

North Dakota Parks and Recreation Department  
Recreation Division – 701-328-5357 – parkrec@nd.gov



## Recreational Trail Program (RTP) Program Manual

[www.parkrec.nd.gov/recreation/grants/rtp.htm](http://www.parkrec.nd.gov/recreation/grants/rtp.htm)

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RECREATION DIVISION – 701-328-5357 – parkrec@nd.gov  
**RECREATIONAL TRAIL PROGRAM**  
Program Manual

**Introduction**

The North Dakota Parks and Recreation Department (NDPRD) in cooperation with the North Dakota Division Office of the Federal Highway Administration (FHWA) has prepared this manual to answer questions relating to project application and management.

**General Information**

**Program Overview**

The Recreational Trails Program (RTP) is a federal-aid assistance program to help states provide and maintain recreational trails for both motorized and non-motorized trail use. The program provides funds for all kinds of recreational trail uses, such as pedestrian uses (hiking, running, and wheelchair use), bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, canoe/kayak trails, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles.

The RTP was established by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and is continued today through the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) which was passed in 2006 and provides financial assistance for the development and maintenance of recreational trails and trail-related projects. The Act provides funding from the Federal Highway Trust Fund in acknowledgment of off-road recreational fuel use.

The U.S. Department of Transportation, Federal Highway Administration (USDOT/FHWA) administers the RTP program. The Governor of the state of North Dakota has designated the North Dakota Parks and Recreation Department (NDPRD) as the agency responsible for administering apportionments made to the state. RTP funds represent a portion of the federal gasoline tax attributed to recreation on non-gasoline tax supported roads. The federal government prescribes many of the regulations governing this program.

NDPRD and the Recreational Trail Program Advisory Committee intends that RTP grant funding be used to enhance trail opportunities by achieving results that would not otherwise be possible. Therefore, RTP grants that replace other potential or actual trail funding will not be awarded. RTP grants are for projects that are primarily recreational in nature, rather than serving a more utilitarian transportation function. New construction is the first priority for RTP funding, followed by maintenance of existing trails (re-routes, etc.) and lastly trail amenities.

## **RTP Funding**

The Recreation Trails Program funds up to 80% of eligible costs for trail projects. At the time of application the project sponsor must have at least 20% of the total project cost available. The local share may include tax sources (appropriations), bond issues or force account contributions. The donated value of land, cash, labor, equipment and materials may also be used.

Individual grants are limited to a minimum of **not less than \$20,000** due to costs associated with the program's administrative requirements. Under special circumstances an exception to this minimum may be approved. An exception must be obtained in writing from the RTP Grant Coordinator prior to submission of a RTP grant application. A copy of the letter of exception must be included with the application. There is a project funding cap that changes almost yearly. To get the current year's funding cap please see one of the following websites: <http://www.parkrec.nd.gov/recreation/grants/rtp.htm> or <http://idctech.net/NDRAM/>.

## **Eligibility**

Grants may be awarded to any of the following:

- Non-profit organizations - A qualified non-profit organization is one that meets the following criteria:
  - Registered with the State of North Dakota as a non-profit for a minimum of 5 years
  - Will name a successor at the time of any change in organizational status (for example, dissolution). A qualified successor is any party that meets the eligibility criteria to apply for RTP funds and is capable of complying with all RTP responsibilities. NDPRD recommends, whenever possible, a government agency be sought as a successor. A successor organization must agree, in writing, to complete all RTP project responsibilities should the original organization's status change.
  - Does not discriminate on the basis of age, disability, gender, income, race, or religion
- Municipal agencies (cities, towns, counties, school districts, etc.)
- State agencies (North Dakota Parks and Recreation Department, North Dakota Forest Service, North Dakota Game and Fish)
- Federal government agencies (Bureau of Land Management, U.S. Forest Service, National Park Service, etc.)
- Other government entities (regional governments, etc.)

Potential project sponsors with active or previously awarded grants through NDPRD must be in full compliance with federal and state programs to be eligible for funding.

## **“40-30-30” Requirement**

RTP Legislation (23 U.S.C. 206) requires that States use 40 percent of their funds in a fiscal year for diverse recreational trail use; 30 percent for motorized recreation; and 30 percent for non-motorized recreation. The diverse, motorized, and non-motorized percentages are minimum requirements that must be met, and may be exceeded. A project for diverse motorized use (such as snowmobile and off-road motorcycle use) may satisfy the 40 percent diverse use requirement and the 30 percent motorized use requirement simultaneously. A project for diverse non-

motorized use (such as pedestrian and bicycle use) may satisfy the 40 percent diverse use requirement and the 30 percent non-motorized use requirement simultaneously.

To provide more flexibility in RTP project selection, FHWA established five categories to account for the 40-30-30 requirements:

- 1) Non-motorized project for a single use: A project primarily intended to benefit only one mode of non-motorized recreational trail use, such as pedestrian use only, water trails (canoe/kayak), or equestrian use only. RTP projects serving various pedestrian uses (such as walking, hiking, wheelchair use, running, bird-watching, nature interpretation, backpacking, etc.) constitute a single use for the purposes of this category. A project serving various non-motorized human-powered snow uses (such as skiing, snowshoeing, etc.) constitutes single use for this category.
- 2) Non-motorized diverse use project: A project primarily intended to benefit more than one mode of non-motorized recreational use such as: walking, bicycling, and skating; both pedestrian and equestrian use; and pedestrian use in summer and cross-country ski use in winter.
- 3) Diverse use project including both motorized and non-motorized uses: A project intended to benefit both non-motorized recreational trail use and motorized recreational trail use. This category includes projects where motorized use is permitted, but is not the predominant beneficiary. This category includes RTP projects where motorized and non-motorized uses are separated by season, such as equestrian use in summer and snowmobile use in winter.
- 4) Motorized single use project: A project primarily intended to benefit only one mode of motorized recreational use, such as snowmobile trail grooming. A project may be classified in this category if the project also benefits some non-motorized uses (it is not necessary to exclude non-motorized uses), but the primary intent must be for the benefit of motorized use.
- 5) Motorized diverse use project: A project primarily intended to benefit more than one mode of motorized recreational use, such as: motorcycle and ATV use; or ATV use in summer and snowmobile use in winter. A project may be classified in this category if the project also benefits some non-motorized uses (it is not necessary to exclude non-motorized uses), but the primary intent must be for the benefit of motorized use.

Projects in categories 1 and 2 apply towards the 30 percent non-motorized use requirement. Projects in categories 2, 3, and 5 apply towards the 40 percent diverse trail use requirement. Projects in categories 4 and 5 apply towards the 30 percent motorized use requirement.

### **Project Timeline**

When applying for project funding, the project sponsor must be ready to begin construction upon grant approval. This requirement includes having all local match available and all project planning complete. Once the project sponsors are notified of their project approval and funding level, they have 18 months to complete the project.

## Eligible Projects/Expenses

- Restoration of existing trails: Restoration may be interpreted broadly to include any kind of non-deferred trail maintenance, restoration, rehabilitation, or relocation. This category may include maintenance and restoration of trail bridges, or providing appropriate signage along a trail.
- Development and rehabilitation of trailside and trailhead facilities and trail linkages: This may be interpreted broadly to include development or rehabilitation of any trailside and trailhead facility. The definition of “rehabilitation” means extensive trail repair needed to bring a facility up to standards suitable for public use due to natural disasters or acts of nature. Trailside and trailhead facilities must have a **direct relationship** with a recreational trail.
- Purchase of sole use recreational trail construction and maintenance equipment: Purchase of any trail equipment that can only be used for sole use-trail maintenance is allowable. An example is a snow groomer. This provision does not include purchase of equipment which may be used for purposes unrelated to recreational trails.  
Construction of new recreation trails: For projects on federal land, the most important requirement is that the federal agency land manager must approve of the project in accordance with other applicable federal laws and regulations. This category may include construction of new trail bridges, or providing appropriate signage along a trail.
- Acquisition: See the Land Acquisitions and Easements section below; please note, RTP legislation **prohibits condemnation** of any kind of interest in property. Therefore, acquisition of any kind of interest in property must be from a willing landowner or seller.

## Ineligible Projects/Expenses

- Condemned Land as Matching Value: RTP legislation prohibits using RTP funds for condemnation of any kind of interest in property. An RTP project may be located on land condemned with funds from other sources. However, it is not permissible to use the value of condemned land toward the match requirement for an RTP project.
- Feasibility Studies: Trail feasibility studies are not a use permitted in the RTP legislation. The permissible uses relate to actual on-the-ground trail projects.
- Environmental Evaluation and Documentation: Projects intended solely for the purpose of covering environmental evaluation and documentation costs are not permissible. However, reasonable environmental evaluation and documentation costs, including costs associated with environmental permits and approvals, may be included as part of an approved project’s engineering costs. Costs incurred developing the environmental evaluation, necessary permits, as well as engineering costs may not exceed 20% of the total funded project cost.
- Law Enforcement: Routine law enforcement is not a use permitted in the RTP legislation.
- Planning: Trail planning is not a permissible use of RTP funds.
- Sidewalks: RTP funds will not normally be used to provide paths or sidewalks along or adjacent to public roads or streets, unless the path or sidewalk is needed to complete a missing link between other recreational trails.
- Roads: RTP funds may not be used to improve roads for general passenger vehicle use.
- Overhead: The regular operating expenses such as rent, building upkeep, utilities and all fixed costs associated with a business, agency or group.

- Indirect Costs: Only direct costs that can be identified specifically with a particular final cost objective directly related to the trail project are eligible.

### **Land Acquisitions and Easements**

- Acquisition Costs: The following land acquisition costs are allowable and eligible for reimbursement under the Recreational Trails Program:
  - The appraised fair market value of fee simple title or an easement for the use of real property acquired by negotiated purchase.
  - The purchase price for an easement or fee title to real property acquired below appraised value.
  - The donated land value (the difference between the purchase price and appraised value) may be used as a match for federal funds to purchase that parcel of land, purchase other pieces of property, or develop facilities.
  - Similarly, lands for which 100% of the value is donated may only be used as the organization's share of a project to purchase other land or build facilities.
  - Appraisal fees.
  - Boundary surveys, title search, legal filing fees
- Ineligible Costs: Costs ineligible for reimbursement in an acquisition project include:
  - The purchase of real property to which the project sponsor became committed prior to federal approval.
  - Legal fees other than for filing and fines and penalties paid by the project sponsor.
  - Incidental costs relating to real property acquisition and interests in real property unless allowable under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.
  - Taxes for which the local sponsor would not have been liable to pay.
  - Damage judgments arising out of acquisition whether determined by judicial decision, arbitration or otherwise.
- Easements: In some instances, the applicant will not be able to purchase the property but can acquire an easement. An easement must be for a period of at least 25 years. During the time period, the easement cannot be revoked at will by the landowner unless the applicant or state is guilty of an infraction of the easement. The land must still be retained in public trail use for the duration of the easement period even though the easement has been revoked. Provisions stated in the easement cannot be detrimental to the proposed recreational development.

A draft copy of the easement must accompany the application for acquisition and development projects. If an easement has been or is to be executed prior to the submission of a development project application, a draft copy of the easement should be sent to the NDPRD for review. Advance approval of such agreements may help ensure the eligibility of the site for funding. Negotiations for easements must follow general negotiated land purchase regulations including the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

## **Control and Tenure**

Adequate control must be established by an applicant over any land (public or private) to be improved/ developed with RTP grant funds, including documentation of the fee title, lease, easement, or use agreement. Lease, easement and use agreement terms must be for a term no less than 25 years.

The application must identify all outstanding rights or interests held by others on land upon which the project is proposed. A signed letter explaining control and tenure must be submitted for all projects not located on Federal Lands. The applicant will be required to submit a signed approval from the official responsible for management of the project property.

## **Application Process and Review**

The following information outlines the review process for each submitted application. A sample application can be found at the end of this document (see Attachment A on page 13).

## **Technical Review**

Once a potential sponsor submits an application, NDPRD staff will review the application for completeness, eligibility, the sponsor's current grant status, match, property ownership, local/regional/federal approval, etc. Staff will forward eligible applications to the Recreational Trails Program Advisory Committee (RTPAC) for further consideration.

## **Recreational Trail Program Advisory Committee (RTPAC)**

RTPAC membership represents a broad range of motorized and non-motorized trail users and associations. Committee members are appointed by the Director of the North Dakota Parks and Recreation Department and must be recreational trail users and represent trail interests. Committee members are appointed for 3-year terms. In North Dakota the committee serves as the evaluation committee that reviews and prioritizes grant applications and recommends projects for funding. For a current committee list, please visit [www.parkrec.nd.gov/recreation/grants/rtp.htm](http://www.parkrec.nd.gov/recreation/grants/rtp.htm).

The project evaluation allows committee members to bring their knowledge of statewide and local recreation patterns, resources, and needs into consideration. A sample of this evaluation can be found below. Reviewers may rank a project based upon their evaluation of site suitability, fiscal consideration, commitment to long-term operation and maintenance, superior design, superior leverage of funding and partnership, ADA compliance, and project presentation, heritage and legacy context, regional issues, and the basic intent of TEA-21 and SAFETEA-LU.

## **Pair-Based Scoring Process and Example**

Pair-based scoring is a ranking methodology in which each project is individually ranked against each other project, one project at a time. In the example below, 7 applications were received and ranked. The numbers 1-7 correspond with the assigned application numbers. Projects are then compared starting with project number 1 vs. project number 2. The better of the two projects is then marked on the score sheet. Then project 1 is compared to project 3 and again the better project is marked on the score sheet. This process is repeated until project 1 has been compared to all other applications. Project 2 is then compared against all other projects excluding project 1, then project 3 against all others excluding 1 and 2, etc., until each has been compared to all other

projects and project preference has been established. Points are assigned based on the number of times a project is chosen.

Project #	Total Times Chosen	Pair Ranking
1	4	<u>1</u> vs. 2, <u>1</u> vs.3, 1 vs. <u>4</u> , 1 vs. <u>5</u> , <u>1</u> vs. 6, <u>1</u> vs. 7
2	2	<u>2</u> vs. 3, 2 vs. <u>4</u> , 2 vs. <u>5</u> , 2 vs. <u>6</u> , <u>2</u> vs. 7
3	0	3 vs. <u>4</u> , 3 vs. <u>5</u> , 3 vs. <u>6</u> , 3 vs. <u>7</u>
4	6	<u>4</u> vs. 5, <u>4</u> vs. 6, <u>4</u> vs. 7
5	5	<u>5</u> vs. 6, <u>5</u> vs. 7
6	3	<u>6</u> vs. 7
7	1	

21 Total Points - The sum of all points should be 21.

In this example project number 4 was selected the most times and is ranked #1, followed by project 5 and so on. Once the projects have been ranked by all committee members, the scores will be averaged and the highest ranking projects will be submitted for environmental and historical review and clearance.

### **Environmental and Historical Requirements and Project Clearance**

Documentation of compliance with the National Environmental Policy Act (NEPA) and other Federal environmental laws, regulations, and Executive Orders must be provided as part of an authorized project under the RTP. FHWA procedures in [23 CFR 771](#) apply to the RTP. Each project must be evaluated to determine the environmental impacts; however, most RTP projects will qualify as Categorical Exclusions (CE) under NEPA ([23 CFR 771.117](#)) if they meet the following requirements:

- Does not have significant impacts to planned growth or land use for the area
- Does not require the relocation of a significant number of people
- Do not have a significant impact on any natural, cultural, recreational, historic or other resource
- Does not involve significant air, noise, or water quality impacts
- Does not have significant impacts on travel patterns
- Does not otherwise have any significant environmental impacts

The following project types are CE by definition and do not require further review:

- Rehabilitation contained within the footprints of existing trails and trailhead facilities
- Re-grading within the footprints of existing trails or trail parking areas

- Striping or re-striping of existing facilities
- Replacement, renovation, or rehabilitation of existing signs, kiosks, or markers
- Alterations to existing facilities in order to make them accessible to the elderly and handicapped persons
- Repair or replacement of existing fencing, guardrails, retaining walls, or berms within existing facilities, including areas needed for construction and staging.

After the Recreational Trails Program Advisory Committee (RTPAC) reviews and ranks the applications, the selected projects will be sent to the following agencies to meet the environmental review requirements:

- North Dakota Parks and Recreation Department
- North Dakota Game and Fish
- Health Department
- State Historical Society
- US Fish and Wildlife Service
- North Dakota Department of Transportation

*All projects must be approved by these agencies before funding can be awarded.*

### **State Historic Preservation Office (SHPO) Requirements**

The SHPO will be contacted to assure that the project proposal complies with State laws regarding archaeology on lands or historic properties.

- Any project element calling for alteration, rehabilitation, renovation, or demolition of a historically, culturally, or architecturally significant property or property contributing to the integrity of a cohesive older neighborhood or historic district needs to be cleared by the SHPO on a case-by-case basis.
- Photographs of impacted properties 45 years of age or older need to be submitted along with a narrative describing the project, including plans and specifications, as appropriate. Any available historical information on the property should also be submitted.
- It is illegal to disturb an archaeological site or to remove an archaeological site or to remove an archaeological object from public or private lands unless that activity is authorized under a permit.
- If human remains are found during an excavation, the local law enforcement office must be contacted to determine if they are Native American or are evidence of a crime scene.

If other archaeological materials are found during a ground disturbing activity, contact the SHPO at 701-328-2666. The SHPO can check to see if your project area has been surveyed and can give you a current list of archaeological consultants. Only professional archaeologists or persons working for recognized scientific organizations may apply for an archaeological permit.

### **Other Environmental Considerations**

- Wetlands: Impacts to wetlands must be considered and may result in trail route or structure changes. All applications will be reviewed by NDPRD Grant staff for wetland impacts using the U.S. Fish and Wildlife's Wetland Mapper available at <http://www.fws.gov/wetlands/data/>.

- Threatened and Endangered Species: The occurrence of a protected species could be an important issue to consider during the development of an RTP project. Projects will be reviewed by the U.S. Fish and Wildlife Service and the North Dakota National Heritage Inventory Program.
- Hazardous Wastes and Contaminated Properties: Contaminated sites may be encountered during the development of RTP projects. Abandoned railroad lines being converted into trails are of particular concern. Site assessments and appropriate steps for remediation may be necessary.
- Noxious Weeds: Project sponsors are responsible for the spread of noxious weeds in conjunction with the trail project.

### **Project Expenditure and Reimbursement Process**

#### **Contributions and Expenses**

To be eligible for reimbursement funds, project costs must be incurred after the federal project approval date. Donations of equipment, labor, and materials must be contributed after federal grant approval. Cash contributions may be received at any time. Bid and procurement process must also begin after the federal project approval date, which is indicated on your award letter.

#### **Local Share**

Local match may include donated/volunteer labor, donated equipment and materials, and force account.

- Donated Labor: The time of a person donating services will be valued at a rate paid as a general laborer (per North Dakota Job Service's General Laborer Rate for the project area location, documented and provided by sponsor to NDPRD) unless the person is professionally skilled in the work being performed on the project (i.e. mason doing work on a retaining wall). When this is the case, the wage rate this individual is normally paid for performing this service may be charged to the project. The rates for labor should **not** include payroll additives or overhead costs. Evidence of the skilled labor rates must accompany the reimbursement request. Volunteer labor may be used as match only and is never a reimbursable item.
- Donated Equipment and Materials: Donated equipment and materials may be used as match only and are never reimbursable items. The value of the donated materials and equipment rental rates must be documented through an invoice or official letter from the donor/vendor.
- Force Account: Force account is different than volunteer labor or donated equipment and supplies. Force account refers to the use of a project sponsor's staff, equipment, and/or materials. All or part of the project sponsor's share may be provided through force account, but force account is never a reimbursable item. Documentation must be verifiable from the project sponsor's records, and must be reasonable and necessary for efficient completion of the project.

## **Federal Matching Share**

The federal share through the RTP for projects is limited to 80 percent except under the following circumstances:

- A Federal agency project sponsor may provide its own funds toward RTP projects as additional Federal share up to 95 percent of the project cost. The limitation is intended to ensure commitment to the project from State, local, or private co-sponsors. Under this provision, a Federal agency project sponsor may provide any amount of funds, provided the total Federal share does not exceed 95 percent.
- Funds from Federal Programs: RTP funds may be matched with funds available under other Federal funding programs, if the project also is eligible for funding under the other Federal program. Federal funds received by any project sponsor from another Federal program may be credited as if they were the non-Federal share, and may be used to match RTP project funds up to 100 percent of the project cost.

## **Procurement**

Grant recipients are required to follow the State of North Dakota's procurement guidelines when purchasing goods or services needed to complete a project.

- Purchases \$2,500 and below: Use adequate procedures to ensure commodities and services are obtained at a fair and reasonable price, which may include the soliciting only one informal bid or proposal. Rotate vendors solicited on an equitable basis (ref. N.D.A.C. § 4-12-08-02). "Fair and reasonable" price can be based on previous purchases, market research, a published price list, or by simply soliciting more than one vendor. Remember, "When in doubt, bid it out."
- Purchases \$2,500.01 to \$25,000: Solicit no fewer than three vendors, insofar as practical, to submit oral or written informal bids or proposals. If you do not receive three bids or proposals, provide a written justification (e.g., "only two known vendors" or "contacted three vendors, only two responded").
- Purchases over \$25,000: Solicit formal sealed bids or proposals with notice to approved bidders on the State Bidders List (ref. N.D.C.C. § [54-44.4-14](#), N.D.A.C. Chapter [4-12-08](#)). Notice of bid opportunities must be placed weekly in a newspaper for a period of no less than three weeks to ensure notice of a bid opportunity.
- Limited Competitive and Noncompetitive Procurements: Occasionally, circumstances arise under which a fully competitive procurement process may be difficult or impossible. Procurement is noncompetitive when there is no bidding process. Limited competition occurs when competition is possible, but the requirements of the solicitation restrict competition to particular bidders. (Ref. N.D.C.C. § [54-44.4-05](#), N.D.A.C. § [4-12-09](#)). Project sponsors must use the State's [Alternate Procurement Request form](#), SFN 51403 to document this process and submit to NDPRD prior to entering into a contract or incurring an expense which is classified as a limited competitive or noncompetitive purchase. In accordance with federal regulations, NDPRD will then forward to FHWA for approval. NDPRD will notify the project sponsor of FHWA's decision within 10 business days of the forms submittal along with a reason, if denied.

- **Documentation Requirements:** Each procurement transaction must be adequately documented for audit and public record purposes. If the purchase is over \$2,500, the procurement file must have evidence that three vendors were solicited or document the reason three bids were not obtained using the guidelines and forms listed above. Include any required approvals, solicitation documents used, list of bidders solicited and responses received. In addition a bid tab or summary must be included which includes the name, address and phone number of the all bidders along with evaluation worksheets, reasons for rejecting a particular bid, and method of award (e.g. purchasing card or purchase order).
- **Exemptions by Statute:** Please note, certain commodities and services are not subject to state procurement laws. The following commodities and services are exempted from state procurement practices by N.D.C.C. § 54-44.4-02 And N.D.A.C. § 4-12-01-04, as follows:
  - Land, building, space, or the rental thereof, however before making a commitment to obtain land for a RTP project, an appraisal must be submitted to the Parks and Recreation Department for approval. The land is required to be appraised by a certified general appraiser with federal experience according to the Uniform Appraisal Standards for Federal Land Acquisitions (located on the web at [www.usdoj.gov/enrd/land-ack](http://www.usdoj.gov/enrd/land-ack)). No more than the appraised value can be paid.
  - Telephone and telegraph service, electrical light, and power services.
  - Department of Transportation materials, equipment, and supplies in accordance with N.D.C.C. § 24-02-16.
  - Specific commodities and services as determined by written directive by the Director of OMB in N.D.A.C § 4-12-01-04 such as: A. contracts for public buildings and public improvement contract bids, pursuant to N.D.C.C. Title 48. B. Contracts for architect, engineer, and land surveying services pursuant to N.D.C.C. Chapter 54-44.7.
- **Required Contract Language:** Attached to this manual is FHWA Form 1273, which is required to be included in its entirety in every RTP contract between a project sponsor and any organization, group, agency or individual they do business with (see attachments B and C). Failure to include this form will result in forfeiture of RTP funds for the project portion covered by of the contract in question. While including this form is a federal requirement, only certain portions may apply depending on the contracted dollar amount or the location of the project (federal road right of way). Please direct any questions relating to this form to NDPRD grant staff.
- **Disadvantaged Business Enterprise Program:** Project sponsors are encouraged to work with disadvantaged businesses, including those owned by minorities, women, and socially and economically disadvantaged individuals, when practical and applicable to the State's procurement guidelines. For more information on the ND Department of Transportation's Disadvantaged Business Enterprise Program, please visit [://www.dot.nd.gov/divisions/civilrights/dbeprogram.htm](http://www.dot.nd.gov/divisions/civilrights/dbeprogram.htm).

## Reimbursement

The project sponsor will not receive upfront funding at the time of project approval. Instead, the sponsor must pay the bills and be reimbursed for a maximum of 80% of the expenses incurred for the project. Reimbursement requests may be made periodically during the project period. Land donations will be credited towards the match of the sponsor's share of the project.

As in any program where a reimbursement is requested for a portion of the project costs, adequate documentation and records are essential. There must be definite supporting documentation (i.e. invoices and canceled checks) for each item of cost claimed- estimates are not sufficient. NDPRD may request additional support documentation in order to process a billing.

- **Reimbursement Requests:** The following is a list of documentation NDPRD will need to process reimbursement requests:
  - Grant Programs Reimbursement Request Form
  - Grant Programs Progress Report Form
  - Affidavit of publication, supplied by the newspaper when you advertise for bids.
  - For purchases over \$2,500, include any required approvals, solicitation documents used, list of bidders solicited and responses received. In addition a bid tab or summary must be included which includes the name, address and phone number of the all bidders along with evaluation worksheets, reasons for rejecting a particular bid, and method of award (e.g. purchasing card or purchase order). Forms should be dated and signed by responsible official.
  - Contractor invoices (or final progress payment, if countersigned by contractor acknowledging payment of all prior charges, and if the cost of each major work item is shown) and cancelled checks to contractor (copy of both sides).
  - All other cancelled checks (copy of both sides).
  - Copies of invoices. Not monthly statements.
  - Individual earnings records for the calendar year or payroll journals. Should show gross wages, withholdings and net pay for each pay period – See Force Account Form.
  - Equipment rental time records
  - Detailed schedule showing how you computed owned-equipment rental rates. For donated equipment time, you must use hourly rates via a quote from a local rent all or a published equipment billing chart for a municipality. See Equipment Value Form

*All required forms are available at*

<http://www.parkrec.nd.gov/recreation/grants/rtp.htm>.

- **Partial Billings:** A partial billing along with supporting documentation may be submitted to NDPRD after portions of the work have been completed. Submit the completed "**Reimbursement Request Form.**" The state will retain 5% of the grant amount until the project is complete and a final inspection completed. Supporting documentation needed includes the following:
  - Progress Report – **Grant Programs Progress Report Form**

- Expenditure Records indicated above
- Volunteer Logs
- **Final Billings:** In order for a project to be considered completed and ready for final billing, it should be submitted within thirty days of the completion of the project or grant expiration date, whichever comes first. Final project billings must be submitted to NDPRD utilizing the process outlined above. Once a final billing is received NDPRD staff will contact the project sponsor to discuss the completed RTP project and arrange for a final inspection. Final project billing and grant closeout will not be completed until NDPRD has conducted the final inspection and certified the project is indeed complete, meeting the project description outlined in the grant application and/or project amendment.
- **Reimbursement Request Form:** A separate file should be established and maintained for each RTP project. The project sponsor is responsible to track costs according to the categories on the **Grant Programs Reimbursement Request Form** and must maintain an auditable record for a period of not less than 3 years from the date of the final reimbursement. A GRANT REIMBURSEMENT FORM MUST BE SUBMITTED FOR ALL PAYMENT REQUESTS AND REIMBURSEMENTS. ONLY THE FORM PROVIDED BY NDPRD WILL BE ACCEPTED.

### **Progress Reports**

Project sponsors are required to submit progress reports by April 1 and November 1 of each year to ensure that NDPRD is aware of the project's progress. Please use the "**Grant Programs Progress Report Form**" located at <http://www.parkrec.nd.gov/recreation/grants/rtp/>. Projects that have not shown progress for six months risk potential termination of RTP funding. If no progress reports are received, NDPRD will assume no progress has been made.

### **Amendments**

During the project period, various situations may result in changes or deviations from the Project description. An amendment is necessary to add to, or alter the approved project. Changes that may necessitate an amendment are increases or decreases in the grant amount, project scope changes, or an extension of the project period.

- **Changes in Project Scope:** Only those items approved for the project are eligible for federal assistance. Similarly, facilities must be constructed in the same location as designated on the plans submitted with the application. Due to unforeseen changes in project costs or revisions in the plans for the facility, certain items may have to be added or deleted from the project after it is approved. These changes may require submission to the Federal Government for approval. In the case of adding an item to the project, construction on that item cannot begin until the amendment is approved.

The amount of federal assistance specified on the award letter is the maximum amount reserved for that particular project. Costs over this amount have to be paid by the applicant. All changes in project scope should be in accordance with the intent of the original application, and must be justifiable. The need for the change must be documented by a letter to the NDPRD, accompanied by revised cost estimates,

construction plans and maps.

- Project Period Extensions: All acquisition and development must take place within the project period, which is identified in the award letter. The award letter is sent to the project sponsor after the project has received Federal approval. For most projects, the target date for project completion will be based on an 18 month project period. The project sponsor is encouraged to complete the project as soon as possible as inflation can add a 5% cost increase each year.

If the project cannot be completed during the period identified on the project letter, a request must be submitted for a time extension. The request must justify why the project cannot be completed before the expiration date. This justification should include a time schedule for completing the remaining items. Typically no more than one six month extension can be granted and then only under unforeseen circumstances. Work performed after the project has expired will not be eligible for federal assistance. Final payments for work done during the project period can be made after the project has expired. These payments should specify the work had been completed before the project expired.

- Submission of an Amendment Request: The sponsoring agency initiates the amendment by submitting a request for the changes to NDPRD. This request should include all project revisions desired, including cost estimates, maps or design plans, and justification of the need for the changes. It is recommended the NDPRD be contacted prior to the submission of the amendment request. Department staff will be able to provide advice on the feasibility of an amendment approval. An amendment for a change in project scope can be requested any time prior to the construction of the added item or acquisition of the added tract. An amendment for an extension of time should be submitted forty-five days before the project is scheduled to expire.

It is essential that amendment requests be kept to a minimum. Amendments are used to cover items that could not be anticipated in the original project. Major deviations from the original project will not be accepted. It is the responsibility of the project sponsor to thoroughly determine the type of project prior to submission and, upon approval, carry through with that project.

### **Project Termination**

A project sponsor may request withdrawal of the project at any time prior to the first payment or expenditure of grant funds. After the initial payment, the project may be rescinded, modified or amended only by written mutual agreement between the project sponsor and NDPRD.

NDPRD may terminate the project in whole or in part, at any time before the date of completion, if it is determined the project sponsor has failed to comply with the terms of the project proposal or the intent of the program. Failure by the project sponsor to comply with the terms of the grant may cause suspension of all obligations by and a return of any monies received. If a project is terminated the project sponsor will be notified in writing of the determination and the reasons for the termination, together with the effective date. Payments made to the project sponsor or

recovery of funds by the NDPRD under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.

NDPRD may terminate the grants in whole, or in part at any time before the date of completion, when all parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The project sponsor shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. Termination either for cause or for convenience requires the project in question be brought to a state of recreational usefulness agreed upon by the project sponsor and NDPRD or all funds must be returned.

### **Project Site Retention & Future Responsibilities**

At the time of project approval, the project sponsor through the acceptance of funds, commits that the facilities developed with federal assistance must remain open for general public use and will be operated and maintained. If RTP monies are used for land acquisition the land must remain in public trail use for perpetuity. If RTP monies are used for development, the site and facility must remain in public trail use for 25 years or until the facilities become obsolete or are at the end of their useable life.

### **Signage Requirement**

Project sites funded through the Recreational Trails Program are required to display a sign stating that the funding assistance for the site came through a partnership between the FHWA and NDPRD.

**Attachment A: Sample Online Application**  
*All instructions are indicated by the use of italics.*

Go to online application at the following location: <http://idctech.net/NDRAM/> and the following screen will appear.



This section allows you to signup and track your project details. Once you login to your account your information about your properties & trails will be displayed to you.

[>>Sign In](#)

The My Application section allows you to fill out an application for a new Land & Water Grant or Recreational Trails Grant. Once the application is filled out, you will receive updates via this system from your state's administrator.

[>>Sign In](#)

The My Information section will allows you to modify and change the information you provided when you signed up to use the RAM system. If you have any question just ask our staff.

[>>Sign In](#)

## News & Awards

## The Complete Inspection

The complete inspection section allows you enter inspection information for the properties that you manage. This software will take information that use to be stored non-conforming filing cabinets and place into highly efficient, state-of-the-art software program.

***Click on Sign in, then you will be taken to the following screen.***

*Log in with your user name and password, then click sign-in. If you do not have a user name and password call 701-328-5364 to request one.*



## Recreation Area Manager

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My Projects >>

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Inspection >>

### Login

Sponsors who do not know their login information, or who are unsure about their status should contact the grant administrator by [email](#) or by phone at 701.328.5364.

Sponsors who have never received a grant from the Land and Water Conservation Fund or the Recreational Trails Fund must register (by clicking the REGISTER button) as a new sponsor in order to apply for a grant.

### EXISTING LOGIN

User Name:

Password:

[Forget Your Password?](#)

### NEW LOGIN

New Users may click [here](#) to register and use the system.

*After successful login the following screen will be displayed.*



**Recreation Area Manager**

Home >>  
My Projects >>  
My Applications >>  
My Information >>  
News & Awards >>  
Inspection >>  
Administration >>

Welcome

Welcome to the RAM System. To proceed, you may select from the menu options on the left side of your web browser. You currently have 57 Recreational Properties that are ready for inspection. You can see which properties these are by clicking on the "My Projects" menu item.

- Click on '**My Projects**' to view the Recreational Properties that you help manage.
- Click on '**My Applications**' to view your current Applications, and to create new Applications.
- Click on '**My Information**' to view and edit your Personal Contact Information as well as your User Name and Password.
- Click on '**News & Awards**' to read the current News, and to see what awards have been handed out, and to whom they went.
- Click on '**Inspections**' to review old Recreational Property Inspections.

*Click on My Applications to create a new RTP application.*



# Recreation Area Manager

- Home >>
- My Projects >>
- My Applications >>
- My Information >>
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- Inspection >>
- Administration >>

## My Applications

Welcome to the application section. On this screen, the managing entity can view all of the applications you or the managing entity you are associated with have submitted, track the status of those applications, and drill deeper into the application information. **If you do not see the ability to add a new application, then you need to be associated with a managing entity, please contact the grant administrator by [email](#) or by phone at 701.328.5364.**

CREATE NEW LWCF APPLICATION

CREATE NEW RTP APPLICATION

**LWCF**  
**Property Name      Last Updated**

**RTP Project Name**

*Click Create New RTP Application then fill out application and upload required documents.*

*Fill in project name and click save then a new icon will appear that says "Upload Documents." Click on this button to upload all required and support documentation.*



## Recreation Area Manager

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### Application Page

Recreational Trail Program (RTP) grant awards are available to the State of North Dakota, political subdivisions and nonprofit organizations in order to assist in the development, maintenance or rehabilitation of recreational trails. The RTP is an assistance program of the U.S. Department of Transportation's Federal Highway Administration (FHWA). The program is administered by the Recreation Division of the North Dakota Parks and Recreation Department.

Project proposals must be approved at the state and federal levels. A Recreation Trails Committee of private, state and federal individuals evaluates and ranks the projects. Projects selected at the state level are submitted to the FHWA for federal review and approval.

RTP grants reimburse up to 80 percent of the cost for development, maintenance or rehabilitation of recreational trails. The maximum federal grant award is determined annually. Engineering fees exceeding more than 20% of total project cost are not eligible for reimbursement. Project sponsors cannot be reimbursed for funds that are incurred before an application is approved and a local grant agreement is signed.

A application deadline is established each year. Applications must be submitted on or before that date. Late or incomplete applications will not be considered.

You may press SAVE at any time, as long as you have filled out a bare minimum of the application. A Red \* will appear next to those fields that are required. Once you have successfully saved your application, you will be able to add federal and local funding sources by pressing the newly visible ADD FEDERAL FUNDING SOURCE and ADD LOCAL FUNDING SOURCE buttons located at both the top and bottom of the page. At this time you will also be able to upload documents to this application.

**Trail Project Name:**

**Description of Proposed Project:**

**Property Location Information**

**Urban or Rural Development:**

Urban ▼

**Address Line 1:**

**Address Line 2:**

**Either Choose a City or Select 'Other' and Type one in the Box Provided:**

Abercrombie  If Other:

**County:** Adams

**State:** ND

**Either Choose a Zip Code or Select 'Other' and Type one in the Box Provided:**

58001  If Other:

**Township: N**

**Range: W**

**Township Section:**

**Township, Range & Section**

**Length of New Trail: (in miles)**

**Length of Total Trail (in miles) if Project is an Extension:**

**General Funding and Property Information**

**Total Cost:**

**Fund Amount:**

**Is this Project an Extension to an Existing Trail Project?**

Yes

**Who Holds the Title to the Project Land?**

**Projects must be completed within 18 months of grant award to meet Federal Highway Administration Guidelines.**

**Estimated Start Date: (mm/dd/yyyy)**

**Estimated End Date: (mm/dd/yyyy)**

**Classification of Land:**

State  Federal  Local  Private

**Check all of the uses the Project impacts:**

Walking/Hiking  Bicycling  Horseback Riding   
Cross-Country Skiing

In-line Skating  Snowmobiling  ATV Riding  Off-  
road Motorcycling

4x4 Trucking Other:

**Does the Project fall substantially within a federal highway  
right-of-way?**

**Federal Funding Sources** \_\_\_\_\_

**Local Funding Sources** \_\_\_\_\_

Adding sources to this section certifies that the sponsor has their share of money available and has earmarked these funds for use on this project. It is necessary to have 20% of the total project cost available.

\*\*All RTP projects must meet accessibility guidelines in compliance with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973 and the Architectural Barriers Act. For more information refer to the U.S. Access Board at [www.access-board.gov](http://www.access-board.gov). Look for the Reg Neg Committee 1999 Report: Accessibility Guidelines for Outdoor Developed Areas.

**Requirement-**

Each application must address each of the following requirements in the order they appear below:

1. A project description sufficient to understand the project. Indicate prominently whether this is primarily a maintenance request, an enhancement to an existing trail, new development, acquisition, length of trail etc. Please explain if the application is for one or more phases of a multi-phase project.
2. Clearly defined goals for the project (with a delineation of which user groups would benefit from the project).
3. Costs associated with the project (with estimates of the following components: material/service purchases including hardware, paint, lumber, sand/gravel concrete, landscape materials, signs, design/engineering services and contractor services).
4. Evidence of local/area support (e.g., council resolutions, minutes of public meetings, letters of support, etc ).
5. Availability/access to 20% match for eligible elements of the project proposal. Matching funds must not be from other federal sources such as Transportation Enhancement through the Department of Transportation. A resolution from the sponsor of the project regarding the availability of funds will be required prior to any award of a grant.

6. Identification of the sponsor of the project: This organization or unit of government will be legally responsible for the project.
7. Evidence of applicant capability (e.g., ability to carry out project, and for development projects, to operate, maintain, and protect trail and facilities when completed).
8. Written Assurances (if applicable). Produce leases or written assurances that the project will be open for public use.

**Evaluation Criterion-**

All applications must address the following criteria in the order that they appear. Failure to provide this information may result in the disqualification of this application.

1. **Site and project quality:** consideration of the needs of the intended trail user group(s); aesthetic quality of the trail location; appropriateness of the trail for the intended or existing uses; clarity, detail, and quality of project plan/design; quality of existing development (if any) on site or in corridor; attention to safety, accessibility and health considerations.
2. **Public need for and benefit of project:** safety concerns, urgency of action, potential to lose the opportunity, number of people who would benefit from the project when compared to cost. Why should this project be funded? How many people could be expected to use the trail over the course of the year as a result of funding the project?
3. **Context of the project in a wider plan:** demonstrated compatibility with local/region/area trail plans and the Statewide Comprehensive Outdoor Recreation Plan. For proposed facilities, what relationship does the proposed development/acquisition have to other outdoor recreation facilities and trails?
4. **Attention to the potential environmental impact of the project and efforts to mitigate adverse effects:** Possible areas of consideration include but are not limited to: noise, odors, dust, surface erosion, fish and wildlife populations, damage to wetlands, or other ecologically sensitive natural resources or historical/archeological remains. A cultural review letter or document should be included with the application. All applications are subject to review by the State Historical Society.
5. **Impact on adjoining landowners in the vicinity of the project:** Identify adverse impacts that might be realized as

a result of completing the project, and how the projects design attempts to mitigate adverse impacts. How might the project improve conditions for adjacent landowners?

**Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying**

Persons submitting this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions – The prospective primary participant further agrees by submitting this proposal that it will include the clause titles, "Certification Regarding Debarment, Suspension, Ineligibility and voluntary Exclusion – Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to be used; use this form for certification and sign; Certification Regarding Drug- Free Workplace Requirements-Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) – (See Appendix C of Subpart D of 43 CFR Part 12)

Checking the boxes on this form and submitting it provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the funding agency determines to award the covered transaction, grant, cooperative agreement or loan.

**PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions**

CHECK IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such

prospective participant shall attach an explanation to this proposal.

**Part B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions**

CHECK IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**Part C: Certification Regarding Drug-Free Workplace Requirements**

CHECK IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL Alternate I. (Grantees Other Than Individuals)

1. The grantee certifies that it will or continue to provide a drug-free workplace by:
  1. (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  2. (b) Establishing an ongoing drug-free awareness program to inform employees about-
    1. The dangers of drug abuse in the workplace;
    2. The grantee's policy of maintaining a drug-free workplace;
    3. Any available drug counseling, rehabilitation, and employee assistance programs; and
    4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  3. (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
  4. (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
    1. Abide by the terms of the statement; and
    2. Notify the employer in writing of his or her

conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. (e) Notifying the agency in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.

Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification numbers (s) of each affected grant;

6. (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a),(b),(c),(d),(e) and (f).

2. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code)

Address Line 1:

Address Line 2:

City:

State:

Zip:

Check if there are workplaces on file that are not identified here

**Part D: Certification Regarding Drug-Free Workplace Requirements**

CHECK IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL

Alternate II. (Grantees Who Are Individuals)

1. The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
2. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number (s) of each affected grant.

**Part E: Certification Regarding Lobbying**  
**Certification for Contracts, Grants, Loans, and Cooperative**

CHECK IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT; SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK IF CERTIFICATION IS FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative

agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

SAVE

SUBMIT FOR REVIEW

***Once all required and support documentation has been uploaded and you are satisfied with the information entered in the application, click submit for review and final submission.***

**Attachment B: FHWA 1273 Synopsis**

**REQUIRED CONTRACT PROVISIONS FEDERAL-AID  
CONSTRUCTION CONTRACTS (FHWA 1273)**

**APPLIES TO CONTRACTS AND RELATED SUBCONTRACTS:**

<b>ALL</b>	<u>Section I</u> – General <u>Section VII</u> - Subletting or Assigning the Contract <u>Section VIII</u> - Safety: Accident Prevention <u>Section IX</u> - False Statements Concerning Highway Projects <u>Section XI</u> – Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
<b>\$10,000 or MORE</b>	<u>Section II</u> - Nondiscrimination <u>Section III</u> – Nonsegregated Facilities
<b>&gt; \$2K and within the RIGHT-OF-WAY of a FEDERAL-AID HIGHWAY (*)</b>	<u>Section IV</u> - Payment of Predetermined Minimum Wage <u>Section V</u> - Statements and Payrolls
<b>\$100K or MORE</b>	<u>Section X</u> – Implementation of Clean Air Act and Federal Water Pollution Control Act <u>Section XII</u> – Certification Regarding Use of Contract Funds for Lobbying
<b>N/A</b>	<u>Section VI</u> - Record of Materials, Supplies, and Labor <u>Attachment A</u> – Employment Preference for Appalachian Contracts

\*CONTACT FHWA FOR CLASSIFICATION DETERMINATIONS