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clarkar@dhec.sc.govclarkar@dhec.sc.gov
jlgossett@charter.netjlgossett@charter.net
CC: Dave@lakeconesteenaturepark.comDave@lakeconesteenaturepark.com
Date: 4/5/2018 9:48:00 AM
Subject: Fwd: Update 180316 re: Lake Conestee Dam - Engineering Firm Selection Process - Final Steps

Rossie, Danny, Ann, & Jim,

Do you believe it would be feasible and appropriate to have a quick call to discuss our opinions and any concerns anyone has before we finalize this process? Not saying there are any issues but I believe given this panel was a directive of the state, we should take thirty minutes to at least show that we met as a group to render our opinion.

Thanks,
Chris Laney

----- Forwarded message -----

From: Dave Hargett <dhargett52@gmail.com>
Date: Fri, Mar 16, 2018 at 6:00 PM
Subject: Update 180316 re: Lake Conestee Dam - Engineering Firm Selection Process - Final Steps
To: Rossie Corwon <rcorwon@greenwoodsc.gov>, Danny Varat <DannyVarat@scstatehouse.gov>, Danny Varat <dannyvarat@gmail.com>, "Clark, Ann" <clarkar@dhec.sc.gov>, Chris Laney <chris@southernid.com>, James Gossett <jlgossett@charter.net>
Cc: Rita Barker <rbarker@wyche.com>, Tom <tom@lakeconesteenaturepark.com>, John Gardner <johngardner.1962@gmail.com>, Meghan Ludwig <mzettlemoyer@kpmg.com>, William Bridges <wmalfred@gmail.com>, "Stewart, Jill C." <STEWARJC@dhec.sc.gov>, "Angela K. Gorman" <gormanak@dhec.sc.gov>, "Hollis, Mark E." <hollisme@dhec.sc.gov>, "Reece, Myra" <reecemc@dhec.sc.gov>, David Wilson <wilsonde@dhec.sc.gov>, "Busbee, Bruce C." <BUSBEEBC@dhec.sc.gov>, "AJohnson@caliberengineering.com" <ajohnson@caliberengineering.com>, "Mary Arrington Walter (mary@lakeconesteenaturepark.com)" <mary@lakeconesteenaturepark.com>

Rossie / Danny / Chris / Ann / Jim

This is a follow-up to the distribution of the comprehensive package of information regarding the subject engineering firm selection process.

- Each of you have had the information package for over a week.
- Each of you have been informed on the process of selection through numerous and exhaustive communications going back to our solicitation process in November.
- All of you except Ann have been briefed face-to-face, and Ann (with Jill Stewart) was

- briefed by telephone, on the process and the content of the information package.
- All of you were also advised of what the Conestee Foundation and our independent engineer evaluator learned from the solicitation process, the statements of qualifications submitted by each of the four firms, and the technical and cost proposals submitted from each firm.
- We shared that information in good faith, not to bias the selection panel but to advise you of our determination of whether the proposals were responsive to our unique Draft Statement of Work, and whether their proposed capabilities are optimally qualified to perform the project.
- Again, the purpose of providing that information was not to bias you, but to inform you of specific deficiencies of some of the proposals that would manifest significant flaws making those firms unacceptable to perform the work.
- Like any other corporate entity or agency, our Foundation has a duty to assure that it only engages in contracts with firms capable of responsible, timely, and cost-effective performance of work such as this.
- Only the Conestee Foundation is ultimately responsible for assuring the work is successfully executed, only CF owns the dam, and only CF is the regulated party.
- It was our earnest desire that our information would save the panelists significant time in their reviews.
- I have not received any questions from any of you since the briefings so I'm taking that as an indication that your information requirements have been satisfied, and you don't feel compelled to request a conference call to discuss the proposals or the process.
- Our CF Board of Directors believes that we have exhaustively worked to satisfy the specifications of the Proviso, all state procurement requirements presented to us, the contract terms that we agreed to with DHEC procurement staff, and the spirit and intent of all of the discussions with DHEC staff and management, that led to this critical project.
- Our Board is of the opinion that our administration of the selection process has provided for a fair, open, transparent, and objective process, exactly as we were directed to perform by DHEC's procurement staff.

Let me share that when I briefed Ann, and Jill Stewart, they conveyed that DHEC staff do want to go through a thorough review and scoring independent of what anyone else on the panel or our Foundation does.

That is fine, but they advised that will take the agency an additional 2-3 weeks, as of 13 March.

Therefore, I will not poll any of you until DHEC is ready.

That means that if you want to take more time to digest the proposals, you have that time, and as we advised before we welcome and encourage you to review the materials provided as exhaustively as you desire and rigorously as you feel is warranted.

If any of you have any questions regarding the information provided or the decision

process, please don't hesitate to call me on my cell.

Again we thank you for your participation in this process and for your patience with the delay.

Last, the Conestee Foundation is deeply grateful for the opportunity to perform this critical project, which is clearly of regional and state interest.

Many thanks,

Dave

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National Brownfields Award Recognition

On Fri, Mar 2, 2018 at 2:00 PM, Dave Hargett <dhargett52@gmail.com> wrote:

Hi Rossie, Danny, Chris, Ann, and Jim

The Conestee Foundation has now completed our review of the proposals to perform the Final Pre-Design Engineering and Feasibility Study of the Lake Conestee Dam.

Proposals were received from the following prospective engineering firms.

- HRP
- Kleinschmidt
- Schnabel
- WSP

In the process of reviewing each proposal CFI has performed these tasks:

1. CF staff and board members have internally analyzed each

1. proposal, and have re-reviewed the Statement of Qualifications of each firm to assure the proposals are complete and responsive to the solicitation and the Draft Scope of Work (DSOW).
2. CF staff and board members have performed a scoring and ranking of the firms to develop a recommendation to our Board of the Whole, for ratification.
3. In parallel with item 2), CF commissioned an independent engineer, with expertise in dams and related engineering, to independently and objectively evaluate the proposals and the SOQs for each firm, and develop a recommendation for the firm best qualified to perform the DSOW, and the firm that is "in the best interest of CF" to hire for this project. This work was performed by Alan Johnson, PE, of Caliber Engineering, under contract to CF.
4. CF's entire Board of the Whole heard briefings from Mr. Johnson, and staff, on 28 February on the outcome of these review and analysis steps. Our internal process and Mr. Johnson's process independently identified the same recommended firm, which stood out from the other three firms. All eligible members of the CF Board unanimously voted to approve one firm for recommendation to the Selection Committee for consideration.

Now it is finally time for the Selection Panel (the SP is comprised of Rossie, Danny, Chris, Ann, and Jim) to do its job and weigh in on the selection of a firm to perform the proposed work. Obviously, our open and transparent process of reviewing and analyzing the proposals and the qualifications of the firms was meant to assure that we: 1) satisfy state procurement requirements, and 2) assure that the best qualified firm is identified. This work was also intended to: 3) save the SP members a great deal of time and work in going through several hundred pages of technical materials in each firm's SOQ and in each proposal. We will provide all of those materials for your review and consideration. If you get into that nitty gritty detail, we expect you will ultimately concur with our analysis and results. We will also provide a copy of Alan Johnson's independent analysis which reduces all of this information down to the recommendation that our Foundation is presenting to the SP.

If somehow the Selection Panel, through its deliberations, comes up with a recommendation different from the Foundation's, then we will work through that.

Over the next couple of days I will compile all of the related information into e-folders and copy them to a thumb-drive for each of you. I'll either hand deliver those to you, along with hardcopy of a few documents, or I will express these items to you. I will then be available to discuss that content with each of you on the phone or in person individually, to help you get up to speed. If two or more members of the SP requests a conference call for all members of the SP to discuss the information, resolve questions, or to simply hear other perspectives we will try to facilitate that call. We just don't want to delay a decision just to schedule a conference call, especially if a consensus recommendation is apparent.

The last step, once you are satisfied with your understanding of the process and the information provided have been sufficient to enable you to make a vote of your recommendation, you can capture those votes as a group, and submit the results back to me, with cc to Tom Kester, our Board Chair. We would like to complete your review, related communications, and voting process NLT 14 March, as that will have been nearly five weeks since the proposals were received.

If the SP's recommended firm is the same as CF's recommendation to the SP, then we will all be done with that process and CF will proceed to attempt to negotiate a contract with the selected firm. We don't anticipate a problem with that, but will have contingencies in place if that were to happen.

We request and will appreciate that members of the SP refrain from contacting any of the proposing firms during these deliberations so that our potential contracting position and terms are not compromised in any way. We will not notify the non-selected firms until we have indications that we have a contract with the recommended firm.

I have appended below the language from the Proviso that charges the SP with its responsibility. Once the selection process is completed there will be no further involvement by the SP.

We thank you for your willingness to represent your respective interests (County Legislative Delegations for Greenwood, Laurens, and Greenville, SCDHEC, and CF).

We've endeavored to minimize the distraction of this process and hopefully we'll be done shortly and this important study will be underway.

I'll be in touch with each of you over the next few days to get materials to you and discuss their substance.

Many thanks again!

Very best regards,

Dave

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This study will be performed per the SCDHEC proviso approved by the legislature in the last session.

From the proviso language:

The contractor conducting the study on behalf of the Conestee Foundation

shall

be selected in a manner similar to state procurement standards. The panel selecting the contractor shall be made up of one representative of the Conestee

Foundation, one representative from the Department of Health and Environmental Control, one representative appointed by the Greenville County

Legislative Delegation, one representative appointed by the Greenwood County

Legislative Delegation, and one representative appointed by the Laurens County

Legislative Delegation. The study must meet all regulatory requirements, and the

Department of Health and Environmental Control will provide review of the study

and scope of work. The funding of this study does not obligate the State of South

Carolina in any way to the future costs of the anticipated rehabilitation or replacement of the dam.

Our Foundation has successfully negotiated the contract with SCDHEC and we are ready to move forward.

Per the proviso the following representatives have been selected:

- Conestee Foundation - Jim Gossett (retired civil engineer and CF Board member)
- SCDHEC (Dam Safety Program) - Ann Clark (Director - Stormwater, Construction, Agricultural, and Dams Permitting Division Bureau of Water)
- Greenville County (appointee of County Delegation) - Chris Laney (AV Real Estate Fund - Owner of Conestee Mill)
- Laurens County (appointee of County Delegation) - Danny Varat (Chief of Staff for Lt. Governor)
- Greenwood County (appointee of County Delegation) - Rossie Corwon, PE (Greenwood County Engineer)

THANK YOU ALL, for your willingness to serve on this selection panel.

--

Christopher Laney
Managing Partner

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