

**STATE HIGHWAY AND
PUBLIC TRANSPORTATION COMMISSION
OF
SOUTH CAROLINA**



MINUTES AND RECOMMENDATIONS

December 19, 1991

DAVID BOWERS
PLANNING

MINUTES

Highways and Public Transportation Commission

Meeting of

December 19, 1991

MINUTES
HIGHWAYS AND PUBLIC TRANSPORTATION COMMISSION
DECEMBER 19, 1991

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MINUTES
HIGHWAYS AND PUBLIC TRANSPORTATION COMMISSION
OF
SOUTH CAROLINA

December 19, 1991

The regular monthly meeting of the Highways and Public Transportation Commission was held at the offices of the State Highways and Public Transportation Department in Columbia, South Carolina, at eleven o'clock a.m. on December 19, 1991. 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

Absent

William B. Bookhart, Jr., Chairman Presiding
William H. Alford
T. Carroll Atkinson, Jr.
V. C. "Vic" Bailey, Jr.
Timothy A. Brett
V. Laniel Chapman
Thomas A. Drayton
G. O'Neal Hamilton
Joe C. Harden
Robert Wm. Harrell, Sr.
W. Brantley Harvey, Jr.
Ben F. Hornsby
Bobby T. Jones
Richard B. Ness
Kay Patterson
W. M. "Mat" Self
H. C. Shealy
Eugene C. Stoddard
Donald E. Wilder, Jr.
Frances L. Willis

Also Present: R. N. McLellan, Executive Director
R. L. White, State Highway Engineer
Debra R. Long, Secretary-Treasurer

SECTION 1: The Minutes for the meeting of November 19, 1991; copies of which had been previously mailed to each member of the Commission, were approved.

SECTION 2: The Commission unanimously passed a motion approving monthly reports as published by the Department of activities for the month of November, 1991.

12/19/91

SECTION 3: The Commission unanimously passed a motion approving purchase orders issued for amounts in excess of \$10,000.00, as shown in the Appendix.

SECTION 4: The Commission unanimously passed a motion deleting the 1992-93 Appropriations Budget from the recommendations.

SECTION 5: The Commission unanimously passed a motion authorizing the Department to enter into supplemental agreement No.2 with Post, Buckley, Schuh and Jernigan, Inc. to provide additional services on the replacement of the bridges on US 17 at the Cooper River, at an estimated cost of \$104,000.00, as shown in the Appendix.

SECTION 6: The Commission unanimously passed a motion authorizing the Department to advertise and select a consulting engineering firm to provide preliminary engineering services for a bridge structure in Lexington County at an estimated cost of \$900,000.00, as shown in the Appendix.

SECTION 7: The Commission unanimously passed a motion authorizing the Department to mitigate two archaeological sites through data recovery excavations on SC Route 151 Jefferson Bypass in Chesterfield County at an estimated cost of \$170,000.00 which will include Federal participation, as shown in the Appendix.

SECTION 8: The Commission unanimously passed a motion approving the action of the Department in proceeding with Phase II of a previously approved bridge scour inspection agreement with US Geological Survey at a total cost to renew the contract of \$625,000.00, as shown in the Appendix.

SECTION 9: The Commission unanimously passed a motion authorizing the Department to advertise for and select a consulting firm to perform underwater bridge inspections at an estimated cost of \$200,000.00, as shown in the Appendix.

SECTION 10: The Commission unanimously passed a motion approving the action of the Department in entering into an agreement with B. P. Barber and Associates, Inc. to provide emergency design upgrades for wastewater treatment facilities at rest areas on I-95 in Colleton County and I-26 Newberry County in an amount of \$9,828.00, as shown in the Appendix.

12/19/91

SECTION 11: The Commission unanimously passed a motion authorizing the Department to enter into an agreement with a research consultant to develop a computer model to evaluate the flow variables in tidal areas and evaluate the sediment transport associated with the flow at an estimated cost of \$400,000.00 over a four year period, as shown in the Appendix.

SECTION 12: The Commission unanimously passed a motion authorizing the Department to enter into an agreement with the University of South Carolina to conduct an HPR study entitled "Investigation of Subgrade Resilient modulus in Flexible Pavement Design - Phase I" at a cost of \$49,962.00, as shown in the Appendix.

SECTION 13: The Commission unanimously passed a motion authorizing supplemental agreement No. 3 with Wilbur Smith and Associates for the multilaning of US Route 17 from US Route 17/US Route 21 intersection in Beaufort County to SC Route 64 in Colleton County, at an estimated cost of \$800,000.00, as shown in the Appendix.

SECTION 14: The Commission unanimously passed a motion approving the action of the Department in entering into supplemental agreement No. 3 with Parsons, Brinckerhoff, Quade and Douglas for additional engineering and environmental services in connection with the replacement of US Route 17 bridges over the Cooper River in Charleston County, at an estimated cost of \$134,000.00, as shown in the Appendix.

SECTION 15: The Commission unanimously passed a motion approving supplemental agreement No. 11 with Wilbur Smith and Associates extending the scope of services for first construction contract for the Scarborough Bridge in Charleston County at a cost of \$275,279.00, and passed a further motion approving supplemental agreement No. 12 extending the scope of services for the fourth construction contract for the Scarborough Bridge at an estimated cost of \$624,585.00, as shown in the Appendix.

SECTION 16: The Commission unanimously passed a motion approving the action of the Department in entering into supplemental agreement No. 4 with Wilbur Smith and Associates for additional environmental services along US Route 53 in Berkeley and Williamsburg Counties, at an estimated cost of \$89,000.00, as shown in the Appendix.

SECTION 17: The Commission unanimously passed a motion authorizing allocation of funds for closure of accounts on work at State Parks, as shown in detail in the Appendix.

12/19/91

SECTION 18: The Commission unanimously passed a motion authorizing allocation of funds for closure of accounts on work at State Institutions, as shown in detail in the Appendix.

SECTION 19: The Commission unanimously passed a motion authorizing allocation of fiscal year 1991-92 funds, transfers and closures of other accounts using State Highway Funds for capital improvements/land and buildings, as shown in detail in the Appendix.

SECTION 20: The Commission unanimously passed a motion approving the sale of surplus used motor vehicles and equipment located at the Department's Equipment Depot, Shop Road, Columbia, South Carolina, bids for which were received on November 13, 1991.

SECTION 21: The Commission unanimously passed a motion accepting a report of the Department concerning the execution of a gratis quitclaim deed dated September 12, 1991 conveying approximately 1,650 SF parcel of land in Spartanburg County to Lewis C. Mason, as shown in the Appendix.

SECTION 22: The Commission unanimously passed a motion accepting a report by the Department concerning the execution of a quitclaim deed dated September 30, 1991 conveying approximately 0.038 acre strip of land in Greenville County to Fred M. Haley and Amanda L. Haley for the consideration of \$150.00 as shown in the Appendix.

SECTION 23: The Commission unanimously passed a motion accepting a report by the Department concerning the execution of a gratis quitclaim deed dated October 17, 1991 conveying approximately 225 SF parcel of land in York County to Roberts Enterprises, as shown in the Appendix.

SECTION 24: The Commission unanimously passed a motion accepting a report by the Department concerning the execution of gratis quitclaim deed dated November 8, 1991 conveying an approximately 2300 SF parcel of land in Spartanburg County to Maleen W. Crocker, as shown in the Appendix.

SECTION 25: The Commission unanimously passed a motion accepting a report by the Department concerning the execution of a quitclaim deed dated November 21, 1991 conveying approximately 0.542 acre parcel of land in Greenville County to Estelle Dill for the consideration of \$2,775.00, as shown in the Appendix.

SECTION 26: The Commission unanimously passed a motion accepting a report by the Department concerning the execution of a quitclaim deed dated December 11, 1991 conveying approximately 5009 SF of land in Greenville County to Carlee Curry for the consideration of \$650.00, as shown in the Appendix.

SECTION 27: The Commission unanimously passed a motion accepting the sale by the Department of surplus right of way property in York County located on SC Route 49 to Mickey Fisher and Mr. Bill Ward for the the low bids of \$1,150.10 and \$2,610.00, as shown in the Appendix.

SECTION 28: The Commission unanimously passed a motion accepting a report by the Department of right of way payments on roads in the State Secondary "C" Construction Program for Aiken, Beaufort, Berkeley, Florence, and Kershaw counties, as shown in the Appendix.

SECTION 29: The Commission unanimously passed a motion approving the action of the Department in extending existing construction contracts to include additional resurfacing work, as follows:

Calhoun County

Contract of Eagle Construction Company, Inc. -
File No. 9.452 - extended to include drainage improvements (File 9.5012) for an outfall ditch on SF 9-453 (I-26 Frontage Road) right of Station 1359+00.
Estimated Cost of Extension \$ 27 355 26

Greenwood County

Contract of Satterfield Construction Company, Inc.
- File No. 24.575 - extended to include construction of right turn lane (File No. 24.5010) from U. S. Route 221 into the Wal-Mart Shopping Complex in the City of Greenwood.
Estimated Cost of Extension \$ 18 022 25

SECTION 30: The Commission unanimously passed a motion rescinding its action on the dates indicated in adding sections of roads, as shown, to the State Highway System:

Addition
Number

Aiken County

2247



Walnut Lane Extension (County Road No. 3) extending from current end of Road S-2104

Addition
Number

Aiken County, continued

2247

(Walnut Lane) to Road S-45 (Five Notch Road)
- approximately 0.86 mile
Designated S-2104
Added to System 3/15/90

Note: This road is being transferred to the Local
Paving Program for improvement by
Aiken County.

Barnwell County

810

Extension of Road S-926 from Road S-927
northeasterly to Road S-742 -
approximately 0.1 mile
Designated S-926
Added to System 3/15/90

Note: This road is being removed at the
request of the District Highway
Commissioner.

Dillon County

910

Stewart Street in the City of Dillon
extending from McKinsey Road (Road S-511)
to Calhoun Street (Road S-78) -
approximately 0.09 mile
Designated S-910
Added to System 6/16/88

Note: This road is being removed at the request
of the City of Dillon due to right-of-
way difficulties.

Florence County

1737

Extension of Road S-158 from current end of
pavement on Road S-13 -
approximately 0.025 mile
Designated S-158
Added to System 8/18/88

Note: This road is being removed at the
request of the City of Florence
due to right-of-way difficulties.

Addition
Number

Richland County

3009



Homestead Street extending from Road S-899 (Chevis Street) westerly to Road S-1018 (Suber Street) - approximately 0.1 mile Designated S-3009

Note: This road is being removed due to the fact Road Number S-3009 has been previously used.

SECTION 31: The Commission unanimously passed a motion correcting the description of the following sections of state highways previously added to the State Highway System to read as follows:

Addition
Number

Chesterfield County

1000



Section of road from U. S. Route 52 westerly approximately 0.5 mile thence southerly for 0.4 mile to Road S-494 - approximately 0.9 mile

Added to System 9/25/91

Note: This revision is recommended to show the correct ending point as S-494 instead of S-490.

Edgefield County

273



Road adjacent to Harmony Church from Road S-73 just west of the church northerly and easterly to Road S-149 - approximately 0.13 mile Designated S-273

Added to System 4/19/62

Note: This revision is recommended to change the secondary number from S-183 to S-273 to give each drive a separate secondary number for the Road Inventory Computer System.

Florence County

1523



Madison Street in the City of Florence from current end of Madison Street easterly to Winston - approximately 0.07 mile Designated S-250

Added to System 9/24/81

Addition
Number

Florence County, continued

X

Note: This revision is recommend to change the secondary road number from Road S-1295 to S-250 for the Road Inventory Computer System.

Lexington County

1886

X

Paps Drive from S. C. Route 6 to Road S-70 (Two Notch Road) - approximately 0.42 mile Designated S-1886

Added to System 9/25/91

Note: This revision is recommended to show the correct beginning point as S. C. Route 6 instead of Road S-6.

York County

1357

X

Lakewood Drive in Lakewood Subdivision (Section Two) north of Rock Hill from Holton Drive southeasterly - approximately 0.08 mile Designated S-1478

Added to System 9/18/75

Note: This revision is recommended to change the secondary number from S-1455 to S-1478 for the Road Inventory Computer System.

SECTION 32: Pursuant to Code Section 57-5-70, the Commission unanimously passed a motion adding the following roads to the State Highway System, maintenance jurisdiction by the Department of such roads to become effective when construction to State Highway standards shall have started:

Addition
Number

Darlington County

1334

X

Garland Drive South extending from Road S-659 westerly to Garland Drive West - approximately 0.08 mile To be designated S-1334

1335

X

Kimberly Drive extending from Road S-659 westerly to Garland Drive West - approximately 0.1 mile To be designated S-1335

Addition
Number

Darlington County, continued

1336 ✓  Claremont Drive extending from Road S-659 westerly to Garland Drive West - approximately 0.09 mile To be designated S-1336

Hampton County

814 ✓  Section of county road extending from Road S-64 approximately 0.25 mile south of Road S-544 easterly - approximately 0.55 mile To be designated S-474

815 ✓  Spur road extending from Road S-474 near Road S-64 northerly - approximately 0.1 mile To be designated S-815

816 ✓  County road extending from Road S-384 approximately 100 feet northeast of Route 278 to the Second Baptist Church - approximately 0.1 mile To be designated S-816

817 ✓  County road extending northwesterly from Road S-67 approximately 0.3 mile northwest of S. C. Route 63 - approximately 0.3 mile To be designated S-817

818 ✓  Dennis Boulevard in the Town of Varnville extending from S. C. Route 63 southeasterly - approximately 0.35 mile To be designated S-818

819 ✓  County road extending from S. C. Route 363 near Road S-510 northerly and easterly - approximately 0.2 mile To be designated S-819

820 ✓  County road extending from the current end of Road S-471 - approximately 0.1 mile To be designated S-471

821 ✓  County road in the Town of Furman extending from U. S. Route 601 northeasterly - approximately 0.2 mile To be designated S-821

Addition
Number

Hampton County, continued

822 ✓  County road extending from S. C. Route 363 southerly - approximately 0.25 mile
To be designated S-822

823 ✓  County road extending from S. C. Route 363 approximately 0.75 mile north of Road S-68 northerly - approximately 0.3 mile
To be designated S-823

Lee County

522 ✓  Jamestown Road extending from Road S-31 southerly - approximately 0.2 mile
To be designated S-522

Richland County

3012 ✓  Homestead Street extending from Road S-899 (Chevis Street) westerly to Road S-1018 (Suber Street) - approximately 0.1 mile
To be designated S-3012

York County

1706  Extension of Road S-1617 (River Oaks Road) from end of Addition 1690 northeasterly - approximately 0.3 mile
To be designated S-1617

1707  Extension of Road S-1613 (Liberty Hill Road) from end of Addition 1692 westerly - approximately 0.3 mile
To be designated S-1613

1708  Whipporwill Road extending from Road S-691 northwesterly - approximately 0.2 mile
To be designated S-1708

SECTION 33: The Commission unanimously passed a motion amending the State Economic Development Construction Program, as follows:

Item No.

Florence County

Addition

105,116 Rd. S-24 - Widen & improve intersection
from US 76/301 NW for 1.4 mile to
"Hoffmann-La Roche" Plant entrance -
1.40 miles. (Constr) \$1 500 000 00

Kershaw County

Revisions

105,078 Park Hill Dr - New access roadway at
Industrial Park on US 601 approx 3 mi.
S of Lugoff - 0.08 mile. (Constr)
(Desc the same - Amt increased from
\$15,800) \$ 24 300 00

105,079 Park Hill Dr - New access roadway at
the Standard Corp Industrial Services
Division (#1091) - 0.08 mile. (Constr)
(Desc the same - Amt increased from
\$14,200) \$ 22 700 00

Laurens County

Addition

105,117 S-23/S-40 - Grade, drainage, widen
& resurface from US Rt. 221 to near
I-385 - 0.80 mile (Constr) \$ 800 000 00

York County

Deletion

105,113 Confidential Project (Constr) \$ 165 000 00

SECTION 34: The Commission unanimously passed a motion
amending the Hazard Elimination Construction Program, as follows:

Florence County

Addition

91,323 Rd. S-634 - Improve alignment from Rd
S-58 to a point 0.4 mi SW of Rd S-58 -
0.40 mile. (PE, R/W, Constr) \$ 135 000 00

12/19/91

SECTION 34: The Commission unanimously passed a motion amending the Federal Aid Bridge Replacement Construction Program, as follows:

<u>Item No.</u>	<u>Statewide</u>	
	<u>Addition</u>	
95,827	Statewide Bridge Feasibility Study for Seismic screening of bridges on/off the Federal Aid System for FY '92. (PE)	\$ 95 000 00

SECTION 36: The Commission unanimously passed a motion amending the Federal Aid Consolidated Primary Construction Program, as follows:

<u>Item No.</u>	<u>Florence County</u>	
	<u>Revision</u>	
70,653	US 76 - Add turn lanes from Five Points intersection to Seneca St - 0.50 mi. (PE, R/W, Constr) (Desc. revised to add R/W - Amt. increased from \$570,000)	\$ 725 000 00

	<u>Horry County</u>	
	<u>Addition</u>	
70,724	US 501 - Construct 5-lane frontage roads from Forestbrook Rd (S-137) to Intracoastal Waterway - 2.00 miles. (PE, R/W, Constr)	\$9 466 000 00

SECTION 37: The Commission unanimously passed a motion amending the Federal Aid Interstate Construction Program, as follows:

<u>Item No.</u>	<u>Charleston County</u>	
	<u>Addition</u>	
34,122	S-60/US 52 - Replace culvert & approach work from S-60 (N Rhett) & I-526 to US 52 (Rivers Ave) and I-526 - 0.20 mile. (Constr)	\$1 600 000 00

12/19/91

SECTION 41: The Commission unanimously passed a motion amending the State Strategic Highway Plan for Improving Mobility and Safety (SHIMS) Construction Program, as follows:

Item No.

Beaufort County

Revision

100008 US 17/21 - Grade, drain & pave from
 Gardens Corner to US Rt. 17- 9.5
 miles. (PE, R/W, Constr.) (Desc
 revised to add R/W - Amt increased
 from \$6,062,400) \$7 967 730 00

SECTION 42: The Commission unanimously passed a motion amending the State Secondary "C" Construction Program, as follows:

Item No.

Aiken County

Deletion

200790 Road S-2104 (Addition 2247) - Walnut Lane
 Extension (County Road No 3) extending from
 current end of Road S-2104 (Walnut Lane)
 to Road S-45 (Five Notch Road) - 0.86 mile
 Project abandoned due to fact it is being
 improved under the Local Paving Program -
 cost reduced to actual cost of engineering
 only

Revision

201412 Resurfacing of state maintained roads
 to be designated by the Delegation to
 include a portion of U. S. Route 25,
 S. C. Route 118, S-260, S-473, S-507,
 and S-1569 - 12.84 miles \$ 421 040 00
 Description revised - amount unchanged

Allendale County

Revision

201413 Resurfacing of state maintained roads
 to be designated by the Delegation to
 include S. C. Route 125 -
 2.45 miles \$ 104 970 00

Item No. Allendale County, continued

291413 Description revised - amount unchanged

Bamberg CountyRevision

201415 Resurfacing of state maintained roads
to be designated by the Delegation to
include a S. C. Route 64 and Road
S-210 - 2.36 miles \$ 119 120 00
Description revised - amount unchanged

Barnwell CountyDeletion

200802 Road S-926 (Addition 810) - Extension of
Road S-926 from Road S-927 northeasterly
to Road S-742 - 0.1 mile
Project abandoned - amount reduced to
actual cost of engineering only

Revision

201416 Resurfacing of state maintained roads
to be designated by the Delegation to
include U. S. Route 78 -
2.45 miles \$ 139 170 00
Description revised - amount unchanged

Beaufort CountyRevision

201417 Resurfacing of state maintained roads
to be designated by the Delegation to
include Roads S-109, S-144, S-168, S-172,
S-186, S-187, S-206, S-207, S-208, S-283,
S-284, S-369, S-410, S-45, S-54, and
S-86 - 7.82 miles \$ 215 820 00
Description revised - amount unchanged

Item No.Berkeley CountyRevision

201418 Resurfacing of state maintained roads to be designated by the Delegation to include S. C. Route 402, Roads S-16 and S-99 -8.6 miles \$ 395 090 00
Description revised - amount unchanged

Calhoun CountyRevision

201419 Resurfacing of state maintained roads to be designated by the Delegation to include Roads S-81, S-47, S-56, S-96, and S-298 - 2.4 miles \$ 107 320 00
Description revised - amount unchanged

Addition

201565 Road S-132 - Relocation of a section of Road S-132 which will replace the bridge across the Southern Railroad tracks - 0.5 mile \$ 150 000 00

Chesterfield CountyRevision

201374 Road S-1000 (Addition 1000) - Section of county road extending from U. S. Route 52 westerly approximately 0.5 mile thence southerly for 0.4 mile to Road S-494 - 0.9 mile \$ 202 000 00
Description revised - amount unchanged

Clarendon CountyRevision

201426 Resurfacing of state maintained roads to be designated by the Delegation to include U. S. Route 301/15, Roads S-57, S-68, S-87, S-97, S-143, S-193, S-195, S-235, S-270, S-271, S-359, S-360, S-507, S-591, and S-804 - 4.59 miles \$ 185 160 00
Description revised - amount unchanged

Item No.Colleton CountyRevision

201427 Resurfacing of state maintained roads to be designated by the Delegation to include S. C. Route 641, Roads S-136, S-158, S-216, S-588, and S-91 - 6.5 miles \$ 263 000 00
Description revised - amount unchanged

Darlington CountyRevision

201428 Resurfacing of state maintained roads to be designated by the Delegation to include Roads S-1063, S-112, S-114, S-182, S-268, S-285, S-392, S-492, S-52, S-553, S-791, S-844, S-857, S-868, and S-909 - 8.18 miles \$ 222 900 00
Description revised - amount unchanged

Additions

201539 Road S-1334 (Addition 1334) - Garland Drive South extending from Road S-659 westerly to Garland Drive West - 0.08 mile \$ 15 000 00

201540 Road S-1335 (Addition 1335) - Kimberly Drive extending from Road S-659 westerly to Garland Drive West - 0.1 mile \$ 19 500 00

201541 Road S-1336 (Addition 1336) - Claremont Drive extending from Road S-659 westerly to Garland Drive West - 0.09 mile \$ 17 000 00

Dillon CountyDeletion

29758 Road S-910 (Addition 910) - Stewart Street in the City of Dillon extending from McKinsey Road (Road S-511) to Calhoun Street (Road S-78) - 0.09 mile
Project abandoned - amount reduced to actual cost of engineering only

Item No.Dillon County, continuedRevision

201430 Resurfacing of state maintained roads to be designated by the Delegation to include Roads S-113, S-22, S-507, and S-90 - 4.74 miles \$ 143 880 00
Description revised - amount unchanged

Dorchester CountyRevision

201431 Resurfacing of state maintained roads to be designated by the Delegation to include Roads S-16, S-22, S-121, S-174, S-273, S-341, S-367, S-368 and S-562 - 10.04 miles \$ 209 050 00
Description revised - amount unchanged

Addition

210566 Local Paving Program - Paving and/or improving five roads identified as Wimberly Road, Maxwell Road, Davis Terrace Street, Oak Tree Lane, Brewer Road - 3.5 miles \$ 500 000 00
Note: This work is to be accomplished by Dorchester County.

Florence CountyDeletion

29838 Road S-158 (Addition 1737) - Extension of Road S-158 from current end of pavement to Road S-13 - 0.025 mile
Project abandoned - amount reduced to actual cost of engineering only

Revision

201434 Resurfacing of state maintained roads to be designated by the Delegation to include Roads S-121, S-442, S-1022, S-1067, S-1168, S-1238, S-282, S-293, S-334, S-397, S-45, S-496, S-576, S-588, S-667, S-75, S-799, S-83, S-905,

Item No. Florence County, continued

Revision, continued

201434 and S-925 - 17.0 miles \$ 342 020 00
Description revised - amount unchanged

Addition

201567 Construction of turn lanes including
curb and gutter along Roads S-29 and
S-103; also construction of turn lanes
along Roads S-103 and S-107 -
0.4 mile \$ 163 000 00

Georgetown County

Revision

201435 Resurfacing of state maintained roads to
be designated by the Delegation to
include Roads S-110, S-111, S-157,
S-244, S-296, S-386, S-40, S-506, S-93,
S-94, S-95, and S-96
5.65 miles \$ 217 010 00
Description revised - amount unchanged

Hampton County

Revision

201437 Resurfacing of state maintained roads to
be designated by the Delegation to
include Roads S-11, S-31, and S-81 -
2.11 miles \$ 141 530 00
Description revised - amount unchanged

Additions

201542 Road S-474 (Addition 814) - Section of
county road extending from Road S-64
approximately 0.25 mile south of Road
S-544 easterly - 0.55 mile \$ 162 000 00

201543 Road S-815 (Addition 815) - Spur road
extending from Road S-474 near Road
S-64 northerly - 0.1 mile \$ 20 000 00

Item No.Hampton County, continuedAdditions, continued

201544	Road S-816 (Addition 816) - County road extending from Road S-384 approximately 100 feet northeast of Route 278 to the Second Baptist Church 0.1 mile	\$ 28 000 00
201545	Road S-817 (Addition 817) - County road extending northwesterly from Road S-67 approximately 0.3 mile northwest of S. C. Route 63 - 0.3 mile	\$ 84 000 00
201546	Road S-818 (Addition 818) - Dennis Boulevard in the Town of Varnville extending from S. C. Route 63 southeasterly - 0.35 mile	\$ 98 000 00
201547	Road S-819 (Addition 819) - County road extending from S. C. Route 363 near Road S-510 northerly and easterly - 0.2 mile	\$ 56 000 00
201548	Road S-471 (Addition 820) - County road extending from the current end of Road S-471 - 0.1 mile	\$ 28 000 00
201549	Road S-821 (Addition 821) - County road in the Town of Furman extending from U. S. Route 601 northeasterly- 0.2 mile	\$ 56 000 00
201550	Road S-822 (Addition 822) - County road extending from S. C. Route 363 southerly - 0.25 mile	\$ 70 000 00
201551	Road S-823 (Addition 823) - County road extending from S. C. Route 363 approximately 0.75 mile north of Road S-68 northerly - 0.3 mile	\$ 84 000 00

Horry CountyRevision

201438	Resurfacing of state maintained roads to be designated by the Delegation to include S. C. Route 73, Roads, S-1000,	
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Item No.Horry County, continuedRevision, continued

201438 S-1002, S-1003, S-1004, S-1005, S-1012,
S-111, S-19, S-45, S-63, S-638, S-734,
and S-887 - 16.43 miles \$ 455 240 00
Description revised - amount unchanged

Jasper CountyRevision

201353 Resurfacing of state maintained roads to
be designated by the Delegation to
include S. C. Route 46 and S. C. Route
462 - 8.6 miles \$ 300 000 00
Description revised - amount unchanged

Kershaw CountyRevision

201440 Resurfacing of state maintained roads to
be designated by the Delegation to
include U. S. Route 521, Roads S-494,
and S-545 - 6.97 miles \$ 240 590 00
Description revised - amount unchanged

Lee CountyRevision

201443 Resurfacing of state maintained roads to
be designated by the Delegation to include
Roads S-196, S-228, S-240, S-286, and
S-293 - 3.9 miles \$ 123 830 00
Description revised - amount unchanged

Addition

201552 Road S-522 (Addition 522) - Jamestown
Road extending from Road S-31
southerly - 0.2 mile \$ 35 000 00

Item No.

Marion County

Revision

201462 Resurfacing of state maintained roads to be designated by the Delegation to include Roads S-101, S-105, S-130, S-139, S-143, S-161, S-212, S-240, S-257, S-266, S-295, S-345, S-452, S-504, S-524, S-543, S-597, S-598, S-599, S-60, S-62, S-623, S-664, S-665, S-77, S-78, S-81, and S-93 - \$ 166 290 00
 Description revised - amount unchanged

McCormick County

Revision

200092 Road S-35 - Construction of sidewalks and valley gutter on the northeast side of Road S-35 (Pine Street) from Virginia Street to new apartment complex - 0.12 mile \$ 34 000 00
 Description revised - amount reduced from \$178,000 to \$34,000

Addition

201553 Road S-35 - Construction of sidewalk on the southwest side of Road S-35 from U. S. Route 378 northerly to existing sidewalk, along the southwest side of Road S-35 from Road S-10 southerly for 0.1 mile, along Road S-10 from Road S-76 to Road S-55, along the south side of Road S-11 from Road S-125 in front of Carolina Tool to S. C. Route 28, along the south side of Road S-32 from S. C. Route 28 westerly to Road S-122, and along the west side of S. C. Route 28 from Road S-146 southerly to the new Senior Citizens Complex - 0.68 mile \$ 144 000 00
 Note: This construction was removed from Item No. 200092 and established in a new item without change in funding.

Item No.Marlboro CountyRevision

201463 Resurfacing of state maintained roads to be designated by the Delegation to include S. C. Route 9 from Dillon-Calhoun County Line to Road S-219 - 4.95 miles \$ 126 240 00
Description revised - amount unchanged

Newberry CountyAddition

201554 Local Paving Program - Improvement of a section of Mower Street in the City of Newberry between Evans and Tanyard Streets - \$ 19 000 00
Note: This work to be accomplished by the City of Newberry.

Oconee CountyRevision

201466 Resurfacing of state maintained roads to be designated by the Delegation to include a portion of S. C. Route 24, Road S-24, S-198, S-133, S-49, S-221, S-75, S-289, S-284, S-299, and S-148 - 17.0 miles \$ 513 485 00
Description revised - amount increased from \$246,490 to \$513,485

Addition

201555 Local Paving Program - Paving and/or improving fifty (50) roads shown on a list submitted by the Delegation - \$ 554 751 00
Note: This work is to be accomplished by Oconee County.

Item No.Orangeburg CountyDeletion

200901 Road S-2052 - Construction to State Highway standards of Road S-2052 (frontage road) extending from the intersection of Road S-170 easterly to Cutlass Boat Incorporated - 0.34 mile
Project abandoned - amount reduced to actual cost of engineering only

Revision

201467 Resurfacing of state maintained roads to be designated by the Delegation to include Roads S-90, S-134, S-376, and S-1203 -12.84 miles \$ 399 810 00
Description revised - amount unchanged

Pickens CountyRevision

201468 Resurfacing of state maintained roads to be designated by the Delegation to include Roads S-128, S-354, S-248, S-147, S-64, S-261, S-2, S-9, S-265, S-262, S-178, S-175, S-193, S-323, S-165, S-29, S-256, S-243, S-230, S-250, and S-307 - 15.75 miles \$ 640 000 00
Description revised - amount increased from \$252,390 to \$640,000

Additions

201556 S. C. Route 137 - Construction of sidewalks from U. S. Post Office new elementary school 0.3 mile \$ 35 000 00

201557 Road S-271 (Berkeley Drive) - Construction of sidewalks on west side of S. C. Route 123 to Road S-30 - 1.3 miles \$ 165 000 00

Item No.Richland CountyRevisions

201491	Road S-3012 (Addition 3012) - Homestead Street extending from Road S-899 (Chevis Street) westerly to Road S-1018 (Suber Street) - 0.1 mile	\$ 18 000 00
	Description revised - amount unchanged	
200763	Road S-2680 (Chadford Road) and Road S-1862 (North Royal Tower Drive) - Construction of sidewalks along Road S-1862 from Road S-27 to Road S-1680 and along Road S-2680 from Road S-1862 to Serpentine Road - 0.5 mile	\$ 90 000 00
	Description revised - amount increased from \$2,000 to \$90,000	

Additions

201558	Local Paving Program - Paving and/or improving Avalon Court, Camino Court, Shorecrest Drive, Bridal Trail, Calvary Drive, Cablehead Road, Cockspur Road, Forge Farm Court, London Pride Road, Minehead Road, Hexam Circle, Deer Track Drive, Doe Drive, Fawn Drive, Hunting Creek Road, Appaloosa Drive, Romain Road, Meech Street, and Burbank Street - 4.85 miles	\$ 571 000 00
	Note: This work is to be accomplished by Richland County.	
201559	Local Paving Program - Paving and/or improving road in Arcadia Lakes being Sandy Shore Drive -	\$ 65 256 000
	Note: This work is to be accomplished by Richland County.	
201560	S. C. Route 262 (Leesburg Road) and Road S-49 (Greenlawn Drive) - Construction of turn lanes and widening at the intersection of S. C. Route 262 and Road S-49 0.2 mile	\$ 80 000 00
201561	Construction of sidewalks on one side only along Briarcliffe to Summit Parkway Middle School -	\$ 90 000 00

Item No.Spartanburg CountyRevision

201471 Resurfacing of state maintained roads to
be designated by the Delegation to
include Roads S-725 - \$ 516 110 00
Description revised - amount unchanged

Sumter CountyRevision

201472 Resurfacing of state maintained roads to
be designated by the Delegation to
include Roads S-40, S-431, S-251,
S-375, S-420, S-487, and S-710 -
10.66 miles \$ 243 130 00
Description revised - amount decreased
from \$290,130 to \$243,130

Williamsburg CountyRevision

201473 Resurfacing of state maintained roads to
be designated by the Delegation to
include Roads S-600, S-100, S-132,
S-155, S-167, S-172, S-173, S-174,
S-201, S-202, S-151, S-194, S-336,
S-376, S-606, S-612, S-62, S-63,
S-64, S-68, and S-77 -
7.2 miles \$ 251 210 00
Description revised - amount unchanged

York CountyAdditions

201562 Road S-1617 (Addition 1706) - Extension
of Road S-1617 (River Oaks Road) from
end of Addition 1690 northeasterly -
0.3 mile \$ 67 500 00

201563 Road S-1613 (Addition 1707) - Extension
of Road S-1613 (Liberty Hill Road) from
end of Addition 1692 westerly -
0.3 mile \$ 67 500 00

Item No.

York County, continued

Additions

201564	Road S-1708 (Addition 1708) - Whipporwill Road extending from S-691 northwesterly - 0.2 mile	\$ 45 000 00
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SECTION 43: On motion of Commission Patterson, seconded by Commissioner Hamilton, the Commission unanimously passed a motion adopting the "Regulations for the South Carolina Department of Highways and Public Transportation Disadvantaged Business Enterprises Program", as shown in the Appendix.

SECTION 44: Chairman Bookhart read a letter of resignation, effective December 20, 1991, from Commissioner Tim Brett.

SECTION 45: There being no further business to come before the Commission, the meeting was adjourned at 11:30 a.m.

Debra R. Long
Secretary-Treasurer

William B. Bookhart, Jr.
Chairman

APPENDIX

Highways and Public Transportation Commission

Meeting of

December 19, 1991

RECOMMENDATIONS

Highways and Public Transportation Commission
Meeting of December 19, 1991

Monthly reports published by the Department of activities for the month of November, 1991 are submitted under separate cover. These reports are for the information of the Commission.

It is recommended that the Commission accept the November 1991 reports.

PAYMENTS FOR RIGHTS OF WAY ON ROADS IN STATE
SECONDARY CONSTRUCTION "C" PROGRAM

Payments have been made for rights of way on the following roads in the "C" Construction Program:

November 5, 1991	Project C-821 - SC Route 707 & Road S-477 - Horry County - Julia Ann Moody, Cyrus T. Sloan, III, Attorney	\$72 000 00
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The above is payment for final and complete settlement out of court of the right of way condemnation case. The Department decided it best to pay the award in order that this road could be constructed.

November 5, 1991	Project C-571 - Road S-821 - Beaufort County - Charles L. Cole, Geneva D. Cole, Louis O. Dore, Attorney	\$ 1 100 00
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The above is payment for final and complete settlement out of Court of the right of way condemnation case. The Department decided it best to pay the award in order that this road could be built.

November 5, 1991	Project C-935 - Road S-1707 - Florence County Florence County Clerk of Court for William J. Griffin & Linda G. Griffin	\$ 300 00
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The above is payment for final and complete settlement out of court of the right of way condemnation case. The Department decided it best to pay the award in order that this road could be constructed.

November 15, 1991	Project C-846- Road S-2187 - Aiken County James L. Short	\$ 200 00
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The above is payment for final and complete settlement out of court of the right of way condemnation case. The Department decided it best to pay the award in order that this road could be built.

Recommendations -12/19/91
Right of Way Payments, continued

The above is payment for final and complete settlement out of court of the right of way condemnation case. The Department decided it best to pay the award in order that this road could be built.

This report is being made in compliance with Section 9 of the Minutes of December 19, 1957.

Recommendations 12/19/91

Consultant Services - Financial Study
for the Replacement of the Bridges
on US 17 at the Cooper River

The Department requests the Commission approval to enter into Supplemental Agreement No. 2 with Post, Buckley, Schuh and Jernigan, Inc. to provide additional services on the above described project.

These services are estimated to cost \$104,000 and federal funds will be used.

Recommendations 12/19/91

CONSULTANT- PRELIMINARY ENGINEERING SERVICES

The Department requests Commission approval to advertise for and select a consulting engineering firm to provide Preliminary Engineering services to prepare plans and specifications for a bridge structure in Lexington County.

The bridge structure would be the SC 35 Overpass over CSXRR/Godley Road/Monkey Spring Branch.

The estimated cost for the preliminary engineering services would be approximately \$900,000.

Funding for this project will be Federal Aid Primary with 75% Federal Funds and 25% State Funds.

Contract for Archaeological Mitigation Work

According to a Memorandum of Agreement between the Department, the Federal Highway Administration, the Advisory Council for Historic Preservation, and the South Carolina Historic Preservation Officer, the Department is required to mitigate two archaeological sites through data recovery excavations on the S.C. Route 151 Jefferson Bypass in Chesterfield County.

The work is required to comply with standard Federal historic preservation procedures. The estimated cost of the work is \$170,000 and will include Federal participation.

CONTRACTS FOR ENGINEERING SERVICES
BRIDGE SCOUR EVALUATIONS

Pursuant to the Commission's previous action of April 19, 1990 authorizing the Department to enter into an agreement with the United States Geological Survey (USGA) to perform bridge scour site inspections of approximately 7,800 bridges which cross water, the Department wishes to begin Phase II of the project. The hydraulic engineering services are required by the FHWA to remain in compliance with the National Bridge Inspection Standards (NBIS).

The first part of Phase II will consist of completing the field work for the remaining bridges. The cost to renew this Contract will be \$175,000.00. This agreement was executed prior to formal Commission approval because of the strict time frame imposed by the FHWA.

The second part of Phase II will be to perform 100 detailed bridge scour analyses of the 2,567 bridges that have been determined to be scour susceptible. The cost for this work will be \$450,000.00. This contract should be approved and executed in a timely manner so as to begin completing all the required detailed analyses by the deadline of January, 1997.

The total amount to complete Phase II will be \$625,000.00. This work is to be funded under the Federal Aid Bridge Replacement Program.

Recommendations - 12/19/91

CONTRACT FOR ENGINEERING SERVICES
UNDERWATER BRIDGE INSPECTION

The Department proposes to use consultant engineering diving services to perform underwater bridge inspection in various counties in District Nos. 2, 3, 4, and 6.

This will enable the Department to remain in compliance with the FHWA National Bridge Inspection Standards which require that bridges that meet certain criteria receive underwater inspections on a regular cycle not to exceed five years.

It is recommended that the Commission give approval to advertise and select a consulting firm to perform this work. The estimated cost of this work is \$200,000.00 and is to be funded under the Federal Aid Bridge Replacement Program.

Recommendations - 12/19/91

AGREEMENT - B. P. BARBER AND ASSOCIATES, INC.

The Department has entered into an agreement with the firm of B. P. Barber and Associates, Inc. to provide emergency design upgrades for wastewater treatment facilities at Rest Areas along I-95 in Colleton County and I-26 in Newberry County. The agreement for Phase I services is in the amount of \$9,828.00.

This agreement was executed prior to formal Commission approval due to the emergency nature of the project and a possible "close down" order by DHEC.

Recommendations - 12/19/91

Research Agreement with several other states
to conduct a pooled-fund study entitled
"Coastal and Tidal Hydraulics"

The Department intends to enter into an agreement with a Research Consultant to develop a computer model that can be used by the Highway Hydraulic Engineer to evaluate the various flow variables in tidal areas and evaluate the sediment transport associated with the expected flows. The pay off in this area will be in the increased structural reliability and safety from scour failures in tidal areas. The model will also enable designers to more accurately size and locate bridge openings over tidal waters. This should give savings in bridge lengths and in the reduction of expensive repairs for undersized structures.

It is anticipated that this study will be conducted over a four (4) year period at an estimated cost of \$100,000 per year for a total cost of \$400,000. The study will be conducted under a pooled-fund arrangement with seven (7) other states who will participate in funding. Highway Planning and Research funds will be utilized to defray the Department's portion of the cost.

It is recommended that the Commission give approval for the Department to enter into this agreement.

Recommendations - 12/19/91

Research Agreement with The University of
South Carolina to conduct HPR Study
"Investigation of Subgrade Resilient Modulus
in Flexible Pavement Design - Phase I".

The Department intends to enter into an agreement with The University of South Carolina to determine the most practical methods for the SCDHPT to determine subgrade resilient modulus values required for implementation of the 1986 AASHTO Guide for Design of Pavement Structures. The primary objectives for the proposed project are (1) to perform a complete literature review of the methodologies for determining subgrade resilient modulus, (2) review the SCDHPT's subgrade soil testing practices and procedures, and (3) summarize and assess viable current methodologies for the determination of subgrade resilient modulus and develop a recommended work plan for Phase II.

This study will be conducted over a twelve (12) month period at a cost of \$49,962. Highway Planning and Research Funds will be utilized to defray the cost of the study.

It is recommended that the Commission give approval for the Department to enter into this Agreement.

Recommendations 12/19/91

Wilbur Smith Associates - Supplement
Agreement # 3 U. S. Route 17 - Beaufort
and Colleton Counties File 7.554, 15.549,
15.550 and 15.559

The project is the multilaning of U. S. Route 17 from the U. S. Route 17/U. S. Route 21 intersection in Beaufort County to S. C. Route 64 in Colleton County. The Department requests Commission approval to enter into a supplemental agreement with Wilbur Smith Associates for right of way acquisition services and engineering services for the preparation of final construction plan for section 2 and 3. Sections 2 and 3 are portions of the above project from the Combahee River to the Ashepoo River in Colleton County.

This supplemental agreement is anticipated to cost \$800,000.00 and will be funded with SHIMS Funds.

Recommendations 12/19/91

Parsons, Brinckerhoff, Quade and Douglas -
Supplemental Agreement #3 - Replacement of
the U. S. Route 17 Bridges over the Cooper
River - Charleston County - File
10.205A - Project No. F-205A

The Department requests Commission approval to enter into a Supplemental Agreement with Parsons, Brinckerhoff, Quade and Douglas for additional engineering and environmental services related to the preparation of the Environmental Impact Statement for this project. The tasks involved include additional traffic and operational studies, and additional archaeological investigations.

The project involves engineering and environmental services related to corridor selection for the replacement of the John P. Grace and Silas Pearman bridges in the City of Charleston.

This Supplemental Agreement is anticipated to cost \$134,000.00 and will be funded by Federal Aid Primary Nonparticipating funds.

Recommendations 12/19/91

Supplemental Agreements - Wilbur Smith
and Associates - Scarborough Bridge
Charleston County

It is recommended that Supplemental Agreement No. 11 to the Consultant Agreement dated December 3, 1976 between the Department and Wilbur Smith Associates be approved. The effect of this supplement is to extend the scope of services for construction management of the first construction contract on the Scarborough Bridge (File No. 10.158A) which is part of the James Island Expressway. These services were originally provided under Supplemental Agreement No. 4. This extension is required due to the extended construction period on this project. Due to delays and additional work, this project will extend beyond the original construction period and the contract maximum amount for the consultant services will be exceeded before the completion of construction. The amount of the extension would not exceed \$275,279.00. Funding for this work will be under the engineering and contingency item previously allotted for this project - Charleston County.

It is further recommended that Supplemental Agreement No. 12 to the Consultant Agreement dated December 3, 1976 between the Department and Wilbur Smith Associates be approved. The effect of this supplement is to extend the scope of services for construction management of the fourth construction contract on the Scarborough Bridge (File No. 10.158A.7) which is part of the James Island Expressway. These services were originally provided under Supplemental Agreement No. 7. This extension is required due to the extended construction period on this project. Due to delays and additional work, this project will extend beyond the original construction period and the contract maximum amount for the consultant services will be exceeded before the completion of construction. The amount of the extension would not exceed \$624,585.00. Funding for this work will be under the engineering and contingency item previously allotted for this project - Charleston County.

Recommendations 12/19/91

Wilbur Smith Associates Supplemental
Agreement #4 U. S. Route 53 - Berkeley
and Williamsburg Counties
File 845.462 - Project A-462

The Department requests Commission approval to enter into a supplemental agreement with Wilbur Smith Associates for additional environmental services related to hazardous waste and wetland mitigation studies.

The project extends from Road S-6 near St. Stephens in Berkeley County northeasterly to the Town of Kingstree in Williamsburg County.

This supplement is anticipated to cost \$89,000.00

ALLOCATIONS - CAPITAL IMPROVEMENTS/LAND AND BUILDINGS

It is recommended that the Commission authorize allocation of fiscal year 1991-92 funds, transfers and closures of other accounts using State Highway funds for capital improvements/land and buildings, as follows:

<u>MSC No.</u>	<u>County</u>	<u>Description</u>	<u>Amount</u>
290	Aiken	To increase the allocation to construct the Aiken DMV Office (GL 2122.) <u>Close Account.</u> Total Allocation: \$ 187,160.30 Less Previous Allocation: <u>181,793.60</u>	\$ 5,366.70
223.2	Allendale	To establish a new allocation for the Allendale Truck Test Site.	30,000.00
311	Allendale	To establish a new allocation for the Allendale Truck Test Land Acquisition.	20,000.00
195.3	Anderson	To reduce and transfer the allocation for the Anderson DMV/Patrol Office Land Acquisition. Total Allocation: \$ 40,000.00 Less Previous Allocation: <u>90,000.00</u>	(50,000.00)
291.1	Anderson	To establish a new allocation for the Anderson County Maintenance Complex.	1,628,570.00
304	Berkeley	To reduce and transfer the allocation for the Moncks Corner Land Purchase. <u>Close Account.</u> Total Allocation: \$ 0.00 Less Previous Allocation: <u>90,000.00</u>	(90,000.00)
304.1	Berkeley	To establish a new allocation for the Moncks Corner DMV Office.	40,000.00
295	Charleston	To reduce and transfer the allocation for the Charleston County Land Acquisition. Total Allocation: \$ 15,000.00 Less Previous Allocation: <u>50,000.00</u>	(35,000.00)
142.8	Chester	To reduce and transfer the allocation to construct the Chester Communication Center. <u>Close Account.</u> Total Allocation: \$ 96,705.26 Less Previous Allocation: <u>181,000.00</u>	(84,294.74)
274	Chester	To reduce and transfer the allocation to construct the Great Falls Section Shed. <u>Close Account.</u> Total Allocation: \$ 168,698.31 Less Previous Allocation: <u>225,000.00</u>	(56,301.69)

Recommendations 12/19/91

Allocations - Capital Improvements/Land and Buildings, continued.

<u>MSC No.</u>	<u>County</u>	<u>Description</u>	<u>Amount</u>
276	Chester	To increase the allocation to construct the Chester Maintenance Complex. Total Allocation: \$2,867,646.04 Less Previous Allocation: <u>2,811,344.35</u>	56,301.69
314	Edgefield	To establish a new allocation for the Edgefield County Section Shed Land Acquisition.	35,000.00
121.6	Fairfield	To reduce and transfer the allocation to construct the Winnsboro DMV Office. Total Allocation: \$ 62,000.00 Less Previous Allocation: <u>97,000.00</u>	(35,000.00)
312	Fairfield	To establish a new allocation for the Winnsboro Truck Test Land Acquisition.	35,000.00
289	Florence	To increase the allocation to construct the Florence Patrol Complex (GL 2122.) Total Allocation: \$1,048,741.10 Less Previous Allocation: <u>945,000.00</u>	103,741.10
249	Greenville	To increase the allocation to construct the Greenville Gas Station. <u>Close Account.</u> Total Allocation: \$ 30,145.21 Less Previous Allocation: <u>30,000.00</u>	145.21
303.1	Greenville	To establish a new allocation for the Greer DMV Office.	582,145.00
266.2	Greenwood	To establish a new allocation for the Greenville Patrol District Complex.	604,142.00
237	Horry	To reduce and transfer the allocation to construct the Conway License Sales\Patrol Office. <u>Close Account.</u> Total Allocation: \$ 721,107.28 Less Previous Allocation: <u>760,000.00</u>	(38,892.72)
248	Horry	To increase the allocation to construct the Green Sea Section Shed. <u>Close Account.</u> Total Allocation: \$ 205,098.39 Less Previous Allocation: <u>200,000.00</u>	5,098.39
269	Kershaw	To increase the allocation to construct the Camden Patrol Office. <u>Close Account.</u> Total Allocation: \$ 4,250.00 Less Previous Allocation: <u>0.00</u>	4,250.00

Recommendations 12/19/91

Allocations - Capital Improvements/Land and Buildings, continued.

<u>MSC No.</u>	<u>County</u>	<u>Description</u>	<u>Amount</u>
238.1	Lexington	To reduce and transfer the allocation to construct the Lexington Storage Bldg./Truck Test Site. <u>Close Account.</u> Total Allocation: \$ 21,972.72 Less Previous Allocation: <u>150,000.00</u>	(128,027.28)
296	Lexington	To increase the allocation to construct the Lexington Canopy. <u>Close Account.</u> Total Allocation: \$ 23,749.11 Less Previous Allocation: <u>15,000.00</u>	8,749.11
141.8	Newberry	To reduce and transfer the allocation for Land for the Newberry DMV Office. <u>Close Account.</u> Total Allocation: \$ 0.00 Less Previous Allocation: <u>25,000.00</u>	(25,000.00)
265.1	Oconee	To increase the allocation to construct the Oconee Maintenance Complex. Total Allocation: \$2,287,388.67 Less Previous Allocation: <u>2,282,632.27</u>	4,756.40
198.3	Pickens	To establish a new allocation for the Pickens Patrol Renovation.	50,000.00
279	Pickens	To increase the allocation for Land for the Pickens DMV Office. <u>Close Account.</u> Total Allocation: \$ 83,064.77 Less Previous Allocation: <u>82,000.00</u>	1,064.77
118.23	Richland	To increase the allocation to construct the Richland Materials Supply Building. Total Allocation: \$1,739,284.68 Less Previous Allocation: <u>1,367,856.68</u>	371,428.00
118.25	Richland	To establish a new allocation for the Richland DMV Warehouse Renovation.	150,000.00
212.7	Richland	To increase the allocation to construct the Richland Hdqt. Parking Lot/Garage. Total Allocation: \$ 645,000.00 Less Previous Allocation: <u>550,000.00</u>	95,000.00
233	Richland	To reduce and transfer the allocation to construct the Richland Maintenance Complex. Total Allocation: \$2,241,250.89 Less Previous Allocation: <u>2,250,000.00</u>	(8,749.11)

Recommendations 12/19/91

Allocations - Capital Improvements/Land and Buildings, continued.

<u>MSC No.</u>	<u>County</u>	<u>Description</u>	<u>Amount</u>
288	Richland	To reduce and transfer the allocation to construct the Richland DMV Office (GL 2122.) <u>Close Account.</u>	
		Total Allocation: \$ 95,286.00	
		Less Previous Allocation: <u>652,286.00</u>	(557,000.00)
305	Richland	To increase the allocation to construct the Richland Hdqt. HVAC.	
		Total Allocation: \$ 225,000.00	
		Less Previous Allocation: <u>175,000.00</u>	50,000.00
305.1	Richland	To establish a new allocation for the Richland Hdqt. Office Leak Repair.	55,000.00
307	Richland	To increase the allocation to construct the Ballentine DMV Office.	
		Total Allocation: \$ 996,880.88	
		Less Previous Allocation: <u>785,088.71</u>	211,792.17
309	Richland	To establish a new allocation for the Richland N.E. DMV Office.	557,000.00
106.13	Saluda	To establish a new allocation for the Saluda Parking Repair/Truck Test Site.	40,000.00
313	Saluda	To establish a new allocation for the Saluda Truck Test Land Acquisition.	35,000.00
280	Spartanburg	To increase the allocation to construct the Spartanburg Patrol Office.	
		Total Allocation: \$ 516,331.67	
		Less Previous Allocation: <u>263,331.67</u>	253,000.00
11.10	Union	To reduce and transfer the allocation to Construct the Union Maintenance Shop. <u>Close Account.</u>	
		Total Allocation: \$ 0.00	
		Less Previous Allocation: <u>10,000.00</u>	<u>(10,000.00)</u>
Total			<u>\$3,914,285.00</u>

ALLOCATIONS - STATE INSTITUTIONS

It is recommended that the Commission authorize allocation of funds for closure of accounts on work at State Institutions, as follows:

<u>Project No.</u>	<u>County</u>	<u>Description</u>	<u>Amount</u>
D-489	Bamberg	Grading, Drainage and Asphaltic Concrete Surfacing - Road S-621 - Drives at Denmark Technical College - from US Rt 78 to Road S-548 - 0.819 mile. <u>Close Account.</u> Total Allocation: \$ 159,242.66 Less Previous Allocation: <u>133,943.00</u> \$ 25,299.66 (File No. 5.(6)489.)	
D-262A	Richland	Widening, Grading, Drainage, Asphalt Concrete Surfacing and Construction of Concrete Curb and Gutter - Road S-91 (E. Chapel Rd.) - from Beltline Blvd. to Midland Tech. Parking Lot - 0.135 mile. <u>Close Account.</u> Total Allocation: \$ 41,457.69 Less Previous Allocation: <u>39,370.37</u> 2,087.32 (File No. 40.(6)262A.)	
D-280A	Richland	Grading, Drainage and Asphalt Concrete Surfacing - State Park Health Center - near Farrow Road and Parklane Road - 0.251 mile. <u>Close Account.</u> Total Allocation: \$ 42,265.80 Less Previous Allocation: <u>48,667.00</u> (6,401.20) (File No. 40.(6)280A.)	
D-281A	Richland	Grading, Drainage and Asphalt Concrete Surfacing - Driving Range Road and Firing Range Road - North of Columbia - 1.454 miles. <u>Close Account.</u> Total Allocation: \$ 277,036.42 Less Previous Allocation: <u>309,104.00</u> (32,067.58) (File No. 40.(6)281A.)	
D-816	Richland	Grading, Drainage and Bituminous Surfacing - Drive at the new Facility of the Division of Geology - Adjacent to US Route 176 - 0.377 mile. <u>Close Account.</u> Total Allocation: \$ 15,915.29 Less Previous Allocation: <u>14,790.00</u> 1,125.29 (File No. 40.(6)816.)	
Total			<u>\$ (9,956.51)</u>

ALLOCATIONS - STATE PARKS

It is recommended that the Commission authorize allocation of funds for closure of accounts on work at State Parks, as follows:

<u>Project</u>			
<u>No.</u>	<u>County</u>	<u>Description</u>	<u>Amount</u>
E-654	Pickens	Resurfacing with Asphalt Concrete Surfacing - Roads in Table Rock State Park - Approx. 7.81 miles. <u>Close Account.</u>	
		Total Allocation:	\$ 187,511.26
		Less Previous Allocation:	<u>239,855.00</u> \$ <u>(52,343.74)</u>
		(File No. 39.(7)654.)	
		Total	<u>\$ (52,343.74)</u>

SURPLUS RIGHT OF WAY PROPERTY - LAND

Under File 42.128A, during acquisition of right of way for construction of I-85 Relocation Section II under File 42.146A, in Spartanburg County, the Department acquired Tract 70-A from Odom Oil Company by Title to Real Estate, dated January 12, 1991, a portion of which was an unecomonic remainder.

During negotiations by our Legal Section for right of way needed from an adjoining owner, an agreement was reached to convey to him the above referred to remainder. Therefore, a gratis quitclaim deed conveying an approximate 1,650 SF parcel of land to Lewis C. Mason was executed on September 12, 1991.

This matter is reported to the Commission in accordance with the requirements of Code Section 57-5-340.

File 42.128A - I-85 - Spartanburg County

12/3/91

SURPLUS RIGHT OF WAY PROPERTY - LAND

In 1933, the City of Greenville conveyed the right of way necessary for construction of improvements on U. S. Route 276 from Main Street, along East North Street and Laurens Road, to the East City Limits by Right of Way Agreement dated December 19, 1933. In 1969, under File 23.563, a section of Laurens Road was realigned.

At the request of an adjoining owner an investigation was made and it was determined that a portion of the old right of way adjacent to their property was no longer needed and could be relinquished. Therefore, a quitclaim deed conveying an approximate 0.038 acre strip of land to Fred M. Haley and Amanda L. Haley was executed on September 30, 1991, for consideration of \$150.00.

This matter is reported to the Commission in accordance with the requirements of Code Section 57-5-340.

File 23.563 - US Route 276 - Greenville County

12/5/91

SURPLUS RIGHT OF WAY PROPERTY - LAND

In 1971, during acquisition of right of way for construction of improvements on SC Route 49 in York County, under File 46.454, the Department acquired right of way from Crescent Land and Timber Corporation by Right of Way Easement dated March 24, 1971.

In 1991, during negotiations for acquisition of right of way for construction of improvements on SC Route 49, under File 46.774, an agreement was reached for a portion of the above referred to right of way to be exchanged for the right of way needed from an adjoining property owner. Therefore, a gratis quitclaim deed conveying to Roberts Enterprises an approximate 225 SF parcel of land was executed on October 17, 1991.

This matter is reported to the Commission in accordance with the requirements of Code Section 57-5-340.

File 46.454 - SC Route 49 - York County

12/5/91

SURPLUS RIGHT OF WAY PROPERTY - LAND

Under Project No. 615-A, during acquisition of right of way for construction of improvements on U. S. Route 29 Connections, between Spartanburg and Lyman, in Spartanburg County, the Department acquired right of way on Connection No. 6 from Alfred Moore, et al, by Deed to Right of Way, dated September 21, 1938.

At the request of an adjoining owner an investigation was made and it was determined that a portion of the above referred to right of way was no longer needed and could be declared surplus and relinquished. Therefore, a gratis quitclaim deed conveying an approximate 2,300 SF parcel of land to Maleen W. Crocker was executed on November 8, 1991.

This matter is reported to the Commission in accordance with the requirements of Code Section 57-5-340.

Project 615-A - U. S. Route 29 - Spartanburg County

12/2/91

SURPLUS RIGHT OF WAY PROPERTY - LAND

Under File 23.188A, during acquisition of right of way for construction of improvements on U. S. Route 25 in Greenville County, the Department acquired Tract 205 from John R. Hannon AKA John Richard Jordan by Title to Real Estate, dated March 5, 1991, and Tract 206 from David R. Boyd by Title to Real Estate, dated March 15, 1991, portions of which were uneconomic remainders.

During negotiations by our Legal Section for the right of way needed from Tract 204, an agreement was reached for the Department to convey to the owner of this tract the above referred to remainder. Therefore, a quitclaim deed conveying an approximate 0.524 acre parcel of land to Estelle Dill was executed on November 21, 1991, for consideration of \$2,775.00.

This matter is reported to the Commission in accordance with the requirements of Code Section 57-5-340.

File 23.188A - U. S. Route 25 - Greenville County

12/3/91

SURPLUS RIGHT OF WAY PROPERTY - LAND

Under File 23.497, during acquisition of right of way for construction of improvements on Road S-1316 in Greenville County, the Department acquired Tract 18 from Rachel Lee, by Title to Real Estate dated October 30, 1962, and Tract 19 from Ollie H. Ray by Title to Real Estate dated November 21, 1961, portions of which were considered uneconomic remainders.

At the request of the District Office an investigation was made and it was determined that a portion of the above referred to remainders were no longer needed and could be declared surplus and relinquished. Therefore, a quitclaim deed conveying approximately 5,009 SF of land to Carlee Curry was executed on December 11, 1991 for consideration of \$650.00.

This matter is reported to the Commission in accordance with the requirements of Code Section 57-5-340.

File 23.497 - Road S-1316 - Greenville County

12/11/91

SALE OF SURPLUS RIGHT OF WAY PROPERTY

After being duly advertised, bids were taken by the Department on November 21, 1991, for the purpose of disposing of surplus right of way property and as a result an award was made to the highest bidder for the amount listed below:

File 46.774 - SC Route 49 - York County

Item No.	Description	Amount
1	One-story wood frame residence, approximately 1,643 SF in size, containing three bedrooms, two baths, living room/dining room combination, den, and kitchen, located on the South side of Highway 49, east of the intersection of 49/274 on Tract 8, formerly property of John Guy Davison, 5230 Charlotte Highway, Clover, S.C.....	
	Mickey Fisher United Methodist Church 339 E. Main St., Suite 117 Rock Hill, S.C. 29730	\$1,150.10
2	One-story animal clinic, approximately 1,403 SF in size, containing a reception area, two examination rooms, one grooming room, one <u>operating</u> room, kennel area, one bathroom and storage room, located on the South side of Highway 49, east of the intersection of 49/274 on Tract 18, formerly property of Robert J. and Kathy J. Neunzig, 813 Robinson Road, Dalls, N. C. 28034.....	
	Mr. Bill Ward 2549 McCrae Road Camden, S.C.....	\$2,610.00

The above is reported to the Commission in accordance with the requirements of Code Section 57-5-340.

12/2/91

USED MOTOR VEHICLES AND EQUIPMENT AUCTION

After due advertisement, a public auction was held November 13, 1991 for the purchase of one hundred seventeen lots of Surplus Used Motor Vehicles and Equipment located at the Department's Equipment Depot, 1500 Shop Road, Columbia, South Carolina and listed for disposal in notice dated October 28, 1991. The high bid received for each lot was as follows:

<u>Lot</u>	<u>Make</u>	<u>Model</u>	<u>Body Type</u>	<u>High Bidder</u>	<u>Amount Bid</u>
1	Pontiac	1990	2 Door Sedan, Firebird	Landy Thomas	\$ 2750.00
2	Acura	1987	2 Door Sedan, Integra	Barbara A. Black	1400.00
3	Chevrolet	1984	4 Door Sedan, Cavalier	Darrell Chatman	1000.00
4	Chevrolet	1984	4 Door Sedan, Celebrity	Doris M. Brooks	1150.00
5	Chevrolet	1985	4 Door Sedan, Celebrity	Marion Cain	1550.00
6	Chevrolet	1985	4 Door Sedan, Celebrity	Ruth L. Walter	1300.00
7	Dodge	1986	4 Door Sedan, 600	Guynell Jarose	1500.00
8	Plymouth	1983	4 Door Sedan, Horizon	Danny W. Stokes	800.00
9	Plymouth	1983	4 Door Sedan, Reliant	KoJo B. Quamsach	850.00
10	Plymouth	1986	4 Door Sedan, Reliant	Jobie C. Shealy	1600.00
11	Plymouth	1987	4 Door Sedan, Reliant	W. C. Holman	1700.00
12	Plymouth	1988	4 Door Sedan, Caravelle	Jack A. Bridgon	1900.00
13	Chevrolet	1988	4 Door Sedan, Caprice	Holliday Auto Salvage	1050.00
14	Chevrolet	1988	4 Door Sedan, Caprice	Shaw's Auto Sales	2900.00
15	Chevrolet	1988	4 Door Sedan, Caprice	Adrienne Balmer	3300.00
16	Chevrolet	1988	4 Door Sedan, Caprice	Southern Motor Company	950.00
17	Chevrolet	1988	4 Door Sedan, Caprice	Miriam Sauls	1800.00
18	Ford	1985	4 Door Sedan, LTD	Ashtin Leasing, Inc.	1450.00
19	Ford	1985	4 Door Sedan, LTD	Ashtin Leasing, Inc.	1100.00
20	Ford	1986	4 Door Sedan, LTD	Ashtin Leasing, Inc.	1550.00
21	Ford	1987	4 Door Sedan, LTD	Jackson Cty. Bd. of Com.	2700.00
22	Ford	1987	4 Door Sedan, LTD	Jackson Cty. Bd. of Com.	2500.00
23	Ford	1987	4 Door Sedan, LTD	Walter Wells	2400.00
24	Ford	1988	4 Door Sedan, LTD	Heather Bozard	3000.00
25	Ford	1988	4 Door Sedan, LTD	Mack & Bucks Used Cars	3750.00
26	Ford	1988	4 Door Sedan, LTD	Mack & Bucks Used Cars	4400.00
27	Ford	1988	2 Door Sedan, Mustang	Ernest Wrenn	3950.00
28	Ford	1988	2 Door Sedan, Mustang	Fred Windstead	4250.00
29	Ford	1988	2 Door Sedan, Mustang	JT Enterprises	4100.00
30	Ford	1988	2 Door Sedan, Mustang	Lenard R. Beecham	3350.00
31	Ford	1988	2 Door Sedan, Mustang	John H. Reamer	2500.00
32	Ford	1988	2 Door Sedan, Mustang	John H. Reamer	4250.00
33	Ford	1988	2 Door Sedan, Mustang	Leroy Palmer	4200.00
34	Ford	1988	2 Door Sedan, Mustang	Mack & Buck Used Cars	1600.00
35	Ford	1988	2 Door Sedan, Mustang	W. L. James, Jr.	4000.00
36	Ford	1988	2 Door Sedan, Mustang	S & M Used Cars	4100.00
37	Ford	1988	2 Door Sedan, Mustang	Shaws Auto Sales	4700.00
38			STOLEN		
39	Ford	1989	2 Door Sedan, Mustang	Ballard Truck & Tire	4275.00
40	Ford	1990	2 Door Sedan, Mustang	Mack & Buck Used Cars	1900.00
41	Chevrolet	1984	Station Wagon, Cavalier	Harold C. Bullard	1000.00
42	Ford	1986	Station Wagon, LTD	F. B. Wansant	2100.00
43	Chevrolet	1981	Suburban	Knights Garage	1000.00

Recommendations 12/19/91

<u>Lot</u>	<u>Make</u>	<u>Model</u>	<u>Body Type</u>	<u>High Bidder</u>	<u>Amount Bid</u>
44	Chevrolet	1986	Suburban	Holliday Auto Salvage	1700.00
45	Dodge	1979	Van	David Campbell	750.00
46	GMC	1987	Suburban	Shaws Auto Sales	1750.00
47	GMC	1987	Suburban	Guerry E. Green	2300.00
48	Ford	1986	Compact Pickup, Ranger	Lenard R. Beecham	1150.00
49	Ford	1986	Compact Pickup, Ranger	Iverson Fleming	1300.00
50	GMC	1983	Compact Pickup, S15	Cory D. Taylor	850.00
51	GMC	1983	Compact Pickup, S15	W. A. Pruitt	650.00
52	Mazda	1982	Compact Pickup, B-2000	McBrayers Auto Sales	900.00
53	Mazda	1984	Compact Pickup, B-2000	B & B Wholesale	550.00
54	Mazda	1984	Compact Pickup, B-2000	Lenard R. Beecham	950.00
55	Mazda	1984	Compact Pickup, B-2000	Blackwells Used Cars	750.00
56	Mazda	1984	Compact Pickup, B-2000	B & Wholesale	700.00
57	Mazda	1984	Compact Pickup, B-2000	Rogers Auto Sales	1100.00
58	Mazda	1984	Compact Pickup, B-2000	Tucker Auto Sales	1100.00
59	Mazda	1984	Compact Pickup, B-2000	Al Dempsey	1100.00
60	Chevrolet	1980	1/2 Ton Pickup Truck	Gwendolyn P. Anderson	850.00
61	Chevrolet	1980	1/2 Ton Pickup Truck	Lenard R. Beecham	900.00
62	Dodge	1975	1/2 Ton Pickup Truck	Leland Rawls	900.00
63	Dodge	1977	1/2 Ton Pickup Truck	L. F. Pearson	325.00
64	Dodge	1977	1/2 Ton Pickup Truck	Lenard R. Beecham	600.00
65	Dodge	1978	1/2 Ton Pickup Truck	Malcolm Rider	300.00
66	Dodge	1979	1/2 Ton Pickup Truck	Ballard Truck & Tire	625.00
67	Dodge	1985	1/2 Ton Pickup Truck	David Campbell	1300.00
68	Ford	1981	1/2 Ton Pickup Truck	Ballard Truck & Tire	750.00
69	Dodge	1984	3/4 Ton Pickup Truck	B & B Wholesale	1050.00
70	Dodge	1984	3/4 Ton Pickup Truck	Larkin Burgess	900.00
71			WITHDRAWN		
72	Dodge	1985	1 Ton Stake Body Truck	Herbert A. Inman	1700.00
73	Ford	1980	1 Ton Pickup Truck	Springdale Farms	2200.00
74	Chevrolet	1968	1 1/2 Ton Stake Body Truck	Ballard Truck & Tire	300.00
75	Dodge	1975	1 1/2 Ton Truck	David Campbell	900.00
	Cleaver-Brooks	1951	Distributor, Asphalt		
76	Chevrolet	1969	2 Ton Dump Truck	Roscoe B. Fountain	900.00
77	Ford	1973	2 Ton Dump Truck	Fred Senn	400.00
78	Ford	1974	2 Ton Dump Truck	Duxbak Roofing Service	2100.00
79	Ford	1977	2 Ton Dump Truck	Tony Cooper	1500.00
80	Ford	1977	2 Ton Dump Truck	Ballard Truck & Tire	650.00
81	Ford	1978	2 Ton Stake Body Truck	Ballard Truck & Tire	650.00
82	Ford	1979	2 Ton Truck	Blackwell Used Cars	2700.00
	Versalift	1978	Aerial Bucket		
83	GMC	1980	2 Ton Dump Truck	William J. Keel	3000.00
84	International	1978	2 Ton Truck	Roscoe B. Fountain	1000.00
85	International	1979	2 Ton Truck	Rays Yard Service	1000.00
86	International	1979	2 Ton Dump Truck	Thomas R. Dixon	2500.00
87	Ford	1973	Tandem Truck	Stevenwood Farm	1000.00
88	Ford	1975	Tandem Truck	Stevenwood Farm	1200.00
89	International	1976	Fleetstar Truck	Hartsell Gladden	1800.00
90	International	1977	Tandem Truck Loadstar	R & K Industries	2800.00
91	Hudson	1974	Low Bed Machinery Trailer	R & K Industries	2400.00
92	Ferree	1969	Low Bed Machinery Trailer	Larkin Burgess	3100.00
93			WITHDRAWN		
94	Hendrix	1979	1/2 Yard Drag Bucket	Santee Farm Equipment	500.00

<u>Lot</u>	<u>Make</u>	<u>Model</u>	<u>Body Type</u>	<u>High Bidder</u>	<u>Amount Bid</u>
95	Libby		Electric Generator	Santte Farm Equipment	500.00
96	Kato	1956	Electric Generator	Ben L. Norton	600.00
97	Galion	1969	Motor Grader	W. C. Holman	3900.00
98	Case	1973	1 1/4 Yd. Wheel Type Loader	Temples & Sons Used Cars	7300.00
99	Caterpillar	1955	Crawler Type Loader	Miriam Sauls	1900.00
100	Ford	1974	Tractor W/Hyd. Sickle Mower	James M. Thompson	2250.00
101	John Deere	1981	Tractor W/Hyd. Sickle Mower	Holloway & Sons Tractor	1200.00
102	Massey-Ferguson	1976	Tractor	Joe Ashley	3500.00
103	Massey-Ferguson	1977	Tractor	Holloway & Sons Tractor	2300.00
104	Case	1978	Tractor	Herbert A. Inman	1900.00
105	Case	1979	Tractor W/Hyd. Sickle Mower	Herbert A. Inman	2300.00
106	Case	1979	Tractor W/Hyd. Sickle Mower	Herbert A. Inman	1600.00
107	Case	1979	Tractor W/Hyd. Sickle Mower	Herbert A. Inman	1700.00
108	Valk	1972	Snow Plow Attachment	James M. Thompson	100.00
	Valk	1974	Snow Plow Attachment		
	Valk	1974	Snow Plow Attachment		
109	Massey-Ferguson	1972	Wheel, Tractor	Smith Tractor Company	1400.00
110	Massey-Ferguson	1974	Wheel, Tractor	Smith Tractor Company	1700.00
111	Massey-Ferguson	1974	Wheel, Tractor	Blackwell Used Cars	2250.00
112	Massey-Ferguson	1975	Tractor	Thomas C. James & Son	1750.00
113	Massey-Ferguson	1975	Tractor	Smith Tractor Company	1500.00
114	Massey-Ferguson	1976	Tractor	Smith Tractor Company	1800.00
115	Massey-Ferguson	1978	Tractor/Loader/Backhoe	Joe Ashley	7300.00
116	Lincoln	1977	Electric Portable Welder	Clifton Kesterson	850.00
117	JCB	1980	Tractor/Loader/Backhoe	Armstrong Equipment	4000.00

The total amount received for the one hundred seventeen lots awarded \$215,725.00.

It is recommended that the Commission approve the sale of the above used motor vehicles and equipment to the high bidder in each case.

Recommendations 12/19/91

EXTENSION OF CONSTRUCTION CONTRACTS

It is recommended that the Commission approve the action of the Department in extending existing construction contracts to include additional resurfacing work, as follows:

Calhoun County

Contract of Eagle Construction Company, Inc. - File No. 9.452 - extended to include drainage improvements (File 9.5012) for an outfall ditch on SF 9-453 (I-26 Frontage Road) right of Station 1359+00.

Estimated Cost of Extension \$ 27,355.26

Greenwood County

Contract of Satterfield Construction Company, Inc. - File No. 24.575 - extended to include construction of right turn lane (File No. 24.5010) from U. S. Route 221 into the Wal-Mart Shopping Complex in the City of Greenwood.

Estimated Cost of Extension \$ 18,022.25

These extensions were authorized by the Department prior to formal approval by the Commission since the adjacent work had reached such a stage of completion that the contractors involved could not accept the additional work unless it were authorized without delay.

REPORT OF PURCHASE ORDERS ISSUES IN EXCESS OF \$1,000.00

MONTH OF NOVEMBER, 1991

PURCH ORDER NUMBER	STATE PURCH DIVISION CONTRACT NUMBER	VENDOR	COMMODITY	UNIT PRICE	TOTAL PRICE
78239	1-205-50414	Computerland of Cola.	Computer & Accssories		13,640.58
78305	C101330002	Cardinal Tire Co.	Tires		86,560.00
78307	C101330001	Frasier Tire Serv.	Tires		20,783.50
78308		Majestech Corp.	Sign Screening Fabric		16,863.00
78310	C101330001	Frasier Tire Serv.	Tires		50,970.00
78397	C200276002	Pioneer Machinery	Tandem Rollers	7,594.44	53,161.08
78429	C101770001	American Supply	Gloves		16,040.00
78469		Lawyers Co-Operative Publishing	Patrol Law Books		67,000.00
78526	C001408001	Prillavan Chemical Corp.	Anti-Freeze	199.93	31,988.00
78555	C001372001	Robin Distr. Co.	Revolving Lights	47.54	14,262.00
78558		Wilbro, Inc.	Reseeding Crimson Clover		13,500.00
78580	C101330002	Cardinal Tire Co.	Tires		26,202.50
78581	C101824001	Miller Tire Serv.	Tires		86,900.40
78582	C101330007	Miller Bros. Giant Tire Serv.	Tires		19,716.00
78627		Software AG Of North America	Software		25,000.00
78655		Pile Equipment Co.	Pile Driving		48,650.00
78680		Wilkes Tree Serv.	Remove Tree Limb s		44,350.00
78684		Wilkes Tree Serv.	Remove Tree Limbs		41,200.00
78687		Charleston Timber & Wood	Guardrail Posts		12,375.00
78689		Koppers Ind.	Salt Treated Piles		14,067.00
78694		Roofco	Replace Roof		10,313.00
78703		Highway Users Fed.	Conduct Management Study		60,000.00
78713		Gold Kist, Inc.	Reseeding Crimson Clover		14,000.00
78721	E200387	Blanchard Machinery Co.	Dozer		94,149.00
78759	C100643001	Regency Battery Co.	Automotive Batteries		38,181.65
78837		Syro Steel Co.	Guardrail Sections		14,950.00
78862	E200457	Henry Wurst, Inc.	Printing Of Driving Manual		220,816.00
78935	HL00027	Sloan Constr. Co.	Hot Laid Asphalt		43,743.70
79016	C200170001	Superior Motors	Trucks	36,046.17	756,969.57
79031		American Uniform Sales	Patrol Shoes	39.25	31,400.00

FURCH ORDER NUMBER	STATE PURCH DIVISION CONTRACT NUMBER	VENDOR	COMMODITY	UNIT PRICE	TOTAL PRICE
79033		United Equipment Sales	Frame Straightener		17,500.00
79034		Southern Pump Print & Supply Co.	Surveying Equipment		11,038.00
79039	C101971001	Butler Papers	Paper		15,276.00
79117	C200129001	APAC Carolina, Inc.	Cold Laid Asphalt		12,900.00
79129	HL00026	King Asphalt Paving Co.	Hot Laid Asphalt		21,500.00
79130	HL00027	Slaon Constr. Co.	Hot Laid Asphalt		20,500.00
79131	HL00005	Ashmore Brothers	Hot Laid Asphalt		10,750.00
79242		INlet Nursery	Bradford Pear Trees		11,700.00
79246	C102007001	Colprovia Asphalts Div. Of Seaco	Cold Laid Asphalt		40,350.00
79251	1-205-32911	Racal-Milgo Info. Systems	Computer Accessories		92,420.00
79270	C200426001	Carolina Equipment & Supply Co.	Compressors	9,826.00	49,130.00
79272	C200461001	Meco Of Florence	Compressors	1,510.00	13,590.00
79275	C200289001	Palmetto Lawn & Leisure	Trailers, Tilt	5,649.00	107,331.00
79276	C200289002	Ferree Trailer Corp.	Trailers	26,464.00	105,856.00
79339	E200252	Automatic Signal/Eagle Signal	Loop Signal Systems		48,505.00
79362	1-205-50414	Computerland Of Cola.	Personal Computers & Accessories		38,583.42
79364		Insituform Southeast	Reconstruct Storm Drain Pipes		109,685.00
79452		Payton Tree Serv.	Trim Trees		41,750.00
79454		Wilkes Tree Serv.	Trim Trees		40,890.00
79502	C100915001	3M Company	Reflective Sheeting		10,628.20
79583		Heavy Duty Parts	Charges To Rebuild Transmission		11,221.41
79604		Shealys Truck Center	Platform Trailer		12,973.00
79606	C001062001	Dial Page	Beeper Service		16,464.00
79614		Chesapeake Corp.	Salt Treated Piles		21,436.00
79626		Franklin Steel Co.	Sign Post		37,101.00
79627	C200168003	Bob Bennett Ford	Trucks	14,833.92	133,505.28
79628	C200170003	Eastern Carolina Ford Truck Ctr.	Trucks	45,995.50	83,982.00
79629	C200571001	Vic Bailey Ford	Patrol Sedans	12,471.00	174,594.00
79631	C200425001	A.E. Finley & Assoc.	Excavators	94,765.00	189,530.00
79634	C200462001	Kut Kwick Corp.	Mowers	42,874.50	85,749.00
79675	AG00008	Vulcan Materials Co.	Aggregate		20,700.00
79709	C101446001	Franklin Steel Co.	Galvanized Sign Posts		10,908.00
79721		Twin States Equip. Co.	Trailers	17,382.00	34,764.00

PURCH ORDER NUMBER	STATE PURCH DIVISION CONTRACT NUMBER	VENDOR	COMMODITY	UNIT PRICE	TOTAL PRICE
79758	HL00012	Jim Lineberger Grading & Paving	Hot Laid Asphalt		14,190.48
79787	HL00007	J.F. Cleckley & Co.	Hot Laid Asphalt		10,194.34
79789	HL00002	APAC Carolina, Inc.	Hot Laid Asphalt		36,202.73
79799	HL00012	Jim Lineberger Grading & Paving	Hot Laid Asphalt		19,623.60
79800	HL00027	Sloan Constr. Co.	Hot Laid Asphalt		29,795.52
79816	HL00020	Satterfield Constr. Co.	Hot Laid Asphalt		22,250.54
79818	HL00001	Rea Constr. Co.	Hot Laid Asphalt		29,145.23
79823	C102007001	Seaco, Inc.	Emulsified Asphalt		19,585.97
79828	EM00003	Colprovia Asphalts Div. Of Seaco	Cold Laid Asphalt		10,054.32
79865	HL00027	Sloan Constr. Co.	Hot Laid Asphalt		20,045.52
79867	HL00002	APAC Carolina, Inc.	Hot Laid Asphalt		25,582.37
79879	AG00008	Vulcan Materials Co.	Aggregate		14,201.77

*Emergency Purchase Orders issued by the s.c. Department of Highways and Public Transportation's Maintenance Shops.

**Orders issued by the division of General Services, State Budget and Control Board.

It is recommended that the Commission approve, the executing of the purchase orders for delivery of the supplies, equipment and materials as listed.

REGULATIONS FOR THE
SOUTH CAROLINA DEPARTMENT OF HIGHWAYS
AND PUBLIC TRANSPORTATION
DISADVANTAGED BUSINESS ENTERPRISES PROGRAM

Adopted December 19, 1991
955 Park Street
Columbia, South Carolina 29201

REGULATIONS

SOUTH CAROLINA DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

CHAPTER 63

Statutory Authority: §12-27-1320 of the 1976 Code, as amended
Regulations 63-700 through 63-718

SYNOPSIS

The Regulations implement and govern the State Disadvantaged Business Enterprise Program mandated by §12-27-1320 of the 1976 Code, as amended. The Regulations address the scope of the program, eligibility for participation in the program, standards and procedures for certification and decertification of Disadvantaged Business Enterprises, third-party challenges to socially and economically disadvantaged status, selection of set aside projects, waiver of bonding, advertisement of projects, bidding requirements and evaluation, letters to lending institutions, technical assistance to Disadvantaged Business Enterprises, continuing education requirements, special provisions applicable to non-bonded projects, claims procedures on non-bonded projects and reporting requirements.

FISCAL IMPACT STATEMENT

The South Carolina Department of Highways and Public Transportation estimates that there will be no additional administrative costs incurred by SCDHPT in complying with these Regulations. However, costs may be incurred by SCDHPT in paying out claims on non-bonded projects. No costs for claims were incurred by SCDHPT in the first year of the program's operation, but it is not possible to estimate the amount that may be paid out in the future.

ARTICLE 4: ENGINEERING
SUBARTICLE 8: DISADVANTAGED BUSINESS ENTERPRISES PROGRAM

63-700.	Purpose and Scope.....	1
63-701.	Definitions.....	2
63-702.	Eligibility for Participation in State DBE Program....	5
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63-700. Purpose and Scope.

(A) The South Carolina Department of Highways and Public Transportation (hereinafter "Department") promulgates these regulations to carry out the disadvantaged business enterprises program mandated by §12-27-1320 Code of Laws (1976), as amended (hereinafter "State DBE Program").

(B) In accordance with §12-27-1320(A) the State DBE Program shall be applicable to total state source highway funds expended in a fiscal year on highway, bridge and building construction, and building renovation contracts.

(1) "Total State source highway funds" shall include all revenue generated by State law for use by the South Carolina Department of Highways and Public Transportation (hereinafter the "Department") for the construction and renovation of highways, bridges and buildings.

(2) "Expended in a fiscal year" shall mean become legally obligated to expend within the fiscal year.

(3) "Contracts" shall mean agreements to perform or furnish labor or materials made between the Department and a contractor, after a solicitation for bids.

(C) The Department shall ensure that not less than ten percent (as allocated in §12-27-1320(A)(1) and (2)) of the funds subject to the State DBE Program are expended through direct contracts with Disadvantaged Business Enterprises (hereinafter "DBEs"). However, this ten percent requirement is subject to the counting provisions of §12-27-1320(K) and (M). "Direct contracts" shall mean contracts between the Department and DBEs acting as prime contractors. Direct contracts with DBEs shall be achieved by limiting consideration of bids and proposals on certain projects to those submitted by DBEs only. These shall

be known as "set aside" projects or contracts.

63-701. Definitions.

For the purposes of these Regulations, the following terms shall have the meanings set forth below unless a different meaning is clearly required by the context in which the term is used.

(A) **Certified DBE** - A business determined by the Department to be a bona fide Disadvantaged Business Enterprise (DBE) pursuant to these Regulations and whose certification status is in good standing with the Department.

(B) **Certification** - A certification by the Department that a firm is a bona fide Disadvantaged Business Enterprise (DBE) pursuant to the standards set forth in these Regulations.

(C) **Controlled** - Having the primary power to direct the management and day to day operations of a business.

(D) **Department** - The South Carolina Department of Highways and Public Transportation.

(E) **Disadvantaged Business Enterprise (DBE)** - A small business concern owned and controlled by one or more individuals who are either socially and economically disadvantaged ethnic minorities (MBE) or disadvantaged females (WBE).

(F) **Disadvantaged female** - A woman who is (1) a citizen or lawfully admitted permanent resident of the United States; and, (2) found by the Department to be socially and economically disadvantaged pursuant to the standards set forth in these

Regulations.

(G) **Economically disadvantaged** - A finding by the Department that a socially disadvantaged individual's ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same or similar line of business and competitive market area who are not socially disadvantaged.

(H) **Ethnic minorities** - Persons who are (1) citizens or lawfully admitted permanent residents of the United States; and, (2) Black Americans, Hispanic Americans, Native Americans, or members of other racial or national groups; and, (3) found to be socially and economically disadvantaged by the Department pursuant to the standards set forth in these Regulations.

(I) **Firm** - A business concern which is organized in any form other than a joint venture (e.g. sole proprietorship, partnership, corporation) and which is engaged in lawful commercial transactions.

(J) **Minority Business Enterprise (MBE)** - A small business concern owned and controlled by one or more individuals who are socially and economically disadvantaged ethnic minorities.

(K) **Office of Compliance** - The office within the Department primarily responsible for certification of DBEs and compliance with State DBE program requirements.

(L) **Official Engineer** -

(1) In connection with the highway or bridge construction contracts, the State Highway Engineer of the South

Carolina Department of Highways and Public Transportation, acting directly or through his duly authorized representative;

(2) In connection with building construction or building renovation contracts, the Building Engineer of the South Carolina Department of Highways and Public Transportation, acting directly or through his authorized representative.

(M) **Owned** - Ownership and control of at least fifty-one percent of a business, or if the business is publicly owned, ownership of at least fifty-one percent of the stock of the business.

(N) **Small business concerns** - Those business entities defined pursuant to Section 3 of the Small Business Act (15 U.S.C. 632) and Title 13 C.F.R Part 121, which regulations are incorporated herein by reference and made a part of these regulations; except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which have average annual gross receipts over the preceding three fiscal years in excess of \$14,650,000.00 as adjusted by the Secretary of the United States Department of Transportation for inflation.

(O) **Set aside** - A technique which limits consideration of bids for contracts to those submitted by certified DBEs.

(P) **State DBE Program** - The program mandated by §12-27-1320 of the Code of Laws of South Carolina (1976), as amended, and implemented by the Department pursuant to these Regulations.

(Q) **Socially disadvantaged** - A finding by the Department that an individual has been subjected to prejudice or cultural bias because of his/her race, color, sex or ethnic origin

without regard to his/her individual qualities or capabilities.

(R) **Woman-Owned Business Enterprise (WBE)** - A small business concern owned and controlled by one or more disadvantaged females.

63-702. Eligibility for Participation in State DBE Program.

(A) To be eligible for the State DBE Program, a firm must be certified by the Department as a bona fide Disadvantaged Business Enterprise (DBE) pursuant to the standards and procedures set forth in Regulations 63-703 and 63-704.

(B) After the first year of certification, to continue to be eligible for the State DBE Program, a firm must meet the following requirements:

(1) A firm must be recertified annually by the Department as a bona fide DBE;

(2) A firm must complete twenty hours of continuing education annually as required in Regulation 63-715;

(3) A firm must take the following steps toward business development:

(a) Participate in a needs assessment to determine the management, engineering and financial levels of the firm;

(b) Establish a business development plan;

(c) Annually review with the Department the firm's financial statement, income tax returns and updated business development plan;

(d) Submit an application for bonding to a bonding agent at least by the third year of active participation.

(4) No DBE may participate in the State DBE Program after June 30, 1999, or nine years from the date of the DBE's first contract, whichever is later, if that DBE performed at least three million dollars in highway contracts (awarded

pursuant to the State DBE Program) for four consecutive years while certified as a DBE. DBEs performing less than three million dollars in highway contracts for four consecutive years may be eligible for the State DBE program for additional five year periods, provided all requirements of the program are met.

(C) To bid on set-aside contracts as a prime or general contractor, an eligible firm must meet the bidding requirements of prequalification and licensing as set forth in Regulation 63-710.

63-703. Standards for Certification as a Disadvantaged Business Enterprise.

(A) **General Standards.** The Department shall certify a firm as a bona fide DBE if the Department determines that the firm is a small business concern owned and controlled by one or more individuals who are socially and economically disadvantaged ethnic minorities (MBE) or disadvantaged women (WBE).

(B) **Business Size.** In determining business size, the Department shall apply the standards set forth in 49 C.F.R. Part 23, Appendix B.

(C) **Socially and Economically Disadvantaged Ethnic Minorities.** In determining whether an individual or individuals are socially and economically disadvantaged ethnic minorities, the Department shall use the following standards:

(1) Members of the following groups who are citizens of the United States (or lawfully admitted permanent residents) are presumed to be socially and economically disadvantaged ethnic minorities; provided however, this presumption is rebuttable. Membership in these groups shall be established on the basis of the individual's claim that he or she is a member of one of those groups and is so regarded by that particular community. However, the Department is not required to accept this claim if it determines the claim is invalid.

(a) "Black Americans" which includes persons

having origins in any of the Black racial groups of Africa;

(b) "Hispanic Americans" which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(c) "Native Americans" which includes persons who are American Indians, Eskimos, Aleuts or Native Hawaiians;

(d) "Asian-Pacific Americans" which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific and the Northern Marianas; and,

(e) "Asian-Indian Americans" which includes persons whose origins are from India, Pakistan and Bangladesh.

(2) If the Department has clear and credible evidence that would lead a reasonable person to believe that an individual who is a member of one of the groups listed in Subsection (C)(1) above is not socially and economically disadvantaged, the presumption of social and economic disadvantage is no longer operative and the burden of proof shifts to the applicant to prove social and economic disadvantage.

(3) The Department shall use the guidelines for social and economic disadvantage set forth in Title 13 C.F.R. §124.105 and §124.106(b), which guidelines are incorporated herein by reference.

(D) **Disadvantaged Females.** In determining whether a woman or women are socially and economically disadvantaged, the Department shall use the following standards:

(1) Females are presumed to be socially and economically disadvantaged; provided however, this presumption is rebuttable.

(2) If the Department has clear and credible evidence that would lead a reasonable person to believe that the female owner or owners are not socially or economically disadvantaged, the above-stated presumptions are no longer operative and the burden of proof shifts to the applicant to prove social or economic disadvantage.

(3) The Department shall use the guidelines for social and economic disadvantaged set forth in Title 13 C.F.R. §124.105 and §124.106(b), which guidelines are incorporated herein by reference.

(E) **Ownership and Control.** In determining ownership and control of an applicant firm, the Department shall use the following standards:

(1) An eligible business enterprise shall be an independent business. The ownership and control by minorities or women shall be real, substantial and continuing and shall go beyond the pro forma ownership of the firm as reflected in its ownership documents. The minority or women owners shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with their ownership interests, as demonstrated by a examination of the substance rather than form of arrangements. Recognition of the business as a separate entity for tax or corporate purposes is not necessarily sufficient for recognition as an independent business. In determining whether an applicant is an independent business, the Department shall consider all relevant factors, including the date the business was established, the adequacy of its resources for the work of the contract, and the degree to which financial, equipment leasing, and other relationships with non-disadvantaged firms vary from industry practice.

(2) The minority or women owners shall also possess the power to direct or cause the direction of the management and policies of the firm and to make the day-to-day as well as major decisions on matters of management, policy and operations. The firm shall not be subject to any formal or informal restrictions which limit the customary discretion of the minority or women owners. There shall be no restrictions through, for example, bylaw provisions, partnership agreements or charter requirements for cumulative voting rights or otherwise that prevent the minority or women owners, without the cooperation or vote of any owner who is not a minority or woman, from making a business decision of the firm.

(3) If the owners of the firm who are not minorities or women are disproportionately responsible for the operation of the firm, then the firm is not controlled by minorities or women within the meaning of these regulations. Where the actual management of the firm is contracted out to the individuals other than the owner, those persons who have the ultimate power to hire and fire the managers can, for the purposes of these regulations, be considered as controlling the business.

(4) All securities which constitute ownership and/or control of a corporation for purposes of establishing it as a disadvantaged business under these regulations shall be held directly by minorities or women. No securities held in trust, or by any guardian for a minor, shall be considered as held by

minority or women in determining the ownership or control of a corporation.

(5) The contributions of capital or expertise by the minority or women owners to acquire their interests in the firm shall be real and substantial. Examples of insufficient contributions include a promise to contribute capital, a note payable to the firm or its owners who are not socially and economically disadvantaged, or the mere participation as an employee, rather than as a manager.

(6) Newly formed firms and firms whose ownership and/or control has changed recently are closely scrutinized to determine the reasons for the timing of the formation of or change in the firm.

(7) A previous and/or continuing employer-employee relationship between or among present owners is carefully reviewed to ensure that the employee-owner has the management responsibilities and capabilities discussed in this section.

(8) Any relationship between an applicant firm and a business which is not a disadvantaged business but which has an interest in the applicant firm is carefully reviewed to determine if the interest of the non-disadvantaged business conflicts with the ownership and control requirements of these regulations.

(F) Section 8(a) Firms. Firms certified by the Small Business Administration pursuant to Section 8(a) of the Small Business Act (15 U.S.C. 637) as socially and economically disadvantaged shall be accepted by the Department as socially and economically disadvantaged, provided the majority owners are ethnic minorities or women.

63-704. Procedures for Certification.

(A) Application to Department. All firms applying for certification as a DBE must submit a completed application and Certification Affidavit on forms provided by the Department, which shall be signed by the authorized representative of the

firm and notarized. The application shall indicate that the applicant is applying for participation in the State DBE program.

(B) **Firms Ineligible to Apply for Certification.** The Department shall not accept applications from the following applicants:

(1) Applicants who have been determined by the Department to be ineligible for participation in the State or Federal DBE Programs within one year prior to the date of application.

(2) Applicants who have been determined by the U.S. Department of Transportation to be ineligible for participation as a DBE in U.S. Department of Transportation projects during the period of ineligibility.

(C) **Information Required with Application.** The completed application shall be submitted to the Department's Office of Compliance along with copies of the following information:

(1) Year-end financial statements. If revenue is in excess of \$500,000.00, then statements must be prepared by an independent CPA or accountant.

(2) Prior two years tax returns.

(3) Resumes of the principals of the firm including educational background, training and employment history.

(4) License to do business in South Carolina.

(5) Organizing documents of the firm:

(a) For corporations - Minutes of Organizational Meeting; By-Laws; certified copy of Articles of Incorporation from Secretary of State; stock transfer ledger and/or stock certificates issued (not specimen copy), copies of any shareholder agreements or third party agreements. If foreign corporation, certified copy of authority to do business in South Carolina.

(b) For partnerships - Any and all partnership agreements and third-party agreements.

(c) For sole proprietorships - Any statement of organization or management agreements.

(6) List of equipment with copies of rental and/or purchase agreements.

(7) Evidence of social or economic disadvantage.

(8) Copy of letter approving firm for participation in Small Business Administration Section 8(a) program, if applicable.

(D) Request for Additional Information. After receipt of the application for certification, the Department's Office of Compliance shall examine the application and notify the applicant in writing of any apparent errors or omissions and request any additional information needed. If the additional information is not received by the Department's Office of Compliance within sixty days from the date the request is mailed, the applicant's file shall be closed and a new application shall be required.

(E) On Site Reviews. The Department's Office of Compliance shall conduct an on site review to verify and evaluate the information provided by the applicant firm. Failure of an applicant to cooperate in facilitating an on-site review shall be grounds for denial of certification. An on-site review may include, but is not limited to, the following:

(1) Interviews with owners, key officers and managers; and,

(2) Visits to job sites or facility sites.

(F) Review of Application. The Department shall review every completed application along with the results of the on-site review and notify the applicant in writing of its decision.

(G) Notice of Certification. Certification shall be

effective upon receipt by the applicant of the Notice of Certification.

(H) Notice of Denial. If the Department intends to deny the application for certification, the Department shall provide, by Certified Mail, Return Receipt Requested, or by personal delivery to the office of the applicant, a Notice of Denial which shall contain:

(1) The specific facts and grounds upon which the denial is based;

(2) A statement that the applicant has the right to an administrative hearing pursuant to the State Administrative Procedures Act, §1-23-310, et seq., Code of Laws of South Carolina (1976), as amended;

(3) A statement that the denial shall become conclusive and final agency action if no request for hearing is filed with the Department's Office of Compliance within fifteen days of the applicant's receipt of the Notice of Denial.

(I) Request for Hearing. All requests for hearing shall be made in writing and shall be filed with the Department's Office of Compliance within fifteen days of receipt of the Notice of Denial and shall include:

(1) The name and address of the party making the request;

(2) A statement that the party is requesting a hearing pursuant to the State Administrative Procedures Act and whether the party requests a three member hearing panel and/or a hearing officer;

(3) A reference to the Notice of Denial of the application.

(J) Failure to Request Hearing. If the applicant fails to request a hearing within fifteen days after receipt of the Notice of Denial, the denial shall become the final agency

decision.

(K) **Hearings.** All hearings requested shall be conducted in accordance with the requirements of the State Administrative Procedures Act. Hearings shall be conducted by a three member panel and/or a hearing officer appointed by the Department's Executive Director. The hearing panel and/or hearing officer shall make findings of fact and conclusions of law and forward same to the Executive Director along with the record and the panel and/or hearing officer's recommendation. The final agency decision shall be made by the Department's Executive Director after review of the record.

(L) **Annual Recertification.** A certified firm shall request recertification annually by submitting a new application or certifying that the application on file is still accurate.

(M) **Changes in Address, Management or Ownership.** A certified firm shall notify the Department's Office of Compliance within ten days of any change of address, management or ownership of the firm.

63-705. Third-party Challenge to Socially and Economically Disadvantaged Status.

(A) A third person may challenge the disadvantaged status of any individual (except an individual holding a current Section 8(a) certification from the Small Business Administration) presumed to be socially and economically disadvantaged if that person is an owner of a firm certified by

or seeking certification from the Department as a DBE.

(B) The challenge shall be in writing and shall be filed with the Department's Office of Compliance and shall include:

(1) The name and address of the party making the challenge;

(2) The name of the person being challenged;

(3) A statement setting forth the reasons the challenge is being made.

(C) Upon receiving a challenge, the Department shall notify the challenged party in writing by Certified Mail, Return Receipt Requested, or by personal delivery to the office of the challenged party, that his status as a socially and economically disadvantaged individual has been challenged and that information may be submitted to the Department in rebuttal to the challenge within fifteen days of receipt of the notice. A copy of the challenge shall be provided with the notice.

(D) All information submitted in rebuttal to a challenge shall be in writing.

(E) The Department shall review and verify, to the extent possible, all information submitted to it. If the Department determines that the challenged party is not socially and economically disadvantaged, the Department shall deny any pending application for certification, or if the certification has been granted, shall initiate suspension or revocation proceedings pursuant to Regulation 63-706.

(F) During the pendency of a challenge, the presumption that the challenged party is socially and economically disadvantaged shall remain in effect.

63-706. Decertification and/or Revocation.

(A) The Department may decertify and/or revoke a firm's eligibility to participate in the State DBE Program if it finds:

(1) The firm no longer meets the certification standards set forth in Regulation 63-703;

(2) The firm no longer meets the eligibility standards as set forth in Regulation 63-702(B);

(3) The firm willfully made a false, deceptive or fraudulent statement in its application for certification or in any other information submitted to the Department.

(4) The firm failed to cooperate with the Department in providing additional pertinent information for certification renewal or at any time the Department deems such information necessary to confirm certification.

(5) The firm failed to facilitate on-site review upon request by the Department.

(6) The firm has become ineligible to participate as a disadvantaged business enterprise on transportation projects as determined by the U.S. Department of Transportation.

(B) Prior to decertifying and/or revoking the eligibility of a firm, the Department shall inform the firm in writing by Certified Mail, Return Receipt Requested, or personal delivery to the office of the firm, of the facts or conduct which warrant such action.

(C) The written Notice of Decertification and/or Revocation issued by the Department shall contain:

(1) The statutory or regulatory provision which is alleged to have been violated;

(2) The specific facts or conduct relied upon to justify the decertification and/or revocation;

(3) A statement that the firm has the right to file a request for an administrative hearing pursuant to the State Administrative Procedures Act;

(4) A statement that the decertification and/or

revocation will become final if no request for a hearing is filed within fifteen days of the receipt of the Notice of Decertification and/or Revocation;

(D) All requests for hearings shall be made in writing and filed with the Office of Compliance within fifteen days of receipt of the Notice of Decertification and/or Revocation. The request shall include:

(1) The name and address of the firm making the request;

(2) A statement that the firm is requesting a hearing pursuant to the State Administrative Procedures Act and whether the DBE requests a three-member hearing panel and/or a hearing officer;

(3) A reference to the Notice of Decertification and/or Revocation and the specific grounds upon which the proposed action is being challenged.

(E) If the firm fails to file a request for a hearing within fifteen days after receipt of the Notice of Decertification and/or Revocation, the decertification and/or revocation shall become a final decision.

(F) If the firm requests a hearing, the hearing shall be conducted pursuant to the State Administrative Procedures Act, in the same manner as provided in Regulation 63-404(K) herein.

63-707. Guidelines for Selection of Set Aside Projects.

In selecting and designing contracts suitable for set aside projects, the Department shall consider a number of factors including, but not limited to, the following:

(A) Availability of certified DBEs within 100 miles of work to be performed;

(B) Capabilities of the available certified DBEs in

relation to the type of work required by the contract;

(C) Limitation of estimated value of contract to \$250,000.00 in most cases;

(D) Limitation of the work of a single contract to a maximum of four roads within a reasonable distance of each other;

(E) Equitable geographic distribution of contracts throughout the State, insofar as is possible with available contracts;

(F) Availability of technical assistance for contract;

(G) The requirement of §12-27-1320(c) that the Department shall advertise a number of highway construction projects at each regularly scheduled highway letting to be bid exclusively by DBEs.

63-708. Waiver of Bonding.

(A) The Department may waive bonding on set aside contracts with estimated construction costs not exceeding Two Hundred Fifty Thousand and No/100 (\$250,000.00) Dollars.

(B) Bonding requirements that may be waived include the following:

(1) On highway construction or bridge construction contracts,

(a) Proposal guaranty or bid bond;

(b) Performance and indemnity bond required by §57-5-1660(a)(1) of the Code of Laws of South Carolina (1976), as amended;

(c) Payment bond required by §57-5-1660(a)(2) of

the Code of Laws of South Carolina (1976), as amended.

(2) On building construction or building renovation contracts,

(a) Bid security required by §11-35-3030 of the Code of Laws of South Carolina (1976), as amended;

(b) Performance bond required by §11-35-3030(2)(i) of the Code of Laws of South Carolina (1976), as amended;

(c) Payment bond required by §11-35-3030(2)(ii) of the Code of Laws of South Carolina (1976), as amended.

(C) The Department shall process claims arising on non-bonded set-aside projects pursuant to Regulation 63-717.

63-709. Advertisement and Notice of Set Aside Projects.

(A) All projects designated as set asides shall be advertised for at least two weeks in one or more daily newspapers in this State, at least thirty days prior to the date for receiving bids on such projects. The advertisement shall indicate whether the project is a non-bonded or bonded project.

(B) The Department shall give written notice by mail of set aside contracts to all certified DBEs who are eligible for bidding on the project.

63-710. Requirements for Bidding on Set Aside Projects.

(A) All bidders on set aside projects must be eligible for participation in the State DBE Program as provided in Regulation 63-702.

(B) Bidders on set aside contracts for highway and bridge construction contracts must be prequalified pursuant to 25 S.C.

Code Ann. Regs. 63-300 through 63-308 (1976). Any bidder eligible to participate in the State DBE Program whose prequalification status is not renewed solely because of its lack of net liquid assets may request a review of its prequalified status. A Review Committee shall be appointed by the State Highway Engineer for this purpose. The Department's Executive Assistant for Minority Affairs or a representative from the Office of Compliance shall be a member of the Review Committee.

(C) Bidders on set aside contracts for building construction or building renovation contracts are subject to the provisions of the State Consolidated Procurement Code, S.C. Code Ann. §11-35-10, et seq. (1976), as amended, and all regulations promulgated pursuant thereto. South Carolina law requires bidders on building construction and building renovation contracts to have a bidder's license and general contractor's license from the South Carolina Contractor's Licensing Board.

(D) All bidders on set aside contracts are subject to the provisions of 25 S.C. Code Ann. Regs. 63-309 and 63-310 (1976) regarding disqualification of bidders for violations of bidding laws or offenses involving business integrity.

(E) In the event of any conflict between the above stated statutes and/or regulations and these regulations, these regulations shall control.

(F) All bidders are subject to the bidding requirements and conditions as set forth in the Department's Standard

Specifications for Highway Construction, specifically Section 102.

63-711. Bid Evaluation.

(A) If the lowest responsive bid by a responsible bidder is within ten percent of the Official Engineer's estimate, the Department shall award the contract to the bidder making such bid.

(B) Preference must be given to an otherwise eligible and responsible South Carolina contractor submitting a responsive bid not exceeding an otherwise eligible out-of-state contractor's low bid by two and one-half percent.

(C) If the Department fails to award an advertised set aside contract for reasons unrelated to the total costs of the project, the contract may be readvertised as a set aside contract.

63-712. Negotiation of Low Bid.

(A) If the lowest responsive bid by a responsible bidder exceeds the Official Engineer's estimate by more than ten percent, the Department may afford the bidder the opportunity to show just cause why the bid exceeds the ten percent range or may enter into negotiations with the bidder to make reasonable changes in the plans and specifications to bring the bid within ten percent of the Original Engineer's estimate.

(B) The Department will not consider bids which exceed the

Official Engineer's estimate by more than thirty percent, unless the difference in price is due to some error or miscalculation on the part of the Department.

(C) If the Department determines that the bidder should be given the opportunity to show just cause or to enter into negotiations, written notice shall be given to the low bidder within seven days of the closing of bids. The notice shall specify a time and place that the bidder may meet with appropriate Department representatives to discuss the bid. Such meeting shall be held no later than fourteen days after the closing of bids. If the low bidder fails to appear at the time and place designated in the notice, then the Department may reject the bid. Persons entitled to be present at such meeting shall include the Official Engineer or his designee; the Official Engineer's representative; the Executive Assistant for Minority Affairs; the Director of the Office of Compliance or his designee; the bidder or the bidder's designee; the bidder's representative. The decision as to whether just cause has been shown or whether the plans and specifications can be reasonably changed is within the sole discretion of the Official Engineer and such decision shall be final.

63-713. Letter to Lending Institution.

When a DBE receives a contract, the Department shall furnish a letter, upon request, stating the dollar value and duration of, and other information about the contract, which may

be used by the DBE in negotiating lines of credit with lending institutions.

(1) For highway and bridge construction contracts, this letter shall be in the form of the Statement of Award.

(2) For building construction and renovation contracts, this letter shall be in the form of the Notice to Proceed.

63-714. Technical Assistance for DBEs.

(A) **Level of Assistance.** The Department shall make available technical assistance for DBEs for not less than Three Hundred Thousand and No/100 (\$300,000.00) Dollars.

(B) **Supportive and Developmental Services.** The Department shall provide written and oral instruction on competitive bidding, management techniques and general business operations. These services may be provided through continuing education programs sponsored by the Department, technical and developmental services contractors, and/or direct services.

(C) **Lead Engineer.** The Department shall designate a lead engineer to ensure positive communication, provide helpful technical information, encourage quality performance, and assist with on site problems. The Department may designate an engineer in each district to serve as the lead engineer for set aside projects. The lead engineer shall work with the Office of Compliance, the Technical and Developmental Services Contractor and the Department's engineers to provide early technical assistance to DBEs with construction projects in each highway

district.

(D) Assistance from Established Contractors/Engineers.

The Department shall utilize the experience of established contractors and/or engineers to provide DBEs professional and technical assistance aimed toward meeting the standards, specifications, timing, quality and other requirements of their set aside contracts. The Department shall provide this assistance as follows:

(1) The Office of Construction or Building Engineer shall provide a list of established engineers, architects and/or contractors who are available on a part time basis to work with DBEs on contracts.

(2) A DBE must apply for technical assistance on an application form provided by the Office of Construction or Building Engineer within thirty days after award of a set aside contract.

(3) The Office of Construction or Building Engineer shall negotiate with the engineer, architect and/or contractor to provide the specific services requested by the DBE or any other services deemed necessary by the Department based upon the DBE's experience and skills as a contractor.

(4) The Department may provide, through a supplemental agreement to the DBE set aside contract, specific funds for the DBE to hire the engineer, architect and/or contractor. The engineer, architect and/or contractor will be a subcontractor of the DBE and not of the Department.

63-715. Continuing Education Requirements.

(A) All DBEs participating in the State DBE Program must be represented by a company officer in at least twenty hours of continuing education each year.

(B) For purposes of this section, company officer shall mean any of the following:

(1) If a corporation, one or more of the elected

corporate officers;

(2) If a partnership, one or more of the partners;

(3) If a sole proprietorship, the sole proprietor or owner.

(C) The Department's Office of Compliance shall determine how many credit hours can be earned by a DBE for attendance at a continuing education activity. Generally, one hour of instructional time will equal one hour of credit, provided that the instruction relates to highway or building construction or business development in these industries.

(D) Hours of credit for continuing education must be earned through attendance at an educational program sponsored, co-sponsored or approved by the Department. Successful completion of a course given by a college, university or technical school may also qualify for credit hours, if approved by the Department.

(E) The Department's Office of Compliance shall provide for reasonable notice to be given to all certified DBEs regarding prospective continuing education activities which have been approved by the Department or which will be sponsored by the Department. The notice shall also state the number of credit hours approved for each activity. The Department will publish within the first quarter of each calendar year a list of the continuing education opportunities to be provided by the Department in that calendar year.

(F) A sponsor wishing to apply for approval of

continuing educational activities shall submit to the Department's Office of Compliance:

(1) An application for status as an approved sponsor on forms provided by the Office of Compliance;

(2) Copies of written materials described in the application form;

(3) Such further information as the Office of Compliance may require.

Sponsor approval must be renewed every five years; provided, however, that sponsor approval may be withdrawn for cause at any time after sixty days notice to the sponsor.

(G) Educational events, courses or activities presented by a sponsor which have not been granted Department approval will be considered for approval on an individual basis. An application for approval of a program may be submitted to the Department's Office of Compliance on forms provided by the Office of Compliance by the sponsor or the DBE who desires credit for attending the program. The Department will consider applications for the retroactive as well as prospective approval of programs.

(H) The Department may provide scholarships to certified DBEs who attend construction-related continuing education activities approved by the Department. Scholarships shall be limited to Two Hundred and No/100 (\$200.00) Dollars per firm annually.

(I) At the time a certified firm requests recertification, the firm shall submit to the Department's Office of Compliance a report of all continuing education

activities that the firm completed in the preceding year. Any firm that fails to fulfill the annual continuing education requirement shall be ineligible for participation in the State DBE Program.

63-716. Special Provisions Applicable to Non-Bonded Projects.

(A) By submission of a bid on a non-bonded project, the DBE grants permission to the Department to issue joint checks to suppliers, vendors or subcontractors who supply materials, render services or perform work on the contract when joint checks are, in the Department's judgment, necessary or desirable.

(B) A bid on a non-bonded project shall include a list of all suppliers, vendors or subcontractors who the DBE proposes to use in performing the contract.

(C) A DBE on a non-bonded project shall not permit a subcontractor to perform work on a contract until the subcontractor and the subcontract have been approved by the Department. To obtain such approval after the award of the contract, the Contractor must submit a request for approval and a copy of the executed subcontract to the Department's Office of Construction or its Building Engineer. The Department will approve or disapprove such subcontractor within a reasonable amount of time after the receipt of such request.

(D) A DBE on a non-bonded project shall not incorporate materials or supplies into the work of a contract until the

executed invoice or purchase agreement has been submitted to the Department. The DBE must submit the copy of the invoice or purchase agreement to the Resident Construction Engineer or the Building Engineer, as appropriate.

(E) Failure to obtain approval for subcontractors or subcontracts, or failure to submit copies of subcontracts, purchase agreements or invoices, shall constitute, at the Department's option, a default of the contract.

(F) Termination of any non-bonded contract for default of the contractor renders the contractor ineligible for any further Department non-bonded contracts for a minimum period of two years from the date of the Notice of Default. The Department may also consider defaulting contractors ineligible to bid on other Department contracts pursuant to the provisions of Section 102.03(e) of the Department's Standard Specifications for Highway Construction and ineligible for approval as a DBE subcontractor on any Department contract with a DBE goal.

(G) In the event of default, the provisions of Section 108.10 of the Department's Standard Specifications for Highway Construction shall apply, with the Department acting as surety. Any costs or charges incurred by the Department, or for which the Department, acting as such surety, shall become liable as a result of the default, shall be charged against the defaulting DBE contractor. The costs and charges may include, but are not limited to: (1) charges incident to preparing bid proposal and arranging for work to be resumed; and, (2) the excess of the expense of completing the work under the contract deducted from

any monies due or which may be due the DBE contractor. The defaulting DBE contractor shall reimburse or indemnify the Department, as surety, for all such costs or charges. The defaulting DBE contractor shall be ineligible to bid as a prime contractor on any Department contracts and shall be ineligible for approval as a DBE subcontractor on any Department contract with a DBE goal until the DBE contractor has reimbursed the Department or made acceptable arrangements to reimburse the Department for such costs or charges.

63-717. Claims Procedure on Non-bonded Contracts.

(A) Every person who has furnished labor or material under a Department-approved contract in the prosecution of the work of a non-bonded contract and who has not been paid in full therefor before the expiration of sixty days after either (1) the day on which the last of the labor was done or performed by the claimant, or material was furnished or supplied by the claimant, for which such claim is made; or, (2) the day on which payment was made by the Department to the DBE contractor for the work or materials for which such claim was made, shall have the right to make a claim to the Department, acting as Surety, for the amount, or the balance thereof, unpaid at the time the claim is made; provided, however, that any person having a direct contractual relationship with a sub-contractor but no contractual relationship expressed or implied with the DBE prime contractor shall have the right to make a claim upon giving

written notice to the DBE prime contractor within sixty days from the date on which such person did or performed the last of the labor or furnished or supplied the last of the material for which claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom material was furnished or supplied or for whom labor was done or performed. In no event shall any claim be made after the expiration of ninety days from the date of final payment by the Department.

(B) No claim shall be considered legitimate unless it is supported by a written agreement or invoice.

(C) Within thirty days after receiving a claim, the official engineer shall refer the claim to the Department's Office of Construction or Building Engineer's Office, as appropriate, to gather the information necessary for an analysis of the claim. The Office of Construction or Building Engineer's Office shall forward the claim along with any additional information to a Claims Committee. The Claims Committee shall be appointed by the State Highway Engineer. The Department's Executive Assistant for Minority Affairs shall serve as an Ex-Officio member of each Claims Committee.

(D) The Claims Committee shall give ten days written notice to the claimant and DBE contractor of the time and place for an informal hearing on the claim. At such hearing the claimant and DBE contractor shall have the right to appear and present evidence concerning the validity of the claim. The DBE contractor, or an employee of the DBE contractor having knowledge of the claim, must appear at the hearing if requested

by the Claims Committee. Failure of the DBE contractor, or employee of the DBE contractor, to appear when requested may, in the Department's discretion, constitute grounds for immediate termination of the contract.

(E) The Claims Committee shall take into account circumstances such as unsettled payments and disputes with the Department or other circumstances that are beyond the DBE's control.

(F) The Claims Committee shall make a written recommendation to the State Highway Engineer as to the resolution of the claim within ten days of the hearing. The State Highway Engineer shall consider the recommendation and make the final decision as to the resolution of the claim. The State Highway Engineer will notify the claimant and DBE contractor of the decision within ten days after receipt of the Claims Committee's recommendation.

(G) If the decision requires the payment of money to the claimant by the DBE contractor, the Department shall pay such money to the claimant on behalf of the DBE contractor. Payment shall be made to the claimant within twenty-one days of the State Highway Engineer's final decision. Payment shall be made from contract funds or retainage. In the event contract funds or retainage is insufficient to make full payment of claim, the payment amount shall be charged to the same funding source as was used for the project out of which the claim arose.

(H) The DBE contractor shall reimburse or indemnify the

Department for all amounts paid to a claimant on behalf of the DBE contractor. The DBE contractor shall be ineligible for further Department non-bonded contracts until the DBE contractor has reimbursed the Department or made acceptable arrangements to reimburse the Department. The DBE contractor may also be disqualified from bidding on any and all Department contracts pursuant to the provisions of Section 102.3 of the Department's Standard Specifications for Highway Construction and be ineligible for approval as a DBE subcontractor on any Department contract with a DBE goal.

63-718. Reporting Requirements.

(A) The Department shall issue an annual report, thirty days after the close of the fiscal year, listing all contracts awarded under the State DBE Program as specifically set forth in §12-27-1320(I).

(B) The Department shall record each time there are no certified DBEs available to perform a set aside contract. The unavailability of certified DBEs shall be verified by written documentation.

(C) The Department may count toward the yearly set aside goal the following amounts:

(1) The total amount of all set aside contracts where the DBE performs at least thirty percent of the work with its own forces;

(2) Only the portion of the contract performed by the DBE's own forces, when the DBE performs less than thirty percent of the work of a set aside contract;

(3) The total amount of any contract awarded to a certified DBE for technical assistance or other consultant

services, if the DBE is South Carolina based and experienced in assisting with the development of minority firms;

(4) The total amount of all non-set aside state-funded contracts awarded to certified DBEs;

(5) Subcontracts entered into between prime contractors and certified DBEs, to the extent such contracts are funded by state source highway funds, if these subcontracts are verified by the Department records.

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