



Healthy People Healthy Communities

FM-3-564

GRANT AGREEMENT
BETWEEN
SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL
CONTROL

AND

City of Charleston

This Agreement by and between the South Carolina Department of Health and Environmental Control (DHEC) and **City of Charleston** (Recipient) municipality existing under the laws of South Carolina, is to provide for the distribution of One Million Five Hundred Thousand Dollars (\$1,500,000) and 00/100 (the Funds) appropriated in 2022 Act 239, Part 1B, Proviso 118.19 (83) J040 (m).

The parties agree as follows:

A. STATEMENT OF PURPOSE:

The purpose of the Agreement is to provide funding to the Windermere Basin Study and Outfall Maintenance Project, to reduce heavy flooding in the Old Windermere Neighborhood and surrounding area. This Agreement furthers DHEC's statutory mission as authorized in South Carolina Code Section 48-39-10 to 48-39-360 and serves the public purpose of environmental protection and conservation.

B. SCOPE OF SERVICES:

The Recipient shall utilize the Funds for the activities and services (The Windermere Basin Study and Outfall Maintenance Project) as outlined in the attached Earmarked Appropriations Disbursement Request Form (Exhibit 1) as completed with supporting documents, which will be incorporated into this Agreement upon acceptance and approval under Paragraph D.

C. TERM:

This Agreement shall be effective upon signature, calendar year 2022 and shall terminate on June 30, 2023. Recipient's obligations under this Agreement shall survive termination.

D. **PAYMENT:**

1. Recipient shall submit a written request for payment not to exceed **\$1,500,000** and shall include with the request the information on the attached Earmarked Appropriations Disbursement Request Form (Exhibit I), including the following as required by **Proviso 117.21 and the Agency:**
 - a. An accounting of how the Funds will be spent (Planned Expenditure Summary),
 - b. Goals to be accomplished, and
 - c. Proposed measures to evaluate success in implementing and meeting the goals.
*(Per Proviso **117.21** no funds shall be released until the required plan of how the state funds will be spent and how the expenditures will provide a public benefit are filed with the agency.*
2. Upon acceptance and approval by DHEC, the request for payment will be incorporated into and made a part of this Agreement.
3. Recipient must register with SCEIS as a vendor and provide vendor information on the request for payment.
4. If applicable, the recipient shall provide proof that they are currently registered with the SC Secretary of State.
5. Payment is contingent on DHEC's receipt of Funds.
6. Upon receipt and review and approval of the Planned Expenditure Summary, Funds Budget, and financial statements, DHEC will transmit the Funds to Recipient by check delivered to:

Sarah Myers
Assistant Finance Director
City of Charleston
PO Box 304
Charleston, SC 29402

7. Source of Funds: State funds made available in the FY2022 Appropriations Act from **state funds** as a nonrecurring distribution per legislative direction, effective July 1, 2022. DHEC's Point of Contact for financial information regarding payments made under this Agreement:

Bruce C. Busbee, Director
Budgets and Financial
Planning SCDHEC
2600 Bull Street
Columbia, South Carolina, 29201

E. REPORTING REQUIREMENTS: AUDITS:

1. **By June 30, 2023**, Recipient shall submit to DHEC a report containing a detailed accounting of its use of the Funds, the services completed, and the outcome measures used to determine the success of the stated goals in sufficient detail for DHEC to determine Recipient's compliance with the Scope of Services set forth in Paragraph B above. See Exhibit **(Quarterly Expenditure Report)** an expected completion date by which it anticipates all Funds will have been spent. Recipient shall also submit a final report with this information within 90 days after project completion or exhaustion of Funds.
2. Recipient shall submit to DHEC **by June 30, 2023**, a detailed statement explaining the nature and function of its organization as well as a detailed statement explaining the use that was made of the Funds **(using attached template(s))**.
3. Recipient will allow the State Auditor to audit or cause to be audited the Funds.

F. PREVENTING AND REPORTING FRAUD, WASTE AND ABUSE:

1. DHEC has procedures and policies concerning the prevention and reporting of fraud, waste and abuse (FWA) in agency-funded programs, including but not limited to those funded by federal grants such as Medicaid. No agency employee, agent, or Recipient shall direct, participate in, approve, or tolerate any violation of federal or State laws regarding FWA in government programs.
 2. Federal law prohibits any person or company from knowingly submitting false or fraudulent claims or statements to a federally funded program, including false claims for payment or conspiracy to get such a claim approved or paid. The False Claims Act, 31 U.S.C. §3729-3733, and other "whistleblower" statutes include remedies for employees who are retaliated against in their employment for reporting violations of the Act or for reporting fraud, waste, abuse, or violations of law in connection with federal contracts or grants, or danger to public health or safety. Under State law, persons may be criminally prosecuted for false claims made for health care benefits, for Medicaid fraud, for insurance fraud, or for using a computer in a fraud scheme or to obtain money or services by false representations.
3. If Recipient or Recipient's agents or employees have reason to suspect FWA in DHEC programs, this information should be reported in confidence to DHEC. A report may be made by writing to the Office of Internal Audits, DHEC, 2600 Bull Street, Columbia, SC 29201; or by calling the DHEC Fraud, Waste and Abuse Hotline at 803-896-0650 or toll-free at 1-866-206-5202. Recipient is required to inform Recipient's employees of the existence of DHEC's policy prohibiting FWA and the procedures for reporting FWA to the agency. Recipient must also inform recipient's employees, in writing, of their rights and remedies under 41 U.S.C. §4712 concerning reporting FWA or violations of law in connection with federal contracts or grants, or danger to public health or safety, in the predominant native language of the workforce.

- G. **USE OF FUNDS:** Recipient will not use, expend, or allow use or expenditure of the Funds for any purpose not authorized in and consistent with this Agreement. Unexpended funds distributed pursuant to this Agreement may be carried forward to succeeding fiscal years and expended for the same purposes. Recipient shall continue the reporting and monitoring required under this Agreement until all Funds are spent.
- H. **RETURN OF FUNDS:** The State of South Carolina reserves the right to all remedies available to it under law for the enforcement of this Agreement including but not limited to the right to demand repayment of any Funds that remain unused at completion of the project or that were used for purposes not authorized in this Agreement.
- I. **NON-DISCRIMINATION:** Recipient represents and agrees that it does not and will not practice discrimination, or use the Funds for purposes which discriminate, against persons by virtue of race, religion, color, sex, age, national origin, disability, veteran status, pregnancy, gender identity, sexual orientation, or any other basis prohibited by law.
- J. **RECORDKEEPING:** Recipient shall create and maintain adequate records to document all matters covered by this Agreement. Recipient shall retain all such records for six (6) years or other longer period required by law after termination, cancellation, or expiration of the Agreement or after final expenditure of Funds, whichever is later, and make records available for inspection, copying, and audit by DHEC or other authorized agent of the State. If any litigation, claim, or audit has begun but is not completed or if audit findings have not been resolved at the end of the retention period, the records shall be retained until all litigation, claims, or audit findings involving the Funds have been resolved.
- K. **REVISIONS OF LAW:** The provisions of the Agreement are subject to revision of state or federal statutes and regulations and requirements governing this grant.
- L. **PUBLIC INFORMATION:** All information relating to distribution and use of the Funds, including all reports and documentation submitted to DHEC under this Agreement, is subject to public disclosure under the South Carolina Freedom of Information Act and may be published on DHEC's internet web site.
- M. **ATTACHMENTS:** Attachments to this Agreement are incorporated into and made part of this Agreement.

SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL
CONTROL

CITY OF CHARLESTON

BY: 
Bruce C. Busbee

BY: 
Amy Wharton

Director of Budgets and Financial
Planning

Chief Financial Officer

DATE: 11/21/2022

DATE: 11/15/2022

MAILING ADDRESS:
SC DHEC - Office of Budgets and Financial
Planning
2600 Bull Street
Columbia, SC 29201
Phone: 803-898-3388
Fax: 803-253-7637

MAILING ADDRESS:
City of Charleston
Department of Budget, Finance and Revenue
Collections
116 Meeting St
Charleston, SC 29401
Phone: (843)579-7596
Fax: (843)720-3901
Email: whartona@charleston-sc.gov

REMITTANCE ADDRESS:
Sarah Myers
Assistant Finance Director
City of Charleston
PO Box 304
Charleston, SC 29402

TAX/EMPLOYER ID# 57-6000226

TYPE OF ENTITY (check one):

- Corporation
- LLC
- Partnership
- Nonprofit organization
- Government agency or political
subdivision
- specify State if not SC:

 Other Governmental body (specify)

- Individual/sole proprietor
- Other (specify)

If a corporation or LLC:
State of incorporation/organization:

Registered agent and address in South
Carolina

SCDLLR or other license#

THIS AGREEMENT IS NOT OFFICIAL AND
BINDING UNTIL SIGNED BY THE DHEC
CONTRACTS MANAGER



Francine Miller
DHEC Contracts Manager

DATE: 11-21-22

State of South Carolina Request for Contribution Distribution – Goals and Measures

State Agency Providing the Contribution – Department of Health and Environmental Control

Amount of Contribution - \$1,500,000.00

Organization Information – City of Charleston

Project – Windermere Drainage and Outfall Improvement Project

Goal 1 (Funding Line Item 1 – Outfall Rehabilitation \$290,000) Perform restoration of the stormwater flow capacity of the existing marsh outfall channel from Folly Road Blvd (SC-171) located south of the Windermere Shopping Center.

Measure 1: Complete cleaning/restoration work as per the approved United States Army Corps of Engineer (USACE) and South Carolina Department of Health and Environmental Control’s Office of Ocean and Coastal Resource Management’s (DHEC OCRM) permits.

Goal 2 (Funding Line Item 2 – Neighborhood Drainage Improvement Project Engineering Services \$400,000) Complete Engineering Design for Windermere Neighborhood Drainage Improvement Project

Measure 2a: Obtain City of Charleston Technical Review Committee Approval for the Improvement Project

Measure 2b: Obtain USACE and DHEC OCRM Permits for the Improvement Project

Goal 3 (Funding Line Item 3 – Neighborhood Drainage Improvement Project Construction \$810,000) Construction of Windermere Neighborhood Drainage Improvement Project

Measure 3a: Award Construction Contract at City Council

Measure 3b: Achieve Substantial Completion of Construction Project



November 14, 2022

City of Charleston
PO Box 304
Charleston, SC 29402

RE: Windermere Basin Study and Outfall Maintenance Project

Dear City of Charleston,

The South Carolina Department of Health and Environmental Control has received your request for the distribution of funds for the Windermere Basin Study and Outfall Maintenance Project through the 2022 Act 239, Part 1B, Proviso 118.19 (83) J040 (j).

To date, we have only received one permit application for this project, a Critical Area Permit, but other permits may be necessary. To ensure that your project meets the requirements set forth in our statutes and regulations, we encourage you to contact Kristy Ellenberg, to schedule a pre-project permit application meeting. Her contact information is below:

Kristy Ellenberg
Director, Collaborative Partnerships & Strategic Initiatives
ellenbke@dhec.sc.gov
803-898-8161

Sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca Spröles".

Rebecca Spröles
Environmental Affairs Liaison
SC Department of Health and Environmental Control
sprolemr@dhec.sc.gov
803-394-0465



State of South Carolina Request for Contribution Distribution

This form is designed to collect the information required by South Carolina in accordance with Proviso 117.21 of the appropriations act of 2022 and Executive Order 2022-19. This form must be submitted to the state agency that is providing the contribution for the designated organization. The state agency providing the contribution should use this form to collect information from the designated organization. The information must be collected from the designated organization before the funds can be disbursed.

Contribution Information

Amount	State Agency Providing the Contribution	Purpose
\$1,500,000.00	J040 - Department of Health and Environmental Control	Windermere Drainage and Outfall Improvement Project

Organization Information

Entity Name	City of Charleston
Address	PO Box 304
City/State/Zip	Charleston/SC/29402
Website	www.charleston-sc.gov
Tax ID#	57-6000226
Entity Type	Municipality

Organization Contact Information

Contact Name	Sarah Myers
Position/Title	Assistant Finance Director
Telephone	843-965-4178
Email	myerss@charleston-sc.gov

Plan/Accounting of how these funds will be spent:

Description	Budget	Explanation
Outfall Rehabilitation	\$290,000.00	Contracted Cleaning of Neighborhood Drainage Outfall to Mitigate Flooding
Neighborhood Drainage Improvement Project Engineering Services	\$400,000.00	Contracted Engineering for Drainage Improvement Project to Reduce Flooding
Neighborhood Drainage Improvement Project Construction	\$810,000.00	Contracted Construction of Drainage Improvements to Reduce Flooding
Grand Total	\$1,500,000.00	

Please explain how these funds will be used to provide a public benefit:

The Project is to reduce heavy flooding in the 134 acre Old Windermere Neighborhood and surrounding area. Old Windermere is a mixed commercial and residential community in the West Ashley area of the City of Charleston. The project will improve drainage infrastructure (pipes and ditches), add an additional outfall for the neighborhood, and improve/maintain the one existing outfall serving the neighborhood. This Project is in response to repeated flood events in the Windermere neighborhood of West Ashley as well as Folly Road Blvd (a major SCDOT maintained roadway). Flooding has repeatedly affected roads, properties, and structures in the area including a public library, private residences, and commercial properties. The Windermere neighborhood is comprised of two drainage basins that include the Windermere East and South Windermere basins. The Windermere East basin is approximately 72.6 acres and the South Windermere basin is approximately 61.3 acres. The total area served by the project is approximately 134 acres.

Organization Certifications

- 1) Organization hereby gives assurance that no person shall, upon the grounds of race, creed, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity for which this organization is responsible.
- 2) Organization certifies that it will provide quarterly spending reports to the Agency Providing Contribution listed above.
- 3) Organization certifies that it will provide an accounting at the end of the fiscal year to the Agency Providing Contribution listed above.
- 4) Organization certifies that it will allow the State Auditor to audit or cause to be audited the contributed funds.

Amy K. Wharton
Organization Signature

Chief Financial Officer
Title

Amy K. Wharton
Printed Name

12-Oct-22
Date

Certifications of State Agency Providing Contribution

- 1) State Agency certifies that the planned expenditure aligns with the Agency's mission and/or the purpose specified in the appropriations act of 2022.
- 2) State Agency certifies that the Organization has set forth a public purpose to be served through receipt of the expenditure.
- 3) State Agency certifies that it will make distributions directly to the organization.
- 4) State Agency certifies that it will provide the quarterly spending reports and accounting received from the organization to the Senate Finance Committee, House Ways and Means Committee, and the Executive Budget Office by June 30, 2023.
- 5) State Agency certifies that it will publish on their website any and all reports, accountings, forms, updates, communications, or other materials required by Proviso 117.21 of the appropriations act of 2022.
- 6) State Agency will certify to the Office of the Governor that it has complied with the requirements of Executive Order 2022-19 by June 30, 2023.

Edward Simmer
Agency Head Signature

28 Nov 2022
Date

Edward Simmer
Printed Name



November 14, 2022

City of Charleston
PO Box 304
Charleston, SC 29402

RE: Windermere Basin Study and Outfall Maintenance Project


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Director, Collaborative Partnerships & Strategic Initiatives
ellenbke@dhec.sc.gov
803-898-8161

Sincerely,


Rebecca Sproles
Environmental Affairs Liaison
SC Department of Health and Environmental Control
sprolemr@dhec.sc.gov
803-394-0465