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TEXAS STATE SOIL AND WATER CONSERVATION BOARD
Protecting and Enhancing Natural Resources for Tomorrow

PROGRAM GUIDANCE MEMORANDUM

FISCAL YEAR 2024

FLOOD CONTROL OPERATION & MAINTENANCE GRANT PROGRAM

September 7, 2023

At their September 7, 2023 meeting, the Texas State Soil and Water Conservation Board (State Board) approved changes to the way the Flood Control Operation and Maintenance (O&M) Grant Program will be administered for the 2024 fiscal year (September 1, 2023 – August 31, 2024). This approved “TSSWCB Policy for O&M Sept 2023” is attached. Also attached are the “Procedures for O&M Proposals” and “Assurances – Flood Control Programs”.

At their July 2023 meeting, the State Board approved a statewide allocation of \$4,000,000 for fiscal year 2024. Proposals from sponsors for O&M work using these funds are currently being accepted. Submitted proposals will be accepted in the order in which they are received. Purchase orders for O&M work will be issued until all available funding has been obligated.

For fiscal year 2024, the previous restrictions on number of proposals and dollar amounts that each sponsor may submit have been removed. **However, approved and funded proposals must be completed within 90 days of issuance of a purchase order.** The TSSWCB may approve extensions for work that has already commenced but is not completed if justified by extenuating circumstances.

All the programmatic rules found at [31 TAC 529, Subchapter A](#), are still in effect and must be followed, including the 90%-State / 10%-Non State matching requirement. In-kind match may still be used and should be reported on the existing forms. **Agency rules require that in-kind work used to match FY2024/FY2025 O&M reimbursements must be performed after September 1, 2023.** The agency will continue to keep track of in-kind match balances and utilize it to calculate the paid reimbursement amount.

Proposals and requests for reimbursement must be submitted on official forms provided by TSSWCB. All forms, O&M activity codes for eligible practices, all National Inventory of Dams Identification (NID ID) Numbers for eligible dams, and links to program rules are available on the TSSWCB's website at: <https://www.tsswcb.texas.gov/programs/flood-control-program>.

O&M proposals should be submitted to your Flood Control Program Specialist (Jared Bowen, jbowen@tsswcb.texas.gov, 325-248-1888; or Tony Resendez, tresendez@tsswcb.texas.gov, 979-676-6583). After checking the proposal for accuracy, Tony and Jared will submit to the TSSWCB State Office. Also submit invoices for completed work to Jared and Tony.

Thank you for your interest in caring for the flood control dams to ensure continuing benefits and public safety.

Sincerely,



Steven T. Bednarz, P.E.
Flood Control Program Administrator

Attachments:

TSSWCB POLICY FOR O&M Sept 2023
Procedures for O&M Proposals
Assurances – Flood Control Programs



TSSWCB POLICY FOR O&M ALLOCATIONS

Fiscal Year 2024

This policy will govern how the Flood Control Operation and Maintenance (O&M) Grant Program will be administered for Fiscal Year 2024 (September 1, 2023 – August 31, 2024). For FY 2024 the restrictions on number of proposals and dollar amounts that each sponsor may submit have been removed.

All the programmatic rules found at [31 TAC 529, Subchapter A](#), are still in effect and must be followed, including the 90%-State / 10%-Non State matching requirement. In-kind match may still be used and should be reported on the existing forms. Agency rules require that in-kind match used to match FY2024/FY2025 O&M reimbursements must be performed after September 1, 2023. The agency will continue to keep track of in-kind match balances and utilize it to calculate the paid reimbursement amount.

- Funding provided for O&M will be based on proposals submitted by sponsors.
- After funding is authorized and a Purchase Order is issued to the sponsor, the work must be completed within 90 days.
- Proposals may be submitted one at a time (not as a group) if preferred.
- Requests for waivers of the above policy, with appropriate documentation and justification, will be considered on a case-by-case basis.

THIS POLICY APPROVED BY TSSWCB BOARD ON SEPTEMBER 7, 2023



Procedures for O&M Proposals

September 7, 2023

1. Sponsors submit proposals to TSSWCB State Office (submit to Flood Control Specialist assisting your district) for specific O&M work on specific dams in accordance with current policy.
2. TSSWCB will determine if funding is available, based on first come/first serve basis.
3. Sponsor will receive email from TSSWCB notifying them that either a) funding is available and the proposal is approved, or b) funding is not available and proposal is not approved.
4. If not approved, the proposal will maintain its place in line for future funding unless the Sponsor requests to withdraw the proposal and perform the work with other sources of funds.
5. If proposal is approved, Sponsor may proceed with bidding process. After bids are received and Sponsor is ready to contract, Sponsor must notify TSSWCB that they are ready to start work. If proposal must be modified to add or subtract funds, it must be done before TSSWCB issues a Purchase Order.
6. When Sponsor is ready to start work and the final funding amount for the proposal is determined, TSSWCB will issue a Purchase Order to the Sponsor.
7. **Sponsor must not contract or start work until they receive the Purchase Order.**
8. If it appears during performance of the work that the final cost will be more than the approved Purchase Order because of quantity variations or other causes, **Sponsor must request a modification of the Purchase Order before the work is completed.** There is no guarantee to the Sponsor that additional funds will be available for modifications. Any costs or work **not included** in the Purchase Order **cannot be reimbursed** after work is completed.
9. If the final cost is less than the Purchase Order, the excess funding will be de-obligated from the Purchase Order after work is completed and recovered for other uses.
10. No other dams can be added to or substituted for those on the approved proposal and Purchase Order. Additional work on other dams requires a new proposal/Purchase Order to be processed, which will be placed in line with other proposals on first come/first serve basis.
11. No other practices may be added to the approved proposal/Purchase Order, unless TSSWCB agrees, with appropriate justification, to modify the Purchase Order **before the work is completed.** Additional practices must be on the same dams in the original approved proposal/Purchase Order.

ASSURANCES - FLOOD CONTROL PROGRAMS

NOTE: Certain 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 to 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 funds sufficient 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	DATE SUBMITTED