

GOOD MORNING!



WEDNESDAY, APRIL 29
RECREATION TRAILS PROGRAM
FY2009 COMPLIANCE WORKSHOP

ADECA

Alabama Department of Economic
and Community Affairs

Bill Johnson, Director

Doni Ingram, Assistant Director

Welcome

Doni Ingram
ADECA Assistant Director



Recreational Trails Program (RTP)



Compliance Workshop

RECREATION PROGRAMS

- LAND AND WATER CONSERVATION FUND
- RECREATIONAL TRAILS PROGRAM

TEAM MEMBERS:

Rob Grant – (334) 242-5483

Rob.grant@adeca.alabama.gov

Jody S. Waites – (334) 353-4384

Jody.waites@adeca.alabama.gov

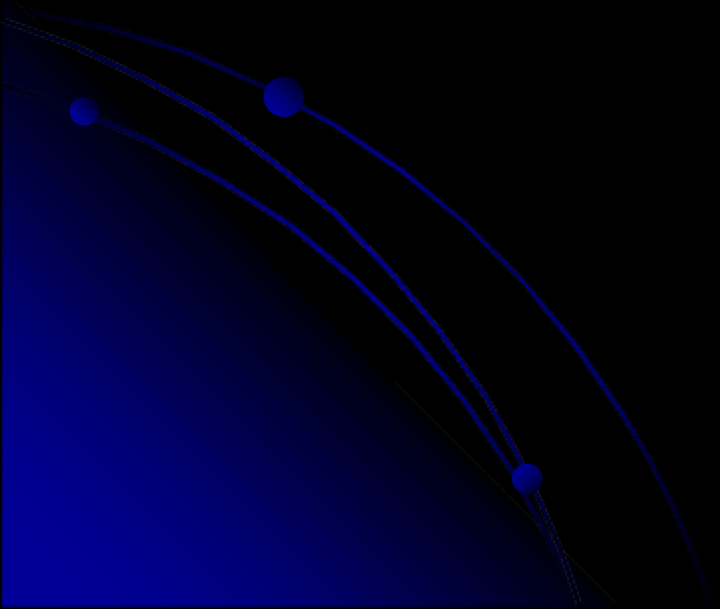
Grant Overview

Agreements

ADECA Website




Subgrant Agreement



Subgrant Agreement

- Sponsor Name/Federal ID Number
- Period of Performance
- Funding Source
- Subgrant Number
- Grant Amount/Match Amount
- Purpose and Scope of Services
- Project Title
- Signatures

Termination or Suspension

- Project Suspension
 - Project Termination
 - Termination for Cause
 - Termination for Convenience
 - 15 Days Written Notice
 - Compensation for Expenses
- 

Other

- No Debt of State
- Lobbying with Appropriated Funds
- Civil Rights Assurance
- Debarment and Suspension
- Provision of a Drug-Free Workplace
- *Recreational Trails Program
Administrative Manual*
- Sponsor Responsibility/Operations and Maintenance

GRANT AGREEMENT

- IF YOUR PROJECT HAS BEEN ENVIRONMENTALLY “CLEARED”

.....YOUR GRANT AGREEMENT DOCUMENTS WILL BE MAILED TO THE CHIEF ELECTED OFFICIAL IN 7-10 WORKING DAYS. THE PERIOD OF PERFORMANCE WILL BEGIN MAY 1, 2009 AND WILL END APRIL 30, 2011.

GRANT AGREEMENT

- IF YOUR PROJECT HAS NOT BEEN ENVIRONMENTALLY “CLEARED”...

... THEN YOUR GRANT AGREEMENT WILL BE SENT TO YOU 7-10 DAYS AFTER WE HAVE RECEIVED ALL NECESSARY ENVIRONMENTAL CONCURRENCES.

Project Amendments

- Include changes in:
 - Project scope
 - Cost estimates
 - Project period
- May require a formal written amendment
- Must be:
 - Presented to ADECA in writing
 - Approved prior to implementation

Recreation Programs Website

Go to www.adeca.alabama.gov

Under “Office of the Director” click on
Recreation Programs



Recreation Programs Website

- What's on there now:

Forms

Manual

Contact Info

Newsletters/Announcements

Recreation Programs Website

What's coming in the future:

- Links to informational guides
(trail and park design, construction techniques, new ideas)
- News about funding sources
- Links to other sources of funding
- SEND US YOUR PARK/TRAIL PIX!

Trails Inventory Website

www.trails.alabama.gov

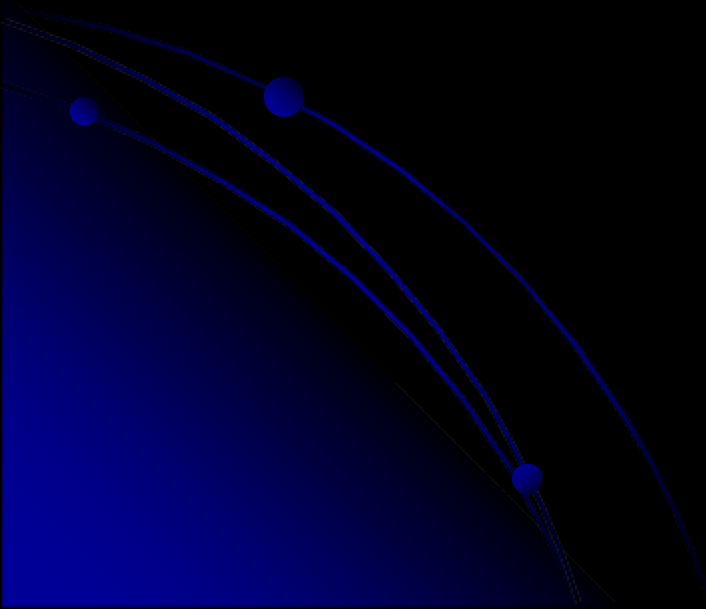
“Work in Progress”

- Each locality is **STRONGLY ENCOURAGED** to post their trail



- For information and tech support, contact Sarah Hesters, SEARPDC, 334-794-4093

Acquisition



You must comply with the Uniform Relocation and Real Properties Acquisition Policies Act of 1970 if:

- The property was purchased within the last two years.
- The property was purchased more than two years ago but less than five years ago with the intent of applying for federal grant assistance.
- The property was purchased on or after January 2, 1971, and planning was initiated.

The Uniform Relocation and Real Properties Acquisition Policies Act of 1970

Federal law that deals “with the rights and privileges of property owners and tenants”

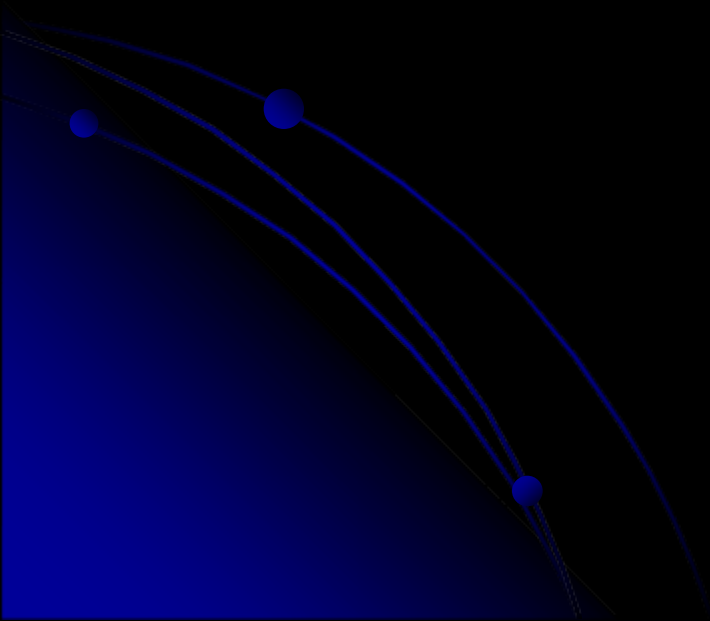
- Appraisal Reports
 - Land Acquisition Procedure
 - Acquisition and Appraisal Documents
 - Considerations to Property Owners and/or Tenants
 - Standard Report Outline Appraisals
 - Documentation for Reimbursement

Project Accessibility

Graham Sisson
Executive Director
Governor's Office on Disability



Other Considerations



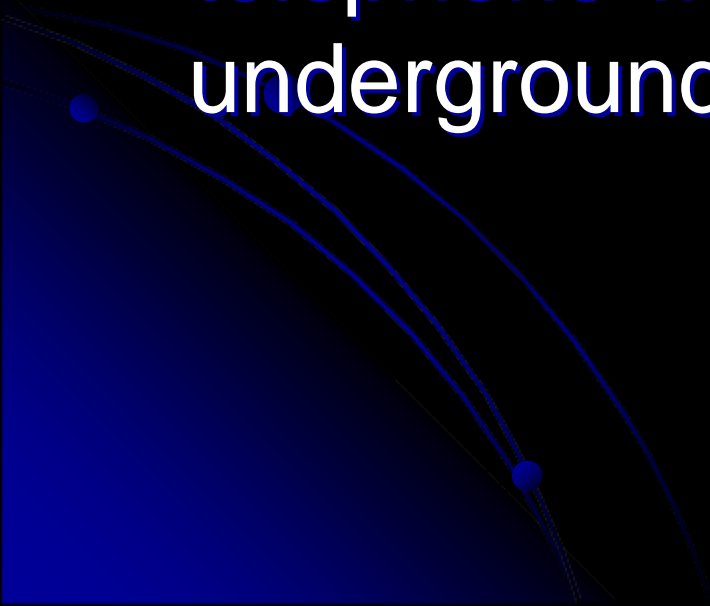
SPECIAL PERMITS

- Crossing Public Roads
- Railroad, Gas Line, Power Line, Utility ROW
- Water Obstruction and Encroachment
- Erosion and Sedimentation Control Plan
- Building Permits
- Health Department Permits

Project Acknowledgement

- All properties funded by RTP are required to have permanent signage located within the boundaries of the trail.
- Project acknowledgement signage costs may be submitted for reimbursement.
- Size of the print for the Trail Name and city/county may be adjusted for longer or shorter names.

Utility Lines

- New electric wires under 15kV and all telephone wires must be placed underground.
- 

Beginning Construction

- Must begin within 180 days of the formal project approval date.
- Notify ADECA when construction begins by sending copies of executed construction contracts.
- Failure to comply could result in the termination of the LWCF grant award.

Supervision and Inspection

- Eligible activities include only those outlined in approved construction plans and specifications.
- Activities must comply with all Federal, State, and local laws and regulations.
- Architectural/Engineering supervision and inspection at the construction site must be provided.

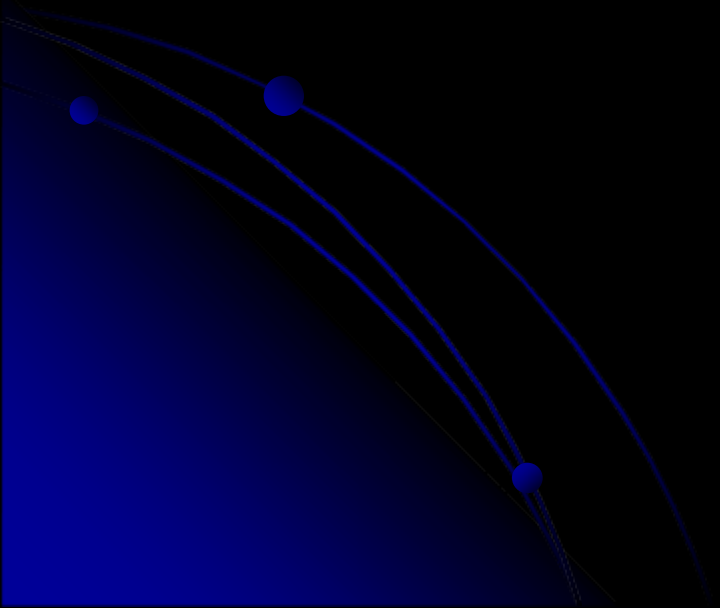
PERMISSIBLE USES

- Development of Urban Trail Links
- Maintenance of Existing Trails
- Restoration of Areas Damaged by Use
- Improving Handicap Access
- Acquisition of Easements
- Fee Simple Acquisition
- Construction of New Trails
- Trail Sides & Trail Heads
 - Drainage
 - Crossings
 - Stabilization
 - Parking
 - Signage
 - Shelters
 - Utilities
 - Access Facilities
 - Support Facilities

USES NOT PERMITTED

- Condemnation of any property interest
- Upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users.
- Construction of sidewalks
- Trail planning

Equipment Rates



Equipment Rental

- ...is an eligible expenditure when it is the most efficient and economical method to acquire the use of the item.
- Must submit copy of the invoice showing the type of equipment, hours used on the project, and the rate charged.

Equipment Rental Rates

Needed only when the sponsor is providing the equipment being used on the project or if the use of the equipment is donated. Rates are needed to determine the value of the use of the sponsor's or donor's equipment.

MUST obtain rates from ADECA before submitting reimbursement request!

EQUIPMENT RENTAL RATES

COUNTY/CITY _____
PROJECT # _____

Make/Description	Manufacturer/ Brand	Model #	Year	Size/Capacity	2 WD or 4WD	Horse- power	Gas/ Diesel	Hourly Rate
Crawler Mounted Excavator	Bobcat	325	1996	2.3 CFT	-----	27.5	Diesel	
Standard Crawler Dozer	Caterpillar	D8R	1993	-----	-----	305	Diesel	
Wheel Mounted Asphalt Paver	Champion	780W	1995	8'0" Width	2WD	112	Diesel	
Combination Roller	Ingersoll-Rand	CR32	1999	52" Drum	-----	43	Diesel	
Articulated Wheel Loader	Komatsu	WA250-1	1996	2.75 CY	4WD	144	Diesel	
Tractor-Loader-Backhoe	Kubota	B21	1991	.30 CY	4WD	18.5	Diesel	
Pavement Broom	Rosco	RB-48	1998	96"	-----	76	Diesel	
Articulated Rear Dump	Terex	2566C	1998	14-17CY	-----	244	Diesel	
Truck - Regular Cab	Ford	F150	1999	1/2 Ton	2WD	215	Gas	
Truck - Crew Cab	Chevrolet	K3500	1997	1 Ton	4WD	270	Diesel	

Kate Hubert Phone: 334-353-0323 Fax: 334-353-3527

Submit Completed Forms to:

Kate Hubert

Phone: (334) 353-0323

Fax: (334) 353-3527

kate.hubert@adeca.alabama.gov

BIDS, PLANS, SPECS

- A copy of all plans and construction specifications, including any and all supporting documents, **MUST** be submitted to ADECA Recreation Programs for approval **PRIOR TO ADVERTISING FOR BIDS**. This allows ADECA to review these documents to make sure they comply (Manual, 5-16).

Invitation for Bid

- Must contain a clear and accurate description of the work to be done or the materials to be purchased.
- Bid packages should be structured so that contractors can bid on individual job elements or the total job.
- **Bid packages MUST include the Federal Contract Provisions (“Federal Language”). These are Attachments A.3 through A.7 in the Appendix to the Program Manual.**

Contracts

- Must be recorded in the official minutes.
- Must contain administrative, contractual, or legal remedies should contractors violate the terms of the agreement.
- All contracts exceeding \$15,000 must contain provisions for termination by the sponsor.
 - Should include how it will be effected and the basis for settlement.
 - Conditions under which it can be terminated due to contractor default or circumstances beyond the control of the contractor.

*** WARNING ***

- Federal Contract Provisions (Attachments A.3 through A.7 in the Appendix of the Program Manual) **MUST** appear verbatim in the specifications for any contract or purchase in which competitive, sealed bids are used.
- Failure to do so will cause the resulting construction contract cost to be **INELIGIBLE** for reimbursement!

Contracts

- Executive Order 11246, Equal Employment Opportunity
- Copeland “Anti-Kick Back” Act
- Clean Air Act, Clean Water Act, Executive Order 11738, and Environmental Protection Agency Regulations
- Energy Policy and Conservation Act
- Contract Work Hours and Safety Standards Act
- Davis-Bacon Act (only if project is within highway ROW)
- Contract Pricing
- Change Orders
- Access to Contractors Records
- Standards of Conduct, Conflict of Interest
- Contract Provision Checklist

IMPORTANT

The following actions require PRIOR APPROVAL from ADECA:

- Awarding a contract to other than the low bidder.
- Negotiating a contract with bidders.
- Proceeding to competitive negotiation or non-competitive negotiation to purchase any materials or services other than consultant services.
- Awarding a contract when only one bid is received.

REMEMBER.....

- Copies of the Bid Tabulation Summary Sheet and all Construction Contracts must be submitted within 15 days after contract award (Manual, 5-16). **THIS INCLUDES COPIES OF ALL REQUIRED BONDS.**

Any proposed change orders to the contract must first be cleared with Recreation Programs before the change order is **NEGOTIATED** (Manual, 5-16).

***** WARNING *****

**IF IT'S A "PUBLIC WORKS"
CONTRACT IN EXCESS
OF \$50,000
CONSTRUCTION BONDS
ARE REQUIRED!**

***** WARNING *****

**FAILURE TO OBTAIN THE
PROPER BONDS FOR YOUR
CONSTRUCTION
CONTRACT WILL MAKE THE
ENTIRE CONTRACT
INELIGIBLE FOR
REIMBURSEMENT!**

CONSTRUCTION BONDS

- IF THE CONSTRUCTION CONTRACT IS BETWEEN \$50,000 AND \$100,000, THEN “STATE” RULES APPLY:
 - BID BOND = 5% BUT NO MORE THAN \$10,000
 - PERFORMANCE BOND = 100%
 - PAYMENT (MATERIALS) BOND = 50%

CONSTRUCTION BONDS

- IF YOUR CONSTRUCTION CONTRACT EXCEEDS THE “FEDERAL SIMPLIFIED ACQUISITION THRESHHOLD” OF \$100,000, THEN FEDERAL RULES APPLY:
 - BID BOND = 5%
 - PERFORMANCE BOND = 100%
 - PAYMENT (MATERIALS) BOND = 100%

Small Purchase Procedures

- Used for purchases totaling from \$.01 to \$15,000.
- Should be solicited from at least three vendors.
- Tabulations for file must contain:
 - Name of official securing the quote
 - Item specified
 - Vendor name
 - Salesperson contacted
 - Price quote
 - Phone number
 - Date

Competitive, Qualification-Based Proposals

- RFQs will be publicized and identify all evaluation factors and their importance.
- Solicited from an adequate number of vendors.
- Method for conducting technical evaluations and selecting awardees.
- Awards will be made to the responsible firm with the most advantageous proposal, all things considered. Price is not a factor.
- Use this method to procure professional services such as engineers, architects, grant consultants.

Administration & Engineering

- Method for procurement previously discussed.
- Professional Grant Administration fees cannot exceed 5% of the total grant amount.
- Engineering fees cannot exceed 10% of the total grant amount.

Non-Competitive Proposals

- ADECA authorization must be given to use this method for purchases exceeding \$15,000.
- The item is available from only a single source.
- The necessity or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- The awarding agency authorized noncompetitive proposals.
- After solicitation of a number of sources, competition is determined inadequate.

U.S. Communities

- U.S. Communities Purchasing & Finance Agency (U.S. Communities).

www.uscommunities.org

This method of procurement is permitted by state law and has been approved by the Examiners of Public Accounts.

- This method of purchasing is acceptable under the RTP program.

Allowable Costs

- Personal Services
- Fringe Benefits
- Travel
- Materials and Supplies
- Equipment Purchase
- Force Account and In-Kind Equipment Use
- Equipment Rental
- Real Property
- Contract Construction
- Informational Signage
- Administration and Engineering

BUDGETING / REIMBURSEMENT

- Eligible Costs
 - Engineering and/or Architectural Design, Construction Oversight (maximum 10% of total grant amount)
 - Professional Project Management (maximum 5% of total grant amount)
 - Acquisition
 - Equipment Rental
 - Supplies & Materials
 - Labor
 - Signage
 - Construction Contracts

Personal Services

- Sponsor Contribution – Labor – May be eligible if properly documented. Time sheets must:
 - Reflect all hours worked by the employee during the pay period.
 - Charge the employee's actual hourly rate of pay.
- Employees of Other Organizations are eligible.
 - Submit time sheets and keep payroll records on file.
 - Charge the employee's regular rate of pay minus fringe benefits and overhead costs.

Personal Services

- Third Party Private In-Kind Donations

Time sheets must be maintained and submitted and must contain:

- Nature of work performed
- Daily hours worked on project
- Total hours worked on project
- Hourly rate of pay – rate paid to a general laborer unless they are professionally skilled in the work being performed OR
- Use the estimated dollar value of volunteer time at www.independentsector.org This rate is \$20.25 per hour for 2008.
- Signatures of approval by both the worker and the project supervisor
- Write “Donated” in the blank provided or the check number

Fringe Benefits

- Include employer contributions for Social Security, health insurance, etc.
- May be claimed for the actual time spent working on the project.
- Supporting documentation that must be submitted with the reimbursement request includes:
 - The name of each employee working on the project, each employee's gross salary, the specific benefits provided, and the cost of those benefits to the employer.
 - Copy of completed time sheets with calculations of fringe benefits that apply to the hours worked on the project.

Travel

- Travel expenditures incurred by sponsor employees, associated with the project are eligible for reimbursement.
- Travel statements indicating the extent and purpose of the travel and computation of the costs involved should be included in the project file.
- A copy of the travel expense statement or voucher and proof of payment must be submitted to ADECA. **MUST USE STATE COMPTROLLERS TRAVEL EXPENSE FORM!**

Materials and Supplies

- Purchased by the sponsor – It is recommended that formal advertisement be the normal method of procurement for construction materials and that bids be based on unit prices for estimated quantities.
- Provided by the Sponsor or Other Public Agency – The value must be based on the actual cost of the materials and if the cost exceeds \$15,000, the sponsor or agency must document that the items were acquired through the competitive bid process.
- Donated Materials and Supplies – includes items given by private parties free of charge or at less than the item's fair market value. The fair market value of the item is eligible for reimbursement. FMV is determined by the lower of two (2) quotes.

Equipment Purchase

- Generally, equipment purchase is not an eligible cost under the RTP program however, there are exceptions and decisions are made on a case by case basis.
- Equipment used in the conduct of a project – with the approval of ADECA, this may be an eligible cost.
- Equipment required to make a facility initially operational – with the approval of ADECA, this may be an eligible cost.

IMPORTANT NOTE!!

THE FOLLOWING ITEMS MUST BE APPROVED IN ADVANCE BY ADECA:

Expenditures for:

- LANDSCAPING & IRRIGATION
- FENCING
- SIGNAGE (except standard LWCF sign)
- BENCHES, PICNIC TABLES
- PARKING (except handicapped)
- LEGAL FEES
- EQUIPMENT PURCHASE

Force Account and In-Kind Equipment Use

- Rates will be established by ADECA using the *Equipment Rental Rate Blue Book*.
- Documentation that should be submitted on the time sheets for each worker includes:
 - Nature of equipment use and equipment description
 - Daily hours equipment was utilized on the project
 - Hourly compensation rate
 - Total equipment rental value
 - **MUST** obtain rates from ADECA before submitting reimbursement!

Equipment Rental

- ...is an eligible expenditure when it is the most efficient and economical method to acquire the use of the item.
- Must submit copy of the invoice showing the type of equipment, hours used on the project, and the rate charged.

Contract Construction

- Procurement methods previously discussed.
- First reimbursement request should include:
 - Copy of formal advertisement, with invoice indicating dates run in the newspaper.
 - Copy of bid tabulation with signature of the person responsible for recording bids.
 - Copies of all bids received.
 - Copy of Certification of Non-Segregated Facilities.
 - Copy of Contractors Compliance Statement.
 - Copy of contractual agreement between the contractor and project sponsor.
 - Copy of contractors estimate or request for payment.
 - Copy of required payment and performance bonds.
 - Copies of any change orders.

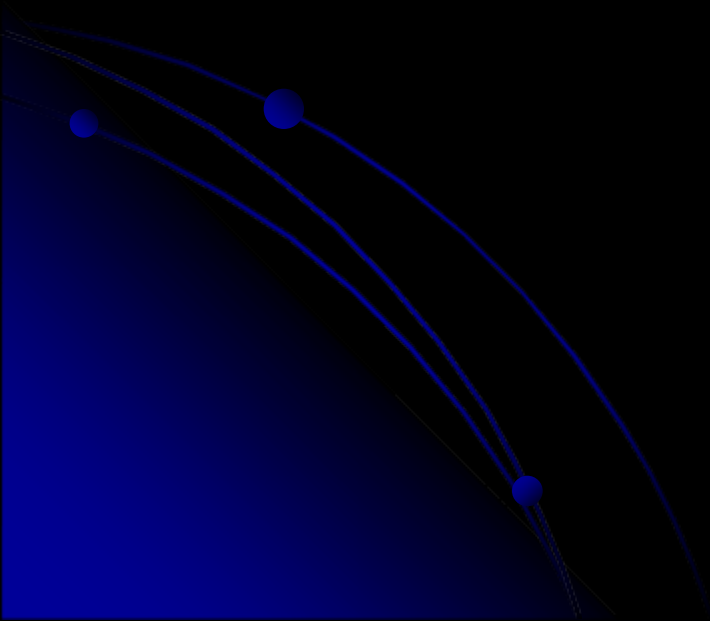
Informational Signage

Signage used for information and direction (as long as they are related to the project), including the permanent acknowledgement sign are eligible costs.

Display boards and exhibits may also be eligible for reimbursement and should be outlined in the application.

**PRIOR APPROVAL FROM ADECA MUST
BE OBTAINED!**

Contracting and Change Orders




General Rule

- Contracts must be written, signed and executed in the name of the municipality.
- Formal sealed bids must be accepted for materials or services contracts equal to or exceeding \$15,000. Construction contracts are governed by the Public Works Law.
- Changes to contracts must be written and must meet criteria set forth by the Attorney General.

Change Order

“A change order is a written order to the contractor signed by the owner and the architect, issued after execution of the contract, authorizing a change in the work or an adjustment in the contract sum or the contract time. The contract sum and the contract time may be changed only by change order. A change order signed by the contractor indicates his agreement therewith, including the adjustment in the contract sum or the contract time.” S. Siegfried, *Introduction to Construction Law*, Sec. 2.05(b), page 28 (1987).

Change Order

- Under what circumstances is a change order necessary?
 - What purpose does a change order serve?
- 

Change Orders

- Are necessary when:
 - The contract amount is increased or decreased
 - The contract time is increased or decreased
 - There is a material change in the work or scope of work.
- Change orders may not exceed 10% of the contract price.

Handling Change Orders

- Each construction contract should address the method for which changes can be made to the contract.
- The change order must be:
 - Requested
 - Approved
 - Signed by both parties

*** WARNING ***

- Most denied reimbursements are caused by errors in Bidding, Contracting, and Procurement.
- Don't let this happen to you!
- Use the “Checklist for Construction Contract Procedures”

The Bottom Line is.....

If you're not sure –
CALL US!



Grant Close-Out

- Final reimbursement request
- Certification signed by engineer and/or CEO
- Final inspection
- Copy of deed with “Notice of Limitation of Use” provision recorded therein
- Two copies of the “as-built” site plan/property boundary area map

Final Billing

- All financial, performance, and other required reports/maps must be submitted to ADECA within 30 days after the date the project is completed.
- The completion date is the date that all work on the project is complete or the performance period end date on the RTP grant agreement.
- Final billings may be adjusted if necessary.
- ADECA will withhold 5% of total grant amount until Final Inspection is conducted.

***** WARNING *****

- **KEEP TRACK OF YOUR PERFORMANCE PERIOD END DATE!**
- **WE WILL NOT SEND REMINDERS!**
- **NO REIMBURSEMENT FOR COSTS INCURRED AFTER END DATE**
- **NO REIMBURSEMENT FOR REQUESTS SUBMITTED 60 DAYS AFTER END DATE**

FINAL BILLING

- If the reimbursement requested is for the entire amount of the grant, or if the reimbursement request is for the entire remaining balance, then the entire reimbursement request will be held until ALL project close-out requirements have been met!

\$ CASH FLOW \$

- If cash flow is a problem, submit reimbursement requests regularly
- If possible, use other funds to cover costs then repay them with reimbursements
- Allow 45-60 days from the date we receive it to receive your reimbursement
- Final reimbursement requests almost always take longer to process

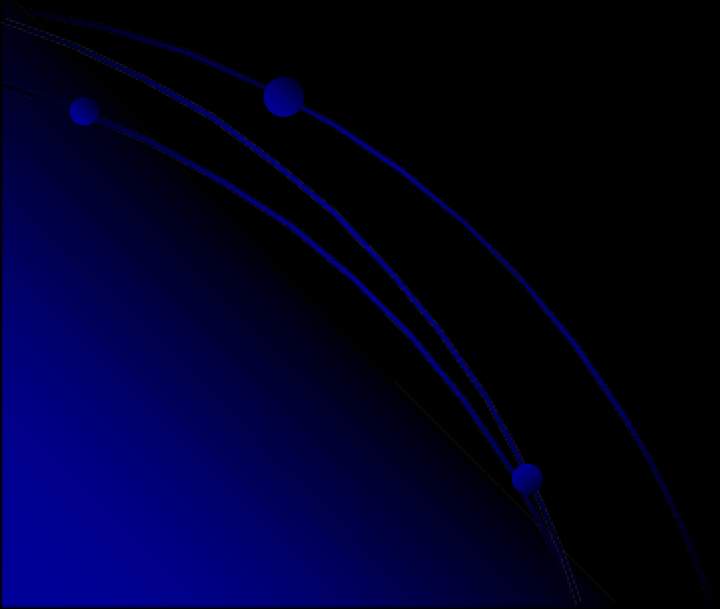
“As-Built” Site Plan/Boundary Area Map

- Identification of the park boundary – preferably to scale (must include distances and bearings)
- Names of adjacent streets or other natural or man-made landmarks
- All easements of record
- Existing overhead wires in or immediately adjacent to the park
- Location of acknowledgment sign
- Facilities built with RTP assistance
- Facilities not built with RTP assistance
- Project name and number
- Date “as-builts” were prepared
- North arrow
- Scale used for project boundary
- Signature of sponsor’s chief elected official
- Longitude and Latitude of park entrance
- **MAP MUST BE NO LARGER THAN 11” X 17”**

“Notice of Limitation of Use”

The property identified in this deed has been acquired an/or developed with federal financial assistance provided by the National Park Service of the U.S. Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-5 et seq. (1970 ed.). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Secretary of the Interior. By Law, the Secretary shall approve such conversion only if he finds it to be in accord with then existing Statewide Comprehensive Outdoor Recreation Plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

Income



Income During Project Period

Income from sources other than the intended recreational use of land acquired or developed with RTP assistance will be deducted from the total project costs when determining the net cost upon which the federal share will be based upon.

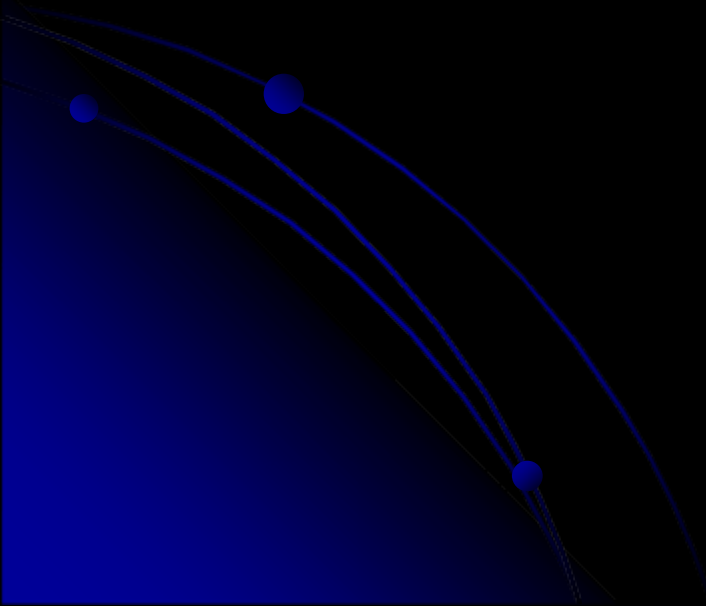
Income that must be credited includes:

- The sale or rental of structures.
- The sale or rental of timber or extraction of minerals.
- The lease or rental of the land.

Income After Project Period

- Income from the sale of improvements, structures and appurtenances acquired with RTP funds must be used to reduce the cost of other RTP assisted projects or be applied to other recreation development in the community regardless of when the sale occurs. Should the sponsor have no plans to request additional assistance, the income must be used to further develop outdoor recreation at the assisted site, or at another outdoor recreation site operated by the project sponsor.
- All other income may be used at the discretion of the project sponsor.

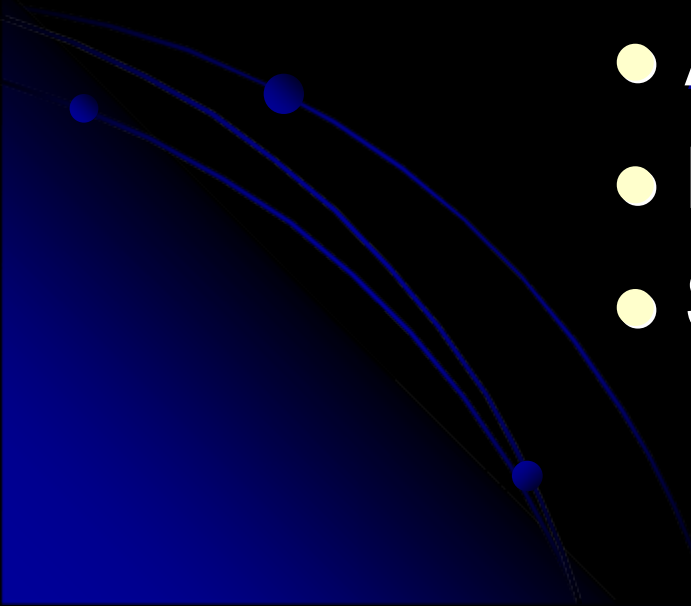
Post Completion Responsibilities



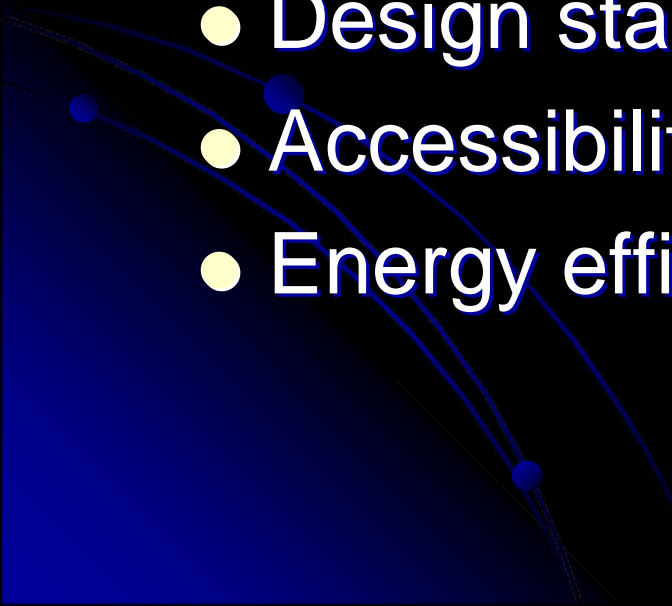
Retention and Use

- Property acquired or developed with RTP assistance must be maintained for public outdoor recreation in perpetuity.
 - Amount of participation of the Fund is not considered.
 - Secretary of the Department of the Interior must approve conversions.
- Title VI, Civil Rights Act of 1964.
- Project acknowledgement sign.

Post Completion Inspections

- Retention and use
 - Appearance
 - Maintenance
 - Management
 - Availability
 - Environment
 - Signage
- 

Future Development

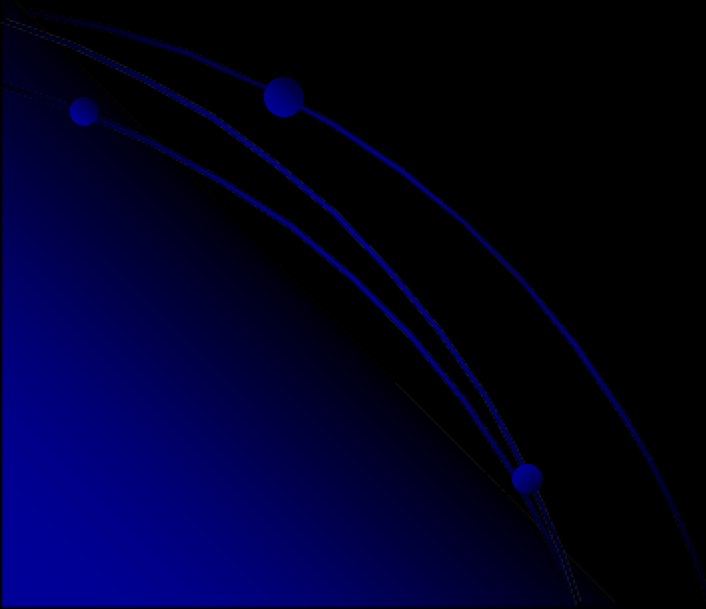
- Lighting
 - Burial of all utility lines
 - Design standards
 - Accessibility to physically handicapped
 - Energy efficiency
- 

The Bottom Line is.....

If you're not sure –
CALL US!



Any Questions?



DON'T LEAVE YET!!

- **YOU MUST SIGN AN ATTENDANCE CERTIFICATION FORM!**
- **PLEASE SEE ROB OR JODY!**

Time to “HIT THE TRAIL!”

Thank you for your attendance!
Drive Carefully!

