



South Carolina  
Department of Transportation

December 17, 2009

Mr. Kurt Taylor  
Assistant County Administrator  
Charleston County  
4045 Bridge View Drive  
North Charleston, South Carolina 29405-7464

Re: Charleston County Transportation Sales Tax Program LPA Qualification  
Determination

Dear Mr. Taylor:

The South Carolina Department of Transportation (SCDOT) has reviewed the information submitted in Charleston County's letter dated December 16, 2009, addressing SCDOT's concerns in the October 16, 2009 and December 7, 2009 qualification response. Upon completion of the review, it has been determined that all of the listed concerns have been satisfactorily addressed and accepted. SCDOT is pleased to inform you that Charleston County has been found to be qualified to administer and manage the following projects:

- Medical University of South Carolina Roadway Improvements
- Harbor View Road Improvements
- Maybank Highway Widening
- Bees Ferry Road Widening

Please note that SCDOT has monitored and will continue to monitor and advise the County, with regard to compliance with applicable rules and regulations, but ultimately, as the Local Public Agency it is the County's responsibility, not SCDOT's or the Federal Highway Administration's (FHWA), to comply with applicable state and federal laws. Nothing in this approval letter should be construed to mean that either SCDOT or FHWA has determined that the County has complied with all procurement laws and regulations.

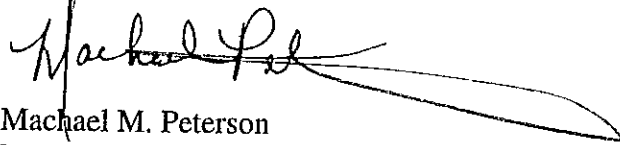
The projects may proceed as LPA projects and will be managed in accordance with the LPA procedures. Attached is a copy of the LPA procedures for your reference. A supplemental to the Cooperative Intergovernmental Agreement dated June 8, 2007 will be prepared and sent to Charleston County for execution in the near future. Please continue to coordinate with Tony Fallaw, Low Country Program Manager or his designee for other necessary concurrences including an approved encroachment permit prior to advertising for construction. An SCDOT construction engineer will be assigned to assist you with the construction phase.



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Again, we greatly appreciate your cooperation and look forward to working with you in the near future. Please do not hesitate to call me at 803-737-1953 if you have questions or concerns regarding this project.

Sincerely,



Michael M. Peterson  
Local Public Agency Administrator

Enclosures

MMP:seaj

cc: John Walsh, Chief Engineer of Location, Planning, and Design  
Tad Kitowicz, Federal Highway Administration  
Robert Clark, District Engineering Administrator  
Mitchell Metts, Director of Preconstruction  
Doug MacFarlane, Director of Contracts and Special Projects ✓

File: LPAAO/MMP



South Carolina  
Department of Transportation

October 16, 2009

Mr. Kurt Taylor  
Assistant County Administrator  
Charleston County  
4045 Bridge View Drive  
North Charleston, South Carolina 29405-7464

Re: Charleston County Transportation Sales Tax Program

**Use of Federal funds indicated in application of July 23<sup>rd</sup>, 2009**

- Johnnie Dodds Boulevard Improvements
- Medical University of South Carolina Roadway Improvements
- Harbor View Road Improvements
- Maybank Highway Widening

**Use of Local funds only indicated in application of July 23<sup>rd</sup>, 2009**

- Glen McConnell Parkway / I-526 Improvements
- Folly Rd. & Maybank Hwy Intersection Improvement
- Folly Road / Camp Rd. Intersection Improvements
- James Island Connector Loop Ramp to Folly Road
- Bees Ferry Road Widening
- US 17 / SC 61 Intersection Improvements

Dear Mr. Taylor:

Thank you for your qualification evaluation package submitted July 23, 2009, requesting to manage multiple projects under the Charleston County Transportation Sales Tax Program utilizing federal funding provided through congressional earmarks and Charleston Area Transportation Study guideshares. Of the projects listed in the application, it is noted that three include federal funds and Charleston County has submitted an application for a Transportation Investment Generation Economic Recovery (TIGER) Discretionary Grant for the Johnnie Dodds Boulevard Improvement Project. It is also noted that the County is requesting approval to administer federal funds for all of the projects listed above in the event federal funds are identified for the non-federal projects listed in the LPA Qualifications Evaluation Form.

By your submittal of the application, it is inferred that Charleston County agrees to administer the projects in accordance with the procedures for Local Public Agency (LPA) project administration and federal requirements. These procedures have been made available to assist SCDOT staff and local governments with administration of federally funded projects and the project development processes involved with that undertaking. SCDOT may delegate administration and management of certain projects to an LPA; however, this delegation does not relieve SCDOT or the local government of its responsibility of administering those funds.

Subsequent to the review of the LPA qualifications evaluation form, SCOT is pleased to inform you that Charleston County will be found to be qualified to administer and manage the following projects provided the following concerns are addressed:



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- Medical University of South Carolina Roadway Improvements
- Harbor View Road Improvements
- Maybank Highway Widening

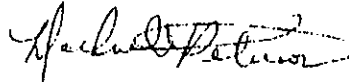
1. Upon review of the County's procurement code, SCDOT identified differences with the SC Procurement Code; in addition, there are federal codes that will be more stringent and will need to be followed. The County should provide confirmation that it will adhere to federal and state procurement procedures when more stringent and refer to federal codes, 23 CFR and 49 CFR, for guidance and give particular consideration to the following:
  - a. Construction services (highway contracts) selection should be low bid only and negotiation for these services is not allowed.
  - b. Local preference is not allowed.
  - c. In the event of tie bids, an equitable method of breaking a tie should be used such as a coin flip. Local preference is not allowed as a tie breaker.
  - d. Cost for professional services cannot be based on a percentage of the construction cost.
  - e. Advertisements and approved plans and specification shall be available to bidders a minimum of three (3) weeks prior to opening of bids.

Upon receipt of your agreement with items above, the projects will be deemed approved and can proceed as an LPA projects. The county will be responsible for ensuring management in accordance with the LPA procedures and with the terms outlined for use of ARRA / TIGER funds. Attached is a copy of the LPA procedures for your reference. A supplemental to the Cooperative Intergovernmental Agreement dated June 18, 2007 will be prepared and sent to Charleston County for execution in the near future. In addition, SCDOT's Program Manager, Tony Fallaw and/or District 6 Engineering Administrator, Robert Clark will be contacting you in regard to the submittal information as the projects progress to ensure and document continued compliance with LPA / Federal project requirements.

The Johnnie Dodds Boulevard project is currently under review by the FHWA and we expect to receive their comments and any concerns shortly. Those will be discussed with you upon receipt to move that determination to a conclusion.

Please do not hesitate to call me at 803-737-1953 if you have questions or concerns regarding this project.

Sincerely,



Michael M. Peterson  
Local Public Agency Administrator

Enclosures  
MMP:seaj

cc: John Walsh, Chief Engineer for Location, Planning, and Design  
Tad Kitowicz, Federal Highway Administration  
Robert Clark, District 6 Engineering Administrator  
Mitchell Metts, Director of Preconstruction  
Matt Lifsey, Low Country Regional Production Engineer ✓  
File: LPAAO/MMP

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bc: Brian Keys, Assistant Chief Engineer for Location, Planning, and Design  
Herb Cooper, Local Programs Engineer  
Barbara Beagles, Office of Special Programs (EEO)  
Carolyn Burton, Office of Special Programs (DBE)  
File: LPAAO/MMP