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SUBMIT BILLINGS TO:

Division of Parks and Recreation
1594 West North Temple, Suite 116
Box 146001
Salt Lake City, UT 84114-6001

Phone: 801 538-7496

January 2007

I. INSTRUCTIONS FOR PREPARATION OF BILLINGS FOR L&WCF PROJECTS

A. GENERAL REQUIREMENTS:

1. **Progress** billings are to be submitted to the Utah Division of Parks and Recreation for reimbursement after expenditures have been made. Reimbursement will be made for 50% of eligible costs billed, less state administrative costs.
2. **Final** billing must be submitted within 60 days after the project period expires, or all work has been completed, whichever occurs first.
3. **A** separate accounting is to be made for all projects costs. This means that separate invoices and checks should be provided for project costs.

B. BILLINGS FOR REIMBURSEMENT MUST INCLUDE THE FOLLOWING DOCUMENTATION:

1. **Billing statement.**
2. **Detailed** itemization of payments.
3. **Copies** of all invoices claimed for reimbursement.
4. **Copies** of the cancelled checks issued in payment, showing endorsing signatures and evidence of bank payment (front and back of check).

5. Development projects must include the following:

- a. **Proof** of bid advertisement or procurement in compliance with State and local laws and regulations and in compliance with L&WCF Grants Manual, Chapter 675.3 Attachment A.
- b. **A** copy of the signed construction contract agreements, documents, and specifications.
- c. **A** tabulation of all bids received.
- d. **A** copy of the accepted bid.
- e. **A** copy of the contractor's bid bond (5% of bid).
- f. **Copies** of the contractor's performance and payment bond (100% of the contract price). (NOTE: Sponsor may require bonding in accordance with State and local laws and regulations for contracts under \$100,000. For contracts and subcontracts exceeding \$100,000, bonding is mandatory.)
- g. **Copies** of all contract change orders and extra work orders.

h. Projects accomplished by donated labor and equipment will require copies of time sheets, properly signed and documented. Time sheets are available from the Division of Parks and Recreation upon request.

i. Claims for donated materials must include a descriptive list of the material and a signed certification by the donor as to the value of the material. If the donor is not a vendor of the donated goods, then a signed certification of market value must be provided from a licensed vendor, in addition to the donor's certification.

j. Projects accomplished by the sponsor's own force account personnel must provide the following documentation of costs:

(1) Daily time slips for each employee claimed as a project cost, showing the hours worked and the job performed.

(2) A summary of the total hours worked by each employee.

(3) A copy of the payroll register for the period claimed.

(4) Equipment use records showing the type and size of the equipment. This record should show the dates and hours used on the project site and include the operator's signature.

6. Land acquisition projects must provide the following information:

a. An appraisal report prepared in accordance with the "Uniform Appraisal Standards for Federal Land Acquisitions" should be submitted prior to the purchase of the property for the purpose of review and approval by the Division of Parks and Recreation. *It must include a statement that the seller was given the opportunity to accompany the appraiser on his property inspection.*

b. A copy of the written offer to purchase at the appraisal value, or a copy of a purchase option agreement at the appraisal value. Failure to make a legitimate offer to purchase at fair market value will result in grant forfeiture.

c. A five-year history of title to the acquired property.

d. A Statement of Just Compensation and if property is acquired at less than fair market value, a Waiver and Acceptance form. These forms are available from the Division of Parks and Recreation.

e. A copy of the recorded warranty deed, with the required Grant of Servitude outlined in the project agreement.

f. An updated professional survey of the acquired property showing acreage acquired and boundaries.

- g. A copy of the title insurance policy.
- h. If displacement of persons (owners or renters) results from this action, evidence of written notification of the occupants' rights under P.L. 91-646 must be provided. Proof of relocation assistance to these displaced persons must also be provided.

II. BID AND CONSTRUCTION CONTRACT REQUIREMENTS

A. BID AND PROCUREMENT REQUIREMENTS:

1. The Participant may use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law.
2. All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. Generally, sealed bids (formal advertising) is the preferred method for procuring construction when a complete, adequate and realistic specification or purchase description is available; two or more responsible bidders are willing and able to compete effectively for business; and the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
3. Solicitations for offers and bids for construction contracts must include “*Equal Opportunity Clause*”, in compliance with Executive Order 11246, as amended by Executive Order 11375, and as supplemented by Department of Labor regulations (41 CFR Part 60).
4. The Participant shall make positive effort to use small businesses, minority-owned firms, and women’s business enterprises, whenever possible.
5. The Participant shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported with Federal funds if a real or apparent conflict of interest would be involved.
6. Any announcement of the awarding of contracts with an aggregate value of \$500,000 or more shall specify the amount of Federal funds that will be used to finance the acquisitions.
7. Competitive negotiation for services of architects and engineers will be used, wherein proposals will be requested from a number of sources. Competitors' qualifications will be evaluated and the most qualified selected, subject to negotiation of reasonable compensation.

B. CONSTRUCTION CONTRACT REQUIREMENTS:

1. All contracts shall contain the following:

- a.** *"Equal Opportunity Clause"*, in compliance with Presidential Executive Order No. 11246, as amended by Executive Order 11375, and as supplemented by Department of Labor regulations (41 CFR Part 60). Mandatory for contracts in excess of \$10,000.
- b.** Provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach the contract terms and provisions for such actions and penalties as may be appropriate.
- c.** Suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts may be terminated for default, as well as conditions under which the contract may be terminated due to circumstances beyond the control of the contractor.
- d.** A provision to the effect that the sponsor, the State of Utah, the Comptroller of the United States, or any of their duly authorized representatives shall have access to any books, documents, papers and records of the contractor which are directly pertinent to the project for the purpose of making audit, examination, excerpts and transcriptions.

2. Contracts in excess of \$100,000 shall contain:

- a.** A provision that requires the contractor to comply with all applicable standards, orders, or regulations issued pursuant to the *Clean Air Act of 1970*, (42 U.S.C. 1857), section 508 of the *Clean Water Act* (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR, Part 15).
- b.** A provision for compliance with the *Copeland "Anti-Kick Back" Act* (18 U.S.C. 874). This Act provides that each contractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work to give up any part of the compensation to which he is otherwise entitled.
- c.** Compliance with Sections 103 and 107 of the *Contract Work Hours and Safety Standards Act* (40 U.S.C. 327-330), as supplemented by Department of Labor regulations (29 CFR Part 5).

3. All contractors shall be required to maintain statutory workmen compensation, liability and property damage insurance.

4. A sample construction contract form and contract addendum is available on our website at <http://stateparks.utah.gov/stateparks/grants/land-water.html>. Please review to ensure all federally required information is included in your billing.

III. ELIGIBILITY OF DONATIONS

A. **ELIGIBILITY** - Donations must be clearly indicated in the project agreement and application. The value of in-kind donations may account for up to 50% of the total project cost or the sponsor's match. Donations may never exceed the amount of cash expenditures on the project.

B. IN-KIND DONATIONS FALL INTO FOUR GENERAL CATEGORIES:

1. **REAL PROPERTY** - The value of donated real property is allowed only for acquisition projects and is based upon an approved appraisal value. **CAUTION** -The project sponsor must not accept title to the property prior to the approval of the project agreement in order to be eligible for L&WCF grant assistance.
2. **LABOR** -The value of labor donations is generally the wage rate for unskilled labor in the immediate area. The rate which may be charged for skilled workers, working in their trade, is the actual wage these workers are normally paid for their labor. In both cases, only base wage rates are allowed, exclusive of any fringe benefits. Accurate time records must be maintained on a daily basis. Lump sum hours for more than one day's work cannot be accepted. Time sheets for donated labor should include the date, hours worked, type of work performed and where it was applied on the project, worker's occupation, and be signed by the worker and project supervisor. Claims for labor involving children will not be allowed. Time sheets are available upon request from the Division of Parks and Recreation.
3. **EQUIPMENT** -Rates for donated equipment used on the project may not exceed its fair rental rate. Hourly rates may be based on current Utah Department of Transportation **EQUIPMENT MASTER LIST** or a rental rate guidebook that provides regional average rates for construction equipment may be used. Time sheets are also available and are filled out in the same manner as for donated labor.
4. **MATERIAL** -The allowable amounts charged for donations of materials may not exceed market value. This is defined as the amount these materials would be sold for in the area at the time of the donation. Documentation should include a signed statement from donor describing the donation and its market value. An independent statement of market value given by a dealer or vendor may also be required.

IV. **COSTS THAT ARE NOT ELIGIBLE FOR MATCHING INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING:**

- A. Costs not related to the project development or not identified within the scope of the project application and agreement.

- B. Costs that are incurred prior to the project beginning date or after the project expiration date.
- C. Costs incurred in excess of the total project cost as indicated in the project agreement.
- D. Ceremonial or entertainment expenses.
- E. Expenses for publicity, other than informational signs at the project site.
- F. Bonus payments of any kind.
- G. Charges in excess of the lowest responsible bid, when competitive bidding is required, unless otherwise approved in advance.
- H. Charges for deficits or overdrafts.
- I. Taxes for which the sponsor is not liable.
- J. Interest expenses.
- K. Damage judgments arising out of acquisition or construction whether determined by judicial decision, or arbitration.
- L. Incidental costs of acquisition, such as appraisal and survey costs.
- M. Operation, repair, and maintenance costs.
- N. Costs incurred for lands acquired from the United States at less than fair market value, or costs incurred on any land acquisition wherein the approved appraisal for fair market value was not offered, or payments in excess of fair market value.
- O. Costs of discounts not taken.
- P. Maintenance equipment including, but not limited to, automotive equipment, mowers, tractors, or other machinery and tools.
- Q. Employee facilities, including such items as residences, appliances, office equipment, and furniture.
- R. General Administrative Costs.
- S. Salaries and expenses of chief executives of government bodies of any political subdivision.
- T. Fines and penalties.
- U. Legal or professional fees paid in connection with raising funds, or any fund raising activities.