

# **Maine Recreational Trails Program Guidance Manual**



**Grants and Community Recreation Program  
Bureau of Parks and Lands  
MAINE DEPARTMENT OF AGRICULTURE,  
CONSERVATION, AND FORESTRY  
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# ELIGIBILITY & FUNDING LIMITATIONS

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## 1) Program Overview

The Recreational Trails Program (RTP) is an assistance program of the U.S. Department of Transportation's Federal Highway Administration (FHWA). The RTP provides funds to the States to develop and maintain recreational trails and trail-related facilities for motorized and nonmotorized recreational trail uses.

The Fixing America's Surface Transportation (FAST) Act reauthorized the Recreational Trails Program (RTP) for Federal fiscal years 2016 through 2020 as a set-aside of funds from the Transportation Alternatives (TA) Set-Aside under Surface Transportation Block Grant Program (STBG).

Each State:

- receives funds apportioned by statutory formula
- administers its own program, usually through a State resource or park agency
- develops its own procedures to solicit and select projects for funding
- has a State Recreational Trail Advisory Committee to assist with the program that must meet at least one time each fiscal year
  - in some States, the committee selects the projects in others, the committee is advisory only

Maine Bureau of Parks and Lands (BP&L) administers the RTP in Maine. RTP funds represent a portion of the federal gasoline tax attributed to recreation on non-gasoline tax supported roads. The federal government prescribes many of the regulations governing this program.

## 2) Maine Trail Advisory Committee

The Recreational Trails Program requires that each state participating in this program create a State Trail Advisory Committee to provide counsel on RTP matters. The committee must represent both motorized and non-motorized recreational trail users and meet at least once per fiscal year. In Maine, the committee provides advice to the State Trail Administrator (STA) and the Maine BP&L regarding program policies and procedures. The committee also serves as the evaluation team that reviews, scores and recommends RTP projects for funding.

## 3) Eligible Applicants

- a) Grants may be awarded to any of the following (providing trail project is open without limitations)
  - i) Non-profit organizations
  - ii) Municipal agencies (cities, towns, counties, school districts, etc.)
  - iii) State agencies
  - iv) Federal government agencies
  - v) Other governmental entities (Indian tribal governments, regional governments)
  - vi) Private landowners with publicly accessible trails
- b) Applicants with outstanding/incomplete RTP projects from previous years cannot apply for the current round of RTP grants unless all previous RTP projects are completed and closed out (final reimbursement request submitted to STA) by the current RTP application deadline date.

#### 4) Eligible Projects: Permissible uses of RTP grant funds include:

##### a) Development and Acquisition Grants

- i) Maintenance and restoration of existing trails: may be interpreted to include any kind of trail maintenance (except routine maintenance), such as restoration, rehabilitation, or relocation. This category includes maintenance and restoration of trail bridges, or providing appropriate signage along a trail.
- ii) Development and rehabilitation of trailside and trailhead facilities and linkages for recreational trails: may include development or rehabilitation of any trailside or trailhead facility, provided the facility has a direct relationship with a recreational trail. The definition of “rehabilitation” means extensive repair needed to bring a facility up to standards suitable for public use or to protect resources (not routine maintenance)
- iii) Construction of new recreation trails: may include construction of new trail bridges, or providing appropriate signage along a trail.
- iv) Acquisition of easements and fee simple title to property for trail purposes: may include acquisition of old road or railroad bridges to be used as recreational trail bridges. Acquisition of any kind of interest in property must be from a willing landowner/seller – cannot have a signed agreement in place, only a letter stating that landowner is willing to sell.
- v) Improvements to trail access and use for persons with disabilities and/or special needs.
- vi) Creation, expansion, or improvement of water trails may include construction/restoration of boat landing infrastructure, signage, outhouses, portage trails, etc..
- vii) Construction of new trails on federal land provided the project has been approved by the agency(ies) charged with the management of the impacted land.
- viii) Purchase of trail building/grooming machinery\* and equipment (grooming equipment may be eligible depending on funding levels of program.)
  - (1) \*Maine Trails Advisory Committee specifically excludes mechanized equipment from eligibility in Maine.
  - (2) Hand tools are eligible expenses.

##### b) Safety/Environmental Protection Grants

- i) Funding of educational programs to promote safety and environmental protection as they relate to the use of recreational trails.
- ii) Funds can be provided for initial carrying capacity/startup of local projects/programs that the applicant has the ability to sustain after the initial RTP investment;
- iii) Funds can be provided, on an annual basis, for broad based projects/programs. Examples include, but are not limited to:
  - (1) trail safety signage programs
  - (2) programs or activities (including printed material) intended to educate users regarding trail-related environmental issues

(3) production of trail-related educational materials, whether on information displays, in print, video, audio, interactive digital displays, etc.

iv) Funds cannot be provided for construction or maintenance of a trail.

**5) Projects Not Eligible:** The following types of projects are inconsistent with RTP legislation or State RTP program guidelines, and are not eligible for RTP funding:

- a) **Condemned Land** – The RTP legislation prohibits using RTP funds for condemnation of any kind of interest in property, or use of the value of condemned land toward the match requirement for an RTP project. However, an RTP project may be located on land condemned with funds from other sources.
- b) **Feasibility Studies** – Trail feasibility studies are not permitted in the RTP legislation.
- c) **Law Enforcement** – Routine law enforcement is not permitted in the RTP legislation.
- d) **Planning** – Trail planning is not a permissible use of RTP funds.
- e) **Road construction, sidewalks, gardening/landscaping, parks or park equipment, sprinklers, or campgrounds** are not eligible. Campsites however are eligible.
- f) **Construction of motorized recreational trails on National Forest land that has been recommended for Wilderness designation.**
- g) **Upgrading non-motorized trails for motorized use, where motorized use is prohibited or has not occurred.**
- h) **Construction/improvements within a federal, state, county, or town road right-of-way.**
- i) **Funding of staff/intern positions not related to a specific RTP-funded project/program.**

**6) Levels of Funding**

- a) **Safety and Environmental Protection grant awards will not exceed \$5,000.00**
- b) **Development, Acquisition and or Combined grant awards will be funded at two levels:**
  - i) **Regular grants not to exceed \$50,000.00 \*Subject to funding level**
  - ii) **Large Scale Projects – one award up to \$120,000.00 per funding stream (Diverse, Non-Motorized, Motorized) will be considered.**

**7) The RTP is a reimbursement program.**

- a) **The sponsor must pay the project costs before submitting a request for reimbursement.**
- b) **Donations of volunteer labor, materials or services may be used as part or all of the sponsor's match.**
  - i) **Donations are not eligible for reimbursement.**
  - ii) **IF YOU ARE PLANNING DONATED LABOR, SERVICES AND/OR MATERIALS AS PART OF YOUR MATCHING SHARE, CONTACT THE STATE PROJECT OFFICER BEFORE BEGINNING WORK!**
- c) **No costs incurred prior to the date of federal approval and signed project agreements with the state will be eligible for reimbursement. \*\***

- i) **\*\*Design & Engineering** costs incurred within 18 months of the project agreement are eligible as use for project match.
- ii) Costs are incurred when work is performed or goods are received.
- iii) Final request for reimbursement may be submitted after the project ending date provided the costs for which reimbursement is being sought were incurred prior to the project ending date.
- d) Local administrative costs and project indirect costs are not eligible for reimbursement.
- e) Ineligible costs include but are not, limited to, administrator's salaries, telephone, postage, food, travel, (including mileage). If unsure about an item, contact the State Project Officer

## **8) Match Requirement**

- a) RTP Development and Safety/Environmental Protection grants will not exceed 80 percent or the grant cap, whichever is less, of a project's total cost.
- b) RTP Acquisition grants will not exceed 50% of the acquisition cost or the grant cap, whichever is less, of a project's direct property costs.
- c) The RTP grant is a reimbursement grant, meaning the applicant must be able to pay project costs in full as they are incurred prior to submitting requests for reimbursement of the federal share.
  - i) Applicants must provide at least 20% match for development and safety/environmental protection grants and at least 50% for acquisition projects
  - ii) The match may include:
    - (1) Cash – in the form of costs paid by the project sponsor and submitted as match instead of for reimbursement.
    - (2) Value of volunteer labor, equipment, and materials
      - (a) Value of volunteer labor may be calculated using two methods, depending on the type of labor:
        - (i) Professionals – If a person is professionally skilled in the work being donated to the project (i.e., a welder working on a steel trail bridge), the wage rate this individual is normally paid for performing this service may be charged to the project. The rate cannot exceed prevailing wage (excluding common laborer) and/or equipment charges determined by the Maine Department of Transportation (DOT). A list of DOT labor and equipment rates can be found at: <http://www.maine.gov/mdot/csd/laborrates.htm>
        - (ii) All other volunteer (unskilled) labor – Will be charged at the current Independent Sector rate for Maine. [https://independentsector.org/resource/vovt\\_details/](https://independentsector.org/resource/vovt_details/)
      - (b) Volunteer labor, donated equipment and materials may be used as match only and is never a reimbursable item.
      - (c) Volunteer labor must be tracked by logs signed by the volunteers and a supervisor.
    - (3) Other state and local grants, and certain federal grants.
    - (4) Special Note:

- (a) Planning and environmental assessment (including cultural assessment) costs incurred less than 18 months prior to Federal grant approval may be counted toward the applicant's 20% match for development grants. All other costs incurred prior to Federal approval are not eligible for reimbursement and are not eligible to be used as match.

## 9) Eligible Project Costs

- a) Costs associated with project engineering/design and/or project administrative costs.
- b) Employee salary for "on-the-ground" RTP project work in the field.
- c) Consultant/contractor services.
- d) Supplies and materials for grant assisted project work.
- e) Signs and interpretive aids.
- f) Construction, rehabilitation, and maintenance work on trails.
- g) Construction of bridges, railings, ramps, fences and retaining structures.
- h) Bank stabilization, re-vegetation (excluding ornamental landscaping), and erosion control.
- i) Trailhead/side development including parking, restrooms, and related facilities.
- j) Acquisition of land or permanent easements essential to trail access and/or trail development.
- k) Equipment rental.

## 10) Ineligible Project and Match Costs

- a) Food.
- b) Expenses related to the promotion of the organization.
- c) Advertising.
- d) Fund raising.
- e) Facilities that are ornamental and do not have direct benefit to trail users.
- f) Lodging (unless associated with Maine Conservation Corps expenses).
- g) Clothing (T-shirts, hats, etc.,).
- h) General overhead costs (office rent, utilities, office supplies, postage, administrative time etc.).

## 11) Control and Tenure

- a) General Guidance: The applicant must *have adequate control over any land (public or private) to be improved/developed* with RTP grant funds. A general guideline for control and tenure of the property is for the public to have access and use of the RTP-funded trail/facility for:
  - i) at least five (5) years from the time of project completion for regular development grants
  - ii) at least ten (10) years from time of project completion for any project that involves construction of bridges or other significant trail head, trail side or trail structures.

- iii) There are times when 5-10 year tenure is not possible. Please contact program administrator for review on a case by case basis prior to application deadline
- b) Acquisition projects:
  - i) Applicant must retain ownership of the property rights and allow public use in perpetuity. If this condition is not met, applicant must reimburse the full amount of RTP acquisition funds to the Bureau of Parks and Lands for reinvestment in another local RTP project.
    - (1) All easements, leases, licenses, use agreements, or control and tenure must be in place within 60 days of your grant award, otherwise the grant will be forfeited. The only exception is if your grant is an acquisition for land interests
  - ii) For acquisition projects, the applicant must obtain fee and/or easement interests (leases are not eligible for RTP funding) in the property being acquired with RTP funds without any restrictions, reservations, exceptions, third party interests, etc., that would adversely affect the development, management, or use of public trails on the property.

## 12) 40-30-30 Requirement

- a) RTP Legislation (23 U.S.C. 206) requires that States use 40 percent of their funds apportioned in a fiscal year for diverse recreational trail use, 30 percent for motorized trail use, and 30 percent for non-motorized trail use.
  - i) The 40-30-30 requirement applies to development, acquisition, and to the safety and environmental protection projects.
- b) The diverse, motorized, and non-motorized percentages are minimum requirements that must be met, and may be exceeded.
  - i) A project for diverse motorized recreation (such as snowmobile and ATV use) may satisfy the 40 percent diverse use requirement and the 30 percent motorized use requirement simultaneously.
  - ii) A project for diverse non-motorized use (such as pedestrian and bicycle use) may satisfy the 40 percent diverse use requirement and the 30 percent non-motorized use requirement simultaneously.
- c) RTP selection flexibility: Federal Highway Administration established three categories to account for the 40-30-30 requirements. The State Trail Administrator will determine which projects fall under each category, based on trail design and management in relation to funding availability.
  - i) Non-motorized project: A project intended to benefit only non-motorized recreational trail use, such as pedestrian, biking or equestrian use.
  - ii) Diverse use project: A project primarily intended to benefit more than one mode of use. This could be motorized and non-motorized use of a trail, two different types of motorized use i.e. ATV in summer, snowmobile in winter, or any combination of uses. It could also be two types of non-motor use on the same trail (bikes, hikers, horses, etc.) Winter use (skiing, snowshoeing) as opposed to summer use (hiking) on the same trail is not considered diverse use.
  - iii) Motorized use project: A trail project primarily intended to benefit motorized recreational use, such as snowmobiling and/or ATV's. A project may be classified in this category if the project also benefits some non-motorized use but the primary intent must be motorized use.

## 13) Environmental Requirements

- a) Federal RTP guidance requires documentation of compliance with the National Environmental Policy Act (NEPA) and other federal environmental laws, regulations, and Executive Orders as part of an authorized project. Compliance with State environmental laws is also necessary. In most cases, this means a simple certification of compliance by the applicant and not a full document review.
  - i) NEPA compliance is required regardless of where your project is located (federal, state, county, city, or private land) because the Recreational Trails Program is federally funded.
- b) Most eligible projects will qualify as Categorical Exclusions under NEPA (23 CFR 771.117). Each project, however, must be reviewed to assure that it does not have a significant impact on the environment.
  - i) Applicants are required to obtain clearance letters from the Maine Historic Preservation Commission, Maine Natural Areas Program, and the Maine Department of Inland Fisheries and Wildlife-Endangered Species Program, early in the application process.
    - (1) The applicant must address any concerns are raised by these agencies in their application indicating how these concerns are to be addressed to minimize or eliminate any adverse impacts.
    - (2) Projects on federal land are required to certify and document compliance with NEPA and other federal regulatory requirements by Land Manager.
    - (3) Projects on Federal Lands require a record of decision be submitted with the application.

#### **14) Special Instructions**

##### a) Non-profit Applicants

- i) A non-profit organization must provide documentation of its non-profit status and its federal tax identification number as part of the application package.

##### b) Structural Development Projects

- i) Projects that include structural development (bridges, boardwalks, shelters, etc.) are required to have plans and specifications prepared or approved by a professional engineer within 90 days of notice of grant award; otherwise the award will be forfeited.
  - (1) For large bridge projects, additional time may be granted on a case by case basis. Contact the State Trail Administrator for exceptions.
  - (2) All wooden structures (shelters, bridges, boardwalks, etc.,) must be constructed of pressure treated lumber or composite materials to assure longevity of use. Upon approval by the grant administrator, other materials may be used if adequate treatment and/or construction techniques will result in sufficient durability.
  - (3) Structural development projects that will utilize a significant amount of steel are required to adhere to "Buy America" rules.

##### (a) Buy America Requirements

- (i) Quick facts about "Buy America" requirements for Federal-aid highway construction 23 CFR 635.410
- (ii) Buy America applies only to the Federal-aid highway construction program.



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- (iii) Applies to iron and steel products and their coatings. Raw materials were originally included; however, lack of adequate domestic supply resulted in a 1995 nationwide waiver for iron ore, pig iron, reduced/processed/pelletized iron ore, and raw alloys.
- (iv) All manufacturing processes must take place domestically. Manufacturing is any process that modifies the chemical content; physical shape or size; or final finish of a product. Manufacturing begins with the initial melting and mixing, and continues through the bending and coating stages. If a domestic product is taken out of the US for any process, it becomes foreign source material.
- (v) Materials must be permanently installed, not temporary. Temporary materials may be left in place at the contractor's convenience.
- (vi) Minimal Use Criteria - Non-domestic iron and steel materials may be used provided, the cost of such material does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the steel and iron products as they are delivered to the project.
- (vii) Under an alternate bid procedure, foreign source materials may be used if the total contract bid using foreign source materials is 25% less than the lowest total bid using domestic materials.
- (viii) Project specific waivers may be approved by the Regional Administrator.
- (ix) NAFTA does not apply. There is a specific exemption within NAFTA (article 1001) for grant programs such as the Federal-aid highway program. Similarly, the GATT and EEC agreements do not apply.
- (x) Buy America is a separate and distinct program from Buy American. Buy American applies to all federal direct procurements; it covers approximately 100 products and has completely different rules. Requirements are found in 41 U.S.C. 10(a)-10(c).
- (xi) In 1994, a nationwide waiver for specific ferryboat parts came into effect.
- (xii) State restrictions may include additional products but must allow any US domestic source.

FHWA Buy America site <http://www.fhwa.dot.gov/construction/cqit/buyam.cfm> go to the bottom of this page for additional guidance.

### c) Acquisition Projects

- i) Projects for the acquisition of property rights (fee simple and/or easement) must comply with the terms of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 and the applicable requirements and procedures implementing such Act, and other provisions of federal laws and executive orders as identified in the Project Agreement and General Provisions.
- ii) Applicants intending to acquire property are required to obtain an appraisal of the property conducted according to the terms of the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA – “Yellow Book”). Applicants are also required to obtain an appraisal review to ensure compliance with UASFLA.
- iii) Acquisition costs are considered incurred when:

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- (1) A property deed or other conveyance is accepted by the project sponsor; or
  - (2) First payment is made on the subject property to an escrow account/agency for the property.
- iv) RTP funding will not exceed 50% of the fair market value as established by an appraisal in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (Yellow Book), or the grant cap, whichever is the lesser amount. Applicant's match must be costs and/or value of the direct property acquisition. Pre-acquisition costs including, but not limited to survey, appraisal, appraisal review, and administration are not reimbursable and cannot be used as match.
  - v) Donations or partial donations of the property interests being acquired may be used as match, but only for instances where the property interests are being conveyed at less than fair market value as established by an appraisal in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions.
  - vi) Applicant must have public trails developed on the RTP-funded property within three (3) years of receipt of RTP funds; otherwise, applicant must reimburse the full amount of RTP acquisition funds to the Bureau of Parks and Lands for reinvestment in another local RTP project.
  - vii) Property rights acquired using RTP funds must be retained for public use in perpetuity and will be subject to retention and control requirements of the 6(f)(3) provisions of the Land and Water Conservation Fund Act of 1965.
  - viii) Projects involving acquisition may require an extended time line once approved due to the need for the appraisal, appraisal review, and securing any necessary permits. Applicants should allow for these factors if planning an acquisition project.
- d) Combination Acquisition/Development Projects
- i) Applicants can apply for RTP funds to acquire property interests and develop trails on the property being acquired; however, the total RTP request cannot exceed \$35,000.00. Match must meet requirements detailed in Section 1.5 based on how the RTP funds will be split between acquisition costs and development costs.
    - (1) Example
    - (2) Applicant requests \$30,000 in RTP funds for combined acquisition/development project. RTP funds will be split with \$20,000 for land acquisition and \$10,000 for trail development. Applicant's match requirement will be \$20,000 (50%) for the acquisition and \$2,500 (20%) for the trail development.
- e) Combination Acquisition/Development and Safety/Environmental Protection Projects
- i) Applicants can apply for an acquisition or development grant and a Safety/Environmental Protection grant in the same fiscal year.

### 15) Record Retention

- a) All program and financial records shall be retained by the applicant for state and federal audit purposes following completion of the project. At a minimum, the following records will be retained and made available for audit:
  - i) Invoices for purchased materials (including donated materials).

- ii) Invoices for all design and construction costs (including donated services).
- iii) Copies of signed time sheets for all donated labor.
- iv) Cancelled checks, or copies, credit card statements, EFT documentation of payments and or other appropriate proof of payment.

#### **16) Requests for Change in Approved Scope of Project**

- a) Requests for changes to project scope must be submitted in writing to the State Trail Administrator.
  - i) Requests for additional funding will not be considered given that annually, all available funds are allocated to eligible projects and there is no excess funding remaining.
- b) Changes in project scope may be approved by State Trail Administrator.
- c) Requests for an extension of time for completion of a project are strongly discouraged. Awards are made based on applicant's assurances that their project is poised for action and completion within the allowed two year construction window. Extensions will only be granted in the case of significant, unforeseen and documented circumstances that prevented the timely completion of a project.
- d) If approved, a Project Agreement Amendment will be prepared and forwarded to the sponsor for signature.

#### **17) Project Completion**

- a) RTP projects must be completed and final reimbursement requested within the project period identified in the Project Agreement.
  - i) This is typically two full construction seasons for development and acquisition projects
  - ii) SEP projects are limited to one construction season due to FHWA regulations on these funds.
    - (1) Project period will be from time of receipt of fully executed project agreement to September 30<sup>th</sup> (end of Federal fiscal year) of that current year.
- b) Projects will not be extended beyond this time period.
  - i) Any balance of RTP funds remaining after the project period has lapsed will be reallocated to other projects.
- c) All acquisition and or development projects, once completed must submit GIS data for inclusion into the BP&L GIS data layer for public information.
- d) All projects will require a post-completion inspection to ensure that scope of the project has been completed.
  - i) The State Trail Administrator may at his/her discretion, accept a project summary with associated photos supplied by the project sponsor in lieu of a site visit.

#### **18) Signage / Acknowledgement**

- a) Federal Highway requires that "The Recipient shall post in a prominent place on the Facilities, and shall maintain in good condition, a sign, approved by the State, giving public acknowledgment of assistance from the Recreational Trails Program" The sign should be constructed of sturdy material that is permanent, large enough to be clearly visible and located at a prominent access point to the trail area.

- b) The suggested language identifies the site as a cooperative venture, ex:

This "Project name here" (ex. Great Dark Forest Trail Project)  
Developed with assistance provided by the  
Maine Grants & Community Recreation Program  
Bureau of Parks and Lands  
Through the  
Federal Highway Administration Recreational Trails Program

- i) Alternate language may be proposed to the Grants and Community Recreation office for consideration and approval.
- c) Any printed materials such as trail brochures, celebration announcements or website information should also identify the financial partnership of RTP that made the project a reality.
- d) Tools / equipment purchased with RTP funds must be permanently marked acknowledging RTP funding assistance.

### **19) Compliance and Construction Report**

- a) Project progress inspections may be conducted by state or federal employees at any time. This may include on-the-ground project inspection and/or review of the sponsor's RTP records and files.
- b) Upon notification of project completion, BP&L will inspect the project.
- i) Recommendations for corrective action will be made if appropriate.
- ii) Deficiencies, if any, will be corrected and reported in writing to BP&L within four (4) weeks of applicant's receipt of the inspection report.
- iii) A portion of the final reimbursement payment may be withheld pending the final inspection and completion of any corrective measures, if deemed necessary, by the State Trail Administrator, BP&L, Federal Highway Administration, and/or any entity having regulatory jurisdiction over the project.

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# ACCOUNTING PROCEDURES

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## 1) General

- a) A separate project ledger or account must be established for each project. This account must be cross-referenced to the Recreational Trails Program Project (RTP) project number noted on your project agreement.
  - i) The RTP number must be used on all correspondence, contract documents, invoices, payroll or time sheets, equipment use sheets and other project documents.
  - ii) When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs, all grantees receiving federal RTP funds shall clearly state that a portion of the project has been funded with Federal Highway Recreational Trails Program assistance.
- b) The local official records of project expenditures must be retained for three (3) years after final payment or until approval of federal audit, whichever is longer.

## 2) Acquisition Projects

- a) Acquisition of real property, easements or other rights must comply with the terms of Title II and Title III of the uniform relocation Assistance and Real Property Acquisition Policy Act of 1970 and the applicable requirement and procedures. Implementing such Act and other provisions of federal laws and executive orders, and state laws and policies regarding acquisitions.

## 3) Development Projects

- a) Procurement Requirements
  - i) Assuring Lowest Qualified Costs: Project sponsors must work to obtain the lowest project costs for the work performed based on the following thresholds.
    - (1) **Costs under \$5,000** may be negotiated directly with a qualified vendor
    - (2) **Costs anticipated to be \$5,000 - \$10,000** must have three quotes from qualified vendors; the contract awarded to the vendor providing the lowest quote.
      - (a) Request for quotes must include notification of RTP award number, and that the work is partially funded by a Federal Highway grant.
      - (b) Quotes and intent to award must be submitted to Grants & Community Recreation office for review and approval prior to awarding a contract.
    - (3) **Costs at or above \$10,001** must go out to competitive bid. The contract must be awarded to the vendor with the lowest qualified bid price.
      - (a) Bid documents must be publicly advertised, indicate the RTP project number, and indicate that this work is partially funded by a Federal Highway grant.
      - (b) Bid documents must be submitted to the Grants & Community Recreation office for review and approval before public announcement.

- (c) Bid tabulations and intent to award must be submitted to Grants & Community Recreation office for review and approval prior to awarding a contract.
- (4) Requests for reimbursement submitted without complete documentation of this process will not be processed.
- ii) Sole Source Contract
  - (1) \*In cases of procurement of services or materials costing over \$5000, non-competitive proposals may be used only when the award of a contract is not feasible under options “i)” and one of the following circumstances applies:
    - (a) The item is available only from a single source.
    - (b) The public exigency or emergency for the requirement will not permit a delay resulting from public competition.
    - (c) After solicitation of a number of sources, competition is determined inadequate.
  - (2) In all cases of single source procurement, the state project officer must issue prior approval.
- iii) Procurements may not be artificially “split” to avoid competitive requirements.
- iv) Project Sponsors must avoid conflict of interest or the appearance of conflict of interest when soliciting or awarding work on RTP projects.
- v) Fair Market Value
  - (1) As amended in the NHS Act, 23 USC 323 allows a “person” (private individuals, entities, organizations, or corporations) to donate funds, right-of-way, materials, or services (including donated labor) toward the non-federal share of a project. The project sponsor must document the fair market value of newly donated private rights-of-way, materials or services.

#### **4) Record Retention**

- a) All programs and financial records shall be retained by the grant recipient until an audit (acceptable to the state and federal governments) is completed or for a period of three years after project is closed out, whichever occurs last.
- b) At a minimum, the following records shall be maintained and made available for audit:
  - i) Payroll registers by pay period showing names, hours worked, hourly rate, benefits, deductions, gross pay and net pay.
  - ii) Time sheets for all volunteer laborers, signed by both volunteer and supervisor.
  - iii) Invoices for purchased or donated materials.
  - iv) Invoices for all design and construction costs.
  - v) Indicate check number and date paid of each invoice (or credit card receipt)
  - vi) Copies (front & back) of cancelled checks, or copies of electronic payments confirming vendor receipt of payment.

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(1) Note: copies of sponsor's accounting software registers / statements do not qualify as evidence of payment

vii) Copies of all contracts associated with the project.

c) Note that all the above documentation must be submitted with each reimbursement request as proof of the expenses and match value generated during that project period being reimbursed. Capturing these documents as they are generated during the project is strongly advised.

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# BILLING PROCEDURES

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## 1) GENERAL

- a) All requests for reimbursement should be emailed (project number in subject line) to the grant administrator. Complete requests include the reimbursement transmittal form, the reimbursement worksheet summarizing all eligible costs and match items, and documentation of every item listed on the worksheet. Please be sure to include an excel file format version of your worksheet in addition to a signed pdf version.
- b) Requests for reimbursement should be limited to a maximum of three (3: 2 progress, 1 final) over the duration of your project.
  - i) Exceptions may be permitted due to need. Contact grant administrator to discuss options.
- c) The reimbursement request from the project sponsor shall be submitted by email to the Grants and Community Recreation Program. Include project number in email subject line.
  - i) It shall consist of the Work Sheet in the original excel file format which will accompany this document. If you have not received this file, please contact this office before you process your first reimbursement.
    - (1) The work sheet shall be itemized to agree with the project ledger in the order of postings.
      - (a) The top of the sheet is for all costs for which the project sponsor wants reimbursement.
      - (b) The bottom of the sheet is for all costs and in-kind expenses submitted as match.
      - (c) The value of eligible match will determine the maximum allowable reimbursement.
- d) Sponsors will normally receive reimbursement by state check within 4-6 weeks of date of submission of a completely documented reimbursement request.
  - i) Submitting your work form in the original excel format will expedite reimbursement processing.

## 2) DEVELOPMENT PROJECTS: A development project consists of the sponsor constructing recreation facilities as described in the Project Agreement. One copy of each of the following items must be submitted to the state as part of the reimbursement request:

- a) Contracts
  - i) Proof of advertising (when formal public process is used).
  - ii) Bid tabulation (or quotes received for contracts under \$10,001).
  - iii) Copy of signed contracts or purchase orders, including bonds, extra work orders, etc.
  - iv) Copy of each paid invoice.
  - v) Copies of front and back of canceled checks; credit card receipts; proof of electronic payment.
- b) Purchased materials:
  - i) Evidence of best price (quotes, bids, etc.)



- ii) Copies of paid invoices.
- iii) Copies of front and back of canceled checks; credit card receipts; proof of electronic payment.
- c) Force Account Personnel
  - i) Copy of payroll sheets.
  - ii) Copy of time cards or attendance sheets to support payroll.
  - iii) Certification of work by supervisor.
  - iv) Method of determining hourly rate.
- d) Force Account Equipment
  - i) Detailed description of each piece of equipment (model, tonnage, bucket size, drawbar, etc.)
  - ii) Record of time used on project and rate (hours or mileage).
  - iii) Method of computing rates or charges.
- e) Materials drawn from Supply
  - i) Evidence of cost
  - ii) Copy of journal.
- f) Donated materials.
  - i) Itemized list of materials supplied.
  - ii) Value based on cost to donor or reasonable market value.
  - iii) Method of valuation.
- g) Donated services
  - i) Time sheets showing hours worked and work performed.
  - ii) Basis for rates.
  - iii) Itemized list of time and charges.

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# GUIDELINES FOR LABOR & EQUIPMENT RATES

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Equipment Rates can be pulled from either Maine DOT rental rates or FEMA rates. Generally, FEMA rates are more comprehensive in the numbers and types of equipment listed.

Maine DOT labor / rental rates can be found here- <http://maine.gov/mdot/csd/laborrates.htm>

FEMA - <https://www.fema.gov/schedule-equipment-rates>

Unskilled Labor----- \$22.53 per hour\*\*\*

\*\* Per hour of "USE" means actual hours the equipment is being used / operated, not the total time it spends on site.

\*\*\*Or current rate established by Independent Sector – please check with State Trail Administrator for current rate before submitting any reimbursement.