



## Vermont Department of Forests, Parks & Recreation

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### Recreational Trails Program (RTP) Application Supplement

### Grant Application Instructions



**All RTP grant applicants are advised to read this supplement.**

The Recreational Trails Program (RTP) provides grants to municipalities, non-profit organizations, and governmental entities to develop and maintain trails and trail systems throughout Vermont.

The estimated date of funding approval for projects submitted in the 2016 grant application cycle is **July 1, 2016**.

## Foreword

This supplement is designed to assist applicants in applying for federal funds available under the Federal Highway Administration's Recreational Trails Program (RTP). It consists of three parts:

- Part A: Program Introduction & Eligibility
- Part B: Completing the RTP Applications
- Part C: Project Approval and Administration

It is hoped that the material presented will answer many questions about the RTP.

If further information or clarification is needed at any time during the application or administration stages of the grant process, please contact:

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**TABLE OF CONTENTS**

**A Program Introduction & Eligibility**

	<b>Page No.</b>
General Overview of the Recreational Trails Program .....	4
Who Administers the Program .....	5
Resources to Assist You .....	5
Eligibility: What’s Eligible & what’s Not Eligible .....	6 - 8
Important Items You Need to Know.....	8
Considerations for a Strong Application .....	9

**B Completing the RTP Grant Application**

Completing the RTP Application .....	10 - 22
Work Plan.....	10 - 11
Budget .....	12 - 16
Map .....	16 - 18
Guidance for responding to questions 16 – 23 on your application .....	19 – 22

**Part C Project Approval and Administration**

Funding Approval and Your Grant Agreement .....	23
When a Project can Begin.....	23
Grant Reimbursement Requirements .....	24
Grant Agreement Template .....	25 - 36

## A. PROGRAM INTRODUCTION & ELIGIBILITY

### General Overview of the Federal Recreational Trails Program

The Recreational Trails Program (RTP) is a federal assistance program of the U.S. Department of Transportation's Federal Highway Administration (FHWA), part of the Federal Surface Transportation Funding, as a Transportation Alternatives Program. FHWA derives its funds for RTP from the revenues in the Federal Highway Trust fund from off-road recreational fuel use.

States receive annual apportionments of RTP funds to provide assistance for development and maintenance of recreational trails in their state, for both non-motorized and motorized uses. Vermont uses 50% of its apportionment for recreational trail projects in Vermont State Parks and State Forests, and the other 50% for grants to other governmental entities, municipalities, and non-profit organizations through a competitive grant process.

Recreational trails can help people develop a sense of place and connection to the land, and are integral to public and forest health. Contributing to livability, trails can provide economic and transportation benefits.

Funds can be used to maintain and develop trails for a wide range of trail activities including hiking, bicycling, mountain biking, running, walking, cross-country and back country skiing, snowmobiling, off-road all-terrain and recreational vehicular riding, paddling, equestrian use, accessible trail-use, interpretive use, and in-line skating or roller blading.

It is the aim of the RTP to design or rehabilitate trails to the highest level of sustainability and accessibility feasible. The capacity to increase accessibility may be limited by terrain, cost, & potential difficulties for construction in bringing in equipment & supplies. Be sure to address sustainability in your application and in the trail work you will do; for more information and guidelines, go to:

<http://www.americantrails.org/resources/accessible>

Federal legislation under Title 23 U.S.C. Section 206, requires States to allocate RTP funds to both motorized and non-motorized trail projects according to the distribution formula below:

30% for motorized trail use;

30% for non-motorized trail use;

40% for diverse trail use.

Diverse trail uses can be either:

- Diverse (more than one) non-motorized uses;
- Diverse (more than one) motorized trail uses (i.e., snowmobile and ATV); or,
- A combination of non-motorized and motorized uses;

For an overview of federal guidelines, go to:

[http://www.fhwa.dot.gov/environment/recreational\\_trails/overview/program\\_brief/](http://www.fhwa.dot.gov/environment/recreational_trails/overview/program_brief/)

## Who Administers the Program

Each State administers its own RTP program using federal guidelines. In Vermont, the Agency of Natural Resources' Department of Forests, Parks & Recreation (FPR) administers RTP.

FPR provides an annual competitive grant cycle for municipalities, non-profit organizations and other governmental entities to apply for grants for trail projects throughout Vermont (see timeline in appendix).

## Resources to Assist You

Online resources below provide access to federal and state rules, regulations, bulletins, guidance and valuable resources to assist you in learning what is required if you receive a grant through the RTP:

- Federal Highway Administration Recreational Trails Program Guidance: [http://www.fhwa.dot.gov/environment/recreational\\_trails/guidance/rtp9908\\_toc.cfm](http://www.fhwa.dot.gov/environment/recreational_trails/guidance/rtp9908_toc.cfm)
- State of Vermont Bulletin No. 5 Agency of Administration Bulletin No. 5 Policy for Grant Issuance and Monitoring, effective December 26, 2014: [http://aoa.vermont.gov/sites/aoa/files/Bulletin%205\\_eff12-26-14.pdf](http://aoa.vermont.gov/sites/aoa/files/Bulletin%205_eff12-26-14.pdf)
- State & Local Permit Information - Vermont's Environmental Assistance Office will refer you to a permit specialist who serves as your initial state contact to give assistance in identifying any necessary permits or approvals for any given project. A Project Review Sheet (PRS), signed by a permit specialist, must be attached to your grant application. Go to: <http://www.anr.state.vt.us/dec/permits.htm>
- Planning your project - The *Vermont Trails and Greenways Manual* is a great planning tool to use while you develop your project. To access this free manual, go to: <http://www.vermonttrailsandgreenways.org/resources/manual>
- Maps & Mapping – Vermont Agency of Natural Resources Natural Resources Atlas – Your primary resource for generating maps is the Natural Resources Atlas. It is a recommended tool for developing a map for your project: Use Internet Explorer and go to: <http://anrmaps.vermont.gov/websites/anra/>
- Vermont Trails and Greenways (VTG) Plan, SCORP Appendix C: Trails Related Resources: <http://www.vtfpr.org/recgrant/trgrant.cfm> All RTP projects must further a strategy and help achieve goals and objectives outlined in the VTG Plan. In the grant application you must tell how your project helps further one of these strategies.

## Who's Eligible to Apply for Grants?

Municipalities, non-profit organizations and governmental entities may apply for grants.

## Eligible Project Categories

- Maintenance and restoration of existing trails;
- Development and rehabilitation of trails, trailside and trailhead facilities, and trail linkages;
- Purchase and rental fees for trail construction and trail maintenance equipment or tools necessary to carry out eligible projects;
- Construction of new trails (see below restrictions for new trails on some Federal lands) ;
- Acquisition of trail easements or property with existing recreational trail corridors ;
- Assessment of trail conditions for accessibility and maintenance ;
- Educational Programs : Limited to 5 percent of the State's apportionment of RTP funds – Must be used for development or dissemination of trail-user educational materials or publications for trail users; statewide trail information, operation of educational programs to promote safety & environmental protection related to trails (non-law enforcement), trail safety efforts, trail use monitoring patrol programs, public education efforts to promote appropriate trail uses ;

## Examples of Eligible Projects and/or Eligible Costs in Projects

- Construction or reconstruction of trails (may include grooming and maintenance of trails across snow);
- Construction & installation of bridges, railings, ramps, retaining structures, gates, directional/location signage and informational kiosks along trails or at trailhead facilities;
- Relocation of existing recreational trails ;
- Trail linkages (Developing a link to connect two existing separate trails);
- Major trail maintenance and restoration of existing trails;
- Development and rehabilitation of trails, trailhead parking facilities and trailside amenities (i.e., benches, compost toilets/privy, water fountains);
- Features facilitating access to, and use of, trails by persons with physical challenges;
- Bank stabilization, re-vegetation, erosion control;
- Cost of labor for on-the-ground direct project work (i.e., trail builders, project managers, trail crews, trail design consultants, project/structural engineers, contractors, equipment operators, project assessment and oversight, etc.);
- Purchase and/or rental of trail tools or essential trail construction equipment necessary to do the work proposed. Purchases are to be solely used for eligible trail project(s);

- Environmental awareness and safety education programs related to safe, responsible trail use ; environmental resource protection aimed at educating trail users to help minimize impacts to natural and cultural resources, and resolving conflicts;
- Acquisition of easements and fee simple title to property for recreational trails or trail corridors may be eligible. Intended solely for the purchases of existing trails/trail corridors for the preservation of existing trail systems. If you are requesting funds for an acquisition, you must meet federal appraisal requirements and other federal acquisition requirements. Call FPR for an acquisition supplement or referral to the federal guidelines.
- Trail design costs, engineering plans and specs for your project can be considered part of the total project cost for new construction, reconstruction, or rehabilitation of trails, trailhead facilities, or trail structures.
- Trail assessments using the Universal Trails Assessment Process (UTAP), or equivalent method, to assess the condition of existing trails for improved accessibility, sustainability, and for provisions that facilitate access and use by persons with disabilities.
- Publications: Grants may be used for layout and design costs associated with printing free publications, signage, or trail-related information and educational materials posted on kiosks, websites or disseminated to the public. Reprinting costs of publications are not eligible. Sponsors using RTP funds to develop printed materials should acknowledge FPR, the RTP, and the Federal Highway Administration (FHWA). Written materials developed with RTP funds should be available to the general public.
- Trail related law enforcement educational assistance, in some cases, may be eligible (law enforcement is not eligible). For example :
  - A trailside or trailhead facility may be used as a base station by law enforcement officers using trail project funds, provided the facility is primarily a general public use trail facility, and not primarily a law enforcement facility;
  - A trailside or trailhead booth providing trail-related information may be used by law enforcement officers (using educational funds);
  - A trail patrol primarily for educational purposes (i.e., providing information on the use of safety gear) may include appropriate law enforcement (using educational funds);
  - A project sponsor may provide an overall trail safety education seminar which includes a session on trail-related law enforcement (using educational funds).

## Recreational Trails Program funds may **not** be used for:

- Advertising;
- Appraisal and legal fees related to acquisitions;
- Property Condemnation of any kind (eminent domain);

- Construction of trails within a federally designated wilderness area;
- Contingencies;
- Upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by non-motorized recreational users, and on which, as of May 1, 1991, motorized use was prohibited or had not occurred;
- Facilities that are ornamental and do not have a direct benefit to trail users;
- Feasibility studies (preliminary planning projects);
- Food for volunteers working on a project;
- Fund raising;
- Law enforcement;
- Lodging;
- Payments which are not in compliance with relevant state or federal laws or regulations;
- Payments in conflict with 501(C)(3) regulations such as payment of board members;
- Promotional items (t-shirts, patches, caps, buttons, pens, etc. promoting an organization);
- Railroads: Before approving a trail on a railroad right-of-way, States must ensure that the railroad has been rail banked, and the trail project has a legal right to be located on the railroad right-of-way;
- Roads: RTP funds may not be used to improve roads for general passenger vehicle use;
- If Vermont towns designate class IV roads to be used for recreational use(s), and you are applying to maintain a class IV road that has been designated by the town for recreational use, a completed Class IV road resolution form must accompany the grant application;
- Sidewalks adjacent to public roads; RTP funds should not be used to provide shoulders or sidewalks along roads unless the shoulders or sidewalks are necessary to complete a trail link;
- Paved multi-use/bike paths;
- Publication reprints;
- Purchase of large multi-purpose power tools or equipment (i.e. brush hogs, lawn mowers, etc. that would be used for other than trail purposes);
- Trail work on land where landowner permission for public access for public use of trails has not been granted;
- Value of citizen volunteer' time at public forums or public meetings;

If you are planning a trail project and are not sure whether the project is the right fit for RTP, first contact the RTP Administrator to learn more about RTP requirements before you apply.

## Important Items You Need to Know

- Pre-applications are required and are due Dec. 1, 2015 – Submit the pre-application form with your project's work plan, map and cost estimate.
- Full RTP grant application deadline is February 1, 2016.
- The estimated date of funding approval for projects submitted in the 2016 grant application cycle is July 1, 2016.
- Sponsors may apply for up to \$50,000 Note: This can be raised by FPR's Commissioner to fulfill program requirements and policy.
- RTP is a Cost-Share Program: 80% RTP Funds, 20% Sponsor Match; Sponsors must come up with a 20% match, meaning sponsors may receive up to 80% in RTP funds toward the total project cost. The matching share may include volunteer labor, in-kind services, cash, and/or donations of materials or services.
- Sponsors will be given a (2) year grant term to complete a project.

## Considerations for a Strong Application:

- Plan your project well ahead of time.
- Find out how RTP funds are to be used & develop a workable project.
- Be clear and concise.
- Attach a map clearly labeling the trail, work area(s), and access areas/roads to the project.
- Make sure the application is comprehensible: anyone should be able to read your work plan, maps, budget and application and be able to know what you will be doing with the grant funds you are applying for, and be able to get to the project's location to see how and where grant funds will be used.

## PART B. COMPLETING THE RTP APPLICATIONS

### Pre-applications are due December 1, 2015.

- Follow pre-application instructions and refer to the work plan, map & budget form guidance within this supplement.
- It's important to provide enough information in the pre-application to help determine the extent of archaeological review needed for your project. Federal and state law requires that significant historic & archeological resources be identified, considered, and, whenever possible, protected in the course of planning a project.
- If you already have had an archeological survey done, or have already been issued a Section 106 Clearance through SHPO, attach the archeologist's report and/or the written Section 106 clearance to the pre-application.

### Application due date: February 1, 2016.

- Carefully review the project eligibility section of this supplement to understand the different requirements and eligible expenditures.
- Type all responses within the blank boxes associated with each question.
- Insert and label attachments as instructed, in sequence.
- Do not change the format of this document.

## Full Application Instructions

### Applicant Information

Self-explanatory.

### Project Information

Self-explanatory, with additional information provided to help you submit a high quality work plan, budget and map for your project.

### Question No. 7. Project Work Plan:

- Tell/clarify what work will be done with the grant funds and how the work will be done;
- Work plan should provide sufficient enough detail so when the project is done, people will know how grant funds were used;
- The work plan is used in the grant agreement if your project is awarded a grant.
- Tell what tasks and equipment will be used in the type of maintenance or new construction work to be done. Also tell what new structures, signs, kiosks, bridges, etc. will be built or installed;

- Include length/width of the new trails, sections to be worked on, approximate length of new switchbacks, number of switchbacks, total feet of trail to be worked on; number and type of structures to be installed (i.e. footbridges, culverts), labor, materials and equipment used;
- Be sure the work plan describes what work will be done and how it will be done.

***Sample Work Plan:***

ABC town will construct a new hiking trail, approximately 2 miles long, with a trail tread of 18-24", from the ABC Trailhead parking area to the summit of ABC mountain, as generally depicted on the map. Work includes installation of (2) footbridges, each bridge 24 feet long x 5 feet wide, one approximately 1,000 feet from the trailhead, the other approximately 1,450 feet from the trailhead heading to the summit. Bridge locations are shown on the attached map;

***Sample Work Plan:***

Work to be done with this grant includes reconstruction of the existing 25-year old multi-use trail, currently 6,000 feet long x 5 feet wide. Work includes removing organic soil down to mineral soils, approximately 6 inches deep, the entire length of the trail to a width of 8 feet and installing filter fabric, adding 2" +/- gravel with fines and 4" +/- crushed stone to match existing grade. The finished surface will have a maximum 3% cross-slope. Construction of the new trail will be performed by a hired contractor. A kiosk will be constructed & installed at the trailhead parking area which provides access directly to the trail. Two trailside wooden benches will be installed, one approximately 2,000 feet from the trailhead, the other at approximately 4,000 feet from the trailhead, as generally depicted on the attached map.

**Question No. 12. Class IV Roads:**

RTP funds are to be used for public recreation trail projects, and are not to improve or maintain roads for low-clearance regular passenger vehicle use. However, there are certain circumstances where RTP funds may be used on Vermont's Class IV Roads and to assure these circumstances, applicants who are applying for funds to do work on any Class IV road in Vermont must attach a Class IV road resolution form to the grant application.

Since a Town owns the Class IV Road right-of-way and has complete responsibility for it, FPR requires a commitment from the Town to protect, maintain and repair the recreational improvement and to keep it open for recreational use for the useful life of that investment.

A Class IV Road Town Resolution Form, signed by the Town Select board must accompany your grant application for projects on Town Class IV roads.

This commits the Town to protect, maintain and repair and keep the right-of-way open and available for the intended recreational use for a project's "useful life", consistent with the amount of investment and type of project.

**Useful life time frames on Class IV roads:**

Maintenance to the existing trail tread as preventive maintenance to keep a trail in its current condition safe and accessible for users would have a useful life far shorter than, say, a new bridge because of both longevity and total cost. The commitment will vary from one year for short term preventive maintenance projects up to twenty five years for installation of permanent structures.

Also, the Town must commit to assuring the project will be kept in functional repair for that useful life repairing damage caused by either authorized or unauthorized use. The Town, of course, may not actually do or pay for the work but they must share in the commitment that it be done. It is more likely that their trail partner organization will perform the work, but the Town must share the commitment. Failure to live up to those commitments may result in the Town having to reimburse the state and/or federal grant funds. With this approach, FPR may support recreational uses of the Class IV roads in the State, and a sponsor may apply for RTP funds where/when appropriate satisfying legitimate vehicular use concerns of FHWA and FPR. Attach Class IV Road resolution form to your grant application as instructed. If you are applying for a project on a Class IV road and you do not attach a Class IV road resolution form to your grant application, your application will not be eligible.

Eligible applications from sponsors proposing work on Class IV roads will require case-by-case consideration of the work being proposed on those Class IV roads associated to help assure a project does not result in a road suitable for regular passenger vehicular traffic. Such projects would not be eligible.

### **Question No. 13. Budget:**

The budget form is used to determine the estimated project cost by listing the costs of supplies, materials, and labor needed to complete your project. Identify and list all eligible materials, supplies, and labor, whether purchased or donated, and list these as project costs (expenditures). Include donations of supplies/materials and labor. The value of donated supplies/materials and labor must show up in the budget as both a project cost and as a part of the match. The Budget Form is found online @: <http://fpr.vermont.gov/recreation/grants/rtp>

### **General Instructions for the Budget Form:**

- Round each line item to the nearest dollar.
- Provide a brief description of each line item, explaining how you arrived at the estimates.
- Show the number of hours or weeks used to arrive at estimated labor rates, and indicate the hourly, weekly, or other rates used for your estimated cost;
- If referencing a formal estimate provided by a vendor, attach copy of the estimate. Do not enter into any contract arrangement with a vendor, it may disqualify you from receiving a grant.
- Be sure the budget includes all eligible project costs you anticipate incurring.
- Skilled labor is considered the professional labor to be paid for at professional wage rates or a contractor's fees.
- Unskilled volunteer labor is considered non-professional labor and should be calculated using minimum wage rates; Vermont minimum wage rate for 2016 goes up to \$9.60/hour.

### **Line by Line Budget Form Instructions:**

- A. Environmental Permitting, Archeology and Engineering Planning Costs

Include permitting fees, site inspections, professional surveys, assessments made for permits or clearances, professional engineering designs and site plans, trail design layouts, structural specs for trailhead and trailside facilities or amenities;

These costs are part of the cost of doing a project and may be applied to your match if incurred before grant approval.

Pre-project-approval planning costs incurred by the Sponsor are part of the cost of doing a project and cannot be reimbursed with the RTP grant, but these costs may be used toward the non-Federal share of a Sponsor's match, as pre-agreement planning and environmental assessment costs, so long as the costs are incurred no more than 18 months prior to project approval. If you choose to use pre-agreement planning and environmental assessment costs as part of your match, list the costs as "Pre-Agreement Costs" in this section of the budget form. Since costs are limited to be only those costs incurred less than 18 months prior to project approval, sufficient documentation (invoices and proof of payment) will need to be sent when the Sponsor submits a grant reimbursement.

- B. Grant Administration (the estimated expenses a sponsor will incur AFTER grant approval) A small portion of the total project cost can be calculated for project record keeping, preparing reimbursement requests, scheduling work crews, purchasing materials, etc. Specify wages that will be devoted to this administration.

Example: Administration time: 1 staff X 40 hours @ \$20.00/hour = \$800.00

- C. Construction Design & Engineering

Document costs for design and engineering of trails, trailside amenities, or trailhead facilities such as bridges, boardwalks, toilets, kiosks, etc. Specify wage rates and estimated hours of work or professional fees to be charged.

- D. Construction/On-Site Labor

List labor costs that will go into the project: you will see separate line items for skilled labor (to use professional labor costs) and unskilled labor (to use minimum wage rates).

Include the value of donated labor and list as either:

- Donations of unskilled labor (calculate at the minimum wage rate for 2016 - \$9.60/hour)
- Donations of skilled labor (professional labor donated by someone professionally skilled to do the work)

For donations of skilled labor, the value calculated is the professional wage rates in the project locale for the labor being donated.

In other words, if someone donates professional labor with a set of skills they can be or are professionally employed for, then the value of their labor is to be calculated at skilled wage rates.

For donations of equipment rentals or equipment operators donating time to operate heavy equipment, equipment rental rates and skilled wage rates should be used in accordance with rates in a project's locale. For organizations who own & use their own equipment, federally acceptable equipment rates must be used.

E. Hand Tool Purchase

Purchase of small hand tools may be necessary for a project if it is more cost effective than renting equipment. List tools and cost.

F. Construction Equipment Rental

List each piece of equipment to be rented, list the rental rate and estimated number of hours of rental time. If a town or an individual is donating the use of their equipment, use current federally acceptable rental rate for equipment. Remember that operators of equipment are also project costs and should be listed either here with equipment rentals or in Section D, as on-site labor costs.

G. Materials/Supplies Purchases

List all materials to be purchased or donated for the project, and their estimated costs. If donated, list both here and in the Sponsor Match Summary Sheet.

H. Publications Research & Design

Complete this section for any fees associated with research and design of a publication or kiosk materials included in your project.

I. Other Expenses Not Listed Above

If you have other expenses that you cannot list in sections above, list them here with sufficient enough information to support how you arrived at the estimated cost. Before listing additional items, be sure they are permissible and refer back to the Eligibility section of this guidebook.

Total Project Cost

Total all expenditures listed in the budget (Sections A – I). This is the total estimated project cost.

Sponsor Match

Sponsors must come up with a 20% Sponsor match (or greater). List the amount of Sponsor Match.

Total Grant Request

Subtract the Sponsor Match from the Total Project Cost.

Budget Example of Project Costs, Sponsor Match, and Total Grant Request:

Engineering Costs	\$ 3,000.00
Youth Conservation Crews - costs for 2 weeks at \$5,000/week	\$10,000.00
ABC Trail Building Co. – Contractor	\$12,000.00
(1) Trail Project Manager/Project oversight 80 hrs. @ \$20/hr.	\$ 1,600.00
(10) Skilled Volunteer Trail Builders (20 hours each) @ \$15/hour)	\$ 3,000.00
Equipment Operator (Excavator) \$ 25/hour @ 10 hrs.	<u>\$ 2,500.00</u>
Total Project Cost	\$32,100.00
Sponsor Match (20% of the Project Cost) \$32,100 x .20 =	<u>6,420.00</u>
Total Grant Request (Project cost \$32,100 minus match \$6,420)	\$25,680.00

## **Sponsor Match Summary Form**

This section of the application is set up for sponsors to list all sources of match obtained for the trail project. RTP grants provide up to 80% of a total project's cost. Sponsors must provide 20% match.

Match can come from multiple sources. FPR encourages Sponsors to garner match through a variety of sources.

### **Match categories:**

List each source of match as a line item under the four categories listed on the match summary form, shown and defined below:

#### **Federal Funds:**

Sponsor match may include other federal funds. However, when using other federal funds such as the U.S. Forest Service, Land & Water Conservation Funds, Scenic Byways or other Surface Transportation Funds, the total federal share from all federal sources cannot exceed 95% of the total project cost. Please contact the RTP Administrator if you are considering matching RTP with other federal funds.

#### **State Funds:**

Match from state funds, state appropriations, state grants, etc.

#### **Local Funds (local government/public funding):**

Match using local funds set aside by the Town (or City) for the project.

#### **Private Funds (Foundations, Cash Gifts):**

A sponsor's direct cash match, from cash contributions, memberships, foundations or cash gifts for a project, fundraising events that raise money are a contribution of a cash match; town force/donated labor from the town, local business donations, trail project volunteers;

Donations in labor and materials can be private funds, but if organizations are donating labor, ask if labor being donated is being paid for through federal, state, local or an organization's private funds.

If other grants are being used as match, specify if the grant has been awarded yet, or is still pending. If a grant is pending, please provide the estimated award date. Attach confirmation letters or memos from grant programs you list as match.

#### **Donations of Equipment and Materials**

Identify any donations of materials that will be donated to this project. If equipment or materials will be donated, records must be kept indicating what is donated, with the value of the donation.

Businesses donating materials or equipment must specifically list items being donated on an invoice, clearly marked 'donation' on an invoice signed by an authorized representative of the business who makes the donation.

#### **Donations of Time and Labor (volunteers)**

Identify any in-kind labor and any labor to be donated to the project by volunteers.

The time of a person donating services may be considered acceptable sponsor match. Their labor is valued as either skilled or unskilled labor.

Donations of unskilled labor is calculated at minimum wage rate which will be \$9.60/hour in 2016.

For donations of skilled labor (professional labor being donated by someone professionally skilled to do the work) the value calculated are the professional wage rates in the project locale for the labor being donated. In other words, if someone donates professional labor with a set of skills they can be or are professionally employed for, then the value of their labor is to be calculated at skilled wage rates.

For donations of equipment operators donating time to operate heavy equipment, skilled wage rates should be used in accordance with wage rates in a project's locale. Please refer to: Vermont Highway Wage Rate Decisions (for Federal-Aid Projects), 2016 General Wage Decisions @: <http://www.aot.state.vt.us/civilrights/labor.htm>

## **No. 14: Maps:**

Below are instructions and guidance to put together a map that you'll need to submit with your grant application. It provides you with information needed for your grant agreement if your project be awarded a grant.

Maps should clearly mark the trail(s) by name, consist of a legend, or key, and clearly show/indicate the trail project location and project components on the map (showing what work will be done where).

In the legend, or key, label the map with the elements in your project work plan. It's a good idea to ask someone who knows nothing about your project if they can interpret your map.

It's easier to develop an image of what your project will accomplish when details of your project are clearly shown on the site map. An accurate & clear cartographic communication of your project in geographic context will allow reviewers to fully understand and fairly assess your project and environmental, archaeological, and other technical reviews to occur efficiently.

## **Mapmaking Help and Tools:**

There are many tools and resources for helping to make a good map found on the Vermont Center for Geographic Information (VCGI) website: <http://www.anr.state.vt.us/dec/maps.htm>

VCGI manages the Vermont Interactive Map Viewer, where you can make your own map via an easy online platform. To get started, go to: <http://maps.vermont.gov/vcgi/vtmapviewer/>

You can add shapefiles, map layers and download your map in a number of file formats, as well as download all georeferenced data.

If you need support or assistance in developing your map, contact your Regional Planning Commission (RPC). RPC's are invaluable resources and can provide assistance in the development of maps for community projects. Each of the 11 RPC's have staff with GIS expertise to help you develop maps for projects to support the planning function of the RPC. To find an RPC near you, go to the Vermont Association of Planning and Development Agencies (VAPDA) website: <http://www.vapda.org/>.

A site map shows a detailed layout of your project, with elements that are noted in your work plan.  
**SEE SAMPLE MAP ON NEXT PAGE.**

Be sure to include the following basic cartographic elements for your maps:

- Map Title (see examples under General and Specific map types below)

- Date of Map
- North Arrow
- Appropriate Scale
- Map Legend (specify “existing” vs. “proposed”)
- Roads
- $\leq 100$ ft contours
- Town/County Boundaries
- Potentially Significant Natural Communities (if known)
- Potentially Significant Archeological Areas (if known)
- Prominent landmarks
- Box with GPS (latitude/longitude) coordinates, in degrees, minutes, seconds format
- Ownership parcel boundaries through which the trail traverses
- Existing trails with areas to be worked on highlighted, proposed trail(s), structures etc.
- Location of all proposed project work elements identified in the work plan (new trail, tread rehab, footbridges, boardwalks, re-routes, etc.)
- Waterways/streams/wetlands/water bodies
- Trail/trailhead locations

Other attachments to your application:

- Photos: Attach photos if you can; Photos provide visual support to your work plan.
- Engineering plans/construction designs: Attach for structures (bridges, etc.) in the project.



Your application will be scored on how well you address project information in the application.

Grants are competitive so it is critical your responses be well thought out, complete, and concise. Answer each question. Include attachments or photos when asked for in the application.

## Guidance to help you respond to Question No's. 16 – 23:

### **Improved Linkages and Livability**

- How does your project help develop/strengthen connections or fill critical gaps in the existing trail system?
- Describe places of interest (natural or developed) available for users ;
- Explain why linkages and connections are so crucial;
- How does this project improve livability for users? Others?

### **User ability/User Benefits**

- Who are the ranges of trail users? Do you have real numbers from trail counters?
- Consider user groups, ages, skills, current users and potential users ;
- How will this project improve current and expected populations using the trail?
- What recreational, health, education, or economic opportunities exist? Will exist?
- Consider benefits of trails ;

### **Building Sustainable Trails**

- List best practices and techniques to be used to protect water quality and prevent erosion control.
- What project oversight will be made by trail professionals, crews or contractors?
- Tell how equipment will be brought in.
- Discuss any trail assessments made/permitting issues addressing.
- Is there Town Road foreman involvement with sponsor for recreational trails on Class IV roads? How will you work together?
- How are you following any guidance from permitting specialists, engineers, or other professionals on minimizing environmental impact?

## ***Future Maintenance***

To maximize points, along with your narrative response attach the following:

- A letter or approved plan from landowner and/or trail managing organization with commitment for continued maintenance after project is completed;
- A letter from any entity providing future financial, organizational or community support;

## ***Promoting Stewardship***

Self-explanatory, but to learn more about what others are doing to promote stewardship and to obtain a template of the Vermont Trail Ethic, go to the Vermont Trails & Greenways Council's website: <http://www.vermonttrailsandgreenways.org/trialethic>

## ***Local Support & Involvement***

- Describe any assistance (donations or funds committed) to the project by public agencies, private industry and non-profit organizations.
- List dates of public meetings held, special committees formed, decisions made, partnerships and alliances or coalitions made to volunteer to work on this project;
- Attach up to 3 support letters.
- Do not attach any support letters from contractors or youth corps organizations who may be doing work on the project.

## ***Town Plans/Regional Plans***

- Reference town plans, regional plans, forest management plans, long range land management plans; Reference regional plans through the Regional Planning Commission.

## ***Project Readiness:***

Attach a timeline for your project. A timeline should include steps along the way to tell us when you think your project will start, when it will end, and any items you think may delay your project.

## **No. 24 Project Review Sheet Guidance/Permits for Your Project:**

- You must attach a Project Review Sheet, signed by a permitting specialist from the Agency of Natural Resources for your project which is the document that identifies what permits may be needed for your project. This is not only for ACT 250. There are a number of state reviews and permits required and the permit specialist will be able to assist when you provide your work plan to them.
- Also attach copies of any permits or clearances you've already received for your project to your grant application, and show any good faith efforts of the steps taken to try to obtain permits marked off on the Project Review Sheet.

## ***Project Review Sheet for the Project:***

The Environmental Assistance Office provides permit assistance and will refer you to your local Permitting Specialist. Permitting specialists are located within the Agency of Natural Resources' (ANR) at five regional offices and five satellite offices around the state.

To find out what permits you may need for your trail project, you will need to contact a Permit Specialist. A map of regional offices is found in this application and the website below provides you the link to each office: <http://www.anr.state.vt.us/dec/ead/pa/index.htm>

The goal of the Permit Specialist is to take the mystery, anxiety, and any frustration out of the permit process. Permit Specialists can provide you with advice about state permits required for your project and help you find the resources and staff to help you obtain your permit(s).

Contact Permit Specialists as soon as you can; it's suggested you do this at the time you complete your pre-application, before you apply for a grant in order to allow sufficient time to assist you in permits for your proposed trail project. The Permit Specialist will sign off on your Project Review Sheet (PRS), which you must attach to the RTP grant application. The PRS is a determination of the environmental and state permits your project may need. It lists the agencies, departments and contact information. Knowing all of the permits required before you begin your project can prevent costly delays, saving you time, money and frustration.

The Permit Handbook is a reference book that explains most of the states permit programs with summaries of permits, required fees, and contact persons within specific programs. The Permit Handbook is available on the website: [http://www.anr.state.vt.us/dec/permit\\_hb/index.htm](http://www.anr.state.vt.us/dec/permit_hb/index.htm)

For a sample Project Review Sheet, go to:  
[http://www.anr.state.vt.us/dec/permit\\_hb/prssample.pdf](http://www.anr.state.vt.us/dec/permit_hb/prssample.pdf)

Submit any of the following reviews and/or clearances for the items listed below that have been obtained for your project:

- Act 250 Permit;
- Section 106 Historic Preservation & Archeology Clearance, or any archeological resource assessment (ARA) that may have been done by a qualified archeologist;
- US Fish & Wildlife Non-Game & Natural Heritage Program Rare & Threatened Endangered Species Review;

NOTE: Applicants should contact the Vermont Department of Fish & Wildlife's Non-Game & Natural Heritage Program to find out if there are requirements under this program related to your project area.

- Water Quality Permits, Rivers & Streams Alteration Permits, Army Corps of Engineers;
- State Lands Team and/or State Regional Stewardship Team Review for any work on State Land;

#### **Supplemental Information about Permits and Clearance Requirements:**

All projects must comply with the State's permitting requirements. ACT 250 or other permits may be needed. Permits checked on the project review sheet indicate potential permits you may need. It is your responsibility to contact the people marked off on the Permit Review Sheet to get a permit determination, and obtain any permits necessary.

The Vermont State Historic Preservation Office (SHPO) is involved in project reviews in accordance with federal laws, primarily under Section 106 of the National Historic Preservation Act, referred to as "Section 106", and also under State Laws, such as Act 250. All RTP trail projects are subject to Section 106 clearances through SHPO. The trail project should not impact any historic properties. If you are constructing a new trail or if you are planning to relocate a section of a trail, or if the project area lies within an archaeologically sensitive area (which SHPO determines) the project may require an archaeological site assessment & a Phase I archaeology survey in order for your project to receive a Section 106 clearance. "Phase I" and "Phase II" site surveys are likely to be required by SHPO when projects are within archeologically sensitive areas requiring sampling and test pits taken by a qualified archeologist before you begin your project work (an additional cost for the project sponsor). All efforts to preserve historical and cultural resources should be made. To learn more, contact the Vermont Division for Historic Preservation for assistance. Their web site is:

<http://www.historicvermont.org/>

## Certifying Signature

Be sure to obtain an authorized signature on the Certifying signature page; This may be the Select Board Chair, Town Manager, Trustee, Executive Director, or the designee of an authorized official.

## PART C: PROJECT APPROVAL AND ADMINISTRATION

### Funding Approval and Your Grant Agreement

Once a project Sponsor is notified that RTP funds have been recommended for their project, projects then go through a federal and state approval process.

This process may take anywhere from 1 month to 6 months, depending on the size and scope of a project, and the capacity and authority of administrative reviewers.

Once FPR has received funding authorization from the Federal Highway Administration (FHWA), a grant agreement is prepared by the RTP manager and sent to the Sponsor to confirm the grant's scope of work, budget and maps for the work that will be funded. Then it is routed through FPR to obtain final review and approval. It will then be sent from FPR's business office to the project sponsor for a signature and then fully executed by the Commissioner.

### When can I begin my project?

Only when a formal grant agreement has been signed by both the Sponsor and FPR, may the Sponsor may begin project work.

**Plan your project accordingly.** All efforts will be made by FPR to obtain RTP funding approval for competitive projects by July 1, 2016.

Once grant funds are approved, and a formal grant agreement is prepared and fully executed between both FPR and the project sponsor, the sponsor will have two years to complete the project.

It's encouraged to get projects done within one year, but a two year term is given in the grant agreement. Once you complete a project, you may apply for more funds the next year.

**NOTE:** Do not engage in project work prior to RTP funding approval or before a fully executed grant agreement is signed by both FPR's Commissioner and the project sponsor. This will jeopardize funding.

You may not purchase materials, secure trail crews and/or contractors, or perform any ground disturbing trail work until funding for your project is secured.

Only the expenditures eligible under the program incurred after final grant approval are eligible for reimbursement. If you incur pre-agreement permitting, engineering, and site plan expenditures you may be able to use these as match. Please estimate these costs and include them in your cost estimate & match summary in the grant application.

You are required to have all permits before beginning project work. The State and/or the Federal Highway Administration may request these items at any time to ensure eligibility for reimbursement. Failure to acquire permits and permissions required for your projects jeopardizes reimbursement of the grant funds for your project.

## Grant Reimbursement Requirements

Once a Sponsor receives a grant agreement, FPR will provide the project sponsor with grant reimbursement instructions to assist in the reimbursement process.

Before submitting requests for reimbursement, the Sponsor must pay 100% of the cost of any eligible items incurred under work plan in the grant agreement. Only eligible RTP project expenditures that contribute to the completion of the project listed in this agreement will be reimbursed.

Reimbursement requests will be authorized by the State for the allowable activities pertaining to the agreement in accordance with the State's review and authorization of each request.

The State will compensate Sponsors for work performed up to the maximum grant award provided such work is within the scope of the grant.

A reimbursement request form and sponsor's performance report must be submitted to the State with each reimbursement request and shall include documentation of the Sponsor's match.

Reimbursement forms and performance report templates are made available through FPR and may be found on FPR's website.

Supporting documentation shall accompany all items on reimbursement forms to verify project expenditures and payments to vendors, and shall include copies of invoices with cancelled checks or bank statements showing invoices have been paid; labor report forms, time sheets or other federally acceptable timekeeping records signed by individuals who are paid or who volunteer to attest to their labor on the project. Authorized representatives or owners of businesses donating services or materials shall sign any statement or invoice when it indicates a donation was made. Such statements or invoices should clearly show the donation was made to the specific trail project by either project name or identification number.

SAMPLE RECREATIONAL TRAILS PROGRAM (RTP)  
GRANT AGREEMENT

- 1. Parties:** This is a Grant Agreement for services between the State of Vermont, Department of Forests, Parks & Recreation (hereinafter called “State”), and the «Sponsor» with principal place of business at «Address1», «City», «State» (hereinafter called “Subrecipient”). It is the Subrecipient’s responsibility to contact the Vermont Department of Taxes to determine if, by law, the Subrecipient is required to have a Vermont Department of Taxes Business Account Number.
- 2. Subject Matter:** The subject matter of this Grant Agreement is to perform permissible trail work authorized by the United States Federal Highway Administration (FHWA), under the federal Recreational Trails Program (RTP), Title 23 U.S.C. 206, in order to «Project\_Description\_Scope\_of\_Work». Detailed services (Scope of Work) to be provided by the Subrecipient are described in Attachment A.
- 3. Award Details:** Amounts, dates and other award details are shown in the attached Grant Agreement Part 1 – Grant Award Detail. A detailed scope of work covered by this award is described in Attachment A.
- 4. Assurance:** The Subrecipient shall assure that the recreational trail shall remain open and available for public use consistent with the recreational trail purpose for the useful life of the investment, which is a minimum of «Assurances» years for this project. If the recreational trail ceases to remain open and available for public use for the minimum of «Assurances» years, the Subrecipient shall be responsible for reimbursing the State and/or Federal funds to the State of Vermont.
- 5. Amendment:** No changes, modifications, or amendments in the terms and conditions of this Grant Agreement shall be effective unless reduced to writing, numbered, and signed by the duly authorized representative of the State and Subrecipient.
- 6. Cancellation:** This Grant Agreement may be cancelled by either party by giving written notice at least 30 days in advance. Cancellation by either party may result in the requirement for the Subrecipient to reimburse all funds distributed under this agreement. If, through any cause, the Subrecipient shall fail to fulfill in a timely and proper manner its obligation under this agreement, or if the Subrecipient shall violate any of the stipulations of this agreement, the State shall thereupon have the right to terminate this agreement by giving the Subrecipient written notice of such termination and specify the effective date thereof and require reimbursement of funds distributed.

**7. Attachments:** This grant consists of the following attachments that are incorporated herein:

Attachment A – Scope of Work to be Performed

Attachment B – Payment Provisions

Attachment C – Standard State Provisions for Contracts and Grants

Attachment D – Other

**8. Order of Precedence:** Any ambiguity, conflict or inconsistency in the Grant Documents shall be resolved according to the following order of precedence:

- a. Grant Agreement Part 1 and Part 2
- b. Attachment C
- c. Attachment D
- d. Attachment A
- e. Attachment B

**WE, THE UNDERSIGNED PARTIES, AGREE TO BE BOUND BY THIS GRANT AGREEMENT.**

By the State of Vermont:

By the Grantee:

\_\_\_\_\_

Signature

Signature

Michael C. Snyder, Commissioner  
Department of Forests, Parks and Recreation

\_\_\_\_\_

Name

\_\_\_\_\_

Title

\_\_\_\_\_

Date

\_\_\_\_\_

Date

**ATTACHMENT A**  
**SCOPE OF WORK TO BE PERFORMED**

1. The Subrecipient shall

Project components include:

Project components are generally depicted on the map below, in Attachment A-1-Map.

2. The Subrecipient shall provide for and maintain competent and adequate project and engineering supervision and inspection at the project site to insure that the completed work conforms with approved design plans and specifications; specifications shall be adhered to in conformance with Federal, State, and local laws and regulations;
3. The Subrecipient shall comply with all provisions outlined in Attachment D.
4. The Subrecipient is responsible for complying with all applicable requirements of the Agency of Natural Resources Department of Environmental Conservation (DEC) associated with this project.
5. The Subrecipient is responsible for obtaining the applicable permits prior to commencing any trail construction and/or trail maintenance work in Attachment A.
6. The Subrecipient shall submit upon completion of the project, the reporting documentation as outlined in Attachment B.
7. The Subrecipient shall submit a performance report with each request for reimbursement to report the progress and completion of the project components in Attachment A. The performance report form template can be obtained at:  
<http://fpr.vermont.gov/recreation/grants/rtp>
8. The Subrecipient shall retain all pertinent records for the project, which shall include all documents, papers, accounting records, permits and other evidence pertaining to the costs incurred under this Agreement, and, the Subrecipient shall make such documents available to the State for inspection for a period of three years after the State's closing of the federal project with the Federal Highway Administration (FHWA), through an end date of \_\_\_\_\_.

**ATTACHMENT A – 1: MAP**

## **ATTACHMENT B PAYMENT PROVISIONS**

The State agrees to pay the Subrecipient a maximum grant amount of (grant amount) with a Subrecipient match requirement of (match)%.

The Recreational Trails Program (RTP) is a reimbursable grant program and the Subrecipient must pay 100% of the cost of eligible items before submitting a request for reimbursement. The Subrecipient agrees to comply with the Office of Management and Budget (OMB) federal cost principles and administrative regulations as referenced in the grant provisions found in Attachment D, numbers 11 and 12.

All project expenditures submitted to the State for reimbursement must be for direct project costs on allowable activities for the project specified in this agreement. Allowable activities under the RTP Program include: environmental permitting, site planning, engineering and trail design, project oversight and administration, construction and labor, equipment rentals and equipment operators, materials, and supplies. Additional information regarding allowable RTP activities is available at: [http://www.fhwa.dot.gov/environment/recreational\\_trails/index.cfm](http://www.fhwa.dot.gov/environment/recreational_trails/index.cfm).

The State may allow pre-approval project planning and environmental costs to be credited toward the Subrecipient match, limited to costs incurred within 18 months of \_\_\_\_\_, the date of Federal Highway's funding authorization.

Reimbursement requests must include a reimbursement request form, a sponsor's performance report, documentation of the Subrecipient match and supporting documentation for all expenditures as outlined below. Reimbursement forms and performance report templates can be found at: <http://fpr.vermont.gov/recreation/grants/rtp>

Supporting documentation shall accompany all reimbursement requests including copies of invoices with cancelled checks or bank statements, labor report forms, time sheets or other federally acceptable timekeeping records. Statements or invoices with donated services should clearly show the donation was made to the specific trail project and must be signed by the donor.

The State agrees to compensate the Subrecipient for work performed up to the maximum grant amount provided such work is within the scope of the grant and is authorized and approved by the State. 5% of the grant amount may be withheld from the Subrecipient until the project is completed and written confirmation of completion is received by the State. Failure to complete the project as specified in the scope of work outlined in Attachment A above may result in denial of payment.

All invoices and performance report forms should be submitted to:  
Sherry Winnie, Grant Program Manager  
Vermont Department of Forests, Parks & Recreation  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3801

## **ATTACHMENT C: STANDARD STATE PROVISIONS FOR CONTRACTS AND GRANTS**

**(Updated 9/1/15)**

- 1. Entire Agreement:** This Agreement, whether in the form of a Contract, State Funded Grant, or Federally Funded Grant, represents the entire agreement between the parties on the subject matter. All prior agreements, representations, statements, negotiations, and understandings shall have no effect.
- 2. Applicable Law:** This Agreement will be governed by the laws of the State of Vermont.
- 3. Definitions:** For purposes of this Attachment, “Party” shall mean the Contractor, Grantee or Subrecipient, with whom the State of Vermont is executing this Agreement and consistent with the form of the Agreement.
- 4. Appropriations:** If this Agreement extends into more than one fiscal year of the State (July 1 to June 30), and if appropriations are insufficient to support this Agreement, the State may cancel at the end of the fiscal year, or otherwise upon the expiration of existing appropriation authority. In the case that this Agreement is a Grant that is funded in whole or in part by federal funds, and in the event federal funds become unavailable or reduced, the State may suspend or cancel this Grant immediately, and the State shall have no obligation to pay Subrecipient from State revenues.
- 5. No Employee Benefits For Party:** The Party understands that the State will not provide any individual retirement benefits, group life insurance, group health and dental insurance, vacation or sick leave, workers compensation or other benefits or services available to State employees, nor will the state withhold any state or federal taxes except as required under applicable tax laws, which shall be determined in advance of execution of the Agreement. The Party understands that all tax returns required by the Internal Revenue Code and the State of Vermont, including but not limited to income, withholding, sales and use, and rooms and meals, must be filed by the Party, and information as to Agreement income will be provided by the State of Vermont to the Internal Revenue Service and the Vermont Department of Taxes.
- 6. Independence, Liability:** The Party will act in an independent capacity and not as officers or employees of the State.

The Party shall defend the State and its officers and employees against all claims or suits arising in whole or in part from any act or omission of the Party or of any agent of the Party. The State shall notify the Party in the event of any such claim or suit, and the Party shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit.

After a final judgment or settlement the Party may request recoupment of specific defense costs and may file suit in Washington Superior Court requesting recoupment. The Party shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Party.

The Party shall indemnify the State and its officers and employees in the event that the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Party.
- 7. Insurance:** Before commencing work on this Agreement the Party must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Party to maintain current certificates of insurance on file with the state

through the term of the Agreement. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Party for the Party's operations. These are solely minimums that have been established to protect the interests of the State.

Workers Compensation: With respect to all operations performed, the Party shall carry workers' compensation insurance in accordance with the laws of the State of Vermont.

General Liability and Property Damage: With respect to all operations performed under the contract, the Party shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations

Products and Completed Operations

Personal Injury Liability Contractual

Liability

The policy shall be on an occurrence form and limits shall not be less than:

\$1,000,000 Per Occurrence

\$1,000,000 General Aggregate

\$1,000,000 Products/Completed Operations Aggregate

\$ 50,000 Fire/ Legal/Liability

Party shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Agreement.

Automotive Liability: The Party shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Agreement. Limits of coverage shall not be less than: \$1,000,000 combined single limit.

Party shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Agreement.

**8. Reliance by the State on Representations:** All payments by the State under this Agreement will be made in reliance upon the accuracy of all prior representations by the Party, including but not limited to bills, invoices, progress reports and other proofs of work.

**9. Requirement to Have a Single Audit:** In the case that this Agreement is a Grant that is funded in whole or in part by federal funds, the Subrecipient will complete the Subrecipient Annual Report annually within 45 days after its fiscal year end, informing the State of Vermont whether or not a Single Audit is required for the prior fiscal year. If a Single Audit is required, the Subrecipient will submit a copy of the audit report to the granting Party within 9 months. If a single audit is not required, only the Subrecipient Annual Report is required.

For fiscal years ending before December 25, 2015, a Single Audit is required if the subrecipient expends \$500,000 or more in federal assistance during its fiscal year and must be conducted in accordance with OMB Circular A-133. For fiscal years ending on or after December 25, 2015, a Single Audit is required if the subrecipient expends \$750,000 or more in federal assistance during its fiscal year and must be conducted in accordance with 2 CFR Chapter I, Chapter II, Part 200, Subpart F. The Subrecipient Annual Report is required to be submitted within 45 days, whether or not a Single Audit is required.

**10. Records Available for Audit:** The Party shall maintain all records pertaining to performance under this agreement. “Records” means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired by the Party in

the performance of this agreement. Records produced or acquired in a machine readable electronic format shall be maintained in that format. The records described shall be made available at reasonable times during the period of the Agreement and for three years thereafter or for any period required by law for inspection by any authorized representatives of the State or Federal Government. If any litigation, claim, or audit is started before the expiration of the three year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

**11. Fair Employment Practices and Americans with Disabilities Act:** Party agrees to comply with the requirement of Title 21V.S.A. Chapter 5, Subchapter 6, relating to fair employment practices, to the full extent applicable. Party shall also ensure, to the full extent required by the Americans with Disabilities Act of 1990, as amended, that qualified individuals with disabilities receive equitable access to the services, programs, and activities provided by the Party under this Agreement. Party further agrees to include this provision in all subcontracts.

**12. Set Off:** The State may set off any sums which the Party owes the State against any sums due the Party under this Agreement; provided, however, that any set off of amounts due the State of Vermont as taxes shall be in accordance with the procedures more specifically provided hereinafter.

**13. Taxes Due to the State:**

- a. Party understands and acknowledges responsibility, if applicable, for compliance with State tax laws, including income tax withholding for employees performing services within the State, payment of use tax on property used within the State, corporate and/or personal income tax on income earned within the State.
- b. Party certifies under the pains and penalties of perjury that, as of the date the Agreement is signed, the Party is in good standing with respect to, or in full compliance with, a plan to pay any and all taxes due the State of Vermont.
- c. Party understands that final payment under this Agreement may be withheld if the Commissioner of Taxes determines that the Party is not in good standing with respect to or in full compliance with a plan to pay any and all taxes due to the State of Vermont.
- d. Party also understands the State may set off taxes (and related penalties, interest and fees) due to the State of Vermont, but only if the Party has failed to make an appeal within the time allowed by law, or an appeal has been taken and finally determined and the Party has no further legal recourse to contest the amounts due.

**14. Child Support:** (Applicable if the Party is a natural person, not a corporation or partnership.) Party states that, as of the date the Agreement is signed, he/she:

- a. is not under any obligation to pay child support; or
- b. is under such an obligation and is in good standing with respect to that obligation; or
- c. has agreed to a payment plan with the Vermont Office of Child Support Services and is in full compliance with that plan.

Party makes this statement with regard to support owed to any and all children residing in Vermont. In addition, if the Party is a resident of Vermont, Party makes this statement with regard to support owed to any and all children residing in any other state or territory of the United States.

- 15. Sub-Agreements:** Party shall not assign, subcontract or subgrant the performance of this Agreement or any portion thereof to any other Party without the prior written approval of the State. Party also agrees to include in all subcontract or subgrant agreements a tax certification in accordance with paragraph 13 above.
- 16. No Gifts or Gratuities:** Party shall not give title or possession of any thing of substantial value (including property, currency, travel and/or education programs) to any officer or employee of the State during the term of this Agreement.
- 17. Copies:** All written reports prepared under this Agreement will be printed using both sides of the paper.
- 18. Certification Regarding Debarment:** Party certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, neither Party nor Party's principals (officers, directors, owners, or partners) are presently debarred, suspended, proposed for debarment, declared ineligible or excluded from participation in federal programs, or programs supported in whole or in part by federal funds.  
Party further certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, Party is not presently debarred, suspended, nor named on the State's debarment list at: <http://bgs.vermont.gov/purchasing/debarment>
- 19. Certification Regarding Use of State Funds:** In the case that Party is an employer and this Agreement is a State Funded Grant in excess of \$1,001, Party certifies that none of these State funds will be used to interfere with or restrain the exercise of Party's employee's rights with respect to unionization.
- 20. Internal Controls:** In the case that this Agreement is an award that is funded in whole or in part by Federal funds, in accordance with 2 CFR Part II, §200.303, the Party must establish and maintain effective internal control over the Federal award to provide reasonable assurance that the Party is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- 21. Mandatory Disclosures:** In the case that this Agreement is an award funded in whole or in part by Federal funds, in accordance with 2CFR Part II, §200.113, Party must disclose, in a timely manner, in writing to the State, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures may result in the imposition of sanctions which may include disallowance of costs incurred, withholding of payments, termination of the Agreement, suspension/debarment, etc.
- 22. Conflict of Interest:** Party must disclose in writing any potential conflict of interest in accordance with Uniform Guidance §200.112, Bulletin 5 Section X and Bulletin 3.5 Section IV.B.

(End of Standard Provisions)

**ATTACHMENT D**  
**Other Grant Agreement Provisions (updated 9/2/14)**

- 1. Federal Recreational Trails Program legislation and requirements:** The Subrecipient agrees to perform work outlined in this agreement in accordance with federal Recreational Trails Program (RTP) legislation, Title 23 U.S.C. 206, available on the Federal Highway Administration website:  
[http://www.fhwa.dot.gov/environment/recreational\\_trails/index.cfm](http://www.fhwa.dot.gov/environment/recreational_trails/index.cfm)
- 2. Federal laws, restrictions and requirements:** The Subrecipient acknowledges that the funds it is receiving under this agreement are proceeds from the RTP, which are subject to certain legal restrictions and requirements. The Subrecipient agrees to abide by those and all other relevant federal, state, and local laws and regulations in the fulfillment of the project described in Attachment A.
- 3. Compliance with Federal, State and Local Requirements.** The Subrecipient will comply with the requirements of all federal, state, and local laws, ordinances, and regulations applicable to the project.
- 4. Permits:** The Subrecipient shall secure any and all necessary State and local (city/town) permits or clearances for work outlined in this agreement prior to any work being done and pay for all required permits;
- 5. Fair Labor Wages (Davis-Bacon Act):** If an RTP project is within the right-of-way of a Federal-aid highway, Davis-Bacon wage rates under 23 U.S.C. 113 (a) must be followed. If an RTP project is not within the right-of-way of a Federal-aid highway, then 23 U.S.C. 113 (a) does not apply.
- 6. Signage:** Signs which function as traffic control devices must conform with the *Manual on Uniform Traffic Control Devices* (MUTCD). Part IX of the MUTCD, Traffic Controls for Bicycle Facilities, covers the bicycle related signs, pavement markings, and signals which may be used on highways or bikeways. Part IX is applicable to shared use paths (nonmotorized multiple-use trails which may provide a transportation purpose). The publication *Standard Highway Signs* has the detailed drawings for the highway signs prescribed in the MUTCD. These documents are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. See also:  
[http://mutcd.fhwa.dot.gov/ser-shs\\_millennium.htm](http://mutcd.fhwa.dot.gov/ser-shs_millennium.htm).
- 7. Equal Opportunity Plan:** If they are required by the Federal Office of Civil Rights to have a plan, the Subrecipient must provide a copy of the approval of their Equal Opportunity Plan.
- 8. Trail Standards:** Standards for design, construction, rehabilitation, and maintenance of trails shall be used and the State shall provide information to the recipient about available design guide resources for meeting trail standards.
- 9. Section 106 of the National Historic Preservation Act:** This grant agreement will be subject to the State Historic Preservation Office (SHPO) Section 106 archeology clearance including any conditions determined by SHPO, pursuant to Section 106 of the National Historic Preservation Act.

**10. Assurance:** The Subrecipient shall assure that the recreational trail shall remain open, maintained and available for public use consistent with the recreational trail purpose for the useful life of the investment, which is a minimum of «Assurances» years for this project. If the recreational trail ceases to remain open, maintained and available for public use for the minimum of «Assurances» years, the Subrecipient shall be responsible for reimbursing the State and/or Federal funds to the State of Vermont.

**11. Compliance with Cost Principles:** The Subrecipient shall comply with the requirements set forth in 2 CFR Part 225 (superseding OMB Circular A-87 for State and Local Governments including Schools), 2 CFR, Part 230 (superseding OMB Circular A-122 for Non Profit Organizations) as appropriate for the Subrecipient's type of organization.

**12. Compliance with Administrative Regulations:** The Subrecipient shall comply with the requirements of OMB Circular A-102 (State & Local Governments and Schools) or 2 CFR Part 215 (superseding OMB Circular A-110) for Institutions of Higher Education, Hospitals, and Non Profit organizations) as appropriate for the Subrecipient's type of organization.