



## PASS-THROUGH AGREEMENT (2021)

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 a municipality organized and existing under the laws of South Carolina, is to provide for the distribution of funds \$1,000,000 (the Funds) previously appropriated in 2019 H4000, Part IB, Section 34 Proviso 34.59 (DHEC: Storm Water and Ocean).

The parties agree as follows:

**A. STATEMENT OF PURPOSE:**

This agreement furthers. DHEC's statutory mission as authorized in South Carolina Code Section 48-1-10 to 48-1-350. Proviso 34.59 (DHEC: Stormwater and Ocean Outfalls); directs that funds appropriated to the department for Ocean Outfalls shall be distributed equally to the City of Myrtle Beach and the City of North Myrtle Beach for the purpose of storm water drainage and ocean outfall construction and repair as state matching funds for Horry County Ocean Water Quality Outfall Initiatives.

**SCOPE OF SERVICES**

The Recipient shall provide storm water improvements in accordance with all requirements stated herein, as outlined below.

Project will consist of providing for ocean outfalls for storm water drainage and remove open storm drains currently run across the beach.

**B. TERM:**

This Agreement shall be effective upon signature and shall terminate on June 30, 2021. Recipient's obligations under this Agreement shall survive termination. This agreement between the City of Myrtle Beach and DHEC maybe renewed annually contingent upon available funding.

**C. PAYMENT:**

Recipient shall submit a written request for payment not to exceed \$1,000,000 by November 1, 2020 and shall include with the request, as required by Proviso 117.21:

- a. An accounting of how the Funds will be spent (Planned Expenditure Summary); goals to be accomplished, proposed measure to evaluate success in implementing and meeting the goals.

S.C. Department of Health and Environmental Control

2600 Bull Street, Columbia, SC 29201 (803) 898-3432 [www.scdhec.gov](http://www.scdhec.gov)

- b. A copy of the adopted budget for the current year (Funds Budget)
  - c. A copy of Recipient's most recent operating financial statement.
- 2. Upon receipt and review of the Planned Expenditure Summary, Funds Budget, and financial statements, DHEC will transmit the funds to Recipient by check delivered to:

Ms. Janet Curry  
Public Works Director  
City of Myrtle Beach  
PO Box 2468  
Myrtle Beach, SC 29578-2468

- 3. Source of Funds: State funds made available through South Carolina Legislative Proviso 34.59, effective July 1, 2020. 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

**D. REPORTING REQUIREMENTS:**

Within 30 days after the end of the Term, Recipient shall submit to DHEC a report containing a detailed accounting of its use of the Funds and describing the services completed in sufficient detail for DHEC to determine Recipient's compliance with the Scope of Services set forth in Paragraph B above.

**E. PREVENTING AND REPORTING FRAUD, WASTE AND ABUSE:**

- a. 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.
- b. 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 grant agreements or `s, 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.
- c. If Recipient, 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.

- F. USE OF FUNDS: Recipient will not use, expend, or allow use or expenditure of the Funds for any purpose not authorized in this Agreement. Unexpended funds distributed pursuant to this Agreement may be carried forward to succeeding fiscal years and expended for the same purposes.
- G. 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, creed, color or national origin.

The parties to the Agreement hereby agree to any and all provisions of the Agreement as stipulated herein.

SOUTH CAROLINA DEPARTMENT OF  
HEALTH AND ENVIRONMENTAL CONTROL

RECIPIENT NAME

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

BY: Janet Curry  
Janet Curry  
Director of Public Works

DATE: \_\_\_\_\_

DATE: 10/22/20

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  
Public Works Department  
PO Box 2468  
Myrtle Beach, SC 29578-2468  
Phone: 843-918-2000  
Fax: 843-918-2074

REMITTANCE ADDRESS: (if applicable)

TAX/EMPLOYER ID # 57-6001084

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: \_\_\_\_\_



**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

October 22, 2020

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 intends to enter into a Pass-Through Agreement with South Carolina Department of Health and Environmental Control (SCDHEC) to deliver funds previously appropriated from state budget for the City of Myrtle Beach for Ocean Water Quality Outfall Initiative projects in accordance with Proviso 34.59. To adhere with the requirements of the proviso, the City of Myrtle Beach is formally requesting payment in the amount of \$1,000,000 to financially support any of the following projects identified below that enhance beachfront water quality and improve stormwater drainage.

Ocean Water Quality Initiative Projects

1. Construction of potential header pipe for the existing 25<sup>th</sup> Avenue South ocean outfall  
Estimated Project Cost: \$1,700,000  
  
Goal: Potential removal of up to six locations of beach outfall pipes/street end discharge points from the recreational beachfront  
Evaluation of Success: Anticipate design and permitting approvals and construction activity to commence by fall 2021.
2. Watershed-based Stormwater Master Plan Implementation Projects – Water Quality  
Estimated Project Cost (Withers Watershed): \$7,700,000  
  
Goal: Implementation (design and construction) of recommended projects derived from the citywide stormwater watershed-based master planning effort in an effort to improve water quality along the recreational beachfront. These upstream water quality improvement projects will have a cumulative water quality benefit at Withers Swash outlet.
3. Copy of the City of Myrtle Beach's adopted budget:  
[https://www.cityofmyrtlebeach.com/departments/docs/2020-031%20Budget%20Ordinance%20Summary%202020-21%20\(Revised\).pdf](https://www.cityofmyrtlebeach.com/departments/docs/2020-031%20Budget%20Ordinance%20Summary%202020-21%20(Revised).pdf)
4. Copy of the City of Myrtle Beach's operating financial statement – Comprehensive Annual Financial Report (CAFR):  
<https://www.cityofmyrtlebeach.com/departments/docs/FY%202019%20CAFR.pdf>

Sincerely,

Janet Curry, Public Works Director