



FM-3-547

700030011 CITY OF SUMTER
INV PROVISO 118.19, 11/4/22
Sumter County Utility System Upgrades
Project
5180110000 \$3,700,000.00 J0404AC315
J040X0129 10050023 NOT RELEVANT

GRANT AGREEMENT

BETWEEN

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

AND

City of Sumter, SC

This Agreement by and between the South Carolina Department of Health and Environmental Control (DHEC) and [REDACTED] (Recipient) a municipality existing under the laws of South Carolina, is to provide for the distribution of funds [REDACTED] (nonrecurring funds) appropriated in 2022 Act 239, Part 1B, Proviso 118.19 (83) J040 (n).

The parties agree as follows:

A. STATEMENT OF PURPOSE:

The purpose of the Agreement is to provide funding to Recipient, in support of the [REDACTED] County Utility System Upgrades 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 Sumter County Utility System Upgrades 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 \$3,700,000. 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 to Recipient by check delivered to:

**Mr. Howie J. Owens
Assistant City Manager
21 N. Main Street
Sumter, SC 29150**

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

RECIPIENT NAME

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

BY: Howie J. Owens
Howie J. Owens
Assistant City Manager

DATE: 11-14-2022

DATE: 11/14/2022

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 Sumter
PO Box 1449
Sumter, SC 29151

TAX/EMPLOYER ID # 57-6000246

TYPE OF ENTITY (check one):

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

Other Governmental body (specify)

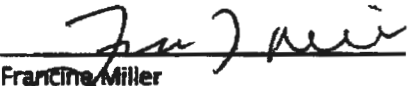
Individual/sole proprietor
 Other (specify)

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: 11-14-22

RE: Sumter

Jaillette, Scott <JailleJS@dhec.sc.gov>

Mon 10/31/2022 11:40 AM

To: Busbee, Bruce C. <BUSBEEBC@dhec.sc.gov>

Cc: Murphy, Meredith <MURPHYMB@dhec.sc.gov>

Date: May 19, 2022

Sponsor: Rep. J. David Weeks & Rep. Kimberly Johnson

Project: Sumter County Utility System Upgrades

Amount: \$3,700,000

Recipient: City of Sumter

Recipient Type: Local Government

Point of Contact: Howie J. Owens

Title: Assistant City Manager

Address: 21 N. Main St. Sumter. SC 29150

Phone Number: (803) 436-2590

Email Address: howens@sumtersc.gov

Website: www.sumtersc.gov

Project Summary:

This request would allow the City of Sumter to do multiple infrastructure projects throughout the community. The City would do significant water and sewer line rehab projects on older lines throughout South Sumter, as well as other parts of the City's utility system; it would help to facilitate the installation of a new Air Emissions System in the City's Dryer Facility at the Wastewater Treatment Plant as mandated by the Federal Government (the City has already paid \$700,000 toward this project); it would fund the installation of a new aeration system at the Wastewater Treatment Plant, which serves all of Sumter; and it would allow the City to loop new lines in areas to improve flow, pressure, and help to reduce red water possibilities.

J. Scott Jaillette

Director of Legislative Affairs

S.C. Dept. of Health & Environmental Control

Office: 803-898-2786

Mobile: 803-508-9073





November 9, 2022

City of Sumter
PO Box 1449
Sumter, SC 29151

RE: Sumter County Utility System Upgrades

Dear Howie Owens,

The South Carolina Department of Health and Environmental Control has received your request for the distribution of funds for the Sumter County Utility System Upgrades Project through the 2022 Act 239, Part 1B, Proviso118.19 (83) J040 (j).

To date, we have not received any permit applications related to this project. 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,

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

- 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 this 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.

H. J. Owens
 Organization Signature

Assistant City Manager
 Title

Howie J. Owens
 Printed Name

11/9/2022
 Date

- 1) State Agency certifies that the proposed 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.

E. Smier
 Agency Head Signature

11-15-2022
 Date

Edward Smier
 Printed Name

J0404AC315 10050023 Not Relevant

J040X0129 5180110000 \$3,700,000 (BKR)

11/14/2022

Please note: Text printed in *italic*, boldface indicates sections vetoed by the Governor on June 22, 2022.

****Indicates those vetoes overridden by the General Assembly on June 28, 2022.**

(83) 2046 Department of Health & Environmental Control

- (a) Aynor Stormwater Project \$ 650,000;
- (b) Harleyville Sewer Projects \$ 350,000;
- (c) Ridgeway Water Tower Maintenance \$ 100,000;
- (d) Impact fees for water/sewer construction \$ 500,000;
- (e) Orangeburg - DPU Water Study \$ 10,000;
- (f) York County York Upper and Lower Reservoir Dam Remediation \$ 200,000;
- (g) York County Elevated Storage Tank \$ 400,000;
- (h) York Water Filtration Plant Environmental Remediation \$ 700,000;
- (i) York County Fishing Creek Waste Water Treatment Plant Upgrades \$ 1,500,000;
- (j) York County Water Line Replacement \$ 1,500,000;
- (k) Catawba Wateree Water Supply Master Plan \$ 500,000;
- (l) Chester Wastewater Connection to Rock Hill \$ 10,000,000;
- (m) Windemere Basin Study and Outfall Maintenance \$ 1,500,000;
- (n) Sumter County Utility System Upgrades \$ 3,700,000;**
- (o) James Island Watershed Restoration - Pollution Mitigation \$ 1,000,000;
- (p) Nursing Program Expansion and Retention \$ 2,000,000;
- (q) Wachesaw Outfall Project \$ 1,200,000;
- (r) Ocean Outfalls - Myrtle Beach \$ 30,000,000;
- (s) Ocean Outfalls - North Myrtle Beach \$ 10,000,000;
- (t) Town of Honea Path - Chiquola Mills Site Remediation \$ 1,000,000;
- (u) Clarendon County Abandonment of Wells \$ 82,500;
- (v) SCBio \$ 200,000;
- (w) EMS Association Recruitment and Retention \$ 1,600,000;
- (x) PFAS Remediation \$ 10,000,000;
- (y) New Morning Foundation \$ 1,875,000;
- (z) Conestee Dam Emergency Mitigation \$ 3,000,000;

South Carolina

Secretary of State

(<https://sos.sc.gov/>)

Mark Hammond

Search Charities

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City of Sumter

Public Id: P7154

Mr. Deron L McCormick , CEO

21 N MAIN ST

SUMTER, SC 29150-4945

Status: Exempt. This organization is not required to file annual financial reports. For information about exemptions refer to the **Solicitation of Charitable Funds Act.** (<http://www.scstatehouse.gov/code/t33c056.php>).

Disclaimer: The South Carolina Secretary of State's Charities Search Webpage is provided as a service to customers to research charitable organizations on file with our office, or that have been the subject of an administrative action. Users are advised that the Secretary of State, the State of South Carolina, or any agency, office, or employee of the State of South Carolina do not guarantee the accuracy, reliability, or timeliness of the information provided, as it is the responsibility of the charity to inform the Secretary of State of any updated information. Furthermore, the information provided does not constitute legal advice.

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