



POLICY AND PROCEDURES MANUAL

**TEXAS STATE SOIL &
WATER CONSERVATION BOARD**

FLOOD CONTROL O&M GRANT PROGRAM

Effective September 1, 2025

(TSSWCB Board Approval July 17,2025)

Purpose of this Manual

In an effort for the Texas State Soil & Water Conservation Board (TSSWCB) to be good stewards of public funds, the agency has established written guidance and requirements in the implementation of the TSSWCB Flood Control (FC) Operation & Maintenance (O&M) grant program.

This manual establishes written policies and procedures that are to be used throughout the O&M grant program and is intended to offer (1) a clear and concise resource for all involved parties, (2) to be utilized as a reference (e.g. training new employees, offer a resource for existing staff, etc.), and (3) to expand on administrative and/or procedural elements in implementing 31 Texas Administrative Code (TAC) 529.1 through 529.8, and other applicable laws. Furthermore, these policies and procedures will provide the minimum statutory requirements and establish guidance necessary to implement this grant program efficiently and effectively. Minimum standards will be noted where applicable. Requests for waivers of the policy contained in this document will be considered, with appropriate documentation and justification, on a case-by-case basis.

Overview and Goals

The overall goals of the FC O&M Grant Program are (1) to provide funding assistance to sponsors to help maintain the efficient operating condition of existing dams and prevent their deterioration and (2) offer an opportunity to address relatively minor O&M related issues before they progress to a state of major, or irreversible, damage. It is expected that all parties will perform actions in good faith with the upmost ethical standards and that individuals are competent in performing the duties required to implement these goals.

Procedures

The procedures outlined herein identify steps and requirements for TSSWCB staff and sponsors.

1. Funding Allocations During the Fiscal Year¹

- a. Staff will determine the funding allocations provided for each of the categories:
 - i. Fall Season
 - ii. Spring Season
 - iii. Emergency Reserve

2. Notification

- a. TSSWCB staff will provide notification prior to each fiscal year to all eligible Soil & Water Conservation Districts (SWCD's)² and other sponsors of the O&M grant funding opportunity and provide all relevant information in the notice. SWCD/sponsors should review this notice and make note of any special requirements or program dates.
- b. Notifications will be made by direct email to the sponsors.
 - i. Two (2) notices will be made during each fiscal year:
 1. **Fall season** (Beginning September 1 through January 31)
 2. **Spring season** (Beginning February 1 through July 31); OR
 - ii. When special appropriations are issued.

3. Identify Need

- a. SWCD's shall identify the needed O&M activity for each dam that has been inspected.
- b. Sponsors are responsible for prioritizing O&M activities.³

¹ [31 TAC 529.3\(b\)](#)

² [31 TAC 529.5\(c\)](#)

³ [31 TAC 529.5\(b\)](#)

4. Contractor Procurement

- a. SWCD's are required to follow Local Government Code (LGC) 271 AND the Texas Grant Management Standards (TxGMS)⁴, latest version, for contractor procurement of O&M services. The following contract value thresholds shall be followed:
 - i. \$0 to \$10,000.00⁵ (micro-purchases): No quotes or sealed bids required for reasonable cost for services,
 - ii. \$10,000.01 to \$50,000.00⁶ (simplified acquisition procedures): SWCD shall obtain quotes from an adequate number of qualified entities,
 - iii. \$50,000.01 or more⁷ (procurement by sealed bids): SWCD shall perform the sealed bidding process in accordance with LGC 271.025. Posting requirements shall be followed and supporting documentation provided with the Proposal.
- b. Refer to Appendix B for a Sponsors Procurement Log sheet. This sheet is fillable and can be used by sponsors to log and document procurement events and any pertinent information.

5. SWCD Board Approval

- a. SWCD board shall approve the selected bidder (contractor) and document this approval in official meeting minutes. This will be required prior to an O&M proposal being submitted to TSSWCB.

6. Proposal submission to Field Representative

- a. O&M Proposal form must be filled out and submitted to the appropriate TSSWCB Field Representative for the district's area.
- b. Submitted documents will include documentation of quotes (simplified acquisition procedures) or bids (procurement by sealed bids).
- c. Field Representative will perform a general administrative check.
- d. The assurances page must be signed (see Appendix C) and submitted with the proposal. The assurances page indicates that the person signing it has understood and followed all applicable laws in procurement of the requested services.

7. Proposal Reviewed

- a. The proposal is reviewed for accuracy and completeness. If acceptable, then the Field Representative will provide the proposal to the O&M Program Manager.
- b. Proposals will be date/time stamped, reviewed, and authorized for funding in the order they are received until all available funding has been obligated.

8. Proposal Status Notice

- a. **Approved:** The notice will identify the approval of the Proposal and, either:
 - i. a Purchase Order (PO) will be provided OR;
 - ii. the sponsor will need to notify the O&M Program Manager within 30 days that work is to begin and request the PO be issued to the SWCD.

NOTE: The work may not begin until the PO is issued. The work must be completed within 90 days of the PO Date.

- b. **Not Approved:** This notice will state the Proposal is not approved and list the reasons and any instructions for correction.

9. SWCD Notification – PO Issued / Work to begin

- a. When the PO is provided to the SWCD, the work may begin.
- b. All work must be completed within 90 days of the PO Date.

⁴ TxGMS Procurement Methods, Pg. 18

⁵ TxGMS, Procurement by micro-purchases, Pg. 18

⁶ TxGMS, Procurement by simplified acquisition procedures, Pg. 18

⁷ LGC 271.024, 271.026, and 31 TAC 529.6

- c. 30-day extensions can be requested only for work that has already commenced, but not completed due to extenuating circumstances, or with other reasonable justifications provided.
- d. After the work is completed, a Reimbursement Request (see step 12), with all supporting documents, should be submitted as soon as possible, but no later than 45 days past the 90-day work window (i.e. 135 days past the PO Date). If the Reimbursement Request is not provided within 135 days of the PO Date, then the grant/proposal may become void.

10. Contractor Performs Approved Work

- a. The SWCD or approved contractor starts and completes the authorized work.
- b. If any aspect of the approved agreement/contract between the sponsor and/or contractor changes, the SWCD must contact the O&M Program Manager as soon as possible to discuss options that may be available to the SWCD.

11. Work Completed

- a. When work is completed and an invoice submitted by the contractor, the SWCD staff, or authorized representative, shall inspect the work performed. Post inspections shall be documented sufficiently to verify the work completed and that it is to the agreed upon specifications and scope-of-work. This documentation may be provided with the Reimbursement Request OR when requested by TSSWCB staff.
- b. Invoices shall include:
 - i. Name and mailing address of contractor,
 - ii. Name of dam and NID ID on which the work was performed,
 - iii. Description(s) of all work contractually performed,
 - iv. Date or date range when work was performed/completed, and
 - v. Certification of authorized person approving invoice for payment (this can be handwritten, but it must be clear who certified invoice for payment).

12. SWCD Reimbursement Request

- a. The SWCD shall submit, via email, the Reimbursement Request, on an approved form provided by TSSWCB, to the TSSWCB Field Representative. This submission shall include all supporting documentation, be clear and legible, no larger than letter size (8.5” x 11”), and in a pdf format, or other preapproved format. Field Representative will perform a general administrative check, and if acceptable, will forward to O&M Program Manager.

13. Request Reviewed By TSSWCB

- a. Requests will be reviewed as soon as possible and processed for payment. If there are any discrepancies or issues preventing payment, then the O&M Program Manager will provide written notification with needed corrections noted.

14. SWCD Payment

- a. The SWCD is responsible for payment to the contractor(s). The SWCD is also responsible for any required tax forms (e.g. IRS Form 1099-MISC, 1099-NEC, etc.).

In-Kind

In-kind contributions for non-state funded match⁸, are made available to SWCD’s meeting certain requirements. This section provides more detail regarding use of in-kind contributions in the O&M grant program.

1. In-Kind is accrued during the active biennium (i.e. two-year period starting September 1 on odd years) and will not carry over to the next biennium.⁹
2. The value of In-Kind contributions will be based on standardized rates approved by the State Board.

⁸ [31 TAC 529.7](#)

⁹ [31 TAC 529.3\(f\)](#)

3. Any work being submitted for in-kind credit must be clearly documented on the approved form and include supporting documentation in the form of a paid invoice, certified contract completion notice, or other document(s) detailing, at a minimum, quantities and/or expenses, who performed the work, and when the work was actually performed.
4. Work performed by a private contractor for In-kind credit will not be eligible for in-kind credit where no monetary value was exchanged (e.g. pro bono, no charge to the sponsor, etc.) and especially if the contractor was performing work directly funded with any state funds.¹⁰
5. SWCD staff fills out in-kind match form and signs were indicated on the form.
6. Submit form to O&M Program Manager. A review will be performed and notice sent to the SWCD of credit added or the findings of the review.

Emergency

Every fiscal year, a portion of funding will be set aside and made available throughout the fiscal year to address unforeseeable emergency situations that can be addressed through O&M activities. Emergencies will generally be based on the immediate threat of damage, or further damage, to the integrity of a dam and its function. Upon the discovery of a critical situation, the SWCD should contact the O&M Program Manager immediately to discuss reimbursement and administrative steps. Doing so will help minimize the time to address the issue. The Flood Control Program Administrator, in consultation with staff, will have final approval authority for all emergency requests. Examples of emergency work are:

1. Plugged principal spillway (i.e. beaver activity, heavy debris blockage, etc.);
2. Debris removal from dam or spillways with justified urgency.
3. Other emergency work approved by the Flood Control Program Administrator.

Important Considerations and Requirements

The following is a list of important considerations and requirements that SWCD board members/employees and dam sponsors should be aware of and is being presented as a quick reference.

1. Failure to meet state procurement requirements may void the O&M grant agreement¹¹ and/or lead to criminal penalties¹².
2. If the estimated cost is expected to be near the thresholds listed in Procedures section 4.(a), then it is recommended to perform the more stringent procurement action. In the event that quotes exceed the \$50,000 threshold, then the formal bidding process will be required prior to PO approval OR Reimbursement Request payment.
3. SWCD's or contractors shall not divide the Scope of Work (SOW) needed on a single dam in an effort to avoid the competitive bidding requirements. Contact the O&M Program Manager for any guidance regarding this situation.
4. In utilizing the O&M grant program, TSSWCB reserves the right to require an SWCD to submit additional information of the processes used and any pertinent documentation with the procurement of a contractor or contractors. A Sponsors Procurement Log Sheet has been provided in Appendix B to aid districts in documenting their procurement process.
5. SWCD's are defined as a Government Entity¹³ and fall under the Professional Services Procurement Act¹⁴. Professional Service contractors are defined in [TGC 2254.002\(2\)](#) and this section specifies the professionals that qualify for this procurement process. Contractors that are performing O&M work within this grant program are not defined under Professional Services, and, therefore, the procurement methods identified in LGC 271 must be followed. Any contract

¹⁰ [31 TAC 529.2\(6\)](#) and [3\(e\)](#)

¹¹ [LGC 271.028](#)

¹² [LGC 271.029](#)

¹³ [TGC 2254.002\(1\)\(B\)](#)

¹⁴ [TGC 2254.001](#)

that violates TGC 2254¹⁵ and/or LGC 271 becomes void and cannot be recognized by TSSWCB for reimbursement.

FAQ / Scenarios

1. What if we only received one bid? If you only received one responsible bidder, then it will need to be reviewed and determined that it is reasonable and that state requirements were followed. The sponsor may be allowed to legally enter a contract with the single bidder, but they will need to document in sufficient detail in the event the contract is audited or scrutinized. Generally, you want to verify, or be able to justify, that it is fair and reasonable value for the work being performed. Another option is to not award a contract to a single bidder and rebid at another time. The decision will reside with the district.
2. If a contractor performed work that was quoted below the \$50,000 bidding requirement and the scope-of-work or quantities changed enough that placed the contract over the \$50,000 threshold, then the SWCD would need to identify the reason the contractor was authorized to go over the originally quoted amount. It is recommended that the SWCD contact the O&M Program Manager immediately to determine an agreeable resolution to how TSSWCB can address reimbursement in this scenario. These situations may be reviewed on a case-by-case basis, but there is no obligation for TSSWCB to reimburse the SWCD if a contract goes over any approved amount.
3. Sponsor Coordination with TSSWCB: In the case where a SWCD would like a non-SWCD co-sponsor to coordinate directly with the State Board staff (i.e. O&M Program Manager) the SWCD must submit a written request to the State Board for approval.¹⁶

Definitions¹⁷ (additional definitions may be found in 31 TAC 529.2)

1. In-Kind – Non-monetary (not of or relating to money) contributions of services, equipment, or other items of value reported to the State Board by eligible SWCD's for the purpose of satisfying all or a portion of a non-state funded matching requirement for reimbursement of an [approved] O&M activity. This match may not be qualified if the [funding] source is contributing [to] the in-kind match because it was enabled to do so directly through state appropriations.
2. Start of work – Identifies the date when a contractor has started mobilization on a site to begin work identified in a contract.
3. Work completed – Identifies the date when a contractor has completely demobilized and is no longer actively working on an approved contract.
4. Eligible Dam – Dams that were constructed by NRCS through various federal programs as defined in TAC 529.2(5).
5. Eligible SWCD – A SWCD that has an eligible dam within its district and are in good standing.
6. Sponsor – Any entity or individual that is a signatory to a watershed project plan, watershed agreement, or O&M agreement.
7. Purchase Order (PO) – The TSSWCB instrument that secures funding from agency appropriated funds.

¹⁵ [TGC 2254.005](#)

¹⁶ [31 TAC 529.4](#)

¹⁷ [31 TAC 529.2](#)

APPENDIX A: O&M Checklist

- Submission of Proposal for work to be done during a funding cycle
 - assessed dam for O&M
 - contacted contractors for quotes/bids on work needed (recorded on quotes/bid sheet)
 - obtained board approval of quotes/bids referring to O&M Policy & Procedure Manual
 - prepared and submitted the proposal to Field Representative/Flood control specialist for review. (**not a contractor**)
 - Submit the proposal to the State Office with **all signatures needed on all pages of the proposal document.** (A purchase order can be requested at this time if ready for work to be done.)
 - Approved proposal received **with the O&M Program Manager's signature and date.**

- Purchase Order Request: (WORK CANNOT BEGIN UNTIL BOTH AN APPROVED PROPOSAL AND PURCHASE ORDER HAVE BEEN RECEIVED)
 - Email request for purchase order to O&M Program Manager with proposal number included
 - Received approved purchase order from O&M Program Manager with "you may begin work" in email.
 - Work completed 90 days from the signed date on the purchase order.
 - Request an extension from the O&M Program Manager if the work cannot be completed in 90 days for a specific detailed reason for the delay.
 - Work wasn't completed; a new proposal needs to be submitted.

- Reimbursement request
 - Obtained invoice from contractor and inspected work done on the dam by the contractor
 - The reimbursement request form has been filled out by SWCD employees (**not by a contractor**).
 - NRCS/ TSSWCB has certified completion of work and signed a reimbursement request form.
 - Photos have been taken of completed work and filed appropriately.
 - Reimbursement request form sent to Field Representative/ Flood Control Specialist for review.
 - Reimbursement Request form sent to O&M Program Manager for processing.
 - Received payment from comptroller and issued payment to contractor.

Procurement Log Sheet

Instructions: This form is being provided to help SWCD's, or managing sponsors, document procurement of O&M activities for this grant program. It is being provided in a fillable form. No handwritten submissions will be accepted. Use additional sheets, if needed.

Bid Posting Compliance: Attach supporting documents demonstrating bid posting(s) were performed in accordance with Texas Local Government Code (LGC) 271 and Texas Grant Management Standards (TxGMS).

Project Name:

Managing Sponsor:

Recorded By:

Date Recorded:

Responsive Bidder or Quote Log:

ID	Vendor Name Address Phone	Bid/ Quote Date	Bid/Quote Amount	Selected	Notes

Comments/Additional Notes (use additional sheets, if needed):

Reviewed By:

Reviewed Date:

APPENDIX C: Assurances Certification

TSSWCB DOC No. 592-FC01

ASSURANCES - FLOOD CONTROL PROGRAMS

NOTE: Certainness of these assurances may not be applicable to your project or program. If you have questions, please contact the TSSWCB. Further, applicants may be required to certify additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for State assistance and the institutional, managerial and financial capability (including sufficient funds to pay the non-State share of project cost) to ensure proper planning, management and completion of the project.
2. Will give the TSSWCB, the Texas Comptroller of Public Accounts, and the Texas State Auditor, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will comply, or has already complied, with the requirements of Texas Administrative Code 529.6 and 529.58 "Solicitation of bids will be required for purchases of more than \$50,000 in accordance with provisions of §271.024 of the Local Government Code." These requirements apply to all purchases funded through TSSWCB Operation & Maintenance and/or Structural Repair programs.
4. Will comply with all applicable requirements of all other Federal and State laws, executive orders, rules, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	