

# SFY25 Dam Repair Assistance Grant Program Guidelines

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## 1. **Program Description**

### 1.1 Overview

Budget Proviso 55.24 (DES: Dam Repair Assistance) has made \$1,500,000 in state funds available for SFY25 to develop cost-sharing grants to correct dam deficiencies identified by the South Carolina Department of Environmental Services (SCDES) for HIGH and SIGNIFICANT Hazard dams regulated under the Dams and Reservoir Safety Act. For SFY25, SCDES plans to solicit applications from eligible applicants for pre-construction and construction efforts associated with dam rehabilitations and removals for eligible High and Significant Hazard dams in South Carolina. Please note that the South Carolina Supreme Court has interpreted Article X, Section 5 of the South Carolina Constitution to mean that any expenditure of public funds must be made for a public purpose.

### 1.2 Objectives

The FY25 Dam Repair Assistance Grant Program aims to:

1. Reduce or eliminate risk associated with dams;
2. Improve accessibility of financial assistance to dam owners who may not be eligible to apply for other dam safety grants; and,
3. Provide financial assistance for the rehabilitation or removal of HIGH and SIGNIFICANT hazard dams that fail to meet minimum dam safety standards and pose an unacceptable risk to life and property.

## 2. **Eligibility**

### 2.1 Eligible Activities

Grant funding is limited to 1) eligible activities on 2) eligible dams carried out by 3) eligible applicants. Eligible activities include, but are not limited to:

1. Preparedness Planning
2. Project Planning
3. Preliminary Engineering
4. Engineering Design
5. Outreach and Risk Communication
6. Construction
7. Removal
8. Instrumentation

Table 1: Allowed activities for the FY25 Dam Repair Assistance Grant Program.

Main Category	Sub-Category	Activity
Non-Construction	Preparedness Planning	<ul style="list-style-type: none"> <li>• Development of Emergency Action Plans (EAPs), evacuation plans, plans for flood fighting, or community response plans to include in the floodplain management plan</li> <li>• Coordination of Emergency Action Plans (EAP) and Emergency Operations Plans (EOP) for different release conditions</li> </ul>
	Project Planning	<ul style="list-style-type: none"> <li>• Activities and studies that determine risks associated with eligible dams (for future construction project)</li> <li>• Development of operation and maintenance plans</li> </ul>
	Preliminary Engineering	<ul style="list-style-type: none"> <li>• Dam risk and consequence assessments</li> <li>• Feasibility studies</li> <li>• Preliminary engineering studies</li> <li>• Alternatives analysis</li> <li>• Mapping, engineering survey, and inundation modeling</li> </ul>
	Engineering Design	<ul style="list-style-type: none"> <li>• Final design</li> <li>• Development of drawings and specifications</li> <li>• Permitting</li> </ul>
	Outreach and Risk Communication	<ul style="list-style-type: none"> <li>• Public education and awareness of flood risks associated with the eligible dam project</li> </ul>
Construction	Construction	<ul style="list-style-type: none"> <li>• Bid services</li> <li>• Repair or rehabilitation of the dam (including tree removal)</li> <li>• Construction oversight and monitoring</li> <li>• Project Management (capped at 5%)</li> </ul>
	Removal	<ul style="list-style-type: none"> <li>• Dam removal</li> </ul>
	Instrumentation	<ul style="list-style-type: none"> <li>• Sensors and early warning systems for monitoring conditions with dam and reservoir</li> </ul>

The following activities are ineligible for funding under this program:

1. Routine Operation and Maintenance (O&M).
2. Purchase of equipment that is not an integral part of the funded project.
3. Establishment of a reserve fund.
4. Activities that increase the hazard classification and/or risk (e.g., increase to dam height or storage capacity, repair of a fully breached dam).
5. Perform work that would result in duplicative data that is publicly available from the State or other source (i.e., geotechnical investigation where past geotechnical investigation already exists and remains valid), unless previously approved by the State or waived by the State.
6. Payment of principal or interest on existing debt, or any interest payments associated with project financing.
7. Costs associated with bid protests.
8. Litigation costs, including, but not limited to, appeals of SCDES decisions.
9. Activities that do not serve to facilitate repair or risk reduction.
10. Costs associated with remedies (or attempted remedies) for non-compliance, unless previously approved by the State.
11. Construction of new dams.

## 2.2 Dam Eligibility

In order to be considered eligible for funding under this grant program, a dam must:

1. Be regulated by the SC Dam Safety Program
2. Have a hazard classification of HIGH or SIGNIFICANT
3. Have a condition assessment rating of POOR or UNSATISFACTORY as identified by SCDES
4. Fail to meet minimum dam safety standards, as determined by SCDES

## 2.3 Applicant Eligibility

The following categories of applicants are considered eligible to apply for and receive grant funds:

1. Private entity/corporation
2. Individual
3. Non-federal government organization
4. Non-profit organization

All applicants must be able to:

1. Demonstrate clear ownership of the dam.
  - a. Ownership determination will be made by SCDES, which may require the use of outside legal counsel.
  - b. HOAs must provide covenants and/or by-laws with their grant application.
2. Demonstrate that they are not delinquent on any taxes.

3. In the case of corporations, must be in good standing with the SC Secretary of State's office.
4. In the case of multiple dam owners:
  - a. The grant can only be awarded to one owner if there are multiple dam owners. Multiple owners must either form a partnership or decide who will be the Applicant/Recipient.
  - b. All owners must demonstrate support for the project, even if only one or some are funding the project.
  - c. Grants will not be awarded if only a part of the dam is addressed – grant-funded projects must correct deficiencies of the entire dam.

### **3. Cost Share and Match**

Cost share for these awards starts at 50% of the direct eligible costs required to complete the scope of work in an approved project. The Recipient must provide the remaining 50% match in the form of cash or in-kind contributions. State match can increase to up to 75% based on demonstration of financial hardship.

#### **3.1 In-Kind Contributions**

A description of in-kind services or activities must be reviewed and pre-approved by SCDES as eligible to count towards the Recipient cost share match requirement. Examples of acceptable in-kind contributions include, but are not limited to, dam owner's incurred costs to procure, or donations thereof, any of the following:

1. Professional Services
2. Materials
3. Labor
4. Equipment

### **4. Period of Performance**

The Period of Performance (POP) is the total estimated time interval between the start of the award and the planned end date. For this program, the Planning and Engineering projects will have a POP of one year and Construction projects will have a POP of 3 years. Applicants should only propose projects that will be completed within the POP.

#### **4.1 Period of Performance Extensions**

Extensions to the POP under this program are allowable but cannot be guaranteed. Requests to extend the POP for any reason must be submitted to SCDES for approval. SCDES will review the request and Recipient's justification before making the determination to approve or deny the

extension request. POP extension requests should be submitted in writing to SCDES at least 90 days prior to the Period of Performance end date.

## **5. Application Requirements**

Applications must be prepared with the assistance of a Professional Engineer (PE) licensed in the state of SC. A completed application package must include the following documentation:

1. Completed Application Form
2. Eligibility Narrative
3. Project Narrative
4. Project Milestones for the Proposed Scope of Work
5. Detailed Budget for the Proposed Scope of Work
6. Description of Match
7. Engineer Statement
8. For construction projects, a cost estimate certified by licensed PE registered in SC
9. Match Commitment Letter
10. Assurance Statements and Certifications
11. Insurance Checklist
12. Construction Permit (for construction activities only)
13. Covenants and by-laws (for HOAs)

## **6. Selection Criteria**

A three-part selection process will be used to determine which applications will be selected for funding: (1) Initial Screening, (2) Technical Review, and (3) Ranking by Selection Committee.

### **6.1 Initial Screening**

The initial screening aims to identify and advance applications that:

1. Meet all dam, applicant, and activity eligibility criteria
2. Meet all grant application requirements
3. Implement risk-reduction measures for dams that pose unacceptable risk to life and property
4. Correct deficiencies for the entire dam

### **6.2 Technical Review**

Applications that pass the initial screening will be reviewed by the Dam Safety Program and evaluated on technical merits of the dam and proposed project using a point-based system to provide a technical review score.

Example Criteria (Subject to change):

1. Current Hazard Classification:
  - a. High = 20 points
  - b. Significant = 10 points
2. Impacts from the dam in the event of failure:
  - a. School/Hospital/Multi-Family Dwelling = 100 points
  - b. Single-Family Dwelling = 10 points
  - c. Main Highway = 10 points
  - d. Secondary Highway = 5 points
3. Project decreases dam's hazard classification:
  - a. High to Significant = 20 points
  - b. Significant to Low = 10 points
  - c. High to Low/Exempt = 50 points
4. Project will provide spillway capacity that meets or exceeds regulations = 20 points
5. Dam currently under a State-issued Emergency or Inspection and Repair Order = 20 points

### 6.3 Ranking

A selection committee composed of SCDES Dam Safety staff, the NRCS State Engineer, and the SCEMD Mitigation Officer will rank applications to be selected for funding. Technical Review scores, among other considerations, will be used to guide the selection committee ranking process.

## **7. Procurement**

Recipients under this grant are required to follow state procurement requirements in conformance with the SC Consolidated Procurement Code. The following procedures, found at [www.scstatehouse.gov/code/t11c035.php](http://www.scstatehouse.gov/code/t11c035.php), shall be followed:

1. "Article 5: Source Selection and Contract Formation" (SC Code of Laws Title 11, Chapter 35) may be used as a guideline for the procurement of goods and services, including the solicitation of proposals for planning activities
2. "Article 9: Construction, Architect-Engineer, Construction Management, and Land Surveying Services" (SC Code of Laws Title 11, Chapter 35) may be used for construction activities.

Procurement requirements specific to the FY25 Dam Repair Assistance Grant Program:

- Contractors and engineers contracted under this grant program are required to be licensed in the state of SC.
- Contractors that have been debarred or suspended may not be considered for contracting.
- SCDES must review quotes/bids and approve the awarding of contracts.
- The maximum contingency allowed for engineering is 15% and 25% for construction.

- Prior to solicitation, all necessary Dam Safety permits, bid-ready plans, and specifications are required.

## **8. Payments**

This is a reimbursement only grant program. Requests for advance payment will not be considered by SCDES. To be eligible for reimbursement, work to complete the project must occur on or before the end of the Period of Performance. The program will reimburse Recipients for eligible costs incurred on activities within the approved Scope of Work. To receive funds, Recipients must prepare and submit a Request for Reimbursement (RFR) to SCDES for review and processing. No more than 80% of the grant funds will be paid before the Final RFR for construction projects, and no more than 90% for all other projects.

## **9. Recordkeeping and Monitoring**

### 9.1 Retention Policy

The Recipient must retain grant records, including documentation of costs and supporting documents, for a period of 3 years. Office visits, site visits, and/or document requests made by SCDES for the purpose of monitoring compliance may occur at any time during the Period of Performance. Construction monitoring visits – to include a records review - will be performed by SCDES at set intervals.

### 9.2 Quarterly Reporting

Recipients will be required to submit Quarterly Progress Reports summarizing activities that occurred during the quarter that advanced the project toward completion. Additionally, reports should identify whether any time delays or cost overruns occurred or are expected to incur, and what, if anything, is being done to avoid disadvantageous outcomes.

## **10. Appeals and Non-Compliance**

### 10.1 Appeals

Recipients may appeal any staff-made decisions regarding this grant. All appeals will be made directly to the South Carolina Administrative Law Court.

### 10.2 Remedies for Non-Compliance

Recipients that are found to be out of compliance with grant program policies and procedures will be given an opportunity to return to compliance. If a return to compliance cannot be accomplished,



remedies may include immediate termination of the grant agreement, cost recovery, and/or disqualification from future grant consideration.

## **11. Amendments**

The Recipient must formally request an amendment to the award agreement for any proposed changes to the budget, scope of work, or POP of the funded project. This includes any changes to the approved list of in-kind services to be counted towards the match requirement. Amendment requests must be made to SCDES at least 90 days prior to the end of the POP. SCDES may approve or deny the request based on the Recipient's justification.

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