A. Call to Order and Introductions
   1. Determination of Quorum
   2. Approve Order and Contents of the Overall Agenda
   3. Introduction of Guests
   4. Invocation

   Norman Jackson, Chair

B. Consent Agenda
   1. Approval of the August 24, 2017 Board Meeting Minutes (Enclosure 1)
   2. Title VI & Environmental Justice Plan Update (Enclosure 2)
   3. CMCOG – COATS MPO DBE Plan Update (Enclosure 3)
   4. 2016 – 2022 Rural TIP Amendment – Exit 119 Interstate Interchange (Enclosure 4)

C. Regular Agenda
   1. Resolution for completion of V.C. Summer Nuclear Facility (Enclosure 5)  

   Ben Mauldin

D. Announcements / Committee or Staff Reports / Correspondences
   1. Executive Director’s Report (Enclosure 6) 

   Ben Mauldin

   2. Central Midlands Region Comprehensive Economic Development Strategy  
      (Enclosure 7)

   Gregory Sprouse

   3. SC Department of Transportation Ten-Year Plan for Rebuilding South Carolina Roads,  
      Performance Management and Safety Targets (Enclosure 8) 

   Christy Hall, Secretary, SCDOT

E. Old/New Business

F. Other Business

G. Adjourn

REMINDER: The next CMCOG Board Meeting will be held on Thursday, October 26, 2017 in the COG Conference Room

Note: Full Agenda packets can be found on the CMCOG website at www.cmcog.org.
Board of Directors Meeting of the
Central Midlands Council of Governments
Thursday, August 24, 2017 • 12:00 p.m. • CMCOG Conference Room

**BOARD MEMBERS PRESENT:**
- Vina Abrams, Newberry County
- Melissa Atkins, Lexington County
- Michael Bailey, Richland County
- Jimmy Bales, Richland County Legislative Delegation
- Connie Breeden, Richland County
- Larry Brigham, Lexington County Council
- Susan Brill, Richland County
- David Brown, Fairfield County
- John Carrigg, Lexington County
- Micah Caskey, Lexington Co. Legislative Delegation
- Alfred Comfort, Richland County
- Ben Connell, Kershaw County Council
- Ted Creech, City of Columbia
- Todd Cullum, Lexington County Council
- Smokey Davis, Lexington County
- Joyce Dickerson, Richland County Council
- Julie Ann Dixon, Richland County
- MaryGail Douglas, Fairfield Co Legislative Delegation
- Shawn Epps, City of Columbia
- Douglas Fabel, Richland County
- Dr. Roger Gaddy, Winsboro Town Mayor
- Malcolm Gordo, Blythewood Town Council
- Zebbie Goudelock, Newberry City Council
- Norman Jackson, Chairperson, Richland Co Council
- William Leidinger, City of Columbia
- Robert Liming, City of Columbia
- Paul Livingston, Richland County Council
- Steve MacDougall, Vice-Chair, Mayor of Lexington
- Bill Malinowski, Richland County Council
- Yvonne McBride, Richland County Council
- Edward McDowell, Jr., Columbia City Council
- Walt McLeod, Newberry Co Legislative Delegation
- Tony Mizzell, Richland County
- Elise Partin, Cayce City Mayor
- Charles Simpkins, Lexington County
- Debbie Summers, Lexington County Council
- Bill Waldrop, Newberry County Council
- Phil Yarbrough, Lexington County Council

**ADVISORY MEMBER PRESENT:**
- Barbara Smith-Carey, Mayor of Pelion

**GUESTS PRESENT:**
- Tevia Brown, S.C. Department of Transportation
- Michelle Dickerson, City of West Columbia
- Keith Gosselin, Columbia City Bicycle Pedestrian Advisory Committee
- Yolanda Morris, Federal Highway Administration
- Donna Peeler, Joint Municipal Water & Sewer Commission
- Foster Senn, Newberry City Mayor
- Clint Shealy, City of Columbia
- Jason Taylor, Fairfield County
- Stephen Tosco, S.C. Department of Transportation

**STAFF MEMBERS PRESENT:**
- Felicia Anderson, HR/Operations Manager
- Roland Bart, Chief Transportation Planner
- Eartha Burrell, Community Development Planner
- Anna Harmon, Director of the Long-Term Care Ombudsman Program
- Jason Kent, GIS Manager
- Ben Mauldin, Executive Director
- Malia Ropel, Finance Director
- Andy Simmons, Information Services Manager
- Reginald Simmons, Deputy Executive Director
- Gregory Sprouse, Director of Research, Planning and Development
- Chris White, Director of Workforce Development

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*Serving Local Governments in South Carolina’s Midlands*

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A. **CALL TO ORDER**

The meeting was called to order at 12:04 p.m. August 24, 2017 by Chairman Norman Jackson.

A1. **Determination of Quorum**

Chairman Gaddy acknowledged the presence of a quorum.

A2. **Approve Order and Contents of the Overall Agenda**

**MOTION, approved**

Joyce Dickerson moved to approve the order and contents of the overall agenda. The motion was seconded and approved unanimously.

A3. **Introduction of Guests**

Gregory Sprouse introduced the guests at today’s meeting. They are listed on the first page.

A4. **Introduction of New Board Members**

The following new board members introduced themselves:

- Ted Creech, Citizen Appointee, City of Columbia
- Yvonne McBride, Elected Official, Richland County Council
- Robert Liming, Citizen Appointee, City of Columbia
- Edward McDowell, Elected Official, Columbia City Council
- Bill Malinowski, Elected Official, Richland County Council

A5. **Invocation**

Chairman Gaddy gave the invocation.

B. **CONSENT AGENDA**

1. Approval of the June 22, 2017 Board Meeting Minutes
2. Financial Statement
3. FY 2018 & 2019 Unified Planning Work Program
4. FY 2018 & 2019 Rural Planning Work Program
5. TIP Amendment – FY 2017 Transportation Alternatives Program
6. Title VI – Language Assistance Plan
7. TIP Amendment – Section 5310 Projects
8. TIP Amendment – Section 5339 and 5307 Projects

**MOTION, approved**

Joyce Dickerson moved, seconded by Vina Abrams, to approve the consent agenda, as listed above. The motion was approved unanimously.
C. **REGULAR AGENDA**

C1. **208 Plan Amendment-Columbia/Metro WWIP Expansion to 80 MGD**

Gregory Sprouse presented for approval an amendment to the 208 Plan to request an expansion of the City of Columbia Metro WWTP from 60 to 80 MGD. The CMCOG Environmental Planning Advisory Committee (EPAC) recommended approval of this plan amendment request at their July 19, 2017 meeting. The City of Columbia WWTP provides wastewater treatment services to City of Columbia, West Columbia, Town of Irmo, Fort Jackson and surrounding areas. The facility was last expanded in 1996 to the current capacity of 60 MGD.

**MOTION, approved**

Jimmy Bales moved, seconded by Roger Gaddy, to approve the 208 Plan Amendment-Columbia/Metro WWIP Expansion to 80 MGD, as presented. The motion was approved unanimously.

C2. **Title VI & Environmental Justice Plan**

Reginald Simmons presented the COATS MPO Title VI & Environmental Justice Plan for approval. Title VI of the Civil Rights Act of 1964 states that no person in the United States shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance. This plan serves as an update to the 2015 plan and includes all of the required elements to be in compliance with the federal requirements. As a recipient of federal funds, the COATS MPO is required to have a Title VI Plan. A brief discussion took place.

**MOTION, approved**

Joyce Dickerson moved, seconded by Julie Ann Dixon, to adopt the Title VI & Environmental Justice Plan, as presented. The motion was approved unanimously.

C3. **CMCOG-COATS MPO DBE Plan**

Reginald Simmons presented a request for the approval to adopt the CMCOG/COATS DBE Plan. The DBE program is part of a federal mandate that seeks to ensure that there is nondiscrimination in the award and administration of federally-assisted contracts. As the designated recipient of FTA funds, CMCOG must have a DBE Plan and submit a triennial DBE Goal. It is also the policy of CMCOG to ensure that all businesses have an equal opportunity to receive and participate in USDOT assisted contracts. As part of this policy, CMCOG will work

1. To ensure nondiscrimination in the award and administration of USDOT assisted contracts;
2. To create a level playing field on which DBEs and small businesses can compete fairly for USDOT assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR, part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs and small businesses in USDOT assisted contracts; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

A brief discussion to place.
MOTION, approved
Joyce Dickerson moved, seconded by Julie Ann Dixon, to adopt the CMCOG-COATS MPO DBE Plan, as presented. The motion was approved unanimously.

D. ANNOUNCEMENTS / COMMITTEE OR STAFF REPORTS / CORRESPONDENCES

D1. Executive Director’s Report

Ben Mauldin gave the following report:

a. NADO Innovation Award – CMCOG received an award for the Central SC Stronger Economies Together (SET) Award.

b. Lower Saluda Coalition – The Lower Saluda Coalition is now testing the water at 8 different monitoring stations. Where DHEC was only testing at 1 site once a month. They now have a website www.howsmyscriver.org which tells people how the river is.

c. 2020 Census Local Update – The Census numbers we get every 10 years is what is used for many different things. For the COG it is how Federal Funds get distributed to us for our programs. These numbers and information go to the highest level of elected officials and technical people in the counties.

D2. Announcement of Committee Appointments

Chairman Jackson referred to the handout that was mailed to the board members prior to the board meeting.

D3. Community Economic Development Strategy Progress Update

Gregory Sprouse gave an update on CEDS. CEDS has to be updated every 5 years. The last CMCOG CEDS was updated and approved by the board in 2012. CMCOF staff is currently partnering with EngenuitySC and CEDS Strategy Committee. A primary goal of this planning process is to integrate and leverage other planning processes in order to reduce duplication and foster inter-agency/organizational collaboration and recognize the economic development work already being done. The draft goals and objectives will be board meeting for review and comment. Provided at the September 28, 20

D4. Workforce Response to VC Summer

Chris White gave an update on the response to the VC Summer shut down. Since the shutdown was announced WIOA increased staff at the SC Works centers to deal with the immediate demand of foot traffic. In the first 2 weeks after the shutdown WIOA saw an increase of 600 people in person at the centers. More than half that number was seen in Richland County and the Columbia OneStop. About 35% of that number was seen in the Fairfield County Center. Several job fairs have taken place since the announcement. The job fair in Chapin had over 800 attendees registered and the job fair in Downtown Columbia had about 550 registered attendees. A VC Summer resource page was also launched on the SC Works website.

E. OLD / NEW BUSINESS

No old or new business was brought forth.
F. **OTHER BUSINESS**

No other business was brought forth.

G. **ADJOURN**

There being no further business, the meeting adjourned at approximately 12:48 p.m.

The Board of Directors of the Central Midlands Council of Governments approved these minutes at its September 28, 2017 meeting.

______________________________  _______________________
Benjamin J. Mauldin, Secretary-Treasurer          Norman Jackson, Chairperson
Memorandum

TO: All Members of the CMCOG Board of Directors

FROM: Reginald Simmons, Deputy Executive Director/Transportation Director

DATE: August 24, 2017

SUBJECT: Title VI & Environmental Justice Plan

REQUESTED ACTION

The Central Midlands Council of Governments' staff requests approval to adopt the COATS MPO Title VI & Environmental Justice Plan. Please be advised that the complete plan is available on our website.

PROGRAM DESCRIPTION

Federal regulations require that MPOs who are federal grant recipients such as COATS, have a Title VI Program. Title VI of the Civil Rights Act of 1964 states that no person in the United States shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance. Title VI prohibits intentional discrimination as well as disparate impact on protected groups. The transportation planning regulations require consistency with Title VI and subsequent civil rights laws and regulations.

Federal Transit Administration (FTA) has issued FTA Circular 4702.1B, “Title VI Requirements and Guidelines for Federal Transit Administration Recipients” describing how to comply with Title VI regulations. The COATS Title VI Program has been developed based on this guidance.

ATTACHMENT

Title VI Resolution
Policy Statement
RESOLUTION

A RESOLUTION APPROVING THE TITLE VI PROGRAM & PLAN PURSUANT TO THE CIVIL RIGHTS ACT OF 1964; APPROVING THE ASSOCIATED LIMITED ENGLISH PROFICIENCY PLAN; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE SAID POLICY ON BEHALF OF THE CENTRAL MIDLANDS COUNCIL OF GOVERNMENTS

WHEREAS, the Central Midlands Council of Governments is the designated Metropolitan Planning Organization (MPO) for transportation planning in the Columbia Urbanized Planning Area which includes all or parts of six counties; and

WHEREAS, to fund its many work activities, CMCOG receives direct or pass-through federal funding from agencies such as the US Department of Transportation (Federal Highway Administration and Federal Transit Administration); the US Department of Health & Human Services (US DHHS); and the US Department of Labor; and

WHEREAS, as a recipient of federal funds, CMCOG is required to comply with the requirements of Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color and national origin, specifically 42 USC 2000d, which states that: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance; and

WHEREAS, CMCOG must also comply with the additional protections set forth in Presidential Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) and Presidential Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency); and

WHEREAS, in 2009, CMCOG did develop a Title VI Plan, and in May 2012, CMCOG did develop and adopt a Limited English Proficiency Plan and provided an overall plan update in 2015; and

WHEREAS, as required by the Federal Transit Administration, CMCOG has expanded the Title VI Program & Plan to include all necessary elements; and

WHEREAS, the 2017 Title VI Program & Plan has been reviewed and approved through the Columbia Area Transportation Study Metropolitan Planning Organization.

NOW, THEREFORE, BE IT RESOLVED that the Central Midlands Council of Governments certifies compliance with policies, procedures and plans with regard to Title VI of the Civil Rights Act of 1964 (as amended) and additional Assurances as required and hereby adopts its 2017 Title VI Program & Plan; and

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BE IT FURTHER RESOLVED that the Central Midlands Council of Governments directs staff to begin efforts immediately to implement the provisions of the 2017 Title VI Program & Plan.

THE UNDERSIGNED is the duly qualified Executive Director of Central Midlands Council of Governments, and hereby certify that the foregoing is a true and correct copy of a resolution adopted at a meeting of the Central Midlands Council of Governments held on August 24, 2017.

_________________________  ____________________________
Norman Jackson, Chairman  Benjamin J. Mauldin, Executive Director
Central Midlands Council of Governments  Central Midlands Council of Governments

_________________________  ____________________________
Witness  Witness
I. STATEMENT OF POLICY

The Central Midlands Council of Governments – Columbia Area Transportation Study Metropolitan Planning Organization (CMCOG-COATS MPO) is committed to a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities for the delivery of equitable and accessible transportation services. The CMCOG-COATS MPO recognizes its responsibilities to the communities it serves, and it is the MPO's policy to utilize its best efforts to assure that no person shall, on the grounds of race, color, disability, gender, age, low income, national origin, language or limited English proficiency, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under its programs or services.

Toward this end, it is the CMCOG-COATS MPO’s objective to:

A. Ensure that the level and quality of transportation planning and related activities are conducted without regard to race, color, disability, gender, age, low income, national origin, language or limited English proficiency;
B. Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of the MPO’s programs and activities on minority populations and low-income populations;
C. Promote the full and fair participation of all affected populations in transportation decisionmaking;
D. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
E. Ensure meaningful access to programs and activities by persons with limited English proficiency.

The responsibility for carrying out CMCOG-COATS MPO’s commitment to this program is carried by the CMCOG-COATS MPO Title VI Compliance Officer. The Title VI Compliance Officer is responsible for the day-to-day operations of the Title VI Program and will receive and investigate Title VI complaints, which come through the MPO’s established complaint procedure. All managers, supervisors, and employees of the CMCOG-COATS MPO will share in the responsibility for making the Title VI Program a success.

Additional information concerning the CMCOG-COATS MPO’s Title VI obligations and the full Complaint Procedure and Complaint Forms can be found on the CMCOG-COATS MPO website at www.centralmidlands.org or by calling (803) 744-5133.

__________________________
Benjamin J. Mauldin, Executive Director, Central Midlands Council of Governments

Adopted [date] __________________________
Memorandum

TO: All Members of the CMCOG Board of Directors
FROM: Reginald Simmons, Deputy Executive Director/Transportation Director
DATE: August 24, 2017
SUBJECT: DBE Plan Update

REQUESTED ACTION
The Central Midlands Council of Governments’ staff requests approval to adopt the CMCOG/COATS DBE Plan. Please be advised that the complete plan is available on our website.

PROGRAM DESCRIPTION
CMCOG has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR, Part 26. CMCOG receives federal financial assistance from the USDOT, and as a condition of receiving this assistance, CMCOG will sign an assurance that it will comply with 49 CFR, part 26.

It is the policy of CMCOG to ensure that all businesses have an equal opportunity to receive and participate in USDOT assisted contracts. It is also CMCOG’s policy:

1. To ensure nondiscrimination in the award and administration of USDOT assisted contracts;
2. To create a level playing field on which DBEs and small businesses can compete fairly for USDOT assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR, part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs and small businesses in USDOT assisted contracts; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

CMCOG will present this policy statement to the CMCOG’s Board of Directors and all components of the organization. CMCOG will published and distributed notice of this document and the DBE goal in general circulation publications and on the CMCOG website.

ATTACHMENT
Draft DBE Plan (w/o Appendixes)
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEFINITIONS OF TERMS (SECTION §26.5)</td>
<td>2</td>
</tr>
<tr>
<td>INTRODUCTION</td>
<td>2</td>
</tr>
<tr>
<td>PURPOSE</td>
<td>2</td>
</tr>
<tr>
<td>APPLICABILITY (SECTION §26.3)</td>
<td>2</td>
</tr>
<tr>
<td>FEDERAL FINANCIAL ASSISTANCE AGREEMENT ASSURANCE (SECTION §26.13)</td>
<td>3</td>
</tr>
<tr>
<td>CONTRACT ASSURANCE (SECTION §26.13(B))</td>
<td>4</td>
</tr>
<tr>
<td>NONDISCRIMINATION (SECTION §26.7)</td>
<td>4</td>
</tr>
<tr>
<td>RECORD KEEPING (Section §26.11(d))</td>
<td>4</td>
</tr>
<tr>
<td>NONCOMPLIANCE COMPLAINTS (SECTION §26.103)</td>
<td>5</td>
</tr>
<tr>
<td>DBE PROGRAM UPDATES (SECTION §26.21)</td>
<td>5</td>
</tr>
<tr>
<td>DBE LIAISON OFFICER (DBEO) (SECTION §26.25)</td>
<td>5</td>
</tr>
<tr>
<td>DBE FINANCIAL INSTITUTIONS (SECTION §26.27)</td>
<td>6</td>
</tr>
<tr>
<td>PROMPT PAYMENT AND RETAINAGE (Section §26.29 (a)(b))</td>
<td>6</td>
</tr>
<tr>
<td> Prompt Payment: 26.29(a)</td>
<td>6</td>
</tr>
<tr>
<td> Retainage: 26.29(b)</td>
<td>7</td>
</tr>
<tr>
<td>SATISFACTORY COMPLETION (§26.29(c))</td>
<td>7</td>
</tr>
<tr>
<td>MONITORING AND ENFORCEMENT MECHANISMS (SECTION §26.29 (d))</td>
<td>7</td>
</tr>
<tr>
<td>DBE DIRECTORY (SECTION §26.31)</td>
<td>8</td>
</tr>
<tr>
<td>OVER-CONCENTRATION (SECTION §26.33)</td>
<td>8</td>
</tr>
<tr>
<td>BUSINESS DEVELOPMENT PROGRAMS (SECTION §26.35)</td>
<td>8</td>
</tr>
<tr>
<td>FOSTERING SMALL BUSINESS PARTICIPATION (SECTION §26.39)</td>
<td>8</td>
</tr>
<tr>
<td>QUOTAS (SECTION §26.43)</td>
<td>9</td>
</tr>
</tbody>
</table>
OVERALL GOALS (SECTION §26.45) ................................................................. 9
Amount of Goal .......................................................................................... 9
Method (Attachment 4) ................................................................................. 9
Reporting Process ....................................................................................... 10

GOAL SETTING AND ACCOUNTABILITY (SECTION §26.47) ..................... 11

TRANSPORT VEHICLE MANUFACTURERS GOALS (SECTION §26.49) ....... 12

MEETING OVERALL GOALS/CONTRACT GOALS (SECTION §26.51) .......... 12

BREAKOUT OF ESTIMATED RACE-NEUTRAL AND RACE-CONSCIOUS PARTICIPATION (SECTION §26.51A-C) .................................................... 12

GOOD FAITH EFFORTS (SECTION §26.53) ................................................... 13
Award of Contracts with a DBE Contract Goal: §26.53(a) .......................... 13
Evaluation of Good Faith Efforts: 26.53(a) & (c) ...................................... 13
Information to be Submitted: 26.53(b) ...................................................... 14
Administrative Reconsideration: 26.53(d) .................................................. 14
Good Faith Efforts when a DBE is Terminated/Replaced on a Contract with Contract Goals: 26.53(f) 15
Sample Bid Specification: .................................................................... 15

COUNTING DBE PARTICIPATION (SECTION §26.55) ................................ 16

UNIFIED CERTIFICATION PROGRAMS (SECTION §26.81) ..................... 16

DE-CERTIFICATION (SECTION §26.87) ................................................... 16

CERTIFICATION APPEALS (SECTION §26.89) ...................................... 16

PROCEDURES FOR CERTIFICATION DECISIONS (SECTION §26.91) .......... 17

INFORMATION, CONFIDENTIALITY, AND COOPERATION (SECTION §26.109) .......................................................................................... 17

REPORTING TO USDOT ........................................................................ 17

ATTACHMENT 1 - CMCOG ORGANIZATIONAL CHART ......................... 19

ATTACHMENT 2 - DBE DIRECTORY ......................................................... 23

ATTACHMENT 3 - MONITORING AND ENFORCEMENT MECHANISMS/LEGAL REMEDIES .................... 27

ATTACHMENT 4 - SECTION 26.45: OVERALL GOAL CALCULATION ........... 31
ATTACHMENT 5 – FORMS FOR DEMONSTRATION OF GOOD FAITH EFFORTS....................43
SCHEDULE OF DBE PARTICIPATION........................................................................45
SCHEDULE OF BINDING COMMITMENTS WITH DBE BUSINESSES......................46
DOCUMENTATION OF BEST EFFORTS.................................................................47
AFFIDAVIT OF UNAVAILABILITY OF CERTIFIED DBE BUSINESSES.......................49
ATTACHMENT 6 - UCP AGREEMENT....................................................................51
ATTACHMENT 7 - REGULATIONS: 49 CFR PART 26..................................................59
ATTACHMENT 8 - CITIZEN'S GUIDE TO SOUTH CAROLINA FREEDOM OF INFORMATION ACT.................................................................63
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POLICY STATEMENT

CENTRAL MIDLANDS COUNCIL OF GOVERNMENTS
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

CMCOG has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR, Part 26. CMCOG receives federal financial assistance from the USDOT, and as a condition of receiving this assistance, CMCOG has signed an assurance that it will comply with 49 CFR, part 26.

It is the policy of CMCOG to ensure that all businesses have an equal opportunity to receive and participate in USDOT assisted contracts. It is also CMCOG's policy:

1. To ensure nondiscrimination in the award and administration of USDOT assisted contracts;
2. To create a level playing field on which DBEs and small businesses can compete fairly for USDOT assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR, part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs and small businesses in USDOT assisted contracts; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

CMCOG has designated the Transportation Director, as the CMCOG DBE Liaison Officer (DBELO). In that capacity, the DBELO is responsible for implementing all aspects of the DBE program. Other CMCOG staff will assist the DBELO, as needed, with DBE requirements and compliance. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by CMCOG in its financial assistance agreements with the USDOT.

CMCOG will ensure that this policy statement will be disseminated to the CMCOG Board of Directors, department heads, and all of the components of the organization. CMCOG will distribute this statement by mail and/or email to DBE and non-DBE business communities that work for CMCOG on USDOT assisted contracts, and by posting it on the CMCOG website.

______________________________  ________________________
Benjamin J. Mauldin, Executive Director  Date
DEFINITIONS OF TERMS (SECTION §26.5)

Central Midlands Council of Governments will adopt the definitions contained in Section 26.5 of Part 26 for this program.

INTRODUCTION

The Central Midlands Council of Governments (CMCOG) recognizes its responsibility to ensure that Disadvantaged Business Enterprise (DBE) firms have equal opportunity to participate in the performance of USDOT assisted contracts administered by CMCOG. As part of our continued effort to fulfill this responsibility, CMCOG has revised the DBE Program Plan to reflect the requirements and guidance contained in title 49 Code of Federal Regulations Part 26.

Significant changes in the Plan will be submitted to the local FHWA and FTA offices for approval.

PURPOSE

The purpose for the DBE Program Plan is to provide guidance for CMCOG personnel in implementing 49 CFR Part 26 and provide DBEs and other contractor’s information on their responsibilities on USDOT assisted contracts and CMCOG’s implementing procedures. It assures USDOT that CMCOG will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award or performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex or national origin.

In administering the DBE program, CMCOG will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, sex, or national origin.

APPLICABILITY (SECTION §26.3)

America's Surface Transportation Act (FAST Act), Sec. 1109, Surface Transportation Block Grant Program.

The Program's requirements also apply to USDOT-funded non-construction programs including:

- Professional Service Agreements (training, computer, etc.)
- Architectural/Engineering Contracts

CMCOG will develop, an annual DBE participation goal using the methodology established in this DBE Plan. The goal will be provided by CMCOG to the appropriate USDOT administration.

In accordance with 49 CFR 26.49, transit vehicle manufacturers, as a condition of being authorized to bid on FTA-assisted transit vehicle procurements, will also be required to establish and submit for FTA's approval an overall DBE percentage goal.

Sub-recipients who receive USDOT (FTA and FAA) funds through CMCOG as noted above and award more than $250,000 in prime contracts in a fiscal year are required to comply with the provisions of 49 CFR Part 26 and develop their own DBE Program Plan, or adopt and utilize the CMCOG DBE Program Plan.

Additionally, agreements between CMCOG and all sub-recipients will contain assurances that sub-recipients will not discriminate on the basis of race, color, national origin, sex, age, disability/handicap, and income status in the performance of this contract as well as language that obligates sub-recipients to develop, and implement, their own DBE Plan or to adopt, and implement, the provisions of the CMCOG DBE Program.

FEDERAL FINANCIAL ASSISTANCE AGREEMENT ASSURANCE (SECTION §26.13)

CMCOG has signed the following assurance, applicable to all USDOT assisted contracts and their administration. Agreements with subrecipients will also include this assurance:

*The Central Midlands Council of Governments shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. CMCOG's DBE Program, as required by 49 CFR 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to CMCG of its failure to carry out its approved program, the USDOT may impose sanctions as provided for under Part 26 and may,*
in appropriate cases, refer the matter for enforcement under 18 USC 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

CMCOG will not intimidate, threaten, coerce, or discriminate against any individual or firm for any reason.

**CONTRACT ASSURANCE (SECTION §26.13(B))**

CMCOG will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

*The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.*

**NONDISCRIMINATION. (SECTION §26.7)**

CMCOG will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR, part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, CMCOG will not directly or through contractual or other arrangements use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

**RECORD KEEPING (Section §26.11(d))**

The CMCOG will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the CMCOG or FTA. This reporting requirement also extends to any certified DBE subcontractor.

The CMCOG will perform interim audits of contract payments to DBEs. The audit will review payments to DBE sub-contractors to ensure that the actual amount paid to DBE sub-contractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.
The CMCOG will keep a running tally of actual payments to DBE firms for work committed to them at the time of the contract award. The CMCOG will perform interim reviews of contract payments to DBEs and will monitor payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

NONCOMPLIANCE COMPLAINTS (SECTION §26.103)

Any person who believes that CMCOG or its subrecipient has failed to comply with the obligations of 49 CFR Part 26 may file a written complaint with the either the Federal Transit and/or Highway Administrations (FTA/FHWA) Office of Civil Rights in Washington, D. C. The written complaint must be filed within 180 days after the occurrence of the alleged violation or the date on which the person learned of an ongoing violation. The person may also request an extension of time to file beyond the 180 days by stating a reason in the interest of justice for so doing.

DBE PROGRAM UPDATES (SECTION §26.21)

Since CMCOG has received a grant of $250,000 or more in FTA planning, capital, and/or operating assistance, in a federal fiscal year, we will continue to carry out this program until all funds from USDOT financial assistance have been expended. CMCOG will provide to USDOT updates representing significant changes in the program.

DBE LIAISON OFFICER (DBELO) (SECTION §26.25)

DBE program objectives are implemented and monitored by Transportation Director who is designated as the DBE Liaison Officer with overall responsibility for the program. The following individual has been designated as the DBE Liaison Officer:

Reginald Simmons  
Central Midlands Council of Governments  
236 Stoneridge Drive  
Columbia, SC 29210  
(803) 376-5390 Phone  
(803) 376-5394 Fax  
rsimmons@centralmidlands.org

While the Transportation Director reports to the Executive Director, he/she has direct independent access to the Executive Director concerning DBE program matters as reflected on the organizational chart. Duties and responsibilities include:
The DBELO is responsible for developing, implementing, and monitoring CMCOG's DBE program in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by USDOT.
2. Reviews third party contracts utilizing Federal USDOT funds for compliance with this program.
3. Works with all departments using Federal USDOT funds to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes CMCOG's progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director/CMCOG's Board of Directors on DBE matters and achievement.
9. Participates with the legal counsel and project director to determine contractor compliance with "good faith efforts."
10. Provides DBEs with information and assistance in preparing bids.
11. Attends national and state DBE training seminars.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Reviews directories of certified DBEs compiled by local agencies.

DBE FINANCIAL INSTITUTIONS (SECTION §26.27)

It is the policy of the CMCOG to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime consultants on DOT-assisted contracts to make use of these institutions. These institutions can be identified in the U.S. Department of Treasury, Financial Management Services Division, Minority Bank Deposit Program. The availability of such institutions can be obtained at the U.S. Department of Treasure website: http://www.fms.treas.gov/mfdp.

The CMCOG re-evaluates the availability of DBE financial institutions every 18 months.

PROMPT PAYMENT AND RETAINAGE (Section §26.29 (a)(b))

Prompt Payment: 26.29(a)

The CMCOG ensures that the following clause is placed in every DOT-assisted contract and subcontract:

The prime consultant or subgrantee agrees to pay each subconsultant under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime consultant or subgrantee receives from the CMCOG. The prime consultant or subgrantee agrees further to return retainage payments to each subconsultant within 30 days after the subconsultant's work is satisfactorily completed. Any delay or postponement of payment
from the above referenced time frame may occur only for good cause following written approval of the CMCOG. This clause applies to both DBE and non-DBE subconsultants.

Retainage: 26.29(b)

The CMCOG ensures that the following clause is placed in every DOT-assisted contract and subcontract:

The prime consultant agrees to return retainage payments to each subcontractor within 30 days after the subconsultants work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the CMCOG. This clause applies to both DBE and non-DBE subconsultants.

SATISFACTORY COMPLETION (§26.29(c))

For purposes of this section, a subcontractor's work is determined to be satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the recipient. When a recipient has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

MONITORING AND ENFORCEMENT MECHANISMS (SECTION §26.29 (d))

The CMCOG has established the following to monitor and enforce that prompt payment and return of retainage is in fact occurring:

1. Requiring prime contractors (in sub-contracts in excess of $10,000), to provide subcontractors with all contract provisions, including the prompt payment provision. This will ensure that the subcontractors are knowledgeable of the prompt payment requirement.
2. Because the contract requires prompt payment by the prime contractor to the subcontractor, the subcontractor is entitled to prompt payment. Because subcontractors will be aware of this right, and it is in their greatest financial interest to assure that this right is respected, we believe it is reasonable to expect that subcontractors not receiving prompt payment will contact the CMCOG.
3. If the CMCOG is contacted by a subcontractor regarding possible violation of the prompt payment clause by the prime contractor we will make inquiries to the prime contractor.

Any delay or postponement of payment from the above referenced period may occur only for good cause following written approval from the CMCOG. This language applies to both DBE and non-DBE subcontracts. Failure to satisfy prompt payment to subcontractors no later than thirty (30) calendar days from the receipt of payment from the CMCOG may constitute a breach of contract and may result in termination of the Contractor for default or such other remedy the CMCOG may deem appropriate.
DBE DIRECTORY (SECTION §26.31)

The South Carolina Department of Transportation maintains a directory identifying all firms eligible to participate as DBEs. The directory lists the firm’s name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. SCDOT revises the Directory monthly. The Directory may be found at the following link:

http://www.scdot.org/doing/businessdevelop_scunified.aspx

OVER-CONCENTRATION (SECTION §26.33)

CMCOG has not identified any areas of over-concentration. CMCOG will continue to monitor DBE participation and usage, and will take appropriate actions to address any identified over-concentrations.

BUSINESS DEVELOPMENT PROGRAMS (SECTION §26.35)

CMCOG will not have a business development or mentor – protégé program.

FOSTERING SMALL BUSINESS PARTICIPATION (SECTION §26.39)

The CMCOG has incorporated this nondiscriminatory element in its DBE program in order to facilitate participation by small businesses concerns in CMCOG projects. Under this element of the DBE program, CMCOG will consider all actions and will avoid unnecessary and unjustified bundling of contract requirements that preclude small business participation in procurements as contractors.

Small Business Administration defines a small business concern as one that is independently owned and operated, is organized for profit, and is not dominant in its field of operation, as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b). “Bundling of contract requirements” means consolidating two or more procurement requirements for goods or services previously provided or performed under separate smaller contracts into a solicitation of offers for a single contract that is likely to be unsuitable for award to a small-business concern due to the following:

1. Diversity, size, or specialized nature of the elements of the performance specified;
2. Aggregate dollar value of the anticipated award;
3. Geographical dispersion of the contract performance sites; or
4. Any combination of the factors described above.
On prime contracts not having DBE contract goals, the CMCOG will require the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform. In addition, the CMCOG will ensure that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

The CMCOG will accomplish its DBE contract goals by doing the following:

1. Helping small businesses to better understand the CMCOG’s contracting and procurement opportunities;
2. Continuing to identify and utilize small business firms that provide goods and services purchased by the CMCOG;
3. Encouraging small businesses, including those owned by minority and women, to pursue relevant certifications including M/W and UCP DBE certification; and
4. Hosting and participating in workshops, business development meetings and other events intended to enhance procurement opportunities for small businesses.

The CMCOG will implement the small business program within nine months of FTA approval of its DBE program. The CMCOG will verify business size through the DBE directory of South Carolina’s UCP, maintained by SCDOT.

The CMCOG will require prime contractors to identify small business subcontracts on large procurement as part of its small business element strategy.

QUOTAS (SECTION §26.43)

CMCOG does not use quotas in any way in the administration of this DBE program.

OVERALL GOALS (SECTION §26.45)

Amount of Goal

CMCOG has established an overall goal of 16 percent for DBE participation in USDOT assisted contracts. The goal is based upon evidence of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and available to participate on USDOT assisted contracts. The goal reflects the level of DBE participation anticipated, absent the effects of discrimination.

Method (Attachment 4)

In accordance with §26.45, CMCOG has employed a two-step process to calculate its DBE program goal. Step 1 involves determining a “base figure” for the relative availability of DBEs in the area. The base
figure is a percentage calculated as the ratio of available and potentially eligible DBEs to all available firms.

The data sources used to derive available DBEs and "all available" firms was as follows:

1. "Available DBEs" is derived from the total number of certified DBEs in the SCDOT DBE directory with the North American Industry Classification (NAICS) of 54169, 23731, & 54111 whose work type was listed as Other Scientific & Technical Consulting Services, Highway, Street & Bridge Construction, and Office of Lawyers for the State of South Carolina. The 2015 DBE program limited the search to these fields based on the types of contracts anticipated for the upcoming year.

2. "All available" firms is derived from the total number of firms with the NAICS of 54169, 23731, & 54111 found in Census Bureau's County Business Patterns (CBP) for the State of South Carolina.

3. "Potentially eligible" DBEs were determined based upon the CBP and the SCDOT Disadvantaged/Minority and Women's Business Enterprise Directory. Listed firms' functions were evaluated to determine their eligibility to bid for proposed contracts (as listed above), and the resulting list was checked to ensure that no firms listed in the certified DBE list was repeated.

The method identified above resulted in a weighted base percent. Documentation of the process is included in Attachment 4. The second step involved examining available evidence to determine what adjustment, if any, was needed to the base figure in order to arrive at the overall goal that reflects as accurately as possible the DBE participation CMCOG would expect in the absence of discrimination. To determine what types of adjustments, if any, were needed to the base figure, one additional source of evidence was examined:

CMCOG examined the percentage of contract award amounts paid to DBE contractors and determined the historical median, in accordance with 49 CFR Part 26. (Attachment 4).

To calculate the CMCOG DBE goal, the relative availability of firms was averaged with the historical median of contract award amounts that were paid to DBE contractors thus utilizing the average of the two measures.

**Reporting Process**

CMCOG submits its overall goal to USDOT on August 1 every 3 years in 2016, 2019, 2022, 2025, etc... Before establishing the overall goal, CMCOG will consult with women, minority, DBE, non-DBE business communities and organizations as well as general consultant groups to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and CMCOG's efforts to establish a level playing field for the participation of DBEs. A public meeting to address these issues, jointly sponsored by CMCOG, and South Carolina Department of Transportation is held on a triennial basis.
Prior to this consultation and approval by CMCOG policy board, CMCOG publishes and distributes a notice of this document and the corresponding DBE goal in general circulation publications, minority publications, and the CMCOG website. Public inspection of the proposed goal and its rationale are available for inspection during normal business hours at CMCOG’s office for 30 days following the date of the notice. Both CMCOG and the USDOT agencies (FTA/FHWA/FAA) will accept comments on the goal for 45 days from the date of the notice.

Normally, CMCOG will issue this notice by June 1 every three years. Comments may be sent to:

Reginald Simmons
Central Midlands Council of Governments
236 Stoneridge Drive
Columbia, SC 29210
Telephone: (803) 376-5390
Fax: (803) 376-5394
E-Mail: rsimmons@centralmidlands.org

or

Civil Rights Officer
Federal Transit Administration Region IV
230 Peachtree Street, NW Suite 800
Atlanta, GA 30303

CMCOG’s overall goal submission to USDOT will include a summary of information and comments received during this public participation process and CMCOG’s responses.

CMCOG will begin using our overall goal on October 1, unless CMCOG has received other instructions from USDOT.

**GOAL SETTING AND ACCOUNTABILITY (SECTION §26.47)**

If the awards and commitments shown on CMCOG’s Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, we will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;

2. Establish specific steps and milestones to correct the problems identified in the analysis; and

3. Submit the plan to FTA within 90 days of the end of the affected fiscal year.
TRANSPORT VEHICLE MANUFACTURERS GOALS (SECTION §26.49)

CMCOG will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, CMCOG may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

MEETING OVERALL GOALS/CONTRACT GOALS (SECTION §26.51)

The CMCOG will use contract goals to meet any portion of the overall DBE goal the CMCOG does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the CMCOG’s overall DBE goal that is not projected to be met through the use of race-neutral means.

The CMCOG will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. The size of contract goals will be adapted to the circumstances of each contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

CMCOG will express a contract goal as a percentage of the total amount of a DOT-assisted contract.

BREAKOUT OF ESTIMATED RACE-NEUTRAL AND RACE-CONSCIOUS PARTICIPATION (SECTION §26.51A-C)

CMCOG will meet the maximum feasible portion of its overall goal by using race-conscious means of facilitating DBE participation. CMCOG uses the following race-conscious means to increase DBE participation by:

- aggressive outreach to potential DBE firms through the use of media advertisements,
- set individual goals on each DOT-assisted contract,
- other outreach events, promotion on the CMCOG website, and;
- business promotions and other events.

CMCOG also assists by making contractor listings available and generally encouraging teaming arrangements in CMCOG contracting.
The breakout of estimated race-neutral and race conscious participation will be:

- Race Neutral – 20%
- Race Conscious – 80%

This section of the program will be updated annually when the goal calculation is updated.

GOOD FAITH EFFORTS (SECTION §26.53)

Award of Contracts with a DBE Contract Goal: §26.53(a)

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, CMCOG will not award the contract to a bidder who does not either: (1) meet the contract goal with verified, countable DBE participation; or (2) documents it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

Evaluation of Good Faith Efforts: 26.53(a) & (c)

The CMCOG’s DBE Liaison Officer, shown below, is responsible for determining whether a bidder/offeror who has not met the contract goal and has documented sufficient good faith efforts to be regarded as responsive.

DBE Liaison Officer:
Reginald Simmons
236 Stoneridge Drive
Columbia, SC 29210
Phone: (803) 744-5133

The process used to determine whether good faith efforts have been made by a bidder are as follows:

1. Whether the consultant attended any pre-solicitation or pre-bid meetings that were scheduled by the CMCOG to inform DBEs of consulting and sub-consulting opportunities;
2. Whether the consultant or supplier provided notice in general circulation, trade association, and minority and female focus media concerning the sub-consulting opportunities;
3. Whether the consultant provided written notice to a reasonable number of specific DBEs that their interest in the contract was solicited in sufficient time to allow the DBEs to effectively participate;
4. Whether the consultant followed up the initial solicitation of interest by contacting DBEs to determine with certainty whether the DBEs were interested;
5. Whether the consultant selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goal including, where appropriate, segmenting contracts into economically feasible units to facilitate DBE participation;
6. Whether the consultant provided interested DBEs with adequate information about the plans, specifications and requirements of the contract;
7. Whether the consultant negotiated in "good faith" with interested DBEs and not rejecting DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities;
8. Whether the consultant effectively used the services of available minority and female community organizations, minority and female professional groups, local, state and federal minority and female business assistance offices, and other organizations that provide assistance in the recruitment and placement of DBEs.

The CMCOG may, upon written notice to the consultant, meet with its officials to discuss or provide written evidence of "good faith effort" to subcontract and negotiate with DBEs and joint ventures involving DBEs and its ability to achieve the established goal. Failure of a consultant to meet or provide the requested written information at a stipulated time and place, without a demonstration of good cause, shall be cause for rejection.

The CMCOG will ensure that all information is complete and accurate and adequately documents the bidder/offer’s good faith efforts before we commit to the performance of the contract by the bidder/offeror.

**Information to be Submitted: 26.53(b)**

The CMCOG treats bidder/offers’ compliance with good faith efforts’ requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

**Administrative Reconsideration: 26.53(d)**

Within three days of being informed by the CMCOG that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following Reconsideration Official: Benjamin Mauldin, Executive Director, Central Midlands Council of Governments, 236 Stoneridge Drive, Columbia, SC 29212 Phone 803-376-5390. The Reconsideration Official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.
As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The CMCOG will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process cannot be administratively appealed to the Department of Transportation.

**Good Faith Efforts when a DBE is Terminated/Replaced on a Contract with Contract Goals: 26.53(f)**

The CMCOG requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without its prior written consent. Prior written consent will only be provided where there is “good cause” for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation. Before transmitting to the CMCOG its request to terminate, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to the CMCOG prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise CMCOG of why it objects to the proposed termination.

In those instances where “good cause” exists to terminate a DBE’s contract, the CMCOG will require the prime contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The CMCOG will require the prime contractor to notify the DBE Liaison officer immediately of the DBE’s inability or unwillingness to perform and provide reasonable documentation. In this situation, the CMCOG will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, the CMCOG contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

**Sample Bid Specification:**

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the CMCOG to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of ______ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.
The bidder/offeror will be required to submit the following information:

1) the names and addresses of DBE firms that will participate in the contract;
2) a description of the work that each DBE firm will perform;
3) the dollar amount of the contract of each DBE firm participating;
4) Written documentation of the bidder/offeror’s commitment to use a DBE subcontractor whose participation it submits to meet the contract goal;
5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

COUNTING DBE PARTICIPATION (SECTION §26.55)

CMCOG will count DBE participation toward overall and contract goals as provided in 49 CFR §26.55.

UNIFIED CERTIFICATION PROGRAMS (SECTION §26.81)

CMCOG is a non-certifying member of the Unified Certification Program (UCP) administered by:

South Carolina Department of Transportation
Office of Business Development and Special Programs
P.O. Box 191
Columbia, SC 29202-0191
803-737-1372
Website: [http://www.scdot.org/doing/businessdevelop_scunified.aspx](http://www.scdot.org/doing/businessdevelop_scunified.aspx)

The South Carolina UCP will meet all of the requirements of 49 CFR Part 26. CMCOG will use and count for DBE credit only those DBE firms certified by the South Carolina UCP.

DE-CERTIFICATION (SECTION §26.87)

The de-certification of firms as DBE’s will be based on UCP standards and will be conducted by the certifying agency listed above.

CERTIFICATION APPEALS (SECTION §26.89)

Any firm or complainant may appeal the decision in a certification matter to the certifying agency listed above.
PROCEDURES FOR CERTIFICATION DECISIONS (SECTION §26.91)

CMCOG will follow the certification processes of Subpart E of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. A copy of the South Carolina Department of Transportation (SCDOT) UCP certification procedures and/or UCP program is available at:

http://www.scdot.org/doing/businessdevelop_scunified.aspx

Any firm or complainant may appeal SCDOT UCP’s decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation
Office of Civil Rights Certification Appeals Branch
1200 New Jersey Ave. SE
West Building, 7th Floor
Washington, D.C. 20590

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting.

INFORMATION, CONFIDENTIALITY, AND COOPERATION (SECTION §26.109)

We will safeguard from disclose to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter. Attachment 8 provides a description of the South Carolina Freedom of Information Act.

REPORTING TO USDOT

The CMCOG will report DBE participation as follows:

The CMCOG will report DBE participation on June 1 and December 1 using the “Uniform Report of DBE Awards or Commitments and Payments” form. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.
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Memorandum

TO: All Members of the CMCOG Board of Directors

FROM: Reginald Simmons, Deputy Executive Director/Transportation Director

DATE: June 22, 2017

SUBJECT: TIP Amendment – Exit 119 on I-26

REQUESTED ACTION
The Central Midlands Council of Governments staff requests approval to amend the 2016–2022 Rural TIP to add $4 million for the Exit 119 Interchange Project on I-26.

PROGRAM DESCRIPTION
The Exit 119 Interchange on I-26 is a regionally significant project that provides access to major activity centers within the Central Midlands region. Over the past several years, SCDOT and Lexington County have been working together to review options to implement improvements to this interchange. As a part of this effort, the COATS MPO has obligated $4.7 million to begin the preliminary engineering work on this project. This work is expected to take two years to complete and will include an environmental and engineering analysis of this interchange.

Lexington County in anticipation of future developments in the Saxe Gotha Industrial Park, has approved a plan to extend 12th Street Extension. This extension is expected to provide a direct connection to the Exit 119 interchange.

As we begin to prepare for the next phase in the development process for this project, early estimates anticipate right-of-way cost to be approximately $6 million. Through a shared financial approach to address a regionally significant project, staff requested participation from the Rural Transportation Committee to assist with the right-of-way funding for this project.

ATTACHMENT
Picture of the Existing Interchange

Serving Local Governments in South Carolina's Midlands
236 Stoneridge Drive, Columbia, SC 29210  (803) 376-5390  FAX (803) 376-5394  Web Site: http://www.centralmidlands.org
Interstate 26/US 21 Interchange (Exit 119)
Lexington County, South Carolina
RESOLUTION IN SUPPORT OF COMPLETING CONSTRUCTION WORK AT THE V.C. SUMMER NUCLEAR FACILITY IN FAIRFIELD COUNTY, SOUTH CAROLINA

WHEREAS, the Central Midlands Council of Government (CMCOG) Board of Directors recognizes the importance of the construction of the two new 1100MW Westinghouse AP1000 nuclear units at the V.C. Summer site in western Fairfield County which were approved for construction in December 2006 by the South Carolina Public Service Commission, and

WHEREAS, the above-referenced construction project, administered by South Carolina Electric & Gas (SCE&G) and its junior partner Santee Cooper at a cost to the consumer of more than $9 billion, was to serve as a much-needed boost to the economy of the economically-distressed Fairfield County as well as the Central Midlands Region as a whole, and

WHEREAS, the unemployment rate in Fairfield County has risen to 8.9% the second-highest in the State of South Carolina in August 2017 with a loss of more than 5,000 site jobs since the construction work at the V.C. Summer plant ceased on July 31, 2017, and

WHEREAS, the majority of the reactor components are already on site at the facility in Jenkinsville, meaning that it is more cost-effective and efficient to keep them at their current location rather than sell them in order to cover the project’s debts, and

WHEREAS, the completion of the V.C. Summer nuclear plant expansion would represent a fillip for the economy of the Central Midlands region of South Carolina (Richland, Lexington, Newberry, and Fairfield Counties) and support our commitment to the pursuit of reducing emissions and greenhouse gases through cleaner means of producing energy,

NOW, THEREFORE, BE IT RESOLVED, that the board of the CMCOG supports any and all efforts, with the appropriate oversight by state regulators, towards the completion of the V.C. Summer Nuclear site in Fairfield County.

Signed this date: September 28, 2017:

________________________
Norman Jackson, CMCOG Chairman

________________________
Benjamin J. Mauldin, Executive Director
DATE: September 21, 2017
TO: CMCOG Board of Directors
FROM: Benjamin J. Mauldin, Executive Director
SUBJECT: Executive Director's Report

Medicare Open Enrollment

If you’re like me, fall is an extremely busy time of year—getting the kids ready for a new school year, making sure everyone in my family gets a flu shot, getting the house and yard ready for the winter. With everything we have going on, it’s so easy to forget another activity that should be on all our fall checklists: Helping our parents prepare for Medicare Open Enrollment.

Medicare Open Enrollment gives beneficiaries the chance to review their health and prescription drug coverage for the coming year. If they need to make any changes, they can do so between October 15 and December 7, 2017. But if they decide that they’re happy sticking with the coverage they have now, they don’t need to do anything else.

For all of us who are caregivers, or who just care about older parents and family members, we need to ensure that they have the right information to make the right choice. Sit down and have a conversation with them, and help them explore their options and find coverage that fits their needs.

For help in the Central Midlands Region, please contact Shelia Bell-Ford or JuJuana Davis, I-Care Program for additional information at sbellford@cmcog.org or jdavis@cmcog.org or 1-877-744-5130.

My Will Program

The My Will Program began September 22nd and goes through May 19, 2018. This program will be held at various locations throughout the region. The My Will Program offers free simple wills for eligible seniors aged 60 and over. Please call 803.376.5390 and ask for Kaitlyn Marushia.

The My Will Program is a partnership between the Central Midlands AAA, University of South Carolina School of Law, SC Lieutenant Governor’s Office on Aging and the South Carolina Bar.

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**Senior Squares – Square Meals Just in Time**

To combat the immediate hunger issues with our elderly population in the Central Midlands region, we want to implement "Senior Squares - Square Meals Just In Time." This is a 12"X12"X10" corrugated box filled with shelf stable "senior friendly" foods that can provide the senior with nutritious meals- 7 breakfasts and 7 suppers. This Senior Square boxes will go out with staff during home assessment visits. In the event that the staff finds the senior either food insecure, or they have no food, staff can immediately pull the box from their car and give them a Senior Square box...a gift box of food to help them through the next week.

The Senior Squares project has been funded by grants through the Harbison Fund, Five Points Rotary Club and donations received by individuals purchasing a Central Midlands Senior and Disability Services Directory.

**CMCOG Annual Flu Shot Clinic**

The Central Midlands Council of Governments will host their annual Flu Shot Clinic to be held on Monday, October 18th from 12 noon to 2 pm.

Influenza shots are covered by Medicare and most insurances at no cost. If you do not have insurance, the cost of the shot is $31.99

Please call 803-376-5390 and sign up for your flu shot today!

**Midlands Workforce Job Fair**

Wednesday, November 8, 2017 from 10am to 2pm.
Dutch Square Center, 421 Broad River Rd., Columbia, SC.
Come meet more than 60 employers who are hiring in the local area!

**Grants Management Training in Columbia, SC – October 16-17 2017**

Central Midlands Council of Governments and Grant Writing USA will once again host a two-day grant workshop at the COG, October 16-17, 2017. This is an excellent opportunity for our member governments' staff to enhance performance in the areas of grant writing, grants management and grant maker research.


CMCOG has several complimentary seats that are available to our member governments. Please call 803-376-5390 for assistance in registering if you are interested.
**Funding Workshop with EDA and USDA Rural Development.**
October 5, 2017 9:30-12:00. Clemson Extension Sandhills Research and Education Center. Contact Gregory Sprouse if you or your staff are interested in attending.

**2017 Food Access Summit**
October 2, 2017 9:30 – 3:30. Columbia Conference Center, 169 Laurelhurst Avenue, Columbia, SC 29210
The Food Access Summit is your opportunity to learn about strategies for influencing food policy in your region. This year, we want to take all we’ve learned together at previous summits and build on it to help you create equitable healthy food systems in your community. You will hear from local and regional leaders who have led advocacy and policy change efforts to increase food access in their communities. The afternoon session will focus on regional breakouts facilitated by Community Food Strategies. Tickets include lunch and are available now for $20 each.

Columbia Conference Center
169 Laurelhurst Avenue
Columbia, SC 29210

9:30AM-3:30PM

REGISTER NOW

In order to make the summit as useful and meaningful as possible, we need your help! Taking this brief survey prior to attending the summit will help facilitate the breakout sessions and ensure you’re receiving the tools you need to begin or continue your food policy efforts.
Memorandum

TO: CMCOG Board of Directors

DATE: September 21, 2017

SUBJECT: Comprehensive Economic Development Strategy (CEDS) Update

The mission of the US Economic Development Administration (EDA) is to lead the federal economic development agenda by promoting innovation and competitiveness and preparing regions for growth and success in the regional economy. EDA accomplishes this goal by making strategic investments that foster job creation and attract private investment with an emphasis on support in economically distressed areas. In order to be eligible for EDA funding, a project must be consistent with the goals and strategies set forth in a Comprehensive Economic Development Strategy (CEDS), which has to be updated every five years. The last CMCOG CEDS was updated and approved by the board in 2012. CMCOG staff is currently partnering with EngenuitySC and a CEDS Strategy Committee composed of representatives who broadly represent the main economic interests of the region, to develop the new five year CEDS plan.

Per EDA guidelines the CEDS document should contain a summary background of the regional economy, a comprehensive SWOT analysis, goals and objectives, and a performance measurement framework. The SWOT analysis was conducted at the August 8, 2017 CEDS Strategy Committee meeting. The draft goals, objectives, and performance measurement framework were developed and completed at the August 23 and September 19 CEDS Strategy Committee meetings. The draft goals and objectives are presented below.

CMCOG staff will provide the board with a summary of the goals and objectives and ask for any additional input or comments from the board. The final draft of the CEDS plan will be presented for adoption by the CMCOG Board at the October 26, 2017 meeting.
Central Midlands Council of Governments
2017-2022 Comprehensive Economic Development Strategy
Draft Goals and Objectives

CEDS 5-Year Plan

Goal 1: Develop a coordinated strategy for economic development across the region, built upon existing strengths and future industries

Strategies:
- Increase economic connections between regional military installations and communities
- Develop strong, accessible, local food systems addressing food deserts and agricultural barriers
- Continue the diversification of the Central Midlands’ industry base through a broader definition of economic development and a more diverse recruitment strategy
- Develop incentive programs for non-manufacturing/distribution growth, focused around higher average wages, with better tools to grow existing industry
- Create a program to identify and recruit small companies with high growth potential

Metrics:
- Increase in local food products consumed by residents and visitors
- Number of acres of farmland preserved
- Decrease in food waste sent to landfills
- Job creation
- Average wages
- Total investment
- Percentage of local military installations’ food supply needs met by local producers (measurable?)

Goal 2: Improve transportation and infrastructure throughout the area, including regional water, housing, sewer and broadband

Strategies:
- Expand public transportation to non-Richland County areas with non-traditional funding models (using more than just public funds) and creative public transport options beyond bus systems
- Increase and preserve existing affordable housing across the region
- Improve traffic flow along major corridors through coordination with SCDOT and MPOs and COGs
- Implement a cross-regional water resource management plan to ensure the Central Midlands do not face negative impacts from upstream users

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- Increase water and sewer capacity in rural areas through regionalization of wastewater treatment facilities and fund construction of water and sewer lines in these areas
- Improve Columbia Metropolitan Airport with more flight options, lower fares, and more connections with mass transit
- Broadband strategy

Metrics:
- Water and sewer service
- Average commute time
- Number of public transit users and new service routes
- Number of passengers flying into/out of CAE
- Affordable housing metric - median home values or renters; % of renters overburdened (>30% of median household income)

Goal 3: Coordinated strategies for cross-sector regional planning to ensure sustainable growth and high quality of life, meeting economic, environmental and social needs

Strategies:
- Create a master growth plan taking economic development, historic preservation, environmental and social needs into account, with adoption by government, business and nonprofit leadership
- Host regional planning summits, bringing together various planning entities and initiatives
- Encourage prioritization of mixed-use developments, championing walkable and bikeable communities as a key tenet of attractive environments for economic development
- Complete development of a connected riverfront, including the downtown section, to create a regional attraction and destination spurring private-sector development
  - Create a nimble public/private entity to oversee urban downtown riverfront development
- Adopt a clear definition of "livability", shared by all across the region
- Coordinate regional marketing to promote the Columbia region for both economic development and tourism, with greater recognition and promotion of regional assets
- Enhance support for existing regional arts, entertainment, recreation, and tourism assets by increasing their visibility, promoting connectivity, and facilitating targeted research and investment opportunities

Metrics:
- Number of pedestrian/cyclist commuters
- Population growth by ZIP or by neighborhood
- Greenfield vs. infill development - # and location of new single-family residential building permits issued (infill development favorable)
- Urban core population in Columbia, West Columbia, Cayce and Lexington
- Growth in employment share of arts, entertainment and recreation sector

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Goal 4: Diversify and develop regional leadership

Strategy:
- Systematize leadership development on regional boards and commissions, including those of nonprofits, to prioritize greater diversity and young leadership representing a broader cross-section of the community
- Develop an integrated, cohesive regional Coordinating Council that includes the public, private and nonprofit sectors

Metrics:
- # of organizations holding board seats for young/upcoming diverse leaders
  - Could be integrated as a part of Midlands Gives through CCCF
  - % of board members under a certain age

Goal 5: Coordinated solution for workforce development, directly integrated into economic development and growth plans

Strategy:
- Close the skills gap by increasing workforce training programs matched to higher-opportunity jobs
- Enrich the relationship between businesses and education, with more embedded programs in schools (vs. at businesses) and with adaptive curricula
- Adopt STEM Premier in all districts in 4-county CEDS Region
- Develop region-wide employability skills training programs for the high school, transitioning workforce and existing workforce levels
- Create apprenticeship programs for knowledge economy positions, extending into regional leadership organizations
- Incentives to retain and recruit immigrant workforce in areas of need
- Develop an integrated solution to attract and retain talent
- Develop a centralized database of outreach programs for Hispanic and LEP service providers

Metrics:
- Number of registered apprenticeship and internship programs
- Number of workforce training program graduates (ReadySC trainees)
- Jobs created
- # of students with access to STEM Premier
- MTC graduates
- % of advanced or professional degrees - high-wage, high-skill
<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bill Kirkland &amp; Chad Hardaway</td>
<td>University of South Carolina</td>
</tr>
<tr>
<td>Tom Ledbetter</td>
<td>Midlands Technical College</td>
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<tr>
<td>Jeff Ruble</td>
<td>Richland County Economic Development</td>
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<td>Ty Davenport</td>
<td>Fairfield County Economic Development</td>
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<td>Rick Farmer</td>
<td>Newberry County Economic Development</td>
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<td>Ryan Coleman</td>
<td>City of Columbia Economic Development</td>
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<td>Mike Briggs</td>
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<td>Rich Fletcher</td>
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<td>Meghan Hickman</td>
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<td>Chris White</td>
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<td>Mary Snipes</td>
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<td>Guillermo Espinosa</td>
<td>Alianza Latina</td>
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<tr>
<td>Christina Spach</td>
<td>Food Chain Workers' Alliance</td>
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<td>Erin McKee</td>
<td>SC AFL/CIO</td>
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<td>Jennifer Moore</td>
<td>United Way</td>
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<td>Anita Floyd</td>
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<td>Erin Johnson</td>
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<td>Morgan Harrell</td>
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<td>Lee Bussell</td>
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<td>Ethel Bunch</td>
<td>Congaree Land Trust</td>
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<td>Stuart White</td>
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<tr>
<td>Mike Switzer</td>
<td>Blythewood Chamber of Commerce</td>
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Where is the Money being Spent?

THE PLAN

<table>
<thead>
<tr>
<th>Year</th>
<th>Bridges</th>
<th>Resurfacing</th>
<th>Interstate Widens</th>
<th>Rural Road Safety Program</th>
<th>Additional Widenings after Tax Credit Sunsets</th>
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<td>2014</td>
<td>$67M</td>
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<td>$250M</td>
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In Millions


TODAY
What are we getting for the investment?
Rural Roads

1000 MILES

Safety Features Upgraded

Progress made to reverse the 30 years of neglect

465 New Bridges

140 Miles of our Interstates Improved

10-year Outlook: What to Expect
Resurfacing Investment: Pavement conditions will improve

10-year Outlook: What to Expect
Doubled Resurfacing

- 465 Bridges Replaced

- 140 Miles of Interstates Improved

- 1000 Miles of Safety Features Added to Rural Roads
Midlands

Doubled Resurfacing

181 Bridges Replaced

Interstate System around Columbia, including Malfunction Junction improved.

I-20 at the Georgia Line widened.

Safety Features added to 18 Deadly Corridors