

FPR OUTDOOR RECREATION GRANTS: PROCUREMENT GUIDANCE FOR GRANTEES



OVERVIEW

For all of FPR's outdoor recreation grants, including the Recreational Trails Program (RTP), Land and Water Conservation Fund (LWCF), and the VOREC Community Grant Program, grantees are required to follow specific procurement procedures. These requirements are specified in the grant agreement, usually under Attachment A, under a provision titled "Procurement Procedures." Review your individual grant agreement for full details.

But what do these requirements for procurement mean? This document is intended for current grantees to supplement the information in your grant agreement. It provides a high-level overview of the requirements and addresses some of the FAQs we've received from grantees in implementing the requirements.

WHAT IS PROCUREMENT?

Procurement is the term the State uses to describe sourcing, securing, and paying for goods and services outside your organization. Common examples of procurement for outdoor recreation grantees include purchasing supplies from a local store, ordering materials or equipment from a specialized provider, contracting a consultant for professional services, and contracting a builder for construction labor, materials, and equipment.

PROCUREMENT REQUIREMENTS

State Requirements

A grantee may follow its own established written procurement procedures and standard bid processes if such procedures and processes obtain optimal solutions at reasonable prices through procurement efforts that are efficient and cost-effective; promote fair and open competition; guard against favoritism, fraud, and corruption; and protect the interest of the State and its taxpayers. When the grantee does not have such written policies, the Grantee shall comply with the State's bidding requirements in the State of Vermont Agency of Administration [Bulletin No. 3.5, Procurement and Contracting Procedures](#).

Bulletin No. 3.5 provides directions and guidance for contracts and leases, including bidding, drafting, signing, managing a contract, subcontracting, and more. It includes definitions, requirements, step-by-step recommendations, and sample materials related to all these phases of procurement. While some of the content in this document is specific to the State systems (for example: named leadership staff for approval of certain expenses), grantees following these requirements should comply with all processes and documentation requirements outlined in Bulletin No. 3.5.

See the FAQ for common examples of how and when Bulletin No. 3.5 applies to grantee projects.

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Federal Requirements

For grants with federal funding such as RTP and LWCF, FPR’s “grantees” are technically sub-recipients of Federal awards administered to the State and thus additional procurement requirements apply.

Federal regulations in [2 C.F.R. Part 200](#) apply to all LWCF and RTP grants. 2 C.F.R. Part 200 establishes uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities. 2 C.F.R. Part 200 explicitly outlines allowable costs for these Federal funds; this cost eligibility applies both to reimbursement requests and to matching funds. 2 C.F.R. Part 200 also provides a list of costs that need pre-approval at the Federal level in order to be eligible.

Additional requirements that are specific to the federal agency providing the funding (Federal Highway Administration for RTP and the National Park Service for LWCF), how legislation applies to the grant program procurement (ex: Davis-Bacon Act, Buy America, Build America Act), and/or how executive orders apply to the grant program are specified in the grant agreement as additional attachments. Please review the federal attachment(s) in your grant agreement, generally Attachments D and/or E, for additional details; sample grant agreements are generally posted online under [each grant program webpage](#).

PROCUREMENT FAQ

Q: My organization has its own procurement procedures. Can I just follow them?

A: Yes, if:

1. Such procedures and processes obtain optimal solutions at reasonable prices through procurement efforts that are efficient and cost-effective; promote fair and open competition; guard against favoritism, fraud, and corruption; and protect the interest of the State and its taxpayers,
2. AND the procedures and processes meet federal requirements, if applicable,
3. AND the written procurement procedures and standard bid processes exist before the start date of your grant agreement.

If you answered “no” to any of the above, then you must follow the state’s procurement processes outlined in [Bulletin 3.5](#), per the requirements in your grant agreement.

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Q: Can I sign a contract before my grant agreement is finalized?

A: No. You must wait to sign any contracts that will be paid with grant funds until after the grant agreement is signed. Your grant agreement might include specific provisions that **MUST** be followed otherwise the costs will not be eligible for reimbursement. Plus, sometimes there are changes to the scope of work made during the grant agreement process which could influence your RFP/contract. Grantees should wait to sign contracts until they have a signed grant agreement.

The main exception to this is if you have been informed your grant requires an [ARA](#) before historical review can be complete. After you've been directed by FPR to complete an ARA to comply with federal grant requirements, you can sign a contract for this and only this scope of work before your grant agreement is executed.

Q: Can I order materials or have a contractor start work before the grant agreement is finalized, and then we just wait to receive an invoice or pay until after the grant start date?

A: No. While we understand grantees are eager to get started, you must wait until the grant agreement is signed to start on any grant-funded work, including purchasing and contracting. In general, expenses incurred before your grant start date are not eligible for reimbursement – and for federal grants, these expenses are often not eligible for match either unless explicitly named in the application guidance.

The main exception to this is if your grant agreement specifically allows for pre-award expenses. If you qualify for pre-award reimbursement, the date work is allowed to begin - and thus expenses are allowed to date back to - will clearly be stated in your Payment Provisions (Attachment B). If a date is not listed, you are not eligible for pre-award reimbursement.

Q: Do I need to solicit bids for purchasing supplies and materials - or just for contracts and services?

A: No, as long as it aligns with your agreement's scope of work, and you are the entity performing the work. Contracts and services should always be a competitive process. Sub-contractors do not need to bid for supplies and materials if they are also in alignment with the scope of work in the agreement because they are already selected under a competitive process. In alignment with our processes, we expect grantees and sub-contractors to obtain optimal solutions at reasonable prices through procurement efforts that are efficient and cost-effective; promote fair and open competition; guard against favoritism, fraud, and corruption; and protect the interest of the State and its taxpayers.

Q: My contract is small. Do I have to follow this?

A: Yes. In these circumstances, the simplest process would be to follow the simplified bid process outlined in Section 9.1 of [Bulletin 3.5](#).

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Q: Does Bulletin 3.5 apply to hiring staff?

A: No. If your organization is hiring staff with grant funds, these procurement procedures do not apply. You should follow your own organizational processes and procedures to select your staff so long as they comply with the requirement of [21 V.S.A. Chapter 5, Subchapter 6](#), relating to fair employment practices to the full extent applicable, and ensure, to the full extent required by the Americans with Disabilities Act of 1990 (per [Attachment C](#)). For federal grants, additional provisions related to hiring/staffing can be found in the federal attachments to your grant agreement.

Q: Where do I find potential contractors?

A: It is the responsibility of the grantee to find contractors for their scope of work. FPR can provide a potential list of contractors if an [ARA](#) is required for your grant, but FPR does not maintain any other lists of contractors. If you are having trouble finding a contractor, you can try searching the [Secretary of State's business registry](#). Consider reaching out to statewide associations/networks such as the Vermont Trails and Greenways Council, Vermont League of Cities and Towns, Common Good Vermont, Vermont Outdoor Business Alliance, etc.

You can also try reaching out to previous FPR grantees who have done similar work to ask for recommendations. While FPR does not share individual grantee contact information, a list of previously awarded organizations and municipalities is generally available on each [grant program webpage](#).

Q: I'm following the State's procurement procedures and I've reached out to three or more potential contractors, but I didn't get three bids back. What do I do?

A: For contracts under \$250,000, if you've reached out to at least three contractors to request bids for a contract, then you've done the right thing! While it's always a best practice to review three complete quotes, sometimes that just doesn't work out. If you're following the state's simplified bid procedures, you have to "Solicit price quotations from 3 or more qualified Suppliers" - but there's nothing in Bulletin 3.5 that dictates all three have to fulfill your request! You can always choose to re-post your RFP if you are not satisfied with the bids you have received, but if you are satisfied with one or more of the bids, from our perspective, you have fulfilled the requirements by reaching out.

All you need to do is just to document which three or more contractors you've reached out to and include confirmations that they received your request (ex: email confirmation, notes from phone calls), and then keep that documentation on file along with whatever bids you received. Once that is complete, you can move forward with making your selection.

If you are following the State's procurement procedures for contracts over \$250,000, additional regulations apply. Review the Standard Bidding Process in Section 9.3 of [Bulletin 3.5](#).

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Q: I have specialty criteria in mind. Can I just do “sole source” and pick the one contractor/company that meets my criteria without getting multiple quotes?

A: Probably not. Unless you have really niche needs and there is only one company/contractor that could do that work for you or there was an emergency that required the work to be completed ASAP, you should follow the simplified bid process. In general, any work related to construction, planning, capacity building, trail design, etc. should have multiple quotes solicited because we know in Vermont there are multiple businesses and nonprofits that do this work.

See Sections 9.5.2 and 9.5.3 related to Sole Source Contracts in [Bulletin 3.5](#) for more details.

If you aren't sure whether or not your needs would meet the requirements for sole source procurement, please reach out to the Grant Programs Team at ANR.FPRRecreationGrants@vermont.gov.

Q: Do I *have* to pick the vendor/contractor with the lowest cost?

A: No. While cost should be a factor, it does not have to be the only factor. If you have additional criteria you're considering, just be sure to document 1) what your criteria are and 2) how your selected contractor meets those criteria. If you're only considering cost, no additional documentation is needed beyond the record of the estimates/bids.

Q: Do I have to go with the contractor who gave me a quote while I was preparing my application?

No. FPR's outdoor recreation grant agreements are focused on the deliverables, and it is up to the grantee to determine how to best accomplish the deliverables. While having a quote from a contractor helps back up your budget estimates during application review, submitting that quote with the application does not obligate you to go with that contractor – nor does it fulfill the procurement procedures all grantees must follow! You still need to put your project out for bid and then you can make your final selection based on cost and other criteria as outlined in this document.

Q: What should go into my contracts? Is there a template?

A: Because FPR's outdoor recreation grant program portfolio spans so many types of work from construction to capacity building to design to programming, we do not have any standard contract templates. That being said, all contracts that will be paid using grant funds should include the state's [Attachment C](#) and federal grants sometimes require additional attachments (see your grant agreement for details). While Bulletin 3.5 outlines specific requirements for state contracts, we recommend you review [Part 10 - Contract Drafting](#) for additional support.

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Q: Do I have to provide all my procurement documentation to FPR?

A: It depends. For most grants, you only need to provide documentation of your procurement process if requested. Documentation required for reimbursement varies, so check your grant agreement (Attachment B) to review the list of materials you need to submit with a reimbursement request. Be sure to maintain all cost documentation, including documentation of your procurement processes, for at least three years after the end of your grant period, or longer if explicitly required in your grant agreement.

LWCF grants require the submission of procurement documentation for all contracts over \$3,000.00. See the Notice of Federal Award attachment in your grant agreement for additional information.

Q: Whoops. I deviated from this. What do I do?

A: Please contact the Grant Programs team at ANR.FPRRecreationGrants@vermont.gov as soon as possible. Stop any work related to the procurement error until the issue is resolved. The Grant Programs team will work with you and other staff in our agency to understand what happened and outline a potential course of action.

Each circumstance is evaluated on a case-by-case basis. In the past, in many cases, we've been able to work with grantees to help correct errors. Sometimes that's been through additional documentation, sometimes it has required amending the grant to remove the scope of work related to the error, and sometimes it has required the grantee to void their contract(s) and start the whole procurement process over again.

Important note: if you have done something that significantly violates Bulletin 3.5, this will most likely impact eligibility to be reimbursed for grant expenses and depending on the circumstance, may impact eligibility for future FPR grants. Please reach out as soon as possible if an error has been discovered to prevent future impacts!