Richland County Council
Office of Small Business Ad Hoc Committee
MINUTES
March 7, 2023 - 2:30 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Derrek Pugh, Chair; Jason Branham, Gretchen Barron (arrived at 2:32 PM), Jesica Mackey, and Chakisse Newton

OTHERS PRESENT: Paul Livingston, Erica Wade, Tamar Black, Anette Kirylo, Kyle Holsclaw, Leonardo Brown, Patrick Wright, Jennifer Wladischkin, Lori Thomas, Abhijit Deshpande, Angela Weathersby, Ashiya Myers, Chelsea Bennett, Dante Roberts, Pamela Green, Margaret Jones, Stacey Hamm, John Thompson, Susan O'Cain, and Michelle Onley

1. **CALL TO ORDER** – Council Chakisse Newton called the meeting to order at approximately 2:30 PM.

2. **APPROVAL OF MINUTES**

   a. November 1, 2022 – Ms. Newton moved to approve the minutes as distributed, seconded by Ms. Mackey.

      In Favor: Branham, Pugh, Mackey, and Newton

      Not Present: Barron

      The vote in favor was unanimous.

3. **ADOPTION OF THE AGENDA** – Ms. Newton moved to adopt the agenda as published, seconded by Ms. Mackey.

   In Favor: Branham, Pugh, Mackey, and Newton

   Not Present: Barron

   The vote in favor was unanimous.

4. **ELECTION OF CHAIR** – Ms. Mackey moved to nominate Mr. Pugh as Chair, seconded by Ms. Newton.

   In Favor: Branham, Pugh, Mackey, and Newton

   Not Present: Barron

   The vote in favor was unanimous.

5. **DISCUSSION ITEMS**

a. OSBO Presentation – Ms. Erica Wade, Manager – Office of Small Business Opportunity, provided a presentation to the committee.

- The Mission of the Office of Small Business Opportunity is to provide a race and gender-neutral tool for the County to use in its efforts to ensure that all segments of its local business community have a reasonable and significant opportunity to participate in contracts for construction, architectural, and engineering services, professional services, non-professional services, and commodities.

- OSBO Goals:
  - **Advocate:** Ensure that all segments of the small and local business community have a reasonable and significant opportunity to participate in County contracts
  - **Connect:** Connect businesses to programs and resources that help foster business growth.
  - **Qualify:** Qualify small, local businesses using numerous verification techniques to ensure applicants meet the eligibility requirements and comply with all aspects of Richland County programs.
  - **Compete:** Help small and local businesses understand how to leverage their resources to become more productive and competitive in the business market.

- OSBO Services Provided:
  - One on One Consultation
  - Advocacy
  - Connections/Resources
  - Qualify – SLBE Certification

- Eligibility Requirements (SLBE)
  - Must have a principal place of business or significant employee presence in Richland County
  - Must be an independently owned and operated for-profit business that is not a broker, that is not a subsidiary of another business, that is not dominant in its field of operation
  - Business owners are actively involved in day-to-day management and control of the business that is performing a commercially useful function
  - Must have no more than 50 full-time employees
  - Must be in business for at least a year
  - Must meet the size standards eligibility requirements for small business enterprises

- Eligibility Requirements (ESLBE)
  - Less than five (5) years
  - Has no more than five (5) full-time employees
  - Average gross sales is less than $1M over the life of the firm
  - Must meet all of the requirements of an SLBE

- Currently, there are 114 Certified SLBEs
  - 2 Asian, 88 African-American, 24 Caucasian, 2 Hispanic, and 1 Other
  - 58 Female-Owned and 56 Male-Owned
  - 7 Architecture/Engineering, 34 Construction, 9 Non-Professional, 55 Professional Services, and 9 Wholesale

- Total Awarded to SLBEs
  - To date $86,303,633

- OSBO meets with Procurement monthly to track contracts awarded to SLBEs not performing on Transportation Penny projects. Non-Transportation Penny projects have to be tracked manually.

- The utilization goal can range from 3% to 100%
  - 100% signifies projects that SLBE self-perform (Sheltered Market)
  - The SLBE goal on Dirt Road Package O is 12%

- SLBE Participation Projects
  - Bull and Elmwood Intersection Improvement (SLBE Utilization Percentage Goal – 18%)
  - Green Street Improvements Phase II (SLBE Utilization Percentage Goal – 8.1%)

- OSBO's Strategic Community Partners
  - OSBO Partners with agencies throughout South Carolina, with particular emphasis on Richland County, promoting and educating the business community on the County's goals, services, projects, and opportunities.
  - Through these partnerships, OSBO ensures Richland County is visible at outreach events hosted by the community partners.
  - OSBO has also partnered with the Hispanic Business community educating and promoting the community on Richland County's resources and certifications
  - The COMET, Richland Library, Richland School District Two, South Carolina Department of Commerce, USC/Columbia Technology Incubator, Midlands Technical College, South Carolina Department of Transportation, Richland School District One, US Small Business Administration, Columbia Metropolitan Airport, Benedict College, and many more.

- OSBO Business Academy
  - The OSBO Office provides technical workshops and training on various topics, such as contracting, investors and loan options, marketing and branding, business plans, establishing business credit, etc.
  - In 2022, there were over 880 attendees and does not include those that attended via YouTube
  - One of the SLBEs obtained a grant from Richland County's COVID-19 Small Business Relief Grant Program.
  - Small Businesses are encouraged to register in the vendor pool
  - There have been business-to-business opportunities and partnerships formed among the attendees
  - February 2023 – "Good, Better, Different" Training; businesses had an opportunity to evaluate their businesses and provide real-time feedback

- Community Engagement
  - OSBO is in full support of the County's investment in Economic Development
  - OSBO participated in two ribbon cuttings in February 2023 (Districts 3 and 9)
  - In December 2022, OSBO collaborated with Optus Bank and the City of Columbia on a business appreciation outreach event. One of the County's SLBEs was featured at the event. The event brought more exposure to the business, and they were able to generate additional revenue.

- Disparity Study Update
  - Griffin & Strong, P.C. – Consultant; subcontractor is a Richland County SLBE
  - Kickoff Data/Assessment Meeting – December 5, 2022

- Plan for Data Collection (Outline Complete)
- Collection of Quantitative Data is due March 10, 2023
- Policy Review (Legal, OSBO, Economic Development, Procurement, Transportation) – In Progress
- Projected completion date is April 2024

Ms. Mackey inquired if the disparity study will be provided to the committee in April 2024 or is that when the consultant will complete their work.

Ms. Wade responded, based on the assessment, everything should be complete by April 2024.

Ms. Mackey inquired if the committee or Council would be provided a presentation of the results.

Mr. Leonardo Brown, County Administrator, replied the presentation would go through the committee-Council process.

Ms. Wade noted she believes the consultant will be holding meetings with Councilmembers throughout the process.

Ms. Barron requested that Ms. Wade provide clarification on what the study includes.

Ms. Wade replied the consultant is requesting a copy of the SLBE-certified list from 2017 to 2022. In addition, they have asked for data from Procurement and Finance.

Ms. Jennifer Wladischkin, Procurement Director, stated the data they are requesting is the contracts awarded, subcontractors under the contracts, and vendor payments.

Mr. Branham inquired if this is the equity study referenced in the November minutes.

Mr. Pugh responded in the affirmative.

Mr. Livingston noted the disparity study will allow the County to set realistic goals.

Ms. Newton stated she understands it takes time to talk to individuals and process the data, and the report will be presented to the committee in April. She inquired if the first input received by Council would be in April or are will information be shared incrementally with Councilmembers.

Ms. Wade responded there is a breakdown of when the information will be provided to Councilmembers, which she will provide to the committee.

- Next Steps
  - Administration and Council's directives for OSBO (Ordinance 058-16HR)
    - OSBO will recruit and promote the development of small businesses within Richland County
      - SLBE Program
      - M/WBE Program
      - Mentor-protégé metrics
      - Participation goals:
        - OSBO-Procurement collaboration
        - Aspirational goal countywide
        - Sheltered market projects
    - Training and education initiatives

- Access to capital
- Small business outreach

b. OSBO Ordinances:

1. Ordinance 049-13HR – "An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration, Article X, Purchasing; by adding a new division entitled 7, Small Local Business Enterprise Procurement Requirements; and amending Chapter 2, Administration; Article XI, Inquiries and Investigations, so as to renumber the paragraphs therein" – *Ms. Wade noted this was when the SLBE program was created for Transportation. The effective date was September 17, 2013.*

2. Ordinance 039-14HR – "An Ordinance amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 5A, Office of Small Business Opportunity; so that a new department will be created" – *Ms. Wade noted this ordinance created the OSBO Office, and the director reported directly to the County Administrator. The effective date was July 15, 2014.*

3. Ordinance 064-14HR – "An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; so as to abolish the department known as the Office of Small Business Opportunity and instead create it as a division of the office of Procurement" – *Ms. Wade noted this ordinance abolished the OSBO Department and the division was moved under Procurement. The effective date was November 18, 2014.*

4. Ordinance 058-16HR – "An Ordinance amending the Richland County Code of Ordinances, Chapter 2, Administration; so as to move the division known as the Office of Small Business Opportunity from Procurement so that this division directly reports to the County Administrator" – *Ms. Wade noted this ordinance removed the OSBO Office from Procurement, so as to report to the County Administrator. The effective date was December 6, 2015.*

   The language from Section 3 was amended as follows: "The Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; Division 7, Small Business Enterprise Procurement Requirements; shall be amended by replacing each reference of the "director of procurement" to the "director of the Office of Small Business Opportunity."

   Ms. Wade stated the office is currently under the Division of Procurement, and it is the staff's recommendation to adhere to Section 2-639 because it parallels the purpose of the disparity study. It references the SLBE Program furthering the County's public interest in fostering an effective broad-based competition from all segments of the vendor community to include small local and minority businesses. This will ensure the County will not be an active or passive participant in private sector marketplace discrimination but promote equal opportunity for the contracting community to participate in County contracts. OSBO would like to continue collaborating with Procurement to ensure that SLBEs receive equal opportunity. Staff will continue recruiting to increase the vendor pool through outreach, training, and strategic partnerships. OSBO would continue to partner with Business License Department to capture businesses in the County so the office can potentially certify in areas where there is a demand. OSBO would strive to set a countywide aspirational goal for the 27+ departments. In addition, they would like to continue collaborating with the Grants Department to provide access to capital and serve as a resource to our financial institutions.

   Ms. Mackey inquired how the Transportation Penny Program is set up in the OSBO structure. In addition, does the ordinance address the difference between the Penny and countywide projects?

   Ms. Wade responded the program was established under Ordinance # 049-13HR to ensure that contractors would get equal opportunities. Now we set goals on a project-by-project basis. We use the same process for both Penny and non-Penny projects.

   Mr. Brown stated he hoped to understand what the current Council wants to do with the ordinance. He noted the information on the County's website is not all reflective. We want the committee, and ultimately Council, to provide current direction so the ordinance can be updated to establish how the recording mechanism works with the Administrator and what you want the OSBO Office to do. He indicated he believes the current body is best suited to address the matter instead of trying to determine what the previous body's intentions were when the office was established.

Ms. Mackey stated she wants to ensure the research has been done as it relates to the Penny Program, and there is no language stating we would follow some setup related to SLBE. In addition, as we move forward with ordinances, to change requirements for the Penny Program and non-Penny projects.

Mr. Livingston stated this ordinance was designed specifically for the Penny Program. At that time, the intent was to inform minorities about what was available, recruit them, and certify them. There was also a significant goal for SLBE participation. He indicated SC Department of Revenue determined this was an inappropriate use of Penny funds. Therefore, it was moved into the General Fund.

Mr. Branham stated the OSBO Office is helping to promote businesses beyond the Penny Tax Program. He inquired if there is a question about where the OSBO Office fits into the organizational chart.

Mr. Brown responded there was a question of whether the OSBO Office was under Procurement or specifically reported elsewhere. It was recently discovered that the ordinance was amended and that OSBO was moved from under Procurement and established as a standalone department. We are seeking clarity so we know how to move forward.

Mr. Branham inquired as to whom the OSBO Office is currently reporting to.

Mr. Brown responded they report to the Procurement Department.

Mr. Branham inquired if the OSBO Office has a recommendation for where they ought to fit within the County organization.

Mr. Brown replied that Ms. Wade recommended that the ordinance reflect the staff's reporting structure.

Mr. Branham stated that for clarification, the recommendation is to report directly to the County Administrator.

Mr. Brown responded in the affirmative.

Mr. Branham queried the County Attorney about his position on the recommendation.

Mr. Patrick Wright, County Attorney, responded the ordinance currently reflects the office reports directly to the County Administrator. He indicated Council would have to determine whether they want it to remain as is or have the office report to the Procurement Department.

Mr. Pugh inquired if we are presently operating outside of the ordinance.

Mr. Brown replied based on the information gathered in the last few weeks, we are operating outside of the ordinance. Before that, we thought we were operating in conjunction with the ordinance.

Ms. Newton stated there are different kinds of functions the office does. Therefore, we have to look at it comprehensively to determine what lands where. We may need to structure it differently because the functions are varied.

Mr. Livingston indicated it would be helpful to know what percentage of SLBEs have 0-25 employees and 26-50 employees.

Ms. Wade stated she would provide the information to Mr. Livingston. She noted we have to take into consideration the ongoing disparity study.

Mr. Brown stated the former County Administrator, Gerald Seals, presented a reorganization of the County departments after the reading of this ordinance. The reorganization went through three readings and placed the OSBO Office under Economic Development. As such, he believes it would be helpful to understand what the current Council wants instead of relying on past events.

Ms. Mackey noted that one of the Strategic Plan's goals included inclusion, equitable infrastructure, and the disparity study. The goal of Council is to ensure the OSBO Office is more forward facing and engages with the community. Growing small businesses is a huge part of the local economy. She stated we need to look at the office and how it aligns with the Strategic Plan.

Ms. Wade related that the office maintains its current staffing level and its current location. She noted their conference room is set up to conduct training. In addition, they have a lab that allows them to assist the SLBEs with uploading information into the B2G system.

Ms. Newton stated, for clarification, Ms. Wade's staffing and location request would be under the purview of the Administrator and not Council.

Mr. Branham inquired if Mr. Brown had a recommendation.

Mr. Brown responded that he did not. He wants to ensure we are following the intent of Council. He stated he wants to know how Council sees these services being provided through the OSBO Office.

Mr. Branham inquired if we left the OSBO Office reporting to the Council Administrator, there would be no need to amend the ordinance.

Mr. Brown responded that if the ordinance read is the most recent, that would be correct.

Mr. Wright noted something else to consider is whether we will have an Economic Development Department. If you want to amend the ordinance, ensure it is updated to reflect what the current Council wants the office to do.

Ms. Newton stated, for clarification, the committee needs to make a recommendation by forwarding a motion to Council. Also, additional information will be provided to put us in a position where the motion can be made.

Mr. Pugh responded in the affirmative.

5. Division 7. Small Business Enterprise Procurement Requirements.

6. **ADJOURNMENT** – Ms. Barron moved to adjourn the meeting, seconded by Ms. Newton.

   In Favor: Branham, Pugh, Barron, Mackey, and Newton

   The vote in favor was unanimous.

   The meeting adjourned at approximately 3:15 PM.