



FM-3-567

GRANT AGREEMENT

BETWEEN

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

AND

City of Myrtle Beach, SC

This Agreement by and between the South Carolina Department of Health and Environmental Control (DHEC) and **City of Myrtle Beach, SC** (Recipient) a municipality existing under the laws of South Carolina, is to provide for the distribution of funds **\$30,000,000 (nonrecurring funds)** appropriated in 2022 Act 239, Part IB, Proviso 118.19 (83) J040 (r).

The parties agree as follows:

A. STATEMENT OF PURPOSE:

The purpose of the Agreement is to provide funding to Recipient, in support of the **City of Myrtle Beach Ocean Outfall Project**. 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 protections and conservation**.

B. SCOPE OF SERVICES:

The Recipient shall utilize the funds for the activities and services ("the Myrtle Beach Ocean Outfall 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 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 **\$30,000,000**, 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 DHEC.
 - 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 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. Payment is contingent on DHEC receipt of Funds.
5. Upon receipt and review and approval of the Planned Expenditure Summary, Funds Budget, and financial statements, DHEC will transmit the funds the Recipient electronically (encouraged) or by check delivered to:

**Fox Simons, City Manager
City of Myrtle Beach
937 Broadway Street
Myrtle Beach, SC 29577**

6. Source of Funds: State funds made available in the **FY2023** Appropriations Act Proviso 118.19 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 30th, 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 II (Quarterly Expenditure Report) an expected completion date by which it anticipates all funds will be spend. Recipient shall also submit a final report with this information. If the Project is not completed or the Funds have not been spent by **June 30, 2023**, Recipient shall include in its report an explanation why the Funds have not been spent or the Project is not complete and 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 templates(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 (name of grant, etc.).
- 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 MYRTLE BEACH

BY: 
Bruce C. Busbee
Director of Budgets and Financial
Planning

BY: 
Fox Simons
City Manager

DATE: 11/17/2022

DATE: 11/8/22

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 Myrtle Beach
937 Broadway Street
Myrtle Beach, SC 29578
Phone: (843) 918 - 1002
Email: fsimons@cityofmyrtlebeach.com
REMITTANCE ADDRESS: (if applicable)

TAX/EMPLOYER ID #57-6001804

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



City of Myrtle Beach
Public Works Department
PO Box 2468 Myrtle Beach, SC 29578

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

November 7, 2022

Tax Identification Number: 57-6001084
SCEIS Vendor Information: 7000131842

Dear Mr. Busbee,

The City of Myrtle Beach continues to support our community's goal of enhancing water quality and removing stormwater outfall pipes from the recreational beachfront. The City entered into Recurring and Non-Recurring Pass-Through Agreements with South Carolina Department of Health and Environmental Control (SCDHEC) for the public purpose of environmental protections and conservation. These agreements seek to deliver \$31 MM in funds appropriated from the state budget for the City of Myrtle Beach for Ocean Outfall Project.

This letter provides financial support of the expended funds made available in the recurring FY23 Appropriations Act Proviso 34.55 (**\$1,000,000**) and nonrecurring FY23 Proviso 118.19 (**\$30,000,000**) for the Myrtle Beach Ocean Outfall Project.

Purpose: Environmental Protections and Conservation
Expenditure Plan: Funds to be appropriated towards a capital improvement project for the construction of seaward and landward components of the ocean outfall project
Project Location: 24th Avenue North
Estimated Project Cost: \$46,000,000

Goal: Potential removal of up to eleven (11) beach outfall pipes from the recreational beachfront to provide the public benefit of environmental protection and conservation. Anticipate construction activity to commence upon receipt of regulatory permitting approvals and sufficient funding to award the project.

Evaluation of Success: Once the ocean outfall at 24th Avenue North is constructed and placed in service, the beachfront along the extent of the project boundary will be cleared of beach outfall pipes, thus providing the combined environmental protection benefit of sand loss mitigation and enhanced water quality.

Sincerely,

A handwritten signature in blue ink that reads "Janet Curry".

Janet Curry
Public Works Director



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
\$30,000,000.00	J040 - Department of Health and Environmental Control	Environmental Protections and Conservation

Organization Information		Organization	
Entity Name	City of Myrtle Beach	Contact Name	Mr. Fox Simons
Address	937 Broadway Street	Position/Title	City Manager
City/State/Zip	Myrtle Beach, SC 29577	Telephone	843-918-1002
Website	www.cityofmyrtlebeach.com	Email	fsimons@cityofmyrtlebeach.com
Tax ID#	57-6001084		
Entity Type	Municipality		

Plan/Accounting of how these funds will be spent:


Description	Budget	Explanation
Construction of the ocean outfall at 24th Avenue North in Myrtle Beach	30,000,000	Funds to be appropriated towards a capital improvement project for the construction of seaward and landward components of the outfall
Grand Total	30,000,000	

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

The City of Myrtle Beach hosts more than 19 million tourists annually. While Myrtle Beach has many attractions to entertain residents and visitors, the beach is, and always will be, the primary attraction. The beach is the catalyst that supports local attractions that include a variety of entertainment venues, dining and retail shopping options, and golf courses. Protecting and preserving our beach is vitally important, as it serves as an economic engine that generates tourism revenue for the State of South Carolina. Like many coastal communities, Myrtle Beach has a stormwater management system that discharges rainwater directly to the beach. Stormwater discharges from the beach pipes onto the beach face and into the recreational surf/swim zone. Discharge from these beach pipes creates concentrated stormwater flows that lead to erosion of sand and the potential of elevated bacterial counts along the beachfront within the surf/swim zone after rainfall events. Elevated bacteria levels can lead to issuance of SCDHEC swimming advisories. The ocean outfall located at 24th Avenue North will consolidate up to 11 beach outfall pipes and transmit the collected volume of stormwater through large diameter pipes into the ocean. Once the ocean outfall at 24th Avenue North is constructed and placed in service, the beachfront along the extent of the project boundary will be cleared of beach outfall pipes, thus providing the combined environmental protection benefit of sand loss mitigation and enhanced water quality.

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.



Organization Signature

Fox Simons

Printed Name

City Manager

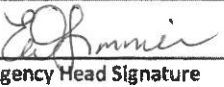
Title

11/8/22

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.



Agency Head Signature

Edward Simmer

Printed Name

28 NOV 20 22

Date



November 17, 2022

City of Myrtle Beach
Public Works Department
PO Box 2468
Myrtle Beach, SC 29578

RE: Myrtle Beach Ocean Outfall Project (24th Ave N)

Dear Janet Curry,

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

To date, we have received one permit application related to this project, 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 Sproles", is written over the typed name.

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