



North Dakota Parks and Recreation Department
Recreation Division – 701-328-5357 – parkrec@nd.gov
Land and Water Conservation Fund Grant Program
Applicant/Sponsor Manual

General Information

The Land and Water Conservation Fund (LWCF) grant program is a federal matching grant program offered by the National Park Service (NPS) through the North Dakota Parks and Recreation Department (NDPRD) to provide financial assistance for the acquisition, construction, improvement, or renovation of outdoor recreation facilities throughout ND. Sites that receive LWCF grant funding must be open to the public and maintained in perpetuity.

- **Eligible Applicants:** Only political subdivisions may apply.
- **Eligible Expenses:**
Recreation facilities may include but are not limited to the following facility types:
 - Sports and playfields and other outdoor spaces used in competitive and individual sports. This includes fields for baseball, softball, soccer and football, tennis courts, playgrounds, golf courses, rodeo arenas, inline hockey rinks, skate parks, running tracks, and other similar facilities.
 - Picnic facilities including tables, fireplaces, shelters, and associated amenities.
 - Trails including development and marking of overlooks, turnouts and trails for nature walks, hiking, bicycling, horseback riding, exercising, and motorized vehicles.
 - Swimming facilities including swimming beaches, outdoor pools, wave-making pools, wading pools, spray pools, lifeguard towers, bathhouses and other similar facilities.
 - Non-motorized boating facilities for canoeing or kayaking.
 - Winter sports facilities such as cross country ski trails, sledding, snowmobiling, and other winter sports. Outdoor ice skating and outdoor ice hockey rinks are also eligible.
 - Camping facilities including tables, fireplaces, restrooms, and associated tent and RV facilities.
 - Exhibit or interpretive panels that present information to aid observation or interpretation of natural resources located on the recreation site.
 - Spectator facilities such as amphitheaters and modest seating areas related to community playfields and other eligible facilities.
 - Accessible facilities including the adaptation of new or existing outdoor recreation facilities and support facilities for use by persons with disabilities. Such accessible facilities must be available to the general public or be part of an outdoor recreation area that serves the general public.

Land acquisition:

- Acquisition projects generally consist of land purchase and/or donation that are sometimes combined with development of facilities. Land acquired through purchase or donation must be appraised according to federal standards. An acquisition through donation from non-public sources may be used as a portion of the sponsor's matching share for development purposes.
- **Ineligible Expenses:**
 - Expenditures on items not in the approved project scope
 - Sales tax
 - Service charges for late payment
 - Costs incurred prior to federal approval date and after project expiration date
 - Equipment such as hammers, ladders or lawn mowers
 - Payments to one vendor in excess of \$25,000 that are not bid according to federal regulations

- Legal fees
- Operation and maintenance costs
- **ADA and ABA Requirements:** All projects must meet requirements of the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA). The ADA guidelines and standards are for construction or alteration of public facilities, and the ABA guidelines and standards are for facilities designed, built, altered, or leased with federal funds. For more information on these requirements please visit the ADA and ABA Accessibility Guidelines website at <http://www.access-board.gov/guidelines-and-standards>.
- **State and Local Contributions:** A minimum total project cost of \$30,000 is required for consideration and project sponsors must have 50% of the total cost available at the time of application. The local share may include tax sources, bond issues, force account, donated labor, equipment and materials. Grant recipients must utilize funding within 18 months of the award to ensure timely completion of the project and efficient use of the funds. NDPRD will reimburse the project sponsor up to 50% of the eligible project costs, with the remainder the responsibility of the local project sponsor.
 - 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.

General Provisions

- **Project Application:** See attached application.
- **State Comprehensive Outdoor Recreation Plan (SCORP):** In order for a project to be selected for funding, it must show a need in the SCORP for the legislative planning region in which the project will be developed. The SCORP is available online at <http://www.parkrec.nd.gov/information/department/scorp.html>.
- **Project Selection:** Applications will be scored and selected based on the project region's recreation priorities according to the SCORP, using the Open Project Selection Process (see attached document).

- **Project Clearance:** To ensure environmentally, historically and culturally important properties are not negatively affected, projects must be reviewed for clearance through the ND State Historic Preservation Office and the ND Natural Heritage Inventory. The projects selected for funding will be forwarded by NDPRD to these agencies for review. Projects which do not pass this review will not receive funding.
- **PD/ESF:** Once a project is selected, the project sponsor will be notified and asked to complete the Project Description & Environmental Screening Form, available on the NPS website at <http://www.nps.gov/ncrc/programs/lwcf/pub.htm>. NDPRD will gladly offer assistance in this step.
- **Pre-award Inspection:** All projects are subject to a pre-award inspection.
- **NPS Application:** Once a project has been selected and passed all clearances, NDPRD will submit an application packet to NPS for final approval. This step may take several weeks.
- **Recreation Preservation:** Section 6(f)(3) of the LWCF Act requires that recreation areas or facilities that receive LWCF funding must be open for public recreation and maintained to a level of usefulness in perpetuity. The entire recreation area will be referred to as the “6f boundary.” This 6(f) boundary will legally encumber all recreation land that is improved through LWCF funding, i.e., if a playground is developed in a park, the entire park will be encumbered. For more information about the 6f legal requirements please visit <http://www.nps.gov/ncrc/programs/lwcf/protect.html>. **If the project sponsor fails to meet these requirements, they will be ineligible for future funding.**
- **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 unless a local procurement process is in place prior to the grant award. If a local process is in place, please provide a copy to NDPRD prior to any expenditures. Please refer to <http://www.legis.nd.gov/cencode/t48c01-2.pdf> in regards to Public Improvement Bids and Contracts. Otherwise please follow the guidelines below.
 - 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.

- 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. Include any required approvals, solicitation document used, list of bidders solicited, responses received, bid summary or evaluation worksheets, reasons for rejecting a particular bid, and method of award (e.g. purchasing card or purchase order). Written determinations are required for all emergency, limited competitive and noncompetitive procurements.
- 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:
 - 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.
- **Reimbursement**: The project sponsor will not receive a cash grant at the time of project approval. The sponsor must pay the bills first and then request reimbursement for the allowable maximum of the expenses incurred for the project. Reimbursement requests may be made periodically during the project period. Reimbursement forms are available at <http://www.parkrec.nd.gov/recreation/grants/lwcf/reimbursementforms.html>.

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 all reimbursement requests:
 - Reimbursement Request Form
 - Affidavit of publication, supplied by the newspaper when you advertise for bids.
 - Minutes of any meeting at which action is taken on bids received. 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).
 - Cancelled checks (copy of both sides) for all other materials and services.
 - Copies of invoices. Not monthly statements.
 - Employee time records.
 - Individual earnings records for the calendar year or payroll journals. Should show gross wages, withholdings and net pay for each pay period.
 - 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.
- Partial Billings: Using the Reimbursement Request Form, a partial billing along with supporting documentation may be submitted to NDPRD after portions of the work have been completed. The state will retain at least 5% of the grant amount until the project is complete and a final inspection has been conducted.
- Final Billings: Final billings should be submitted within thirty days of the completion of the project or the grant expiration date, whichever comes first. Final billings must be submitted to NDPRD utilizing the process outlined above. Once a final billing is received, NDPRD staff will contact the local sponsor to discuss the completed grant project and arrange for a final inspection. Final billing and grant closeout will not be completed until NDPRD has conducted the final inspection and certified the project is indeed complete, meeting the description outlined in the grant application and/or project amendment.
- Reimbursement Request Form: The local sponsor is responsible to track costs according to the categories on the Reimbursement Request Form and must maintain an auditable record for a period of not less than 3 years from the expiration date of a grant award. The Reimbursement Request Form provided by NDPRD must be submitted with all payment requests.
- **Progress Reports:** Grant sponsors are required to submit a progress report by April 1 and November 1 of each year to ensure that NDPRD is apprised of the grants progress. This information is critical, since NDPRD must review projects that have not progressed for six months for potential termination of funding. NDPRD considers an absence of a bi-annual report as no progress on the project. The Progress Report form is available at <http://www.parkrec.nd.gov/recreation/grants/lwcf/attachments/grantprogramprogressreport.pdf>.
- **Amendments:** During the grant period, various situations may result in changes or deviations from the grant 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, scope changes, or an extension of the project period.
 - Changes in Project Scope: Only those items approved for the grant are eligible for reimbursement. 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. In the case of adding an item to the project, construction on that item cannot begin until the amendment is approved.

The amount of state 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 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 reimbursement. 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 grant sponsor 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 that 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 scope can be requested any time prior to the beginning of work on the added item. An amendment for an extension of time should be submitted forty-five days before the grant 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 grant application will not be accepted. It is the responsibility of the local sponsor to thoroughly determine the type of project prior to submission and, upon approval, carry through with that proposal.

- **Grant Completion:** Upon notification by the local sponsor that a project has been completed, NDPRD staff will conduct a final inspection. If the project has been completed in accord with the grant description, the final billing can be processed. 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 grant or expiration date, whichever comes first.
- **Grant Termination:** A local sponsor may request withdrawal of a grant at any time prior to the first payment or expenditure of grant funds. After the initial payment, the grant may be rescinded, modified or amended only upon review by NDPRD and/or NPS.

NDPRD and/or NPS may terminate a grant in whole or in part, at any time before the date of completion, if it is determined the local sponsor has failed to comply with the terms of the grant proposal or the intent of the program. Failure by the local sponsor to comply with the terms of the grant may cause suspension of all obligations and a return of any monies received. If a grant is terminated, the sponsor will be notified in writing of the determination and the reasons for the termination, together with the effective date. Payments made to the local 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 and/or NPS may terminate the grants in whole or in part at any time before the date of completion when both parties agree that the continuation of the grant 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 local 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 grant in question be brought to a state of recreational usefulness agreed upon by the local sponsor and NDPRD or all funds must be returned.

- **Project Site Retention & Future Responsibilities:** At the time of project approval, the local 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. The entire 6f area must remain open to the public in perpetuity. If ever a facility or site reaches the end of its usable life, the project sponsor must contact NDPRD and arrange for a 6f conversion or obsolescence of property. Occasionally NDPRD will approve a change-of-use for a facility or site when notified prior to any actions. **If the project sponsor fails to meet these requirements, they will be ineligible for future funding.**
- **Display Requirement:** All projects funded through LWCF must display the required signage provided by NDPRD.
- **Forms and Resources:** All Grant Program forms are available at <http://www.parkrec.nd.gov/recreation/grants/lwcf/reimbursementforms.html>.