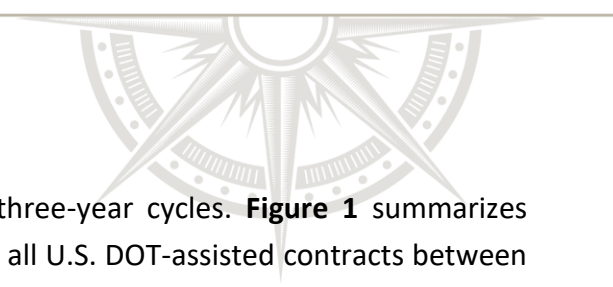

MEMORANDUM

Date: January 25, 2023
To: BCDCOG Executive Committee
From: Ronald E. Mitchum, Executive Director
Subject: FTA Disadvantaged Business Enterprise Program Goal (FFY23-FFY25)

Updated to include anticipated reimbursable LCRT expenses

Purpose

The **United States Department of Transportation (U.S. DOT)** encourages participation of small businesses and businesses owned by socially- and economically-disadvantaged individuals in state and local procurement. Through its **Disadvantaged Business Enterprise (DBE)** program, U.S. DOT requires state and local transportation agencies that receive federal financial assistance to establish DBE participation goals, report on prime and subcontract participation, and identify strategies for increasing participation if an agency falls short of its goal.¹ The **Federal Transit Administration (FTA)** is a division within U.S. DOT that specializes in public transportation. This memorandum documents DBE participation on FTA-assisted expenditures by BCDCOG for **Federal Fiscal Year (FFY) 2020** through FFY 2022 and recommends a revised 10.0% DBE goal for FFY 2023 through FFY 2025. This revised DBE goal was approved by BCDCOG's Executive Committee on January 23, 2023.



Proposed Goal

BCDCOG’s DBE goal is re-evaluated and updated in three-year cycles. **Figure 1** summarizes BCDCOG’s historic DBE goals and participation rates on all U.S. DOT-assisted contracts between FFY 2011 and FFY 2016. Starting in FFY 2017, BCDCOG began setting a separate DBE goal for FTA-assisted contracts, and Figure 1 summarizes these FTA-specific DBE goals and participation rates between FFY 2017 and FFY 2022.

Figure 1 shows two different DBE participation rates for FFY 2020 through FFY 2022. These different rates reflect the exclusion and inclusion of BCDCOG’s **Lowcountry Rapid Transit (LCRT)** project, a planned 21.3-mile bus rapid transit system, based on changes in the project’s funding source. In 2016, the LCRT project was initially funded by the Charleston County Transportation Sales Tax Referendum. In 2022, the LCRT project received approval to enter the New Starts Engineering Phase of FTA’s Capital Investment Grants program. This approval will allow some previous expenditures on the LCRT project to be reimbursed by FTA. Without these reimbursements BCDCOG reported 0.0% DBE participation on FTA-assisted contracts between FFY 2020 and FFY 2022. When anticipated reimbursements for the LCRT project are completed, BCDCOG will report 5.7% DBE participation for the most recent three-year evaluation cycle.

In addition, approval of the LCRT project in the [New Starts Engineering Phase](#) will require future FTA-assisted project expenditures to be documented in BCDCOG’s *DBE Program*. Figure 1 reflects a DBE goal with and without the inclusion of FTA funding assistance on the LCRT project. BCDCOG recommends setting its DBE participation goal at **10.0% with the inclusion of FTA funding for the LCRT project.**

Figure 1: BCDCOG’s FTA DBE Goals (FFY 2017 - FFY 2025)

Evaluation Period	Contract Assistance	DBE Participation Goal	DBE Participation Rate	Means*
FFY 2011-2013	U.S DOT	3.0% ⁱⁱ	0.0%	100.0% Race Neutral
FFY 2014-2016	U.S DOT	3.4% ⁱⁱⁱ	0.0%	100.0% Race Neutral
FFY 2017-2019	FTA	10.0% ^{iv}	0.0%	100.0% Race Neutral
FFY 2020-2022	FTA	5.0% ^v	5.7%	100.0% Race Neutral
FFY 2023-2025	FTA	10.0%	-	100.0% Race Neutral

* Race Neutral is defined by U.S. DOT in [49 CFR § 26.51](#)

BCDCOG's DBE Program Policies

To help ensure that small and disadvantaged businesses have an equal opportunity to participate and receive U.S. DOT-assisted contracts in the Berkeley-Charleston-Dorchester region, BCDCOG established a regional DBE program.^{vi} Below are the seven policies that guide BCDCOG's [DBE Program](#) (2016):

1. Safeguard against discrimination and promote a level playing field in the award and administration of U.S. DOT-assisted contracts.
2. Narrowly tailor BCDCOG's *DBE Program* so that it conforms to all applicable laws.
3. Make sure that only firms that meet federal eligibility standards are permitted to participate in the *DBE Program*.
4. Identify and develop a good rapport with eligible small and disadvantaged businesses that can provide BCDCOG with required materials, equipment, supplies, and services.
5. Develop educational materials to acquaint prospective small and disadvantaged businesses with BCDCOG's contract procedures and requirements.
6. Listen to feedback and remove barriers to participation of small and disadvantaged businesses during the bidding, award, and administration of U.S. DOT-assisted contracts.
7. Assist in the development of small and disadvantaged businesses so that they can compete successfully outside of BCDCOG's *DBE Program*.

DBE Participation (FFY20-FFY22)

Figure 2 shows a summary of small and disadvantaged businesses participation for eligible expenditures on BCDCOG’s 11 FTA-assisted contracts between FFY 2020 and FFY 2022, excluding the LCRT project. Currently, this summary does not include the second period of FFY 2022 because, as of the time of this memorandum, this period had not concluded. In addition, the figure only represents FTA funds on a given contract. For example, FTA required 20.0% of funding for the *Transit-oriented Development Study* to come from a non-federal source. Therefore, only 80.0% of the total cost of the project is considered as FTA-assisted funds. Excluding the LCRT project, 0.0% of FTA-assisted funds for FFY 2020 through FFY 2022 went to firms certified as DBEs by the **South Carolina Department of Transportation (SCDOT)**, and all procurement for these contracts was conducted by race-neutral means. This DBE participation rate fell below BCDCOG’s DBE participation goal of 5.0% for FFY 2020 through FFY 2022.

Figure 2: Summary of DBE Participation Rate on FTA-assisted Contracts, excluding LCRT (FFY 2020 - FFY 2022)

BCDCOG Project (Percent Federal Funds)	DBE Participation Rate on FTA-assisted Contracts (DBE Expenditures / Total Expenditures)			
	FFY 2020	FFY 2021	FFY 2022*	Project Total
Transit-oriented Development Study, Phase I (80%)	0.0% (\$0.00/\$656,642.78)	0.0% (\$0.00/\$279,441.66)	0.0% (\$0.00/\$2,680.40)	0.0% (\$0.00/\$938,764.84)
Transit & Bus Shelter Design Guidelines (80%)	**	0.0% (\$0.00/\$88,918.62)	0.0% (\$0.00/\$25,527.78)	0.0% (\$0.00/\$114,446.40)
Electric Bus Master Plan (80%)	**	0.0% (\$0.00/\$65,638.81)	0.0% (\$0.00/\$69,970.23)	0.0% (\$0.00/\$135,609.04)
Healthy Food Access Project, Phase I (100%)	0.0% (\$0.00/\$0.00)	0.0% (\$0.00/\$3,250.00)	**	0.0% (\$0.00/\$3,250.00)
Healthy Food Access Project, Phase II (100%)	**	0.0% (\$0.00/\$174.39)	0.0% (\$0.00/\$697.56)	0.0% (\$0.00/\$871.95)
Lowcountry Go’s Vanpool Program (80%)	0.0% (\$0.00/\$0.00)	0.0% (\$0.00/\$16,444.56)	0.0% (\$0.00/\$32.00)	0.0% (\$0.00/\$1,676.56)
Berkeley Citizens, Inc. FY20 (80%)*	**	0.0% (\$0.00/\$1,521.79)	0.0% (\$0.00/\$9,393.41)	0.0% (\$0.00/\$10,915.20)
Berkeley Citizens Inc. FY19 (80%)*	0.0% (\$0.00/\$16,427.52)	0.0% (\$0.00/\$12,372.48)	**	0.0% (\$0.00/\$28,800.00)
Berkeley Citizens Inc. FY18 (80%)*	0.0% (\$0.00/\$2,965.25)	0.0% (\$0.00/\$0.00)	0.0% (\$0.00/\$0.00)	0.0% (\$0.00/\$2,965.25)
Mobility Management Program FY20 (80%)	0.0% (\$0.00/\$0.00)	0.0% (\$0.00/\$280.73)	0.0% (\$0.00/\$9,934.59)	0.0% (\$0.00/\$10,215.32)
Mobility Management Program FY19 (80%)	0.0% (\$0.00/\$14.54)	0.0% (\$0.00/\$0.00)	**	0.0% (\$0.00/\$14.54)
DBE Participation	0.0%	0.0%	0.0%	0.0%
Race-Neutral Means	100.0%	100.0%	100.0%	100.0%
Race-Conscious Means	0.0%	0.0%	0.0%	0.0%

* Does not include the second period of FFY 2022 (April 1, 2022 - September 30, 2022)

** No FTA-assisted funds were expended for this project during this FFY

*** Only 48.0% of federal funds were reimbursable, so only 38.4% of the total expenditures are included in the table (0.48 x 0.80)

Figure 3 updates the previous figure to show a summary of DBE participation on FTA-assisted contracts with the inclusion of FTA reimbursements for the LCRT project. With this inclusion, 5.7% of FTA-assisted funds for FFY 2020 through FFY 2022 went to firms certified as DBEs by the SCDOT, and all procurement for these contracts was conducted by race-neutral means. This DBE participation rate exceeded BCDCOG’s DBE participation goal of 5.0% for FFY 2020 through FFY 2022.

Figure 3: Summary of DBE Participation Rate on FTA-assisted Contracts, including LCRT (FFY 2020 - FFY 2022)

BCDCOG Project (Percent Federal Funds)	DBE Participation Rate on FTA-assisted Contracts (DBE Expenditures / Total Expenditures)			
	FFY 2020	FFY 2021	FFY 2022*	Project Total
Transit-oriented Development Study, Phase I (80%)	0.0% (\$0.00/\$656,642.78)	0.0% (\$0.00/\$279,441.66)	0.0% (\$0.00/\$2,680.40)	0.0% (\$0.00/\$938,764.84)
Transit & Bus Shelter Design Guidelines (80%)	**	0.0% (\$0.00/\$88,918.62)	0.0% (\$0.00/\$25,527.78)	0.0% (\$0.00/\$114,446.40)
Electric Bus Master Plan (80%)	**	0.0% (\$0.00/\$65,638.81)	0.0% (\$0.00/\$69,970.23)	0.0% (\$0.00/\$135,609.04)
Healthy Food Access Project, Phase I (100%)	0.0% (\$0.00/\$0.00)	0.0% (\$0.00/\$3,250.00)	**	0.0% (\$0.00/\$3,250.00)
Healthy Food Access Project, Phase II (100%)	**	0.0% (\$0.00/\$174.39)	0.0% (\$0.00/\$697.56)	0.0% (\$0.00/\$871.95)
Lowcountry Go’s Vanpool Program (80%)	0.0% (\$0.00/\$0.00)	0.0% (\$0.00/\$16,444.56)	0.0% (\$0.00/\$32.00)	0.0% (\$0.00/\$1,676.56)
Berkeley Citizens, Inc. FY20 (80%)**	**	0.0% (\$0.00/\$1,521.79)	0.0% (\$0.00/\$9,393.41)	0.0% (\$0.00/\$10,915.20)
Berkeley Citizens Inc. FY19 (80%)**	0.0% (\$0.00/\$16,427.52)	0.0% (\$0.00/\$12,372.48)	**	0.0% (\$0.00/\$28,800.00)
Berkeley Citizens Inc. FY18 (80%)**	0.0% (\$0.00/\$2,965.25)	0.0% (\$0.00/\$0.00)	0.0% (\$0.00/\$0.00)	0.0% (\$0.00/\$2,965.25)
Mobility Management Program FY20 (80%)	0.0% (\$0.00/\$0.00)	0.0% (\$0.00/\$280.73)	0.0% (\$0.00/\$9,934.59)	0.0% (\$0.00/\$10,215.32)
Mobility Management Program FY19 (80%)	0.0% (\$0.00/\$14.54)	0.0% (\$0.00/\$0.00)	**	0.0% (\$0.00/\$14.54)
Lowcountry Rapid Transit, Phase I (60%)	0.0% (\$0.00/\$7,888.05)	**	**	9.6% (\$315,832.76/ \$3,274,871.64)
Lowcountry Rapid Transit, Phase II project management (60%)	0.0% (\$0.00/\$142,801.81)	**	**	
Lowcountry Rapid Transit, Phase II (60%)	9.5% (\$302,581.19/ \$3,189,090.23)	6.1% (\$299,494.28/ \$4,906,081.99)	0.8% (\$3,060.00/ \$402,736.20)	7.1% (\$605,135.47/ \$8,497,908.42)
DBE Participation	6.3%	5.6%	0.4%	5.7%
Race-Neutral Means	100.0%	100.0%	100.0%	100.0%
Race-Conscious Means	0.0%	0.0%	0.0%	0.0%

* Does not include the second period of FFY 2022 (April 1, 2022 - September 30, 2022)

** No FTA-assisted funds were expended for this project during this FFY

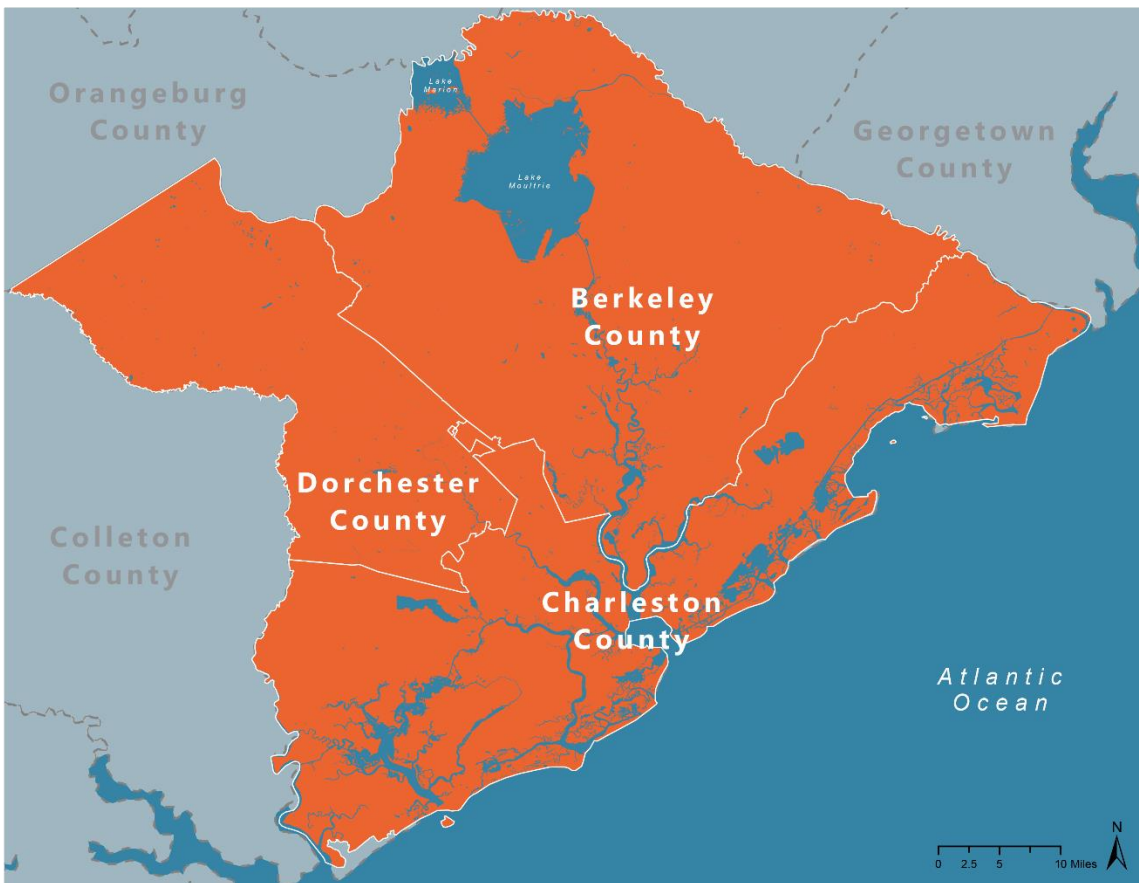
*** Only 48.0% of federal funds were reimbursable, so only 38.4% of the total expenditures are included in the table (0.48 x 0.80)

DBE Participation Goal (FFY23-FFY25)

Although U.S. DOT does not mandate a quota for small and disadvantaged business participation, it established a 10.0% national participation goal in 2011.^{vii} U.S. DOT uses this aspirational goal as a benchmark to evaluate progress towards increased participation at the national level but does not require BCDCOG and other recipients of federal assistance to use the same goal. Instead, U.S. DOT requires recipients to set an overall participation goal for all projects, plans, and programs receiving federal funding in the agency’s local market area using a two-step process.

Figure 4 shows BCDCOG’s local market area which encompasses Berkeley, Charleston, and Dorchester counties in South Carolina. This local market area aligns with BCDCOG’s planning boundaries, and historically most transportation-related contracts for BCDCOG’s projects, plans, and programs have been awarded to firms headquartered or with satellite offices within this region.

Figure 4: Map of BCDCOG's Market Area



To set its DBE Program participation goal, BCDCOG follows U.S. DOT’s two-step process.

Step 1: Baseline of Available DBEs

First, U.S. DOT requires that BCDCOG identify a baseline number of DBE-certified firms that are available to compete for anticipated contracts between FFY 2023 and FFY 2025. The baseline must be a fair and accurate representation of businesses that are available and eligible to meet BCDCOG’s anticipated procurement needs.

Figure 5 lists BCDCOG’s anticipated FTA-assisted project expenditures for FFY 2023 through FFY 2025. Overall, BCDCOG currently anticipates awarding approximately \$1,166,000 in FTA-assisted contracts over the next three FFYs.

Figure 5: Anticipated FTA-assisted Contracts, excluding LCRT (FFY 2023-FFY 2025)

BCDCOG Project (Percent Federal Funds)	Services	Anticipated DBE Participation on FTA-assisted Contracts			
		FFY 2023	FFY 2024	FFY 2025	Total
Electric Bus Master Plan (80%)	Planning/Engineering	\$134,390.96	\$72,000.00	**	\$206,390.96
Regional Transit Framework (80%)	Planning/Engineering	\$49,600.00	\$24,800.00	\$24,800.00	\$99,200.00
Transit-oriented Development Study, Phase II (60%)	Planning/Engineering	\$860,000.00	**	**	\$860,000.00
Total		\$1,043,990.96	\$96,800.00	\$24,800.00	\$1,165,590.96

* Contract has already been awarded

** No anticipated FTA-assisted funds during this FFY

*** Only 48.0% of federal funds will be reimbursable, so only 38.4% of the total expenditures are included in the table

In addition to the three anticipated contracts shown in Figure 5, BCDCOG was allocated funding from FTA for its Lowcountry Go vanpool program and its urban Section 5310 (Enhanced Mobility of Seniors & Individuals with Disabilities) program that can be expended between FFY 2023 and FFY 2025. Most FTA funding for the Lowcountry Go program is expected to be dedicated to the purchase of vehicles and towards staff labor, making the expenditures outside of BCDCOG’s DBE program. However, some expenditures may be dedicated to vehicle maintenance, which does fall under BCDCOG’s DBE program. Recipients for the urban FTA Section 5310 program in FFY 2023 through FFY 2025 have not been awarded, so BCDCOG is not yet able to anticipate what percent of available funds that must be reported through FTA’s DBE requirements. Total urban 5310 funding is \$1,585,000 between FFY 2023 and FFY 2025.

Figure 6 separates the anticipated project costs from Figure 5 into individual industry service areas using the **North American Industry Classification System (NAICS)**. For the three anticipated FTA-assisted contracts, 100.0% will go towards planning/engineering services (NAICS Code 541330). According to the most recent U.S. Census Bureau’s County Business Pattern data (2020) for Berkeley, Charleston and Dorchester counties, there are a total of 217 firms available to complete transportation planning and engineering-related task. SCDOT certifies the eligibility of firms to participate DBE programs in South Carolina, and Column C in Figure 6 summarizes the number of small and disadvantaged businesses from SCDOT’s directory of DBE-certified businesses. Among the 217 planning/engineering firms in the local market area, there are 7 DBEs certified by SCDOT that are “ready, willing, and able” to compete for BCDCOG projects (3.2%).

Figure 6: Available Certified DBE Firms Relative to FTA-assisted Contracts

NAICS Code	NAICS Industry	A	B	C	D	E	F
		FTA-assisted Funds	% Total FTA-assisted Funds	Eligible DBE Firms	All Firms	% Eligible DBE Firms	Relative DBE Available
Reference		Figure 5	[A/ΣA]	SCDOT ^{viii}	U.S. Census ^{ix}	[C/D]	[BxE]
541330	Engineering Services	\$1,165,590.96	100.0%	7	217	3.2%	3.2%
Total		\$1,165,590.96	100.0%	7	217	3.2%	3.2%

Among the projects listed in Figure 5, the *Electric Bus Master Plan* has an existing scope of work and contract. The contract does not include any DBE firms. The other two projects have not been completely scoped, allowing more flexibility to incorporate DBE firms into the projects. In addition to the anticipated planning/engineering tasks that will make up the major of activities for the two projects, other common activities subcontracted by planning and engineering firms during project development are highlighted in **Figure 7**.

Figure 7: Available Certified DBE Firms for Common BCDCOG Activities

NAICS Code	NAICS Industry	Eligible DBE Firms	All Firms
323111	Commercial Printing Services	0	21
541310	Architectural Services	0	87
541340	Drafting Services	1	9
541370	Surveying & Mapping	4	22
541430	Graphic Design Services	0	49
541613	Marketing Consulting Services	1	94
541620	Environmental Consulting Services	2	29
541820	Public Relations Agencies	1	19
541910	Marketing Research & Public Opinion Polling	0	20
541930	Translation & Interpretation Services	1	6
811111	General Automotive Repair	0	157
811191	Automotive Oil Change & Lubrication Shops	0	20

In addition to these BCDCOG activities with FTA-assisted expenditures, SCDOT established a contract goal for the LCRT project between FFY 2023 and FFY 2025. The contract goal for

The LCRT project has approximately \$18,855,000 in anticipated reimbursable FTA-assisted expenditures over this time period, and SCDOT used a modified version of the U.S. DOT’s two-step process to calculate the contract goal. Using this modified process, SCDOT established a 10% goal for the LCRT, as shown in **Figure 8**.

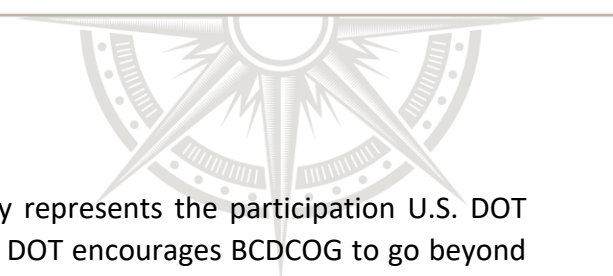
Figure 8: SCDOT’s Contract Goal Calculation for LCRT

Tasks	Percent of Available Funding	Eligible DBE Firms
Project Management	11.2%	-
Field Surveys/Mapping	2.6%	1.0%
Environmental Services	0.8%	-
Public Involvement	1.3%	1.0%
Cultural Resources	0.0%	
Air/Noise	0.0%	
Environmental Site Assessment	0.0%	
Permitting/NEPA Documentation	0.0%	
Traffic Studies – Engineering Design	2.8%	1.0%
Traffic Studies – Traffic Analysis	1.4%	1.0%
Traffic Studies – Traffic Counts	0.0%	-
Subsurface Utility Engineering	4.4%	-
Bridge Design	4.0%	1.0%
Roadway Design	17.1%	3.0%
Geotechnical Services – Design	0.7%	-
Geotechnical Services – Drilling	0.6%	1.0%
Geotechnical Services – Material Testing	0.2%	-
Hydrology & Hydraulic Design	6.9%	-
Hazardous Material Surveys & Reports	0.0%	-
Utility & Railroad Coordination	4.5%	-
Right-of-Way Services	32.4%	1.0%
Construction Phase Support	5.9%	-
Total	96.8%	10.0%

Figure 9 incorporates the DBE goal setting calculation for projects shown in Figure 5 and SCDOT’s goal setting calculations for LCRT in Figure 8. The combined BCDCOG baseline DBE goal for FTA-assisted contracts between FFY 2023 and FFY 2025 is 9.6%.

Figure 9: BCDCOG’s Baseline DBE Goal for FTA-assisted Contracts, including LCRT (FFY 2023-FFY 2025)

BCDCOG Projects	Anticipated Contracts	DBE Goal
Lowcountry Rapid Transit	\$18,855,000.00	10.0%
Other BCDCOG Activities	\$1,165,590.96	3.2%
Combined	\$20,020,590.96	9.6%



Step 2: Adjustment based on local knowledge

To ensure that BCDCOG’s participation goal accurately represents the participation U.S. DOT would expect absent the effects of discrimination, U.S. DOT encourages BCDCOG to go beyond the formulaic measurements of eligible firms shown in Step 1 by incorporating information about other conditions affecting small and disadvantaged businesses. U.S. DOT requires that any adjustments must be based on evidence and that the adjustments may account for the proven capacity of locally-eligible firms to perform work on U.S. DOT-assisted contracts.

Historically, BCDCOG has not reached its DBE participation goals for FTA-assisted expenditures. Figure 10 shows that BCDCOG has not had any DBE participation on FTA-assisted contracts between FFY 2017 through FFY 2022. Over that time period, the type of contracting opportunities offered by BCDCOG are similar to the contract opportunities anticipated between FFY 2023 and FFY 2025, with a large share of contracts for engineering, survey and mapping, and environmental consulting work. Because there is little anticipated change in the type of work being contracted, only rounding adjustments from Figure 9 are proposed.

Figure 10: Historic DBE Participation

Evaluation Period	Contract Assistance	DBE Participation Goal	DBE Participation	Means
FFY 2017-2019	FTA	10.0%*	0.0%	100.0% Race-neutral
FFY 2020-2022	FTA	5.0%	0.0%	100.0% Race-neutral
FFY 2023-2025	FTA	3.0% / 10.0%*	-	100.0% Race-neutral

* DBE participation goal not including reimbursed LCRT expenses and including reimbursed LCRT expenses

In addition to reviewing historic DBE participation, U.S. DOT allows BCDCOG to incorporate disparity studies that contain statistical and anecdotal evidence on the utilization of small and disadvantaged businesses in the region. No known disparity study has been conducted in BCDCOG’s market area.

10.0% DBE Participation Goal (FFY23-FFY25)

Based on this information, BCDCOG recommends setting its DBE participation goal **10.0% with the inclusion of FTA funding for the LCRT project**. BCDCOG will attempt to achieve this goal through race-neutral means and will track race-neutral DBE participation on all FTA-assisted contracts.^{xi} For reporting purposes, race-neutral DBE participation includes, but is not limited to, the following:

- DBE participation through a prime contract obtained through customary competitive procurement procedures
- DBE participation through a subcontract on a prime contract that does not carry a DBE goal
- DBE participation on a prime contract exceeding a contract- or project-specific goal
- DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Data will be maintained on DBE participation in fulfilling contracts with and without DBE goals between FFY 2023 and FFY 2025 to track progress towards BCDCOG's overall 10.0% DBE participation goal. Because BCDCOG initially fell below its FFY 2020 through FFY 2022 DBE participation goal without the inclusion of the Lowcountry Rapid Transit project, the agency will conduct a shortfall analysis and create a corrective action to inform how it can reach its goal for FFY 2023 through FFY 2025.

Public Engagement & Consultation Process

U.S. DOT requires BCDCOG to consult with minority-owned businesses, women-owned businesses, contractor groups, community organizations, and other officials or organizations that could provide insights into the availability of disadvantaged businesses.

On October 21, 2021 and August 23, 2022, BCDCOG staffed a booth at the North Charleston Business Expo held at the Charleston Area Convention Center in North Charleston, SC. At this event, BCDCOG staff shared with attendees information about existing programs in the tri-county region designed to assist existing and new businesses such as BCDCOG's revolving loan funds and "wrap-around" services.

On March 12, 2022, BCDCOG staffed a booth at the 2022 Charleston Black Expo held at the Charleston Area Convention Center in North Charleston, SC. BCDCOG's booth was positioned across from the City of Charleston's Minority & Women-owned Business Enterprise Office booth. Attendees at the event included existing small and minority-owned businesses, as well as entrepreneurs intending to start a new business. BCDCOG staff shared with attendees information about existing programs in the tri-county region designed to assist existing and new businesses such as BCDCOG's revolving loan funds and "wrap-around" services.

On September 22, 2022, the Economic Continuity Alliance hosted a Minority Business Advancement forum at BCDCOG's office. Local business owners, non-profit leaders, and BCDCOG staff attended the forum and discussed certifications, procurement, and how minority businesses can best position themselves for government contracts.

On September 25, 2022, a BCDCOG staffer attended presentations by businesses within the Charleston Metro Chamber of Commerce's accelerator program. During the presentations, business owners shared the hurdles that they overcame to launch their business and the remaining challenges that exist for them to reach their goals.

In July 2022, BCDCOG staff began direct engagement efforts related to the individual FTA DBE programs and goals for BCDCOG. Initially, staff contacted 91 individuals inviting them to provide feedback through one-on-one interviews. Groups targeted by staff included:

- Existing SCDOT-certified DBEs within the field of transportation planning and engineering
- Managers of municipal- and state-level small and minority business programs
- Non-profits associated with small and minority business advocacy
- Economic development departments and local chambers of commerce

Initially, BCDCOG staff completed 34 phone, video, or in-person interviews which ranged in length from 15 to 60 minutes. The interviews followed one of two scripts: the first developed for public agencies and the second developed for certified DBEs, chambers of commerce, and non-profits. At the end of each interview, staff asked each interviewee for any additional agencies, organizations, or companies that should be included in the DBE-specific engagement effort, yielding an additional 24 potential interview targets. Outreach to these referrals led to 5 additional interviews completed by the end of July 2022 (along with other ongoing conversations with previous interviewees). In addition to documenting barriers related to DBE participation, certification, payment, and monitoring, interviewees provided feedback on goal setting, the procurement process, and best practices that they have experienced working with other agencies.

A general summary of feedback from the one-on-one interviews –shown in greater detail within the BCDCOG’s DBE shortfall analysis – includes:

- Filtering of request for proposals within the South Carolina Business Opportunities (SCBO) publication
- Difficulty for new businesses to establish a work history with larger prime contractors and the benefits of pre-bid meetings
- Prohibitive bonding requirements
- Lack of knowledge about existing DBE resources

Attachment: Affidavit of PublicationInitial Goal

BCDCOG advertised its initial recommended FTA DBE method and goal (excluding LCRT) for 30 days (May 25, 2022, through June 24, 2022) within the local newspaper of record, *The Post & Courier*. In addition, BCDCOG advertised its recommended FTA DBE method and goal (excluding LCRT) on BCDCOG's website and through a physical copy in the lobby of BCDCOG's office (5790 Casper Padgett Way, North Charleston, SC) from June 2, 2022, through June 23, 2022.

On June 21st, BCDCOG staff presented its recommended FTA DBE goal (excluding LCRT) for FFY 2023 – FFY 2025 to the BCDCOG Board of Directors. The BCDCOG Board of Directors approved the goal contingent on any additional public feedback through the end of the advertised comment period. No additional comments were received during the comment period. After the end of the comment period, the approved FTA DBE goal (excluding LCRT) was posted on BCDCOG's website at: bdcog.com/transportation.

Updated Goal

Following notification by FTA on reimbursement of expenses for the Lowcountry Rapid Transit project, BCDCOG updated its FTA DBE goal. BCDCOG re-advertised its recommended FTA DBE method and goal (including LCRT) for 30 days (December 21, 2022, through January 23, 2022) within the local newspaper of record, *The Post & Courier*; BCDCOG's website; and through a physical copy in BCDCOG's lobby.

On January 23rd, BCDCOG staff presented its recommended FTA DBE goal (including LCRT) for FFY 2023 – FFY 2025 to the BCDCOG Executive Committee. The BCDCOG Executive Committee approved the goal.

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina
County of Charleston

Personally appeared before me
The undersigned advertising Clerk of the
Above indicated newspaper published
In the City of Charleston, County and
State aforesaid, who, being duly sworn,
Says that the advertisement of

#2003644

(copy attached)

appeared in the issue of said newspaper
on the following day(s):

May 25th, 2022

Subscribed and sworn to

Before me this 25th day
Of May


Advertising Clerk

A.D. 2022


Notary Public, SC
My Commission expires Jan 19, 2032



The Post and Courier

LOCAL/STATE

Wednesday, May 25, 2023

Man arraigned on drug charges in fatal fentanyl case

BY STEVE GARRISON
 garrison@postandcourier.com

A Moncks Corner man was arraigned in federal court on allegations he supplied the fentanyl that killed a man last year in Berkeley County.

Nathan Ott appeared May 24 in U.S. District Court in Charleston, where he was indicted on four counts of interstate distribution and two gun possession charges.

Ott, 26, is accused of providing fentanyl on May 26, 2021, to another 26-year-old man. The

victim, who is identified in the indictment only by the initials M.L.C., was found dead the following day from an overdose, Assistant U.S. Attorney Derek Shaver said.

Victims' families were also arraigned on a conspiracy charge in the case. The 26-year-old Summerville woman faces up to 10 years in prison if convicted at the office.

Ott, who has a prior felony conviction for distributing marijuana in 2013, faces a mandatory life sentence if convicted in the man's overdose death. The



Ott

other drug charges carry a maximum sentence of 10 years in prison.

Ott began crying at his May 24 arraignment when told the penalties he faces if convicted.

Rachopski asked throughout the proceedings.

Featured in a powerful apologetic video traditionally used to treat cancer patients at their

with extreme pain. Lethal in small doses, the narcotic has increasingly found its way into the streets, becoming the leading cause of the nation's drug overdose deaths in 2021.

Opioids, a category of drug that includes heroin, prescription pain pills and synthetic like fentanyl, caused more than 68,000 overdose deaths nationally in 2020, according to the National Institute on Drug Abuse.

It was a sharp increase from 2019, when the narcotic killed just shy of 49,000 people.

Synthetic were to blame in more than 56,000 of the opioid overdose deaths reported in 2020, or 61 percent.

Health and law enforcement officials have warned that fentanyl, cheaply produced in foreign drug labs and imported to the United States, increasingly being mixed into other drugs to boost their potency, increasing the likelihood of overdose.

Ott has pending arraignment and drug charges in Berkeley County.

He is the second defendant in as many months to be federally indicted in a form of overdose case.

Heidi Magist-Erbeza was

indicted April 12 on one count of distributing fentanyl resulting in death on allegations a 24-year-old woman died from fentanyl provided to her after a Halloween party in 2020.

Ott and Rachopski are scheduled for bond hearings May 27.

Both defendants are booked at the Charleston County Jail.

Ott has pending arraignment and drug charges in Berkeley County.

Reach Steve Garrison at 843-607-1952. Follow him on Twitter @SteveGarrisonSC.

Budget negotiators have almost \$1B more to talk about

BY JEFFREY COLLINS
 jeffcollins@postandcourier.com

COLUMBIA — The South Carolina lawmakers negotiating big gaps between the House and Senate versions of the state budget received a big gift Tuesday as the state's recovery continued to do better than predicted.

South Carolina can now expect to have about \$850 million more in its bank accounts by the end of June from taxes and other revenue than the state economists predicted in February, the South Carolina Revenue and Fiscal Affairs Office reported.

But the rozier predictions came with a warning. Economists say near 20% growth can't last forever and between the war in Ukraine, rising inflation and interest rates and other factors, a recession could be looming.



South Carolina Senate Finance Chairman Harvey Peeler, R-Gaffney, listens as the Senate debates the state budget on April 26 in Columbia.

"With this new revenue we need to be cautious on how we spend it, if we spend it. And we need to have discussions about making sure we prepare for any downturn in the economy," said new Republican House Speaker Harold Smith, who helped write his chamber's budget before taking up his new post this month.

The three House members and three senators negotiating the budget in a conference committee met Tuesday. The House members and three senators negotiating the budget in a conference committee met Tuesday. The House members and three senators negotiating the budget in a conference committee met Tuesday.

To pay for the \$1 billion more, the Senate cut some items in the House's budget, including money for roads and a \$1.5 billion bonus for all state employees.

While the House agrees to have budgetary support for the plan, the several Republican members of the House were unclear as to what money could have gone for infrastructure repairs and repairs to a rapidly growing state, like building Interstate 75 — a freeway connection from Interstate 95 to Myrtle Beach.

The House spending plan for the 2023-23 fiscal year also

includes \$236 million more in projects requested by individuals and businesses, like profits for the arts or downtown revitalization.

Economists again Tuesday warned this amazing growth probably can't last. Sales tax grew 17% more than estimates as people continue to spend, state Revenue and Fiscal Affairs Office Executive Director Frank Bannister said.

Revenue is growing by about 20% a month, well over the 9% which many states are considered optimistic projections. If economists predicted

20% growth and the state's bank accounts grew by just 9%, that would be a \$100 million extra each month, Bannister said.

"Our growth rate has been very unexpected. It's great news, but we don't want to rely on double-digit growth forever," he said. "If we carry this too long and we're unable to write to fight inflation and signals on the horizon that a recession may be coming, lawmakers will be in a bind to cut back on spending."

South Carolina's budget for this fiscal year for the money controlled by state lawmakers is now expected to be about \$12.8 billion. The budget a decade ago was around \$4 billion.

going into next budget year.

"A year ago, we thought the peak was going to be last year," Bannister said.

Rainwater and investments have missed their predictions by so much, but they would rather predict the budget has less money than more.

"We just want to remain cautious with the budget so promises aren't ever made," he said.

South Carolina's budget for this fiscal year for the money controlled by state lawmakers is now expected to be about \$12.8 billion. The budget a decade ago was around \$4 billion.

Ex-Beaufort mayor survives boat accident

BY KELLY HAN KILLY
 killy@postandcourier.com

BEAUFORT — Former Mayor Billy Keywytting was involved in a boating accident on the Beaufort River on May 21 that led him to having to be resuscitated and brought to a hospital by emergency personnel.

Initial comments on an accident media report Keywytting is breathing on his own, but an official source could confirm his condition three days later to The Post and Courier.

Sybilanders rescued Keywytting and his brother, Paul Keywytting, after their motorboat capsized around 1 p.m. that day.

Leslie Marrey Benton, a former emergency room nurse at Colleton Medical Center, said she, her husband and some friends were boating to Skull Creek on Hilton Head Island for lunch when they saw a sail-

boat on its side in the water.

Paul Keywytting rode on top of it while Billy Keywytting was on its side.

"They weren't in distress, Benton said, and declined the Benton crew's offer to come aboard. But the situation quickly took a turn for the worse.

"I don't think his head kind of flopped backward," Benton said.

Two from the group, Mikoy Cowgans and Chris Barwell, jumped into the river. They tried to clear Billy's airway, keep his head up and fight the current at the same time.

Because the current was so strong, and the boat was so large, Benton and her husband flagged down a lower-stroke boat to help.

Billy Keywytting was brought on board, and Benton

performed CPR until a second rescue arrived to take her.

At the dock, EMS and a local fire department took over CPR. Benton said she was surprised and relieved when the emergency personnel established a pulse.

"When we pulled him out of that boat, he was full of water — purple, I thought he was gone."

No informal or official reports suggest that Paul Keywytting was injured.

The S.C. Department of Natural Resources has an ongoing investigation but not made a boating accident report available.

Keywytting, a 61-year-old 2019, the state averaged 127 recreational boating accidents a year, according to DNR figures.

Billy Keywytting was elected to mayor in 2008. He was re-elected in 2012 and 2016 with no opposition.

In 2018 he published a book about Reconstruction called "Sharing Common Ground: Premises Unfulfilled but Not Forgotten."



Keywytting

Moncks Corner man found shot dead in homicide at motel in N. Charleston

BY STEVE GARRISON
 garrison@postandcourier.com

NORTH CHARLESTON — Police are investigating after a Moncks Corner man was found shot dead at a motel on Monday.

North Charleston police officers were dispatched for reports of a man's death around 11:45 a.m. May 23 at Economy Inn and Suites, 8124 Rivers Ave., an incident report said. A maintenance worker let

officers into one of the rooms, where they found a 47-year-old man dead from a gunshot wound.

North Charleston police spokesman Harvey Jacobs said the death is being investigated as a homicide.

It was the 14th killing reported in North Charleston this year. All of them have involved firearms.

Reach Steve Garrison at 843-607-1952.

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The Berkeley-Charleston-Dorchester Council of Governments (BCDCOG) and Charleston Area Regional Transportation Authority (CARTA) announces a

DISADVANTAGED BUSINESS ENTERPRISE GOAL FOR FY 2023-2025

CARTA and the BCDCOG have established an overall goal of 3% and 3%, respectively, for Disadvantaged Business Enterprise (DBE) participation in Federally-funded contracts through the Federal Transit Administration. A description of the methodology used to develop the goal is available for public inspection and comment for thirty (30) days from the date of this notice. The document will be available between the hours of 8:30 AM and 5:00 PM, Monday through Friday at the BCDCOG Offices located at 5790 Casper Padgett Way, North Charleston, SC 29406. Public comments regarding the goal will be accepted at the address above or at cartadbe@carta.com. Qualified DBE firms are encouraged to participate in the SC DOT Unified Certification Program.

This is the CARTA's and BCDCOG's final DBE Usage Goal unless substantial comment is received and would constitute a change to the goal as presented above.

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**The Berkeley-Charleston-Dorchester
Council of Governments (BCDCOG)
and Charleston Area Regional
Transportation Authority (CARTA)
announces a**

**DISADVANTAGED BUSINESS
ENTERPRISE GOAL FOR FY 2023-2025**

CARTA and the BCDCOG have established an overall goal of 5% and 3%, respectively, for Disadvantaged Business Enterprise (DBE) participation in Federally-funded contracts through the Federal Transit Administration. A description of the methodology used to develop the goal is available for public inspection and comment for thirty (30) days from the date of this notice. The document will be available between the hours of 8:30 AM and 5:00 PM, Monday through Friday at the BCDCOG Offices located at 5790 Casper Padgett Way, North Charleston, SC 29406. Public comments regarding the goal will be accepted at the address above or at contact@bcdco.com. Qualified DBE firms are encouraged to participate in the SCDOT Unified Certification Program.

This is the CARTA's and BCDCOG's final DBE Usage Goal unless substantial comment is received and would constitute a change to the goal as presented above.

C22-290364-1

AFFIDAVIT
OF PUBLICATION

The Post and Courier

State of South Carolina
County of Charleston

Personally appeared before me
The undersigned advertising Clerk of the
Above indicated newspaper published
In the City of Charleston, County and
State aforesaid, who, being duly sworn,
Says that the advertisement of

_____ (copy attached)

appeared in the issue of said newspaper
on the following day(s)

_____ 12/21/22 _____

Subscribed and sworn to

Before me this 20th day
Of December

A.D. 2022

Marygrove Shaw
Advertising Clerk

Notary Public, SC

Paula Hawk



**The Berkeley-Charleston-Dorchester
Council of Governments (BCDCOG)
announces an updated**

**DISADVANTAGED BUSINESS
ENTERPRISE GOAL FOR FY 2023-2025**

BCDCOG established a 10% goal for Disadvantaged Business Enterprise (DBE) participation in Federally-funded contracts through the Federal Transit Administration. A description of the methodology used to develop the goal is available for public inspection and comment for thirty (30) days from the date of this notice. The document will be available between the hours of 8:30 AM and 5:00 PM, Monday through Friday at the BCDCOG Offices located at 5790 Casper Padgett Way, North Charleston, SC 29406. Public comments regarding the goal will be accepted at the address above or at contact@bcdco.com. Qualified DBE firms are encouraged to participate in the SCDOT Unified Certification Program.

This is BCDCOG final DBE Usage Goal unless substantial comment is received and would constitute a change to the goal as presented above.

LNS3449-1

Attachment: BCDCOG Executive Committee Approval

BCDCOG's Board of Directors initially approved BCDCOG's FFY 2023 – FFY 2025 DBE goal for FTA-assisted contracts on June 21, 2022. On January 23, 2023, BCDCOG's Executive Committee approved an updated FFY 2023 – FFY 2025 DBE for FTA-assisted contracts that incorporated the recently funded Lowcountry Rapid Transit project. Below are the relevant sections of the draft meeting minutes for the BCDCOG Executive Committee meeting on January 23, 2023.

**Berkeley-Charleston-Dorchester Council of Governments
Executive Committee
January 23, 2023
Meeting Notes**

The Executive Committee of the Berkeley-Charleston-Dorchester Council of Governments (BCDCOG) met on Monday, January 23, 2023 at the Berkeley-Charleston-Dorchester Council of Governments in the Barrett Lawrimore Conference Room located at 5790 Casper Padgett Way in North Charleston, South Carolina.

MEMBERSHIP: Charles Ackerman; Gary Brewer; Johnny Cribb; David Dennis, Jr.; Miriam Green; Clarence Hughes; Caldwell Pinckney, Jr.; Roy Pipkin; Teddie Pryor; Christie Rainwater; Robert Reid; Keith Summey; John Tecklenburg

MEMBERS PRESENT: Gary Brewer; Johnny Cribb; David Dennis, Jr.; Christie Rainwater; Robert Reid

PROXIES: George Bailey for Charles Ackerman; Gregory Saxton for Miriam Green; Eileen Duffy for Keith Summey; Robert Somerville for John Tecklenburg

BCDCOG STAFF PRESENT: Ron Mitchum; Andrea Kozloski; Robin Mitchum; Katie Paschall; Kathryn Basha; Kristin Miguez; Kyle James; Kim Coleman

- I. **Call to Order:**
 - A) Executive Committee Treasurer, David Dennis, presided in Chairman Pinckney's absence. Mr. Dennis called the meeting to order at 10:00 a.m. followed by the Invocation, the Pledge of Allegiance and a quorum determination.
 - B) Announcement of Proxies: Mr. Bailey for Mayor Ackerman; Mr. Saxton for Mayor Green; Ms. Duffy for Mayor Summey; Mr. Somerville for Mayor Tecklenburg

- II. **Consideration of Minutes: December 5, 2022 and December 12, 2022 Executive Committee Meetings**

Rev. Reid made a motion to approve the December 5, 2022 and December 12, 2022 Meeting Notes as presented.

Mayor Rainwater seconded the motion. The motion was unanimously approved.

III. Information Technology Services (ITS) Contract Renewal – Request for Approval

Ron Mitchum, Executive Director, discussed the Information Technology Services (ITS) Contract Renewal. He stated that the BCDCOG is requesting approval to amend the NetCertPro-ITS contract for an additional year pursuant to the terms outlined in the contract. The contract was awarded on January 29, 2021 as a 1-year contract with 4 options to renew annually. If approved, the amendment will extend the contract from January 29, 2023 until January 28, 2024. Mr. Mitchum addressed questions and comments.

Mayor Rainwater made a motion to approve the Information Technology Services (ITS) Contract Renewal as presented. Rev. Reid seconded the motion. The motion was unanimously approved.

IV. LCRT Transit Oriented Development (TOD) Contract – Request for Approval

Mr. Mitchum discussed the LCRT Transit Oriented Development (TOD) contract. He stated that the BCDCOG Board of Directors approved the recommendation to negotiate a contract with Renaissance Planning in September 2022 for the LCRT TOD Phase 2. Mr. Mitchum noted that BCDCOG staff is requesting approval to enter into a contract with Renaissance Planning for a cost not to exceed \$998,923.00. Mr. Mitchum addressed questions and comments.

Supervisor Cribb made a motion to approve the LCRT Transit Oriented Development (TOD) Contract as presented.

Mayor Rainwater seconded the motion. Mr. Brewer abstained. The motion was approved.

V. Disadvantaged Business Enterprise Plan – Request for Approval

Mr. Mitchum presented the Disadvantaged Business Enterprise Plan. He stated that the BCDCOG Board of Directors approved BCDCOG's 6.0% Disadvantaged Business Enterprise (DBE) usage goal on June 21, 2022 for projects with the Federal Highway Administration (FHWA) funding assistance between FFY2023 and FFY2025. Mr. Mitchum noted that the BCDCOG is also required to set a separate DBE usage goal for projects with the Federal Transit Administration (FTA) funding assistance over the same time period. Consistent with SCDOT's methodology for calculating an updated DBE goal that includes the LCRT project, the BCDCOG proposes increasing its DBE goal from 5.0% (FFY20-FFY22) to 10.0% (FFY23-FFY25). Mr. Mitchum addressed questions and comments.

Rev. Reid made a motion to approve the Disadvantaged Business Enterprise Plan as presented.

Supervisor Cribb seconded the motion. The motion was unanimously approved.

Endnotes

ⁱ Title 49 Code of Federal Regulations, Subtitle A, Part 26: Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs. Current as of November 3, 2020. <<https://bit.ly/38cdQtW>>

ⁱⁱ Disadvantaged Business Enterprise Program, Annual Usage Goal Calculation. BCDCOG. June 14, 2010.

ⁱⁱⁱ Disadvantaged Business Enterprise Program, Overall BCDCOG Goal Calculation. BCDCOG. September 9, 2013

^{iv} BCDCOG. Disadvantaged Business Enterprise & Small Business Participation, Goal Setting Methodology for FY 2017 – FY 2019. BCDCOG. June 2016. <<https://bit.ly/2TW20vN>>

^v BCDCOG. Disadvantaged Business Enterprise & Small Business Participation, Goal Setting Methodology for FY 2020 – FY 2022. August 2019.

^{vi} As a condition of receiving federal financial assistance from U.S. DOT, BCDCOG signed an assurance that it will comply with Title 49 Code of Federal Regulations, Subtitle A, Part 26: Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

^{vii} DBE Final Rule: Key Points. U.S. DOT. <<https://bit.ly/2lbyTIA>>

^{viii} Disadvantaged Business Enterprise and Small Business Enterprise Certification Directories. SCDOT. <<https://bit.ly/38mrbjc>>

^{ix} County Business Patterns. U.S. Census Bureau (2018). <<https://bit.ly/3fwEwHk>>

^x Disadvantaged Business Enterprise & Small Business Participation, Goal Setting Methodology for FY 2017 – FY 2019. BCDCOG. June 2016. <<https://bit.ly/2TW20vN>>

^{xi} Between FFY 2008 and FFY 2022, BCDCOG stated that it would meet its goals through “race-neutral means”. In contrast to “race-conscious means” that specifically focus on assisting only disadvantaged businesses, “race-neutral means” include conducting outreach, providing technical assistance, and focusing other measures on all small businesses regardless of their status as a disadvantaged business. BCDCOG uses the following race-neutral strategies to promote small and disadvantaged participation:

- Arranging solicitations, times for the presentations of bids, quantities, specifications, and delivery schedules in ways that facilitate small and disadvantaged business participation
- Carrying out information and communication programs on contracting procedures and specific contract opportunities
- Ensuring dissemination of eligible small and disadvantaged business directories to the widest feasible universe of potential prime contractors through print and electronic mediums
- Working to unbundle contracts by breaking large, multi-year contracts into smaller contracts that a small business, including disadvantaged businesses, can reasonably perform

In addition to race-neutral strategies, BCDCOG will consider the following strategies for fostering small businesses:

- On prime contracts that do not have DBE goals, BCDCOG may require the prime contractor to provide subcontracting opportunities of a size that small business, including DBE firms, can reasonably perform

BCDCOG will make a good faith effort to implement these strategies in its DBE Program.