptable based on compliance with objective and quantifiable factors in subsection (E)(2).

2. The Commission will review the recommendation of the State Highway Engineer and approve or disapprove the request for bike lanes. If approved, the Commission will certify that the addition of bike lanes is needed based on the following objective and quantifiable factors:

- a. existing paved roadway width;
- b. current travel lane widths;
- c. traffic volume, including truck percentage;
- d. posted speed limit;
- e. pavement condition;
- f. presence of conflicting roadway appurtenances and features;
- g. documentation of bicyclist/motorist conflicts by observations and/or crash records;
- h. the context and significance of the road to the community;
- i. consistency with which the request complies with or compliments bike trail priorities or bike trail plans established within the region by governmental agencies;
- j. the extent to which the requesting entity has demonstrated a commitment to assist with funding the project;
- k. the extent to which the requesting entity has demonstrated a commitment to provide for maintenance of the facility requested; and
- l. available funding.

3. If an approved bike lane improvement is associated with a highway improvement project it will be constructed along with that project according to the priority established for the highway improvement project pursuant to Section 63-10 of these regulations. If the bike lane is not associated with a highway improvement project it will be assigned a priority pursuant to Section 63-10.

F. Construction Projects Under Ten Million Dollars

All requests for construction projects estimated to cost less than ten million dollars will be reviewed by the Secretary of Transportation or his or her designee based on the prioritization process set forth pursuant to Section 63-10 above. The Secretary of Transportation shall make recommendations to the Commission concerning each request. By approving a contract the Commission certifies that the project is needed based upon the objective and quantifiable factors set forth in SCDOT regulations applicable to that contract. Any extension of an existing contract must be approved pursuant to S.C. Code Section 57-5-1630.

G. Report on Actions

The Secretary of Transportation shall make a monthly report to the Commission on actions approved pursuant to subsections C and D of this section and on the status of each action approved by the Commission pursuant to subsections B-F of this section if there has been a material change in the status since the last report. A copy of the report will be included in the Commission meeting minutes.

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION

Chapter 63

Statutory Authority: 1976 Code Section 57-1-460-470 and 56-5-1620

63-100 SCDOT Secretary of Transportation Approval of Actions

A. Definition of Terms

1. "Request" means an unsolicited oral or written communication from a member of the public or a public official asking for action to be taken. It does not include actions scheduled or initiated by SCDOT staff in the performance of their job duties.
2. "Routine operation and maintenance" means the following items that are not included in the State Transportation Improvement Plan (STIP):
 - a. signage of routes;
 - b. pavement marking;
 - c. replacement and installation of guard rails;
 - d. repair and installation of signals;
 - e. chip seal of existing roads;
 - f. enhancement projects;
 - g. curb cuts on secondary roads in the state highway system;
 - h. installation of overhead message boards and cameras; and
 - i. research projects (including pavement management systems and mapping).
3. "Repair and installation of signals" means the repair or replacement of an existing traffic control signal.
4. "Traffic Control Signal" means any highway traffic signal operated by electronic or mechanical means by which traffic is alternately directed to stop and permitted to proceed.
5. "Enhancement project" means streetscaping, Adopt an Interchange and bike lanes funded by sources other than those administered by SCDOT. Permission to perform work on the highway rights-of-way and oversight and standards for such projects are granted through encroachment permits. For purposes of this section "enhancement project" does not include grants funded by Federal Enhancement funds. Those projects are awarded by the Commission pursuant to S.C. Code Section 57-1-370(D).
6. "Curb cuts on secondary roads" means a point where access is allowed for ingress and egress of motor vehicle traffic onto a secondary route within the State Highway System.
7. "Overhead message boards and cameras" are devices used to manage and monitor the flow of traffic on roadways. It does not include security cameras, cameras installed for law enforcement purposes, or cameras that are components of a traffic signal operation.
8. "Research projects" means federally funded research projects, pavement management system activity or mapping.
9. "Emergency repairs" means, but is not limited to, repairs necessary due to unforeseen deterioration of or damage to roads, bridges, or equipment due to accidents, natural disasters, or other causes that could not have been expected or that pose an immediate danger to the public.

10. State Highway Engineer” means the division director of the construction, engineering and planning division of SCDOT.

11. Publications” referred to in this section may be obtained by contacting the SCDOT Publications Office.

B. Requests for Routine operation and maintenance.

1. The Secretary of Transportation or his designee shall evaluate and approve requests for routine operation and maintenance as defined in Subsection A(2) above. The Secretary of Transportation or his designee shall make a monthly report to the Commission listing all requests for routine operation and maintenance, whether each request was approved or denied, and certifying that each approved action is needed based on the objective and quantifiable factors applicable to that action. The Commission shall review the report and make findings as to whether the requests approved by the Secretary meet the needs of the public based upon the relevant objective and quantifiable factors in subsection 2 below. A copy of the report will be included in the Commission meeting minutes.

2. The following objective and quantifiable factors will be used by the Commission to determine if a particular request for routine operation and maintenance meets the needs of the public and by the Secretary of Transportation or his designee in certifying those actions to the Commission:

a. Signage of routes and pavement markings must be justified based on compliance with the current publication of the *Manual on Uniform Traffic Control Devices* and Section 63-338 of these regulations.

b. Repair and replacement of existing guard rails will be approved and prioritized in accordance with the current publication of “SCDOT Guardrail, Cable Barrier, and Crash Attenuator Inspection and Repair Guidelines,” and available funding.

c. Installation of new guard rails will be evaluated and prioritized based on average daily traffic on the route, applicable crash data, and the criteria defined in the current publication of AASHTO’s Roadside Design Guide, and available funding.

d. Repair and installation of traffic control signals will be approved in accordance with the current publications of Part 4 of the *Manual on Uniform Traffic Control Devices*, SCDOT’s Traffic Signal Design Guidelines, SCDOT’s Access and Roadside Management Standards, and SCDOT Engineering Directive Memorandum Number 2, “Fiscal and Maintenance Responsibilities for Traffic Signal Installations on the State Highway System;” and prioritized based upon available funding.

e. Chip seal of existing roads will be approved and prioritized based upon pavement condition, traffic volume, truck traffic, current pavement maintenance costs for the road, the road’s location and significance to the community and local businesses, and available funding.

f. Approval of enhancement project encroachment permits must be justified based on compliance with the current publication of SCDOT’s Access and Roadside Management Standards, SCDOT Engineering Directive Memorandum Number 17, “Encroachment Permits;” and SCDOT Engineering Directive Memorandum Number 29 “Vegetation Management on State Highways.”

g. Curb cuts on secondary roads in the state highway system may be approved based upon the objective and quantifiable factors in the current publications of SCDOT’s Access and Roadside Management Standards, SCDOT’s Engineering Directive Memorandum Number 16, “Installation of Residential Driveway Entrances by Maintenance Forces;” SCDOT’s Guidelines for School Transportation Design, and Section 63-370 of these regulations.

h. Installation of overhead message boards and cameras must be justified based on available funding, average daily traffic volume, location where key motorist decision-making occurs, location critical for hurricane evacuation routing, demonstrated high use location of portable devices, or connectivity to the existing Intelligent Transportation System.

i. Requests for research projects may be included in the annual program recommended to the Federal Highway Administration. Research projects shall be chosen based upon prioritization considering available funding, benefit to the overall management of the state highway system, and qualification for federal State Planning and Research funding.

C. Contracts for Emergency Repairs.

The Secretary of Transportation shall determine when an emergency exists that justifies the immediate and expedited award of a contract. If an emergency is declared by the Secretary of Transportation, a qualified contractor or contractors capable of performing the work may be employed pursuant to S.C. Code Section 57-5-1620 without the formalities of advertising. If such an emergency contract is entered, a report shall be made by the Secretary of Transportation to the Commission at its next meeting describing the situation justifying the emergency contract, the firm the contract was awarded to, and the contract price. A copy of the Secretary's report will be included in the Commission meeting minutes.

Document No.: _____
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
Chapter 63
Statutory Authority: 1976 Code Section 57-1-360

63-20 SCDOT Chief Internal Auditor

A. The SCDOT Chief Internal Auditor's mission is to promote good management, enhance program effectiveness, and improve accountability within SCDOT. In order to carry out this mission, the functions of SCDOT's Chief Internal Auditor shall include, but not be limited to, the following:

1. Conduct internal audits and reviews of SCDOT operations. The audits and reviews will provide objective appraisals concerning department programs and functions and shall include recommendations for necessary improvements. These audits and reviews will be designed to ensure:

- a. Risks are appropriately identified and managed;
- b. Interaction with the various regulatory groups occurs as required;
- c. Significant financial, managerial, and operating information is accurate, reliable, and timely;
- d. Employees' actions are in compliance with policies, standards, procedures, and all applicable laws and regulations;
- e. Resources are acquired economically, used efficiently, and adequately protected;
- f. Programs, plans, and objectives are achieved;
- g. Quality and continuous improvement are fostered in the SCDOT control process; and
- h. Significant legislative or regulatory issues impacting the SCDOT are recognized and addressed appropriately.

2. Notify the Secretary of Transportation and appropriate department staff of any and all opportunities for improving efficiency, effectiveness, operations, and management control identified during audits.

3. Perform special reviews as requested by the SCDOT Commission.

B. The Chief Internal Auditor, in the discharge of his or her duties, will report directly to the SCDOT Commission.

C. The Chief Internal Auditor has the responsibility to:

1. Develop a flexible annual audit plan using an appropriate risk-based methodology, including any risks or control concerns identified by management, and submit that plan to the SCDOT Commission for review and approval;

2. Implement the annual audit plan, approved by the Commission, including any special tasks or projects requested by the Secretary of Transportation and approved by SCDOT Commission;

3. Maintain a professional audit staff with sufficient knowledge, skills, experience, and professional certifications;

4. Provide information to the SCDOT Commission on the status and results of audits and the sufficiency of the Chief Internal Auditor's resources;

5. Issue all final internal audit reports to the SCDOT Commission, the Secretary of Transportation, and others as required by law;

6. Consider the scope of work of other auditors and regulators, as appropriate, for the purpose of providing optimal audit coverage to SCDOT at a reasonable overall cost; and

7. Maintain confidentiality of information obtained during audits.

D. The Chief Internal Auditor and those acting on his or her behalf are authorized to:

1. Have unrestricted access to all SCDOT functions, records, property and personnel;

2. Allocate resources, set frequencies, select subjects, determine scopes of work, and apply the techniques required to accomplish audit objectives; and

3. Obtain the necessary assistance of personnel in units of the SCDOT where audits are being performed, as well as other specialized services from within or outside SCDOT.

E. The Chief Internal Auditor is not authorized to:

1. Perform any operational duties for SCDOT or its affiliates;

2. Initiate or approve accounting transactions external to the Chief Internal Auditor; or

3. Direct the activities of any SCDOT employee not employed by the Chief Internal Auditor, except to the extent such employees have been appropriately assigned to the Auditor or to otherwise assist the Auditor.

F. The Chief Internal Auditor will meet or exceed the *Government Auditing Standards* issued by the United States Government Accountability Office.

Document No.: _____
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
Chapter 63

Statutory Authority: 1976 Code Section 57-5-1650; 57-3-110

63-306. Disqualification and Suspension from Participation in Contracts with the South Carolina Department of Transportation.

A. Policy Statement. Recognizing that preserving the integrity of the public contracting process is vital to the development of a balanced and efficient transportation system and is a matter of interest to all people of the State, it is hereby declared:

(1) The procedures for bidding and qualification of bidders on contracts involving the South Carolina Department of Transportation exist to secure the quality of public works.

(2) The opportunity to bid on contracts, to participate as subcontractor or to supply goods or services to the Department is a privilege, not a right.

(3) In order to preserve the integrity of the public contracting process, the privilege of transacting business with the Department should be denied to persons involved in criminal and/or unethical conduct.

(4) Therefore, as a means of maintaining the integrity of the public contracting process and protecting the public at large, persons engaging in criminal and/or unethical conduct will not be allowed to transact business with the Department during the period of any suspension or disqualification.

B. Definitions.

(1) Affiliate: Any business entity having direct or indirect control over, or which is controlled directly or indirectly, by any person who has been disqualified, ~~or suspended~~ or prevented from bidding because of a contractor score, or prevented from bidding because of a contractor performance score. Indicia of control include, but are not limited to: interlocking management or ownership; identity of interest among family members; shared facilities and equipment; common use of employees; or any business entity organized following the suspension or disqualification of a person which has the same or similar management, ownership, or principal employees of the disqualified or suspended person.

(2) Business Entity: A corporation, partnership, limited partnership, association or sole proprietorship.

(3) Civil Judgment: The disposition of a civil action by any court of competent jurisdiction, whether entered by verdict, decision, settlement, stipulation or otherwise, creating civil liability for the wrongful acts complained of.

(4) Commission: The Commission of the South Carolina Department of Transportation.

(5) Contractor's Certificate. A Prequalification Certificate issued by the Department to qualified contractors as a necessary condition to bid on contracts with the Department.

(6) Conviction: A judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, including a plea of non contendere.

(7) Department: South Carolina Department of Transportation.

(8) Disqualification: An action taken in accord with these regulations to exclude a person from participating as a contractor, subcontractor, supplier, or in any other role under any contract with the Department during the period of disqualification.

(9) Director: ~~The Executive Director of~~ Secretary: The Secretary of Transportation of the state of South Carolina-Department of Transportation.

(10) Person: Any individual, corporation, partnership, limited partnership, association, sole proprietorship or any other business entity.

(11) Principal: Officer, director, owner, partner, key employee or any other person within a business entity with primary management or supervisory responsibilities; or a person who has critical influence on or substantial control over the actions or conduct at issue, whether or not employed by the business entity.

(12) Suspension: An action taken in accord with these regulations that immediately excludes a person from participating in any contracts with the Department for a temporary period.

(13) Unlawful payment or gratuity: Transfer of anything of value to a Department employee in violation of state statute or regulatory law or Departmental policy.

C. Disqualification: Any person who violates any of the standards of conduct identified below may be subject to disqualification or suspension. Disqualification may be imposed for:

(1) Conviction of any crime reflecting a lack of business integrity or business honesty, including but not limited to, crimes involving fraud, deceit, embezzlement, theft, forgery, bribery, falsification or destruction of records, bid rigging, price fixing, making false statement, receiving stolen property, anti-trust violations, making false claims, making any unlawful payment or gratuity, obstruction of justice, violation of ethical standards or conspiracy to commit any of the above.

(2) Civil judgment for any acts or omissions reflecting a lack of business integrity or business honesty, including, but not limited to, acts or omissions involving fraud, deceit, embezzlement, theft, forgery, bribery, falsification or destruction of records, bid rigging, price fixing, making false statements, receiving stolen property, anti-trust violations, making false claims, making an unlawful payment or gratuity, obstruction of justice, violation of ethical standards or conspiracy to commit any of the above.

(3) Final administrative decisions by any governmental agency responsible for supervising or regulating public contracts, standards of ethical conduct or licensure for any acts or omissions involving fraud, deceit, embezzlement, theft, forgery, bribery, falsification or destruction of records, bid rigging, price fixing, making false statements, receiving stolen property, anti-trust violations, making false claims, making an unlawful payment or gratuity, obstruction of justice, violation of ethical standards or conspiracy to commit any of the above.

(4) Any act or omission reflecting a lack of business integrity or business honesty, including, but not limited to, acts or omissions involving fraud, deceit, embezzlement, theft, forgery, bribery, falsification or destruction of records, bid rigging, price fixing, making false statements, receiving stolen property, anti-trust violations, making false claims, making an unlawful payment or gratuity, obstruction of justice, violation of a debarment agreement, violation of the ethical standards or conspiracy to commit any of the above.

(5) Willful violation of any provision of a contract with the Department, or any regulatory or statutory provision relating to such contract, while serving as a contractor, subcontractor or supplier.

(6) Persistent failure to perform or incompetent performance on one or more contracts with the Department as a contractor, subcontractor or supplier; or

(7) Knowingly allowing any person disqualified or suspended pursuant to this regulation, or by any other governmental or regulatory agency, to serve as a subcontractor or supplier or to play any other role under any contract with the Department without prior written authorization from the ~~Director~~ Secretary.

(8) Failure to cooperate fully and completely with any investigation by the Department or any other appropriate regulatory or law enforcement agency. Such cooperation shall include, but not be limited to, disclosure of all written or computerized records and a full and complete accounting of the person's actions in the matter under investigation. Assertion of Fifth Amendment right against self-incrimination shall not be construed as a failure to cooperate under this regulation.

D. Suspension. In the event the Department finds that the public health, safety or welfare imperatively requires emergency action, a suspension may be implemented immediately pending a hearing, which shall be promptly provided on the issue of suspension. The grounds for a suspension shall be in accord with the standards for disqualification enumerated above.

E. Procedures.

(1) Notice of disqualification, suspension, or sanctions may be issued by the ~~Director~~ Secretary and shall include:

- (a) A reference to the particular sections of the statutes, regulations, and rules involved;
- (b) A short and plain statement of the matters asserted.

(2) The SCDOT shall have broad equitable powers in the impositions of civil sanctions, with the goal of preserving the integrity of the public contracting process and protecting the public at large. Any civil sanction imposed shall be remedial in nature and may include, but not limited to:

- (a) disqualification for a specific period of time;
- (b) monetary penalty;
- (c) restitution and reimbursement to the Department for the cost of any investigation or proceedings relating to the circumstances leading to any sanctions, and
- (d) conditions which must be met prior to restoration of a Contractor's Certificate.

(3) A person may seek relief from the disqualification or suspension by requesting a contested case hearing before an Administrative Law Judge pursuant to S. C. Code Section 1-23-600 and the rules of procedure for the Administrative Law Judge Division. The request for a hearing must be made within thirty (30) days of receipt of SCDOT's Notice of Disqualification or Suspension.

F. Scope of Disqualification.

(1) In the event a person is suspended or disqualified under this regulation, such person, and any affiliate of such person, shall be disqualified from serving as a contractor, subcontractor or supplier or performing any other service or role under any contract with the Department during the period of suspension or disqualification.

(2) A violation of the terms of any suspension/disqualification may be the basis of further sanction.

(3) In the event that a person disqualified under this regulation is performing or providing services or materials on a Department project at the time of said disqualification, the Department may, in its discretion, allow the disqualified person to complete its obligation under the contract when such completion is in the public interest.

(4) In the event a person which is a business entity is disqualified or suspended under this regulation, such disqualification or suspension shall be applicable to any principal of said business entity.

G. Duty of Disqualified/Suspended Persons. A disqualified or suspended person shall cooperate fully with any investigation by the Department or any other appropriate regulatory or law enforcement agency. Such cooperation shall include, but not be limited to, disclosure of all written or computerized records and a full and complete accounting of the person's actions in the matter under investigation. In the event a disqualified or suspended person fails to cooperate, as required by this paragraph, further remedial measures may be taken against the person, up to and including permanent disqualification. Assertion of Fifth Amendment right against self-incrimination shall not be construed as a failure to cooperate under this regulation.

H. Reinstatement of Contractor's Certificate. Any person disqualified or suspended under this regulation shall immediately lose its Contractor's Certificate. The disqualified or suspended person may apply for the reinstatement of the Contractor's Certificate upon completion of the period of suspension or disqualification and satisfaction of all conditions imposed by any final order or settlement. Any application for the reinstatement of a Contractor's Certificate shall be subject to the then existing statutory and regulatory provisions and Departmental policies relating to pre-qualification of bidders.

63.307 Contractor Performance Evaluation

A. Contract Performance Evaluation System.

(1) The South Carolina Department of Transportation may use a contract performance evaluation system to evaluate the performance of a contractor on highway and bridge construction projects. The Department shall determine the evaluation criteria and may revise the evaluation criteria as it deems necessary.

(2) On designated projects the Department may require bidders to have a minimum contractor performance score. The Department shall have discretion to determine the appropriate minimum score for each designated project. All prequalified contractors whose contractor performance score is below the minimum shall not be allowed to bid on such designated projects. Prequalified contractors who have never had or do not have a current contractor performance score will be allowed to bid on such designated projects.

B. Definitions.

(1) Minimum Required Contractor Performance Score: A minimum contractor performance score set by the Department for a particular project for acceptance of bids. The minimum score shall be set based on criteria established by the Department.

(2) State Highway Engineer: The division director of the construction, engineering and planning division of SCDOT.

C. Contractor Performance Score. A contractor performance score for each contractor may be determined by the Department using performance evaluations and quality audits of the contractor's performance compiled by the Department. All active contractors shall be periodically notified of their contractor performance score.

D. Contractor's Right to Review of its Performance Score. A contractor may request a conference to review the calculation of its contractor performance score and the information upon which the score is determined by requesting a review conference with the Director of Construction or his or her designee.

E. Contractor's Right to Appeal Its Contractor Performance Score. A contractor may appeal its contractor performance score to the State Highway Engineer. The appeal must be in writing and include the basis for the appeal. The State Highway Engineer may consider evidence submitted by the contractor and any other relevant evidence and consult with SCDOT staff and any other person or entity for recommendations concerning the appeal. The State Highway Engineer shall make a recommendation to the Secretary, who shall issue a final agency decision on the appeal within ninety (90) days of the receipt of the appeal.