



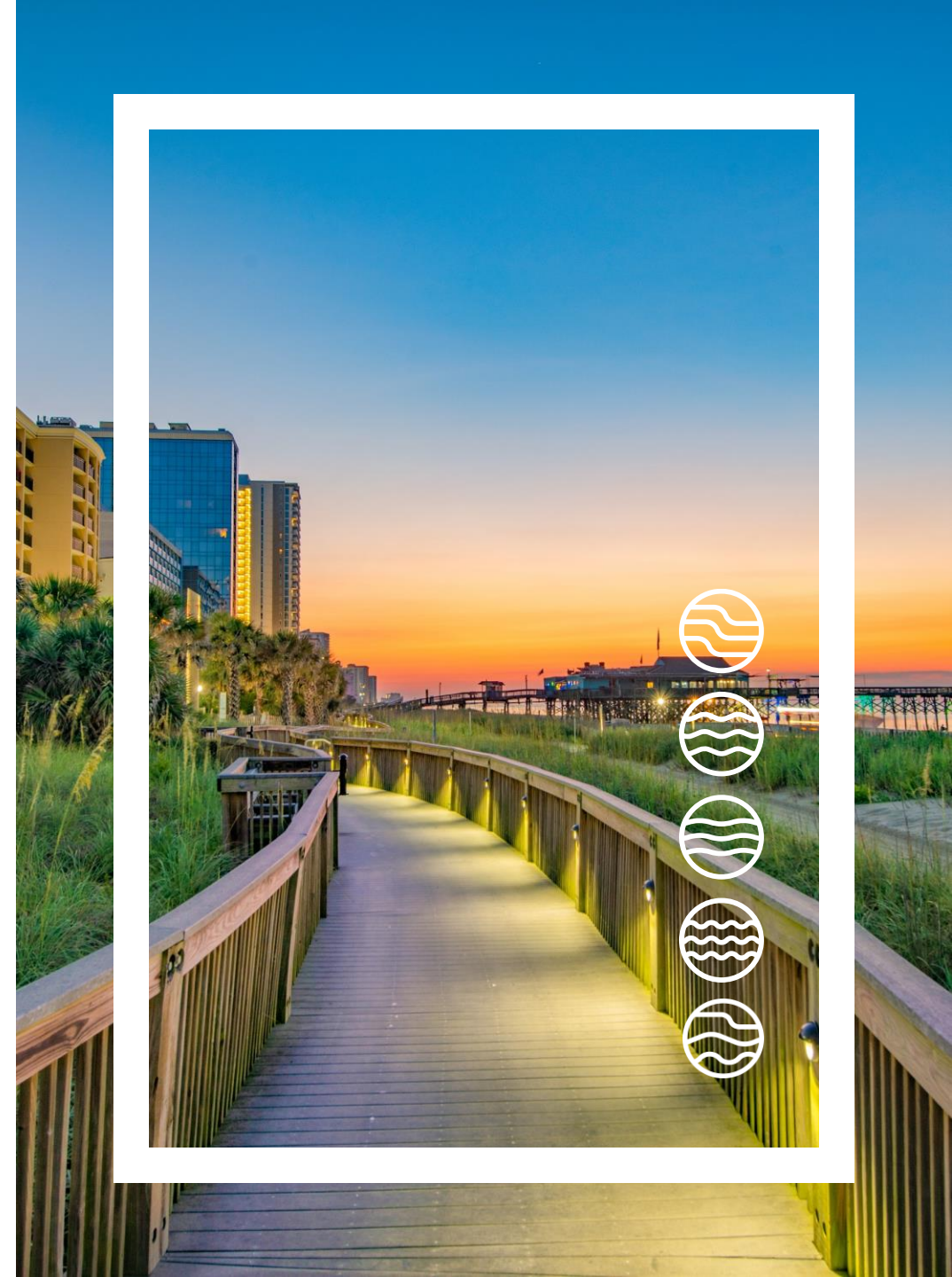
SC DEPARTMENT *of*  
**ENVIRONMENTAL  
SERVICES**

# **Dam Repair Assistance Grant: NOFO Revision 1 Updates**

Please submit questions to [DESresponse@des.sc.gov](mailto:DESresponse@des.sc.gov)

August 1, 2025

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# Grant Webpage

- The NOFO has been posted to the grant's dedicated webpage:

<https://des.sc.gov/programs/bureau-water/dams-reservoirs/dam-repair-assistance-grant>



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# Outline

- Funding
- Application Deadline
- Eligibility
- Recipient Match
- Co-Funded Payments
- Application Requirements
- EAP Requirements
- Procurement
- Recordkeeping and Monitoring
- Appeals

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# Funding





# Funding

- The total amount of funds available for awards has increased from \$1.5 million to \$3 million. (§1.1, Pg. 2)
- This represents the Legislative appropriations from the SFY 2024-2025 and SFY 2025-2026 appropriations acts (i.e. state budgets)



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# Application Deadline



# Application Deadline

- The previous application deadline of 5:00 PM on August 15, 2025, has been extended to 5:00 PM on September 2, 2025. (§1.1, Pg. 2)



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# Eligibility





# Eligibility

- Dams that do not have a “Poor” or “Unsatisfactory” rating are now required to provide an Engineer’s Report in order to be considered eligible. (§2.2, Pg. 6)
- Tax-exempt non-profit organizations are now exempt from demonstrating that they are not delinquent on any local, state, or federal taxes. (§2.3, Pg. 7)
- For dams with multiple owners, the requirement for all dam owners to demonstrate support for the project is no longer applicable to dam removal projects. (§2.3, Pg. 7)



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# Recipient Match



# Cash Match

- The Recipient's cash match cannot come from another state source of funds.



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# In-Kind Contributions

- Certain pre-award in-kind contributions are now eligible to count towards the Recipient's non-state match requirement. (§3.1, Pg. 8)
- To be eligible as the Recipient's non-state match, the following services, activities, or goods must have been acquired new and within one year prior to the execution of the award agreement:
  - Previously Acquired Goods and Materials
  - Donated Goods and Materials
  - Previously Acquired/Performed Professional Services
  - Donated Services
  - Force Account Labor (i.e., labor under the direct employment of the recipient/dam owner)



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# Payments



# Co-Funded Payments

- The “Simultaneous Co-Funded Payment” option is now available for Recipients with a financial hardship determination. (§3.2, Pg. 9)
- Under this payment option, the Recipient submits documentation of approved, eligible, incurred costs and proof of payment of Recipient's share. SCDES will then, upon being invoiced by contractor, pay the state's share to the contractor directly.



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# Application Requirements



# Application Requirements

- Added a requirement that construction projects must maintain the same Engineer for the duration of the project. (§5, Pg. 13)
- In other words, construction projects must be overseen to completion by the same Engineer who designed the project.
- The Cost Estimate is now part of the Detailed Budget application requirement and is no longer a separate requirement. Please note that, for construction projects, a cost estimate prepared and signed by an Engineer is still required.



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# Application Requirements

- The IRS Tax Compliance Report and the SCDOR Certificate of Compliance are no longer required for tax-exempt non-profit organizations. (§5, Pg. 13)
- An IRS Determination letter and SCDOR Certificate of Existence are now required for tax-exempt non-profit organizations. (§5, Pg. 13)



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# Application Requirements

- A letter stating that all dam owners are in support of the project, cosigned by all dam owners, is no longer required for dam removal projects. (§5, Pg. 13)



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# Application Requirements

- An Engineer's Report documenting a known dam deficiency is now required for dams without a "Poor" or "Unsatisfactory" condition assessment rating to be grant eligible. (§5, Pg. 13)



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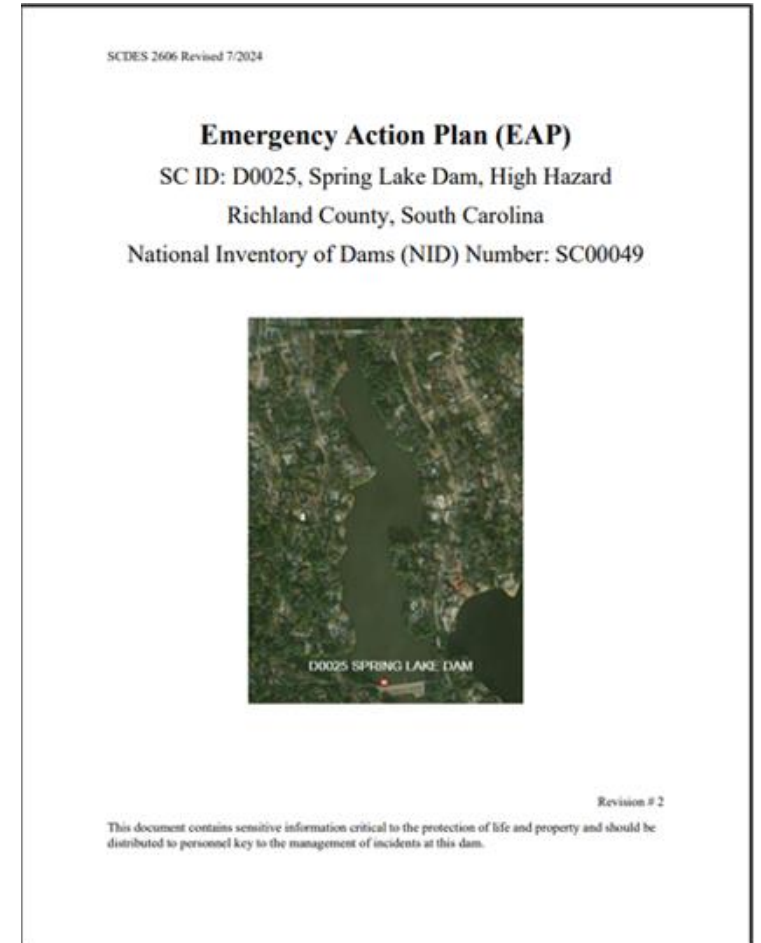
# EAP Requirements





# EAP Requirements

- The EAP Requirement is no longer applicable to dam removal projects or projects that result in the exemption of a dam. (§5.3, Pg. 14)



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# Procurement



# Procurement: Government Entities

- State agencies and political subdivisions are required to follow their own procurement codes. (§7.5, Pg. 15)



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# Procurement: Non-Governmental Entities

- Procurement requirements for non-governmental entities have been added. (§7.2, Pg. 16)
- Procurement thresholds have been updated for the following:
  - Goods and Services
  - Professional Services (including Engineering, Surveying, Geotechnical Services, etc.)
  - Construction Projects



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# Procurement Thresholds for Goods and Services

State Share	Procurement
Less than \$10,000	No competition required (SCDES must determine costs are fair and reasonable)
Between \$10,000 and \$25,000	A minimum of three written quotes or three documented attempts at solicitation for quotes. Solicitation for quotes must be reviewed and pre-approved by SCDES, and the quotes received must be in identical format. Quotes must be reviewed and pre-approved by SCDES. Please note that the Recipient may select any of these quotes, but SCDES will pay only the lowest quoted price.
Greater than \$25,000	Must be advertised at least once. The dam owner may select any of these quotes, but SCDES will pay only the lowest quoted price.

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# Procurement Thresholds for Professional Services (Engineering, Surveying, Geotechnical Services, etc.)

Procurement is now required for Professional Services, including engineering, if the state share will exceed \$50,000. §7.2 Pg. 17

State Share	Procurement
Less than \$50,000	Requires only a single quote/proposal (SCDES must determine costs are fair and reasonable).
Greater than \$50,000	Qualifications based procurement required in accordance with SC Code 11-35-3220 <sup>16</sup> .

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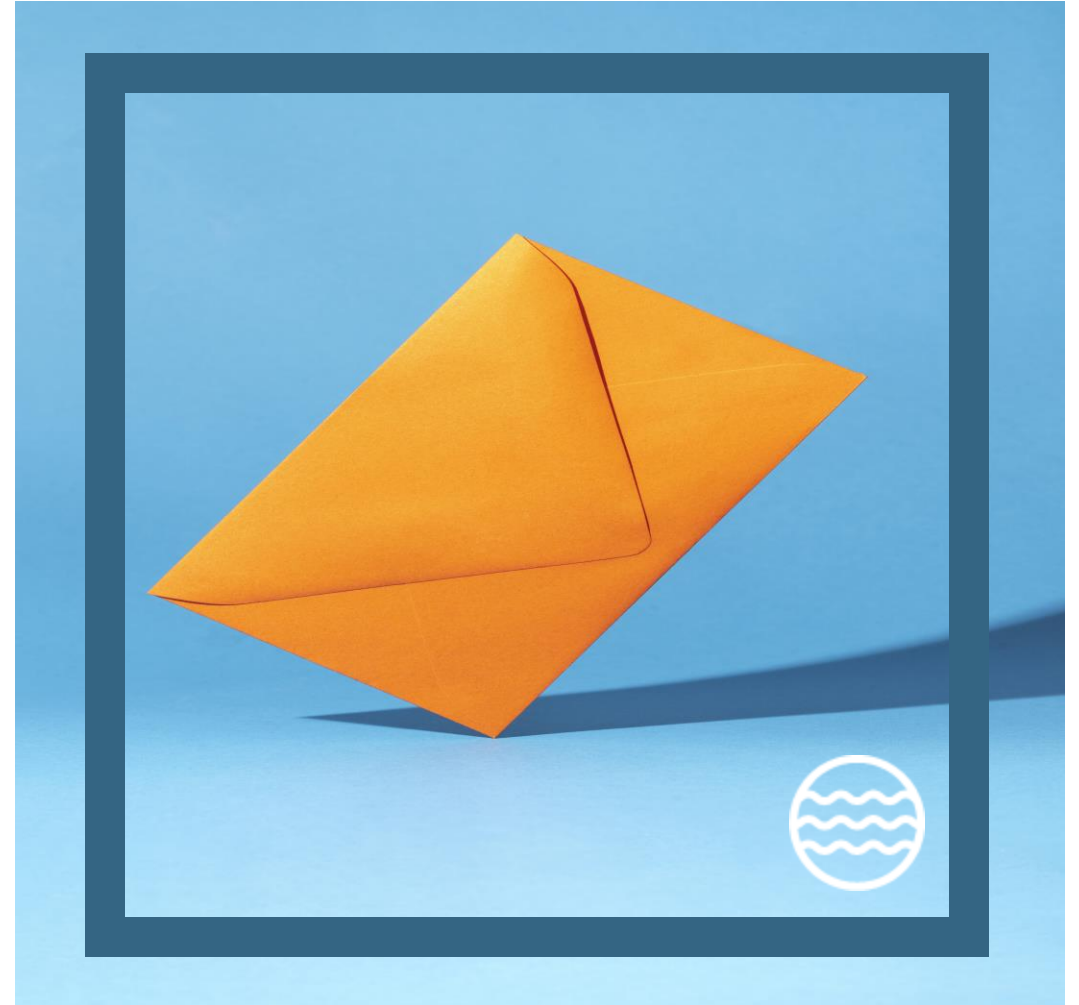
# Procurement Thresholds for Construction Projects

State Share	Procurement
Less than \$10,000	Requires only a single quote from a single vendor. (SCDES must determine costs are fair and reasonable).
Between \$10,000 and \$100,000	. A minimum of three written quotes or three documented attempts at solicitation for quotes from three different qualified sources. Solicitation for quotes must be reviewed and pre-approved by SCDES, and the quotes received must be in identical format. The Recipient may select any of the quotes, but SCDES will pay only the lowest quoted price.
Greater than \$100,000	Requires the use of a formal competitive sealed bidding process in accordance with SC Code 11-35-1520

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# Sealed Bidding

- When competitive sealed bidding is required, SCDES will provide a webpage dedicated to advertising bid opportunities. The use of this webpage is required for non-government entities. Government entities are not required to use this webpage and can advertise directly on the South Carolina Business Opportunities (SCBO) (§7.3, Pg. 18)



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# Sealed Bidding

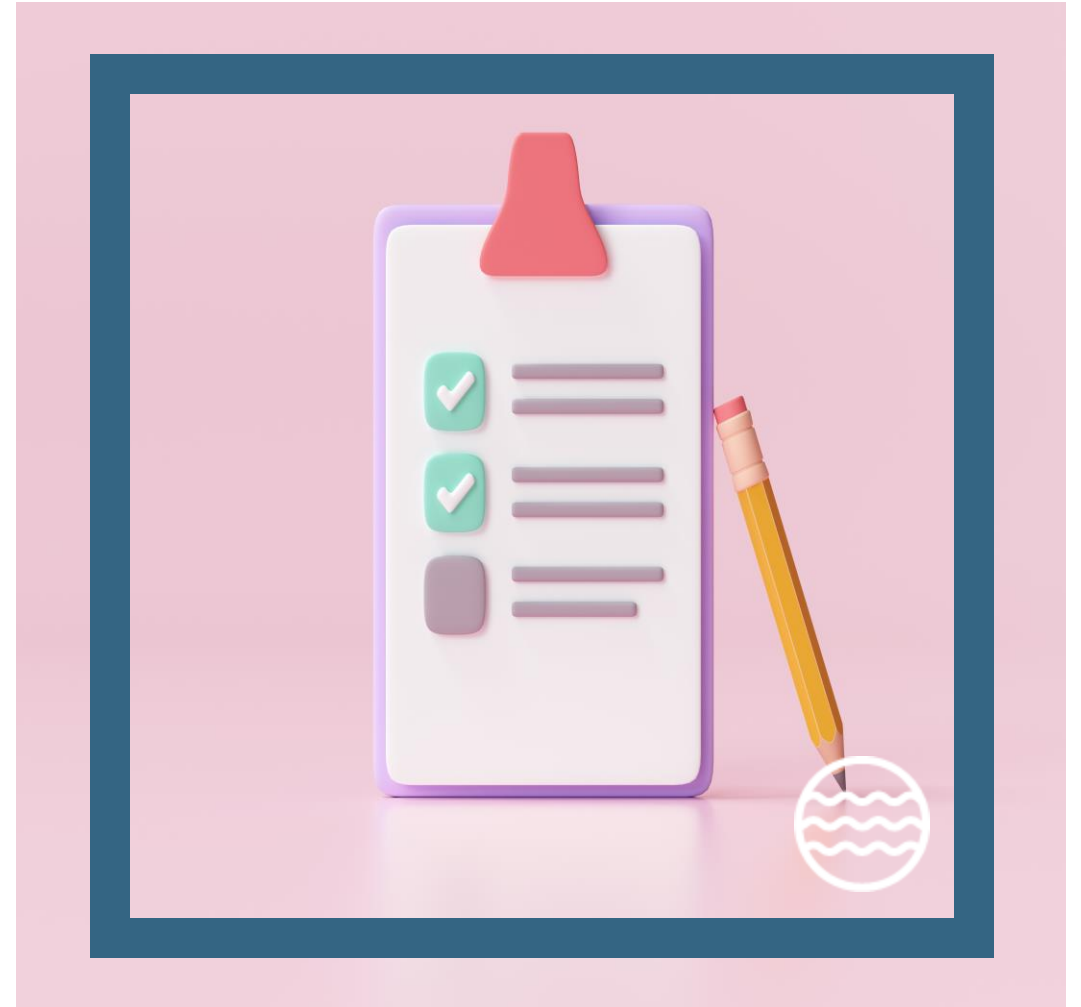
- For procurements that require competitive sealed bidding, SCDES will only agree to pay the relevant share of the lowest responsive, responsible bid as determined by the Engineer who reviews and certifies the bids. (§7.4, Pg. 18)



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# Bonding Requirements

- For projects that require competitive sealed bidding, a bid bond of at least 5% is required. For all construction projects, a 100% payment bond and performance bond will be required (§7.5, Pg. 18)



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# Bond Definitions

- Bid Bond – A type of guarantee, often used in construction contracts bidding processes, to ensure that the winning bidder will take on the project and also provide a guarantee of project completion, typically in the form of a performance bond.
- Performance Bond – A type of surety bond that serves as a guarantee to a property owner, ensuring the completion of a construction project or the payment of compensation up to the bond's limit in case the contractor fails to fulfill the contract terms. This is also sometimes known as a completion bond.
- Payment Bond – A type of guarantee bond that ensures specific parties, such as suppliers, are paid, should a contractor fail to fulfill a construction contract.

# Requirements for Contractors and Engineers

- Insurance, standard of performance, and compliance with laws requirements have been added for contractors and Engineers (§7.6-7.9, Pg. 19)



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# Insurance Requirements - Contractors

- Contractors must maintain insurance for:
  - Commercial general liability
  - Automotive liability
  - Worker's Compensation
- Insurance must be maintained throughout the entire contract period
- If policies are claims-made, coverage must extend three years after work is completed



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# Insurance Requirements – Contractors

- Certificates of insurance from companies authorized to do business in South Carolina are required before work begins
- Contractors should be prepared to submit a summary of all insurance policies, including:
  - Policy Types
  - Coverage Types
  - The Carrier's A.M. Best Rating
  - Whether the policy is written on occurrence or claims-made basis



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# Insurance Requirements - Engineers

- Engineers must carry insurance covering negligence, errors, or omissions related to their services and work outcomes
- Certificates of insurance from companies authorized to do business in South Carolina are required before work begins
- Engineers should be prepared to submit a summary of insurance policies, including:
  - Policy and coverage types
  - Limits, sub-limits, and deductibles
  - The Carrier's A.M. Best Rating
  - Whether each policy is claims-made or occurrence-based



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# Standards of Performance

- Contractors and Engineers carrying out work pursuant to an Award under this Program will perform all services with at least the ordinary care and skill customary in the profession or trade and will comply with all professional rules of conduct applicable to the provision of services under the Award.



Please submit questions to [DESresponse@des.sc.gov](mailto:DESresponse@des.sc.gov)



# Non-Indemnification Clause

- Added a non-indemnification clause (§7.10, Pg. 20), stating that:
  - Any contracts resulting from an Award from this Program are between the contractor or Engineer and the Recipient.
  - SCDES is not party to such contracts and bears no liability for any party's losses arising out of or relating in any way to the contract



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# Non-Indemnification Clause (continued)

- Any term or condition of contracts resulting from an Award from this Program or any related agreements is void to the extent it:
  - Requires SCDES to indemnify, hold harmless, defend, or pay attorney's fees to anyone for any reason; or
  - Would have the purpose or effect of increasing or expanding any liability of the State or its agencies or employees for any act, error, or omission subject to the South Carolina Tort Claims Act, whether characterized as tort, contract equitable indemnification, or any other theory or claim.



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# Compliance with Laws

- Contractors and Engineers carrying out work pursuant to an Award from this program shall comply with all applicable laws and regulations in the performance of the Contract.
- Contractors carrying out work pursuant to an Award from this program will comply with SC Code Sections 41-8-10 through 20 and will provide documentation upon request.



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# Change Orders

- A change order is required for any increase in quoted prices, bid prices, or quantities, regardless of the source of funds.
- Contingency amounts of 5% for non-construction and 15% for construction represent the maximum state contribution under the grant.
- Cost overruns that exceed the state share plus contingency shall be borne by the Recipient at 100% (§7.11, Pg. 21)



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# Recordkeeping and Monitoring



# Recordkeeping and Monitoring

- Recipients are required to make records available to SCDES for inspection and audit at any time. (§9.1, Pg. 22)



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# Appeals



# Appeals

- Dispute procedures have been made available to any applicant that objects to any requirement as outlined in the NOFO, amendment to the NOFO, or does not receive a distribution of funding as a recipient (§10.1, Pg. 22)
- Please see NOFO Attachment F – Procedures for Dispute Resolution



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SCDES Dam Repair Assistance  
Grant dedicated webpage

<https://des.sc.gov/programs/bureau-water/dams-reservoirs/dam-repair-assistance-grant>



# Thank you!

Contact Us!

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@SouthCarolinaDES



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