

# **INSTRUCTIONS FOR APPROVED PROJECTS**

## **Recreation Grant Programs**

Revised February 2017



PWD BK P4000-1146

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# **Section 1**

## **INTRODUCTION**



Dear Sponsor:

Congratulations! We are pleased that you have been awarded a grant under the Recreation Grants Program.

These instructions are designed to provide step-by-step directions for project administration until completion. We have provided several flow charts and a number of checklists I hope you will find helpful. We suggest you provide a complete copy of this set of instructions to the person who will be responsible on a daily basis for coordinating the grant for you.

We are excited to offer our new online grants management system. This is where you will be able to manage your project and upload required information. The system can be located at: <https://tpwd-recgrants.fluidreview.com>.

Also included is a directory of the Recreation Grants Branch Staff. We suggest that you schedule an individual pre-construction procedural meeting in order to discuss program acquisition, development, and reimbursement guidelines. Please schedule with the appropriate staff member or call us at 512/389-8224.

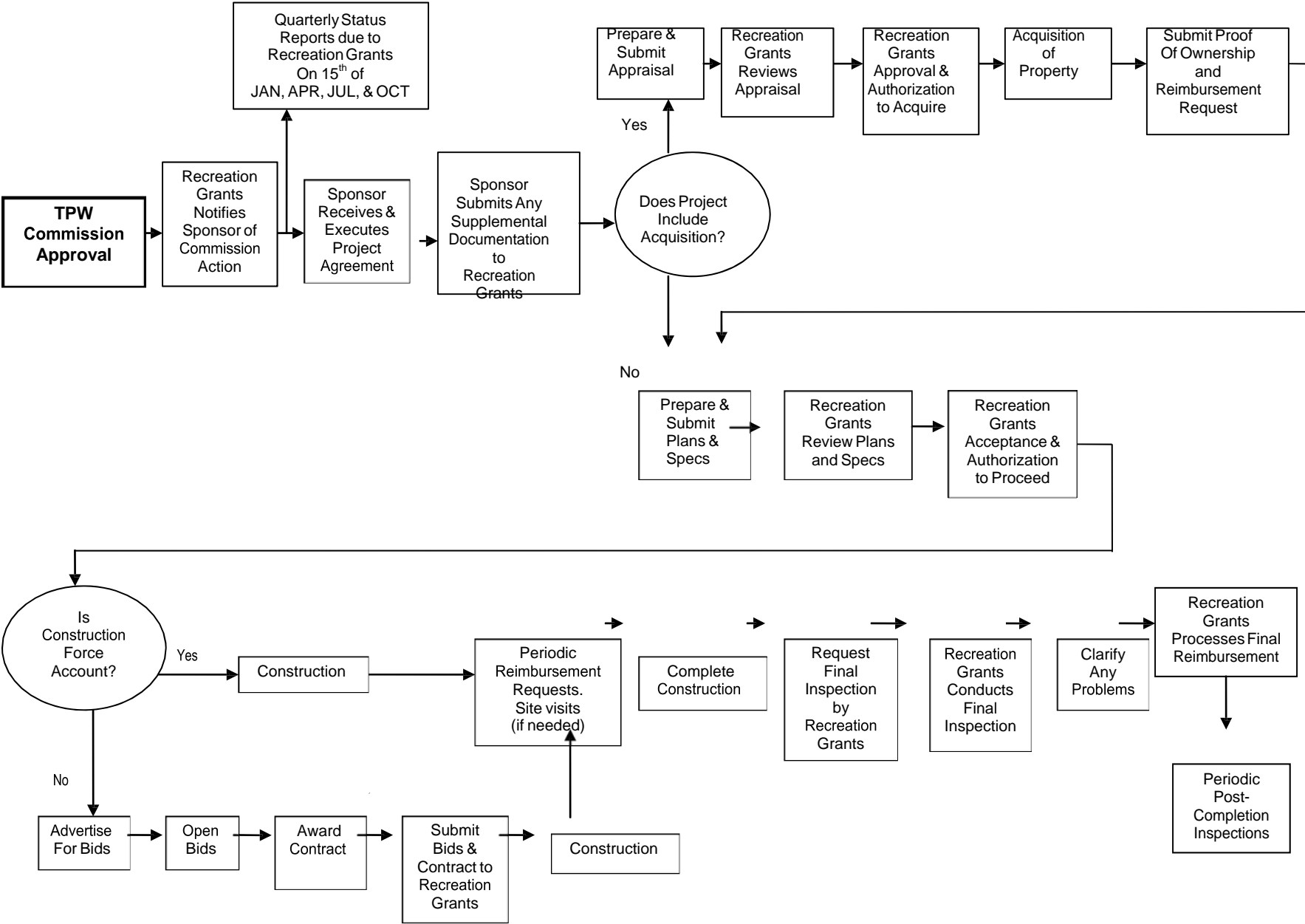
We look forward to the successful completion of the project and hope our partnership will be productive.

Sincerely,

Tim Hogsett, CPRP  
Director  
Recreation Grants Branch

TH:ww

# GRANT PROCESS FLOW CHART



## Recreation Grants Branch Directory

<p style="text-align: center;"><b>Mailing Address:</b>                  Texas Parks &amp; Wildlife                  Recreation Grants Branch                  4200 Smith School Road                  Austin, Texas 78744</p>	<p style="text-align: center;"><b>Office Location:</b>                  Texas Parks &amp; Wildlife                  Recreation Grants Branch                  1340 Airport Commerce Drive                  Building 6, Suite 600A                  Austin, Texas 78741</p>
<p><b>Website:</b> <a href="http://www.tpwd.state.tx.us/business/grants/">http://www.tpwd.state.tx.us/business/grants/</a></p> <p><b>Online Grants Management System:</b> <a href="https://tpwd-recgrants.fluidreview.com">https://tpwd-recgrants.fluidreview.com</a></p> <p><b>Email:</b> <a href="mailto:Rec.Grants@tpwd.state.tx.us">Rec.Grants@tpwd.state.tx.us</a></p> <p><b>Telephone:</b> (512) 389-8224  <b>Fax:</b> (512) 389-8242</p> <p><b>TPWD Main Numbers:</b> 1-800-792-1112 or (512) 389-4800</p>	

- Tim Hogsett, Director** ..... 389-8224
- Local Park Grants Section Manager**.....389-8175
- Fiscal Section Manager**..... 389-8714
- Community Outdoor Outreach Program Manager** ..... 389-8245
- Non-TRPA Grants (Boating, Trail, & Pump-out) Manager** ..... 389-8743
- Office Manager** ..... 389-8775

## **Section 2**

# **QUARTERLY STATUS REPORTS**

## **Quarterly Status Reports**

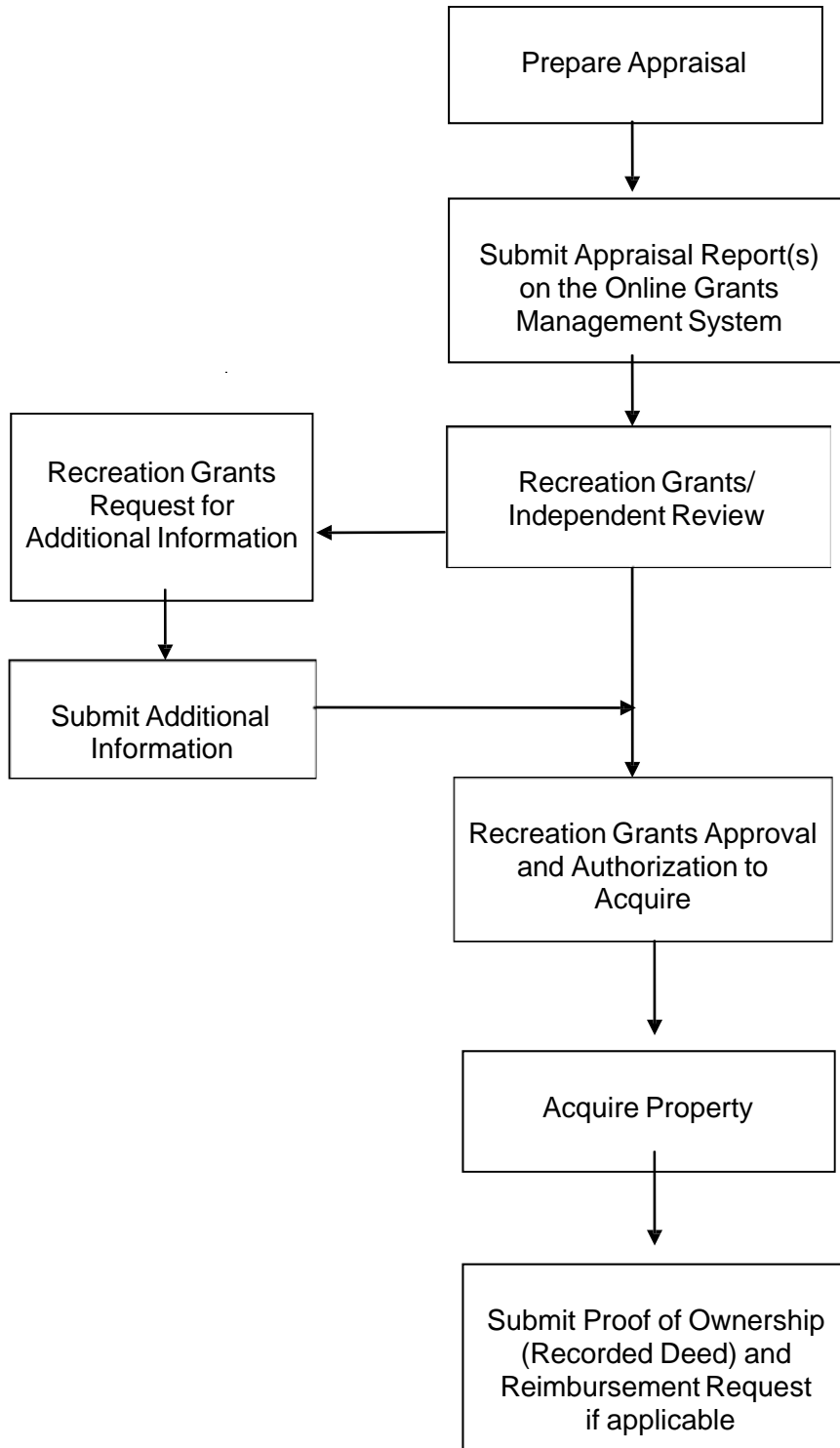
Quarterly status reports must be completed to the online grants management system at: <https://tpwd-recgrants.fluidreview.com> and should be provided **on or before the 15<sup>th</sup> of January, April, July and October.** Please discuss your progress with appraisal and land transfer negotiations, construction of project elements, reimbursement requests, any problems incurred, requested changes to the contract, and the feasibility of meeting compliance deadlines and project expiration date. You may upload photos showing the project progress to the quarterly status reports.



## **Section 3**

# **LAND ACQUISITION PROCESS**

# LAND ACQUISITION FLOW CHART



## **ACQUISITION METHODS**

**1. Methods of Acquisition.** Acquisition of land and water, or interests therein, may be accomplished through purchase, eminent domain, transfer, donation, sponsor owned non dedicated park land used as match. The Department encourages public policies and procedures for the acquisition of real property that are fair and consistent, and directed toward giving the property owner the full measure of compensation authorized by law, promptly, with a minimum of inconvenience, and without prolonged negotiation or costly litigation.

Real property should be appraised before the initiation of negotiations. Program assistance will be based on the current fair market value of real property as established by an independent appraisal reviewed and approved by the Department. Property owners shall be afforded an opportunity to accompany the appraiser during the inspection of the property.

If a partial taking would leave the owner with an uneconomic remnant, the sponsor shall offer to acquire the entire property.

In determining the boundaries of a project, the sponsor should take into account human considerations, including the economic and social effects of the acquisition and subsequent development on owners and tenants in the adjacent area, in addition to engineering and other factors.

- A. Acquisition by Donation. One appraisal report is required for all projects involving the donation of real property or interests therein for determination of matching share.
- B. Acquisition by Purchase. The sponsor should contact the landowner to determine availability of the property. An appraisal should be prepared according to the Appraisal guidelines and submitted to the Department for review/approval.
- C. Sponsor Owned Land Used as Match. An appraisal report is required to establish the level of program assistance, when sponsor owned, non-dedicated parkland is used as the local match.
- D. Eminent Domain/Condemnation. When lands are acquired through judicial proceedings, the price determined by the court will be accepted by the Department. The Department, however, will not be obligated to match an amount higher than the approved support ceiling of the project. Every reasonable effort should be made to acquire real property by means other than eminent domain or condemnation. Condemnation should not be advanced or delayed in order to induce an agreement on price. If an agreement does not appear possible after a reasonable period of negotiation, the project sponsor may, if authorized by law, institute condemnation proceedings.

**2. Basis for Assistance.** Generally, the market value standard will be used as the basic measure of program assistance on acquisitions. Program assistance shall be based upon evidence of this value. When determined by the Department to be capital costs and when other pertinent conditions are met, any degree of long term interest in real property can be considered for matching aid, whether purchased by or donated to the project sponsor. Properly documented costs of severance damage may be matched. Severance damage is the diminution in value of the remaining land due to the land taken and is considered to be an inherent part of just compensation. The only incidental costs of acquisition which may be matched are appraisal and boundary survey costs for non-Land & Water Conservation Fund Projects.

**3. Department Action on Acquisition Documents.** The Department will review appraisal reports for adequacy and consistency. Other documents may also be checked to determine whether they adequately serve the purposes intended for them. Additional information, including a new appraisal, may be required when circumstances so warrant.

- 4. Waiver of Requirements.** The Department may waive any of its documentation or payment requirements upon request or upon its own initiative, when in the opinion of the Department a requirement is not necessitated by law and does not reduce any protections provided by the Grants Manual. When such a waiver is given, the Department reserves the right to establish suitable and reasonable conditions under which the waiver may be operative.

### **Additional Administrative Requirements**

- 1. Statement on Differences in Value.** An appraisal, if competently compiled by a qualified person, should be an acceptable estimate of property value; it cannot be assumed, however, to be an absolute statement of value. The approved appraisal value is a basis for helping establish the level of grant support.
- 2. Reservations and Outstanding Rights.** To stretch the dollars spent, the project sponsor might wish to purchase less than fee simple title. This would be permissible when fee simple title is excessively expensive, and a lesser control of the area will not detract from the recreation use of the land and not have significant impact on the environment.
- 3. The Department will not obtain a legal right or title to any area or facility acquired with Texas Parks and Wildlife assistance.**
- 4. Evidence of Title.** The Department must have on file satisfactory evidence of the purchase price and a description of the character and nature of the title received by the sponsor before the Department reimburses grant funds. Evidence of title, such as the executed and recorded deed, title insurance, or other means considered reasonable and adequate, must also be available to the Department before requesting reimbursement.

A survey may be required by the Department when there is reasonable doubt about the exact location of the boundary or of the size of the tract being acquired.

- 5. Responsibility for Quieting Title or for Replacement of Properties Acquired with Defective Title.** The sponsor is responsible for quieting claims against title and for replacing property found to have defective title with other properties of equivalent value, usefulness, and location acceptable to the Department.
- 6. Acquisition of Interest in Real Property.** The acquisition of easements, rights-of-way, etc., will be viewed in the same light as full takings. Documentation of value by appraisal will be the same. The project proposal should adequately explain why lesser interests are to be acquired.
- 7. Acquisitions Involving Relocations.** The Department will not assist with relocation costs for persons displaced by grant-assisted property acquisition. It is the sole responsibility of the grant sponsor to bear these relocation costs. It is also the responsibility of the sponsor to follow the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act related to benefits and payments for displaced persons.

# **APPRAISAL**

**NOTE:** In order to ensure the appraisal report contains the content required, the grant sponsor needs to provide the appraiser with a copy of these Appraisal guidelines.

- 1. Type of Appraisal.** The sponsor shall secure an appraisal of the appropriate type by a State of Texas Certified General Real Estate Appraiser for all real property to be taken. All work by the appraiser must conform to the current version of *Uniform Standards of Professional Appraisal Practice* (USPAP) and to the standards set forth below in “A.” or “B.” The appraisal will be submitted to the Department for review unless otherwise noted or requested. The value established by the appraisal report should not be older than one year from the date of its submittal to the Department for review.

The type of appraisal required depends on the source of grant funding. When Federal Funds are involved, the standards under “A.” apply. If only State Funds are involved, then the appraisal standards under “B.” below apply.

- A. Appraisal Standards – Federal Funds.** When Federal Funds are involved, standards for appraisals shall be those set forth in the current versions of USPAP and *Uniform Appraisal Standards for Federal Land Acquisition* (“Yellow Book”) which can be found on the U. S. Department of Justice’s internet website: <http://www.usdoj.gov/enrd/land-ack/>. Strict compliance with Yellow Book standards is required.

Sponsors should be aware that the Yellow Book requires an appraisal which is more elaborate and more detailed than the typical appraisal assignment. Appraisal reports which are described as “summary” typically do not meet Yellow Book standards. Also, sponsors should bear in mind that most appraisers have never performed a Yellow Book appraisal. Due to the complexity of the requirements, most appraisers without Yellow Book experience have difficulty complying with them. **If sponsors decide it is necessary to hire an appraiser without previous Yellow Book experience, they should ensure that the appraiser has obtained a copy of the Yellow Book and examined it before submitting a fee proposal. Appraisal costs are not reimbursable for Land and Water Conservation Fund projects.**

- B. Appraisal Standards – State Funds.** When State Funds are involved, the formality and detail of required documentation will be determined by USPAP and, as described below, by the value of the real property involved in each instance. Depending on value, the Department will require detailed appraisal reports, abbreviated appraisal reports, or written findings of value. A detailed appraisal is required for all projects involving the donation of real property or interests therein.

- (1) Detailed Appraisal Report.** If an acquisition will cost more than \$25,000 the project sponsor will apply the following appraisal requirements.

The report on any individual property may vary depending upon the type of property under appraisal. Additional data may be required in the case of highly specialized properties. Items may be deleted as in the case of land valuation only. Generally, however, all items must be considered by the appraiser and included in the report unless otherwise requested and agreed to by the Department, and omissions must be explained by narrative.

The Appraisal Report should cover the following: Opportunity to Accompany. Property owners (or a designated representative) shall be afforded an opportunity to accompany the appraisers during the inspection of the property. The appraisal report shall indicate whether or not the owner or representative accompanied the appraiser.

- (a) Qualifications. Statement of qualifications (education, experience, professional memberships, publications, list of clientele, State of Texas Certification number, and date of expiration) of all appraisers and/or technicians contributing to the report.
- (b) Statement of Limiting Conditions. The appraiser should provide clear concise statements of all assumptions and conditions, including the following specifics:
  - (i) That the title to the property is marketable,
  - (ii) That the appraiser assumes no responsibility for legal matters, and
  - (iii) That all data furnished by others are presumed correct.
- (c) Purpose of the Appraisal. This shall include a definition of all values required and appraised, a statement of the property interest to be acquired (fee simple, surface estate, fraction of minerals, etc.) and the date of value.
- (d) Identification of Property. Legal description of the whole tract and that portion to be acquired.
- (e) City and Area Data. This data (mostly social and economic) should be kept to a minimum and include only such information as directly affects the property being appraised.
- (f) Property Data.
  - (i) Site. Describe accessibility, road frontage (including front feet), soil, topography, views, vegetation, drainage (including flood plain), mineral deposits, easements, availability of utilities, hazardous substances, etc. If there is an indication that mineral deposits have more than a nominal commercial value, this fact shall be clearly stated.
  - (ii) Easements. Describe all known easements. If land is to be acquired over which the sponsor has limited control or use, such as land encumbered by easements, proper adjustments must be made in the appraisal to reflect the limited control. If no adverse easements exist, report should so state.
  - (iii) Improvements. This shall be by narrative description, including dimensions of principal buildings and/or improvements. A floor plan and location of each building is required.
  - (iv) Equipment. This shall be by narrative description including the condition of equipment.
  - (v) Condition. The actual age, current physical condition and any functional obsolescence shall be stated for each item or group appraised and, whenever applicable, the repair or replacement requirements to bring the property to usable condition.

- (vi) Assessed Value and Annual Tax Load. Include the Central Appraisal District's estimated current market values for land and improvements, assessed values, tax rate and dollar amount of real estate taxes.
  - (vii) Zoning. Describe the zoning for the subject.
  - (viii) Restrictive Covenants. Describe any restrictive covenants or other land use regulations, for example the Endangered Species Act, affecting subject.
- (g) Analysis of Highest and Best Use. The report shall state the highest and best use that can be made of the property (land and improvements and where applicable, machinery and equipment). The valuation shall be based on this use. In no case shall the land be appraised for one highest and best use and the value of the improvements added when they do not contribute to the fair market value of the land under the highest and best use. Such special purpose appraisals are not allowable.

Also, subdivision development should not be selected as a highest and best use in the absence of strong evidence that such use of the property would be feasible. The evidence required includes a detailed development plan showing streets, utilities, lot sizes and locations; market research to locate finished comparable lot sales; estimates of the time periods required to obtain approval of the subdivision plat and to complete construction of streets, utilities, drainage facilities, etc.; a detailed absorption study estimating a sell-out period for all the lots; a well-supported estimate of direct costs of development, including surveying, design, engineering, permitting, clearing, dirt work, sewers, storm drains, water lines, other utilities, streets, curbs and gutters; a detailed estimate of indirect costs including financing, insurance, real estate taxes, sales commissions and advertising, accounting, legal, closing costs, project supervision costs, developer's overhead and profit; a strongly supported estimate of an appropriate discount rate. The subdivision development approach to land value should not be utilized when sufficient comparable sales are available with which to reliably estimate land value by the sales comparison approach.

Additionally, recreation should only be selected as a highest and best use when private sector recreation sales are used as comparable sales. If no non-public recreation sales are available, a highest and best use other than recreation should be selected and supported with like-type comparables.

- (h) Land Value. The appraiser's opinion of the value of the land shall be based upon its highest and best use, regardless of any existing structures and shall be supported by confirmed recent factual data (sales, contracts and offerings) of comparable, or nearly comparable parcels of land having the same or similar highest and best uses. Differences shall be weighed and explained to show how they indicate the value of the land being appraised.
- (i) Value Estimate by Comparative (Market) Approach. All comparable sales used shall be confirmed by the buyer, seller, broker, or other person having knowledge of the price, terms and conditions of sale. Each comparable sale shall be weighed and explained in relation to the subject property to indicate the reasoning behind the appraiser's final value estimate from this approach.

For acquisitions, which involve properties with man-made improvements, the following methodology must be followed by the appraiser for the valuation of such improvements.

- i) If the highest and best use of the property is determined to be for "recreation":
  - (a') Fair market value must be justified utilizing private sector recreation properties as comparable sales.
  - (b') Improvements on the property which are for recreation (and are therefore potentially eligible for program assistance) must be valued at their "current depreciated value."
  - (c') Improvements on the property which cannot be utilized for recreation must be assessed for salvage/scrap value. (Such improvements are not eligible for grant support.)
- (ii) If the highest and best use of the property is determined to be for "other than recreation":
  - (a') Improvements which are for "recreation use" must be assessed for their salvage/scrap value. (The salvage/scrap value can be eligible for grant support).
  - (b') Improvements which are for "other than recreation use" must be valued at their depreciated value. These improvements are eligible for grant assistance only if they are to be demolished/removed from the site, or if the improvements are to be utilized for (or in support of) recreation activities. To be grant supported, the improvements must either be handicapped accessible in their current state, or they must have the ability to be modified and made accessible, pursuant to state law requirements.
- (j) Value Estimate by Cost Approach. This section shall be in the form of computational data, arranged in sequence, beginning with reproduction or replacement cost, and shall state the source (book, page and page date, if a national service) of all figures used. The dollar amounts of physical deterioration and functional and economic obsolescence, or the omission of same, shall be explained in narrative form. Developer's profit, if any is appropriate, shall be considered. This procedure may be omitted on improvements, both real and personal, for which only a salvage or scrap value is estimated.
- (k) Value Estimate by Income Approach.

NOTE: The Department will not reimburse the sponsor for the value of land determined by the income approach method.
- (l) Interpretation and Correlation of Estimates. The appraiser shall interpret the foregoing estimates and shall state the reasons why one or more of the conclusions reached in items (j) and (k) are indicative of the market value.
- (m) Tabulation of History of Conveyance (property sales and transfers). Include parties to the transactions, dates of purchase, financing and amounts of consideration for three years prior to date of value, unless more years are specifically requested. Include, if the information is available, any offers to buy or sell the property under appraisal. Information to be reported shall include the appraiser's opinion as to whether the sale price in the more recent transactions represented market value at the time, and, if not, the reasons for the appraiser's conclusion. If the purchaser is a governmental entity, discuss whether its power of condemnation affected the sale price. An unsupported statement that the sale did not represent market value, or was not an arms-length



transaction, is unacceptable. Bearing in mind that a prior sale of the subject is frequently more comparable than a sale of any other property, explain how the transactions involving subject relate to the value conclusion stated in the report.

(n) Certification of Appraiser.

(i) He/she has personally inspected the property. Statement that the owner or representative had the opportunity to accompany the appraiser at the time of property inspection, and whether he/she accompanied the appraiser.

(ii) He/she has no present or contemplated interest in the property.

(iii) That in his/her opinion the market value of the taking as of \_\_\_\_\_  
(Valuation date)

is \$ \_\_\_\_\_.

\_\_\_\_\_  
(Signature)

(o) Exhibits and Addenda.

(i) Subject location Map. Include the city or area.

(ii) Comparable Map Data. Show geographic location of the appraised property and the comparable sales analyzed.

(iii) Comparable Data Details. A listing of sale price, property type, grantor, grantee, recording data, rights conveyed (fee simple, surface estate, fraction of minerals, etc.) sale date, financing, confirmation (person), present use, highest and best use, zoning, land size, shape, topography, mineral deposits, vegetation, flood information, and a brief narrative describing physical characteristics, public utilities associated with the land, deed restrictions, easements, and any other information deemed pertinent. Supply a photograph and plat for each comparable property.

(iv) Plat of subject. Include a metes and bounds description and/or a survey with legible dimensions.

(v) Floor Plans. Include when needed to explain the value estimate.

(vi) Photographs. Include photographs of site's road frontage, vegetation, views, topographic features, etc. Pictures shall show at least the front elevation of the major improvements, plus any unusual features. When a large number of buildings are involved, including duplicates, one picture may be used for each type. All graphic material shall include captions.

(vii) Other Pertinent Exhibits. Include as deemed appropriate.

**(2). Abbreviated Appraisal Report.** An abbreviated appraisal report, compiled by a qualified appraiser and adequately related to comparable sales, is acceptable for a parcel with a value estimate between \$1,000 and up to and including \$25,000. The abbreviated report should include:

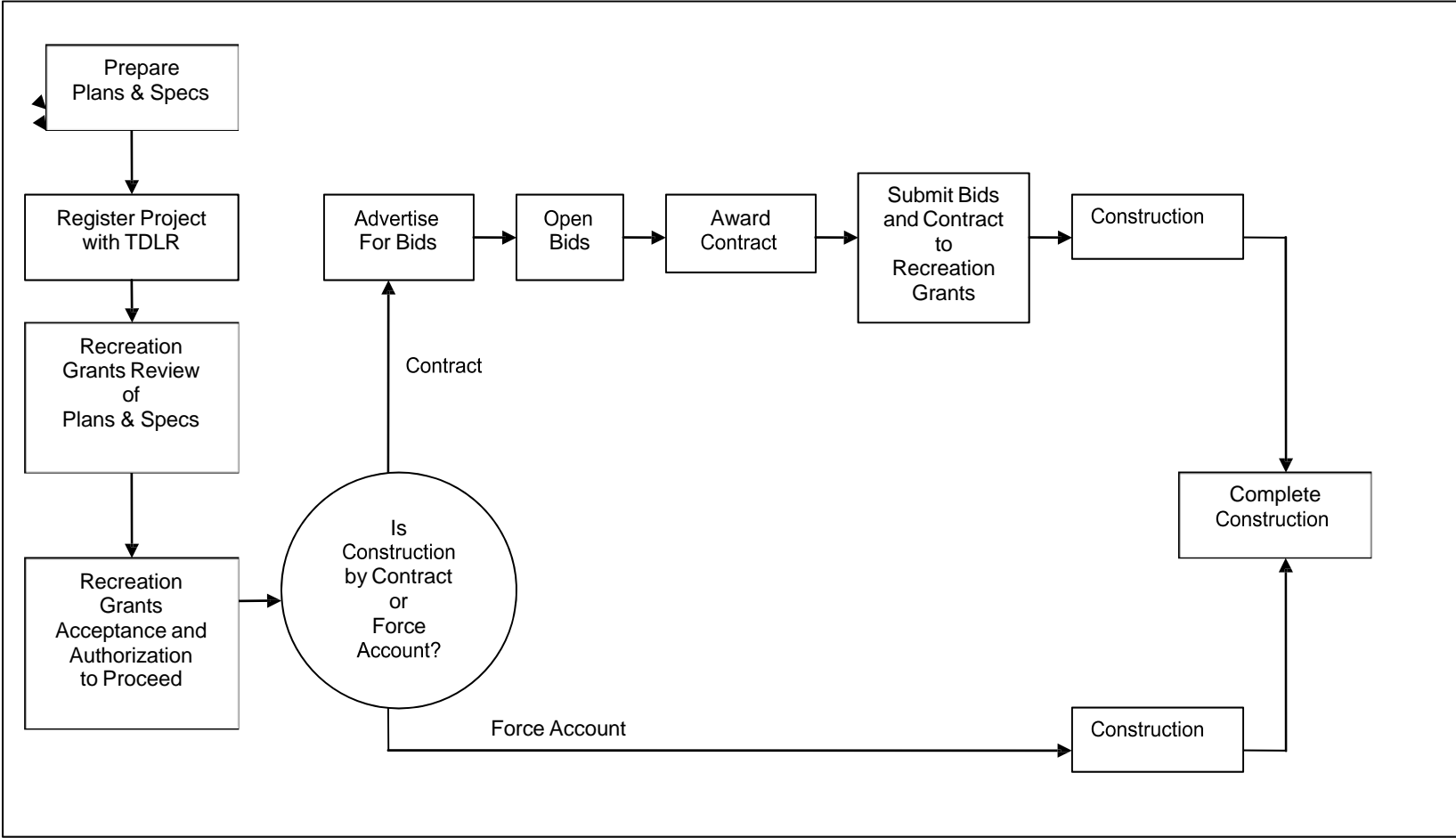
(1) A brief description of the subject property to include physical characteristics, present use, zoning, public utilities associated with the land, deed restrictions, easements and any other pertinent information.

- (2) A legal description of the real property to be acquired and a plat.
  - (3) State the property interest to be acquired (fee simple, surface estate, fraction of minerals).
  - (4) Assessed Value and Annual Tax Load. Include the Central Appraisal District's estimated current market values for land and improvements, assessed values, tax rate and dollar amount of real estate taxes.
  - (5) Tabulation of History of Conveyance (property sales and transfers). Include parties to the transactions, dates of purchase, financing and amounts of consideration for three years prior to date of value, unless more years are specifically requested. Include, if the information is available, any offers to buy or sell the property under appraisal. Information to be reported shall include the appraiser's opinion as to whether the sale price in the more recent transactions represented market value at the time, and, if not, the reasons for the appraiser's conclusion. If the purchaser is a governmental entity, discuss whether its power of condemnation affected the sale price. An unsupported statement that the sale did not represent market value, or was not an arms-length transaction, is unacceptable. Bearing in mind that a prior sale of the subject is frequently more comparable than a sale of any other property, explain how the transactions involving subject relate to the value conclusion stated in the report.
  - (6) An analysis and statement of the property's highest and best use.
  - (7) Supporting data, including two or three comparable real property sales, a brief analysis of those sales, and a map showing their locations relative to the land to be acquired.
  - (8) The appraiser's certification and signature. See Item 5.B. (1) (o) Certification of Appraiser.
  - (9) The date the value estimate applies.
  - (10) Statement of qualifications (education, experience, professional memberships, publications, list of clientele, State of Texas Certification number, and date of expiration) of all appraisers and/or technicians contributing to the report.
  - (11) Location Map. Include the city or area.
  - (12) Boundary Map (Plat). Include a metes and bounds description or survey with legible dimensions.
- (3). Finding of Value.** Where a parcel has a value of \$1,000 or less and the expense of an appraisal would be disproportionate to its benefit, a written finding of value by a qualified appraiser will be acceptable for approval. This finding of value can be based on the individual's knowledge of land values, but should include a statement of the appraiser's experience and qualifications, including a short description of the factors considered and the means by which a conclusion was reached. These statements should be sufficiently detailed so as to enable the Department to judge their respective merits.

## **Section 4**

# **DESIGN/DEVELOPMENT PROCESS**

**DESIGN/DEVELOPMENT FLOW CHART**



## **DESIGN/DEVELOPMENT INSTRUCTIONS**

This section contains instructions for projects which will develop recreation facilities. Included are the elements required for submission of plans and specifications, requirements for handicapped accessibility, and instructions for the required program recognition signs.

### **PLANS AND SPECIFICATIONS**

The Recreation Grants Staff reviews all plans and specifications. Plans and specifications must be uploaded on our Online Grants Management System at: <https://tpwd-recgrants.fluidreview.com>.

Plans and specifications will not be considered for review unless they bear the registration seal and signature of the designer, who is reminded that ethically his seal should appear only on documents for which he is personally responsible for and technically proficient. All plans and specifications must be accepted by the Department prior to awarding of the construction contract, or if by Force, the construction of the elements.

Permits or letters of approval from other applicable state agencies must accompany upload, if not furnished previously. (Examples: Texas Historical Commission for archaeological clearance, Army Corps of Engineers evaluation & permit, U.S. Fish & Wildlife survey & permit.)

Bid proposals must identify costs of any portion of the work not supported by Fund assistance. These costs must be easily separated for audit purposes.

Plans and specifications are not required on items such as playground equipment, picnic tables, and benches to be purchased; however, the manufacturer's name and model number must be furnished. Plans and specifications for the installation must also be uploaded.

### **TYPES OF REVIEW ACTION**

The sponsor will be informed of the result of the Department review:

1. Accepted as submitted/notice to proceed;
2. Conditional Acceptance/notice to proceed with exceptions;
3. Accepted certain portions as submitted or noted/notice to proceed with exceptions; or
4. Not accepted pending resubmittal.

## **PLANS REVIEW TIMING**

A minimum of thirty (30) days should be allowed for review. Consultation or applicant conferences with review personnel regarding the plans will be by appointment.

## **DEPARTMENT PLANS REVIEW LIMITS**

The Department staff is a reviewing body only, and may not act as designers nor furnish detailed estimates.

## **ACCESSIBILITY REQUIREMENTS**

Projects are required to comply with the Texas Accessibility Standards (TAS) established by the Texas Department of Licensing and Regulation (TDLR) under the Elimination of Architectural Barriers Act, Texas Government Code, Chapter 469 and Texas Occupations Code, Chapter 51. Contact TDLR at:

<http://www.license.state.tx.us/ab/abtas.htm>

Elimination of Architectural Barriers Program  
Texas Department of Licensing & Regulation  
P.O. Box 12157  
Austin, TX 78711  
1-877-278-0999

## **CIVIL RIGHTS REQUIREMENTS**

The contractor is required to comply with regulations issued pursuant to the Civil Rights Act of 1964 with respect to nondiscrimination in assisted programs of the Department.

The following provisions, known as the EQUAL OPPORTUNITY CLAUSE are to be incorporated verbatim in each contract and must be included in the plans and specifications submitted for TPWD review.

“During the performance of this contract, the contractor agrees as follows:

1. The contractor will not discriminate against any employee or applicant for employment because of race, religion, creed, color, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, creed, color, or national origin. Such action shall include but not be limited to employment, upgrading, demotion or transfer, recruitment or retirement, advertising, layoff or termination, rates of pay or other forms of compensation, and selection training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the non-discrimination clause.
2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, creed, color, sex, or national origin.
3. The contractor will send to each labor union or representative of workers with whom he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order Number 11246, as amended in 3 CFR 169 (1974), and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The contractor will comply with all provisions of Executive Order Number 11246, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.
5. The contractor will furnish all information and reports required by Executive Order 11246, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
6. In the event of the contractor's non-compliance with the non-discrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order Number 11246, as amended or by rules, regulations, or orders of the Secretary of Labor, or as otherwise provided by law.

7. The contractor will include the provisions of Paragraphs 1 and 7 in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order Number 11246, as amended, so that such provisions will be binding upon each subcontractor or purchase order, as the contracting agency may direct as a means of enforcing such provisions, including sanctions for non-compliance; provided however, that in the event the contractor becomes involved in or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interest of the United States.”

## **CONTRACT AND BOND REQUIREMENTS**

Contracts awarded under the grant are required to follow Texas competitive bidding procedures in accordance with Local Government Code Chapters 252, 262, and 375. Construction Manager-Agent Method requirements are covered in Government Code Chapter 2269.

Standard construction practices recommend a bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

Pursuant to the Texas Uniform Grant and Contract Management Act, the following minimum requirements apply to all contracts exceeding \$50,000 in total value:

1. A Performance Bond on the part of the contractor for 100 percent (%) of the contract price. A Performance Bond is one executed in connection with a contract to secure fulfillment of all the contractor’s obligations under such a contract.
2. A Payment Bond on the part of the contractor for 100 percent (%) of the contract price. A payment Bond is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and materials in the execution of the work provided for in the contract.
3. In lieu of the bond requirements for contracts less than \$50,000 a provision that no money will be paid to the contractor until completion and acceptance may be included in the contract.

The sponsor shall include, in addition to provisions to define a sound and complete contract agreement, the following provision in all contracts:

1. Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.
2. All contracts, amounts for which are more than \$10,000 shall contain suitable provisions for termination by the sponsor including the manner by which it will be affected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated or default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

## **WAGES**

Contractors are required to comply with the Texas prevailing wages requirements established in Government Code Ch. 2258.



## **WORKERS' COMPENSATION**

The sponsor shall comply with the Reporting Requirements for Building or Construction Projects for Governmental Entities of 28 TAC 110.110.

Additional information regarding these requirements may be obtained from:

Texas Department of Insurance  
Division of Workers' Compensation (DWC)  
7551 Metro Center Drive, Suite 100  
Austin, TX 78744-1609  
512/804-4000  
<http://www.tdi.state.tx.us/wc/indexwc.html>

## **PERMITS**

The sponsor shall insure that all applicable permits or approvals have been obtained prior to construction. A copy of these approvals or permits shall be provided to the Department. Examples include, but are not limited to:

1. Comptroller of Public Accounts for tax permits
2. Corps of Engineers Permit for construction in water of the United States
3. Texas Department of Health approval of new water or sewage systems
4. Texas Commission on Environmental Quality for storm water and air permitting

## **Native Planting Requirement**

To encourage the use of native plants, grant funds will not be allowed toward the purchase and plantings of any non-native or invasive plant species. An exception to native plantings is made in circumstances such as in the grass turf that can be contained in the baseball field, though thought here should also be given to native alternatives. Additional information regarding native plants can be found at <http://tpid.tpwd.state.tx.us/> as well as at <http://www.wildflower.org/plants/> a native planting list if applicable is required to be submitted through the online grants management system at: <https://tpwd-recgrants.fluidreview.com>.

## **ACKNOWLEDGEMENT SIGNS**

On-site program acknowledgement signs are required for all approved acquisition and construction projects. Signage requirements include a temporary sign which should be displayed throughout the activity stages of a project (once land acquisitions are complete – if applicable), and a permanent sign or plaque which must be installed and maintained at the site.


Costs for program acknowledgement signs are reimbursable for approved projects if included in the “Budget Summary.”

Examples of both temporary and permanent acknowledgement signs for **state funded projects** are shown below. Information shown on the examples is the minimum information required.

### **TEMPORARY SIGN (Minimum Size – 4’ x 8’)**

The (City/County/District) of [REDACTED]		
Public Recreation Site (Acquisition/Development) Project		
Funding assistance from a portion of the state sales tax on sporting goods		
Through the LOCAL PARK GRANT PROGRAM		
Administered by Texas Parks & Wildlife Department		
FUNDING		
State of Texas	50%	\$ 500,000
(City/County/District)	50%	\$ 500,000
Total Project		\$ 1,000,000

### **PERMANENT SIGN OR PLAQUE (Minimum Size – 18” x 24”)**

	A TEXAS LOCAL PARK GRANT PROJECT
Funded in part from a portion of the state sales tax on sporting goods	
Administered by Recreation Grants Branch	

Use these samples **only for projects supported with Local Park Grant Program** funds.

## **LAND AND WATER CONSERVATION FUND**

### **PROJECT ACKNOWLEDGEMENT SIGNS**

On-site program acknowledgement signs are required for all approved acquisition and construction projects. Signage requirements include a temporary sign which should be displayed throughout the activity stages of a project (once land acquisitions are complete – if applicable), and a permanent sign or plaque which must be installed and maintained at the site.



Costs for program acknowledgement signs are reimbursable for approved projects if included in the “Budget Summary.”

Examples of both temporary and permanent acknowledgement signs for **federally funded** projects are shown below. Information shown on the examples is the minimum information required.

#### **TEMPORARY SIGN (Minimum Size – 4’ x 8’)**

The (City/County/District) of [REDACTED]			
Public Recreation Site (Acquisition/Development) Project			
With Funding Assistance through			
LAND AND WATER CONSERVATION FUND			
U.S. Department of the Interior, National Park Service			
Administered by the Texas Parks & Wildlife Department			
		FUNDING	
Land and Water Conservation Fund	50%	\$	500,000
(City/County/District)	50%	\$	500,000
Total Project		\$	1,000,000

#### **PERMANENT SIGN OR PLAQUE (Minimum Size – 18” x 24”)**

	
A LAND AND WATER CONSERVATION FUND PROGRAM PROJECT	
Funding Assistance through	
U.S. Department of the Interior, National Park Service	
Administered by Texas Parks & Wildlife Department	

**Use LWCF wording only if notified by the Department that a project will receive federal funding.**

**BOATING ACCESS**

**TEMPORARY SIGN (Minimum Size – 4' x 8')**



THE (CITY/COUNTY/DISTRICT) OF (SPONSOR'S NAME)

A PUBLIC BOATING ACCESS SITE AIDED BY  
THE FEDERAL AID IN SPORT FISH RESTORATION ACT  
Funded by Federal Gasoline Taxes Paid by Recreational Boaters

ADMINISTERED BY  
TEXAS PARKS AND WILDLIFE DEPARTMENT  
FOR THE  
U.S. DEPARTMENT OF THE INTERIOR/FISH & WILDLIFE SERVICE

<u>FUNDING</u>		
Federal Aid	75%	\$300,000
<u>(City/County/District)</u>	<u>25%</u>	<u>\$100,000</u>
Total Project		\$400,000

**PERMANENT SIGN OR PLAQUE (Minimum Size – 10" x 12")**

	<b>Project Name</b>	
	A Federal Aid In Sport Fish Restoration Act Project	
	Funded by Federal Gasoline Taxes paid by Recreational Boaters	
	Sponsored By	
	The City/County/District of (Sponsor's Name)	
	Texas Parks & Wildlife Department	
	U.S. Department Of Interior/Fish & Wildlife Service	

**SAMPLE RESOLUTION #1 – NATURAL AREA/OPEN SPACE/WETLAND**

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF XYZ

I, Jane M. Doe, being the current City Clerk of the City of XYZ, Texas, do hereby certify that the attached is a true and correct copy of Resolution No. R01-28, passed and approved by the City Council of the City of XYZ, Texas, on the 12<sup>th</sup> day of July, 20XX, and such Resolution was duly passed and approved at a meeting open to the public and notices of the meeting, giving the dates, place and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this 12<sup>th</sup> day of July, 20\_\_\_\_.

\_\_\_\_\_  
Jane M. Doe  
City Clerk

**SAMPLE RESOLUTION #2 – NATURAL AREA/OPEN SPACE/WETLAND**

**RESOLUTION NO. ###**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF XYZ, TEXAS, DEDICATING FIVE (5) ACRES OF PARKLAND ALONG THE CREEK/DRAINAGE WAY IN THE XYZ COMMUNITY PARK AS DESCRIBED IN EXHIBIT (A) ATTACHED AS NATURAL AREA/OPEN SPACE/WETLAND FOR PERPETUITY, AS REQUIRED BY THE TEXAS PARKS AND WILDLIFE DEPARTMENT; APPROVING THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER AND MAYOR; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the XYZ City Council desires to provide quality park facilities for the residents of XYZ; and

**WHEREAS**, the City of XYZ has obtained a grant from the Texas Parks and Wildlife Department for the development of a community park and desires to comply with all of the requirements set forth in the grant.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF XYZ, TEXAS THAT;**

**SECTION 1.** In order to fulfill the requirements of the Texas Parks and Wildlife Department's grant to the City of XYZ, the City Council of XYZ, Texas hereby designates five acres of parkland in the XYZ Community Park for Natural Area/Open Space/Wetland

**SECTION 2.** The Mayor of the City of XYZ, along with the City Manager, are hereby authorized to execute the appropriate documents approving the terms and conditions of the agreement with the Texas Parks and Wildlife Department.

**SECTION 3.** Any prior Resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

**SECTION 4.** Should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

**SECTION 5.** This Resolution shall take effect immediately from and after its passage and it is so duly resolved.

**DULY PASSED AND ADOPTED** by the City Council of the City of XYZ, Texas, on this the 12<sup>th</sup> day of July, 20XX.

**APPROVED:**

\_\_\_\_\_  
John M. Smith, Mayor  
XYZ City Council

**ATTEST:**

\_\_\_\_\_  
Jane Doe, Interim City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Robert Lawyer, City Attorney

**SAMPLE RESOLUTION #3 – NATURAL AREA/OPEN SPACE/WETLAND**

**EXHIBIT “A”**

Please use copy of Official Site Plan/Boundary Map  
Showing the location of the Natural Area/Open Space/Wetland

And/or

Include a Metes and Bound Description specifically outlining the boundaries  
of the Natural Area/Open Space/Wetland.

**SAMPLE EXHIBIT "A"**

Being a parcel or tract of land situated about 1-1/3 miles southwest from the public square of Sulphur Springs in Hopkins County, Texas, a part of the Jose Y'Barbo Survey, A-1102, and described by metes and bounds as follows:

**BEGINNING** at a point in the east boundary line of that certain 27-acre tract of land set aside to Robert E. Lanier in deed of partition dated April 17, 1972, from Carrie Sue Lanier et al, to each other, of record in Vol. 340, page 281, Deed Records of Hopkins County, Texas, South 1 deg. 20 min, east 208.7 feet from the northeast corner of the aforesaid 1-acre tract devised to George Walter Greenway;

**THENCE** South 89 deg. 10 min. west with the south boundary line of the aforesaid 1-acre tract, 208.7 feet to the southwest corner of said 1-acre tract, for the northwest corner of this tract;

**THENCE** South 1 deg. 20 min. east and parallel with the east boundary line of said 27-acre tract, 208.7 feet to a point for the southwest corner of this tract;

**THENCE** North 89 deg. 10 min. east and parallel with the north boundary line of said 27-acre tract 208.7 feet to a point in the east boundary line of said 27-acre tract, for the southeast corner of this tract;

**THENCE** North 1 deg. 20 min. west with the east boundary line of said 27-acre tract, 208.7 feet to the place of beginning.

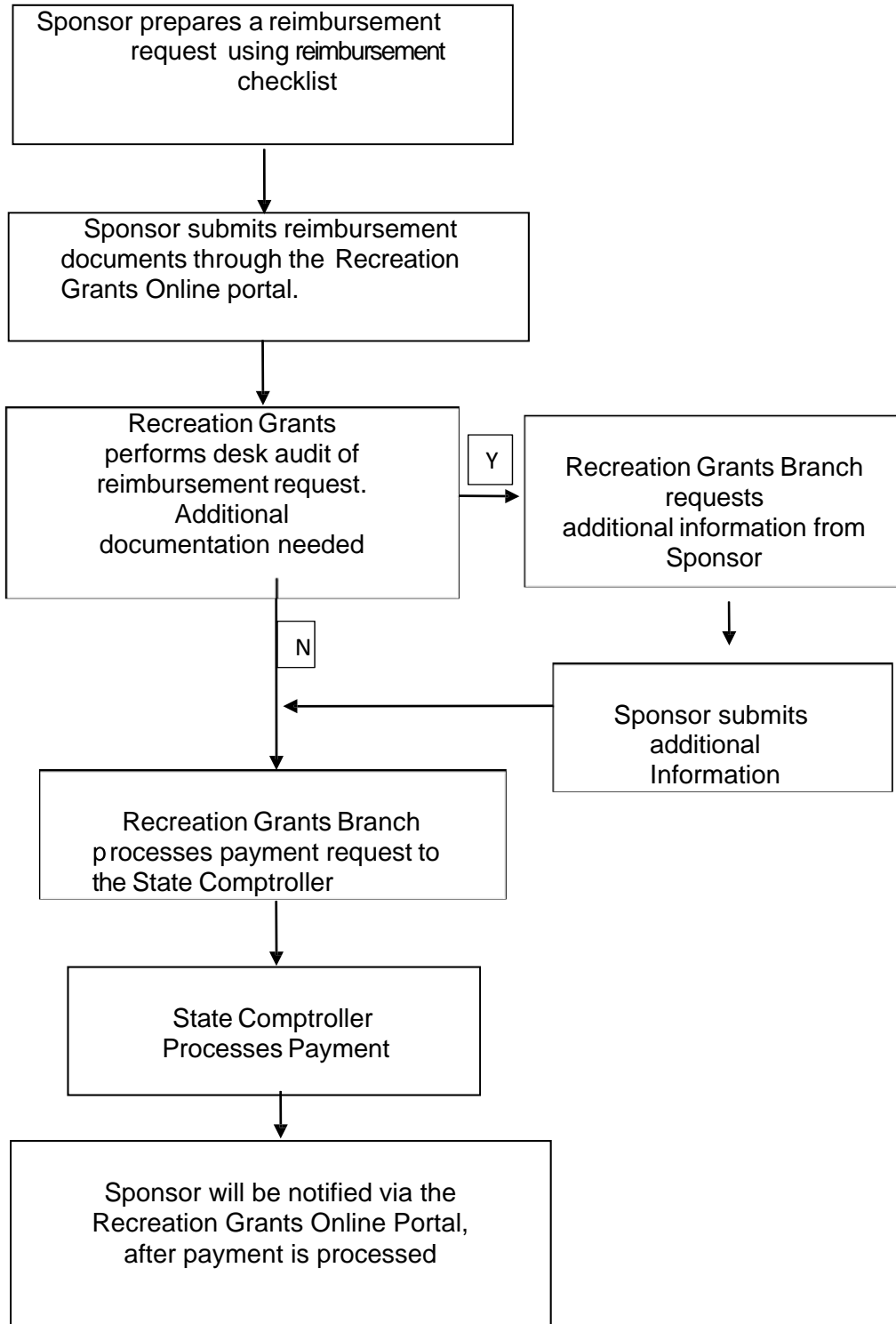
(THIS DOCUMENT STAMPED AND RECORDED AT THE COUNTY COURTHOUSE)



## **Section 5**

# **REIMBURSEMENT PROCESS**

## REIMBURSEMENT FLOW CHART



## **GRANT REIMBURSEMENT PROCEDURES**

The following information is a general outline of the procedures for requesting reimbursement under the Recreation grants program. Reimbursement is made only after the sponsor has incurred and paid for the grant related expense. **Each reimbursement request are required to be submitted as a single pdf document through the Recreation Grants online grants management portal at: <https://tpwd-recgrants.fluidreview.com>.** A confirmation email will be transmitted to the sponsor upon successful submission of reimbursement.

It is requested that sponsors submit reimbursement requests on a regular basis, quarterly if possible, to prevent large outstanding grant balances. For example, the Recreational Trail Program grants are federal funds administered by the Federal Highway Administration (FHWA). There is a directive from FHWA that the funds be utilized in a timely manner. If reimbursement requests are not submitted in two (2) consecutive quarters, the project will appear on a FHWA “inactive list” and the project sponsor will be required to justify why the project is not progressing. Projects that are “inactive” and have no financial activity for more than three (3) quarters may have their funding de-obligated and rescinded by FHWA.

Project sponsors should be aware of the period of performance of their grant(s). Expenses incurred before the grant effective date or after the grant expiration date are not eligible for reimbursement.

### **GENERAL REIMBURSEMENT INFORMATION**

Since projects differ in scope, the information contained herein can only be of a general nature. These procedures are for sponsor use in submitting reimbursement requests for work completed.

A link to the Reimbursement Request checklist is located within the Request Reimbursement task and needs to be referenced in preparation of the reimbursement. Any inquiries regarding the eligibility of an expenditure item should be directed to the individual program managers or their staff.

In grants involving construction, eligible expenses will be reimbursed up to 95% of grant funds pending an onsite final inspection of the project. The Recreation Grants Staff must be notified when a project is complete in order to schedule the final inspection.

Financial records, supporting documents, statistical records, and all other records pertinent to the grant shall be retained for a period of three years after final payment (state), after final expenditure report (federal); except the records shall be retained beyond the three-year period if audit findings have not been resolved. The Department, State Comptroller of Public Accounts, State Auditor Office, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Sponsor which are pertinent to a specific project for the purpose of making audits, examinations, excerpts and transcripts.

### **SINGLE AUDIT**

**It is the responsibility of the grant Sponsor to have a Single Audit done annually according to the Texas Single Audit Circular and submitted to the Department when completed. Non-Federal entities that expend \$750,000 or more during a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507) and 2 CFR Part 200, Subpart F found at [www.ecfr.gov](http://www.ecfr.gov).**

## **COST PRINCIPLES**

To be allowable under Federal or state awards, costs must meet the following general criteria:

- Be necessary and reasonable for proper and efficient performance and administration of Federal or state awards.
- Be allocable to Federal or state awards under the provisions of 2 CFR 200 and the State of Texas Uniform Grant Management Standards (UGMS) guidance.
- Be authorized or not prohibited under State or local laws or regulations
- Conform to any limitations or exclusions set forth in these principles, Federal or state laws, terms and conditions of the Federal or state award, or other governing regulations as to types or amounts of cost items
- Be consistent with policies, regulations, and procedures that apply uniformly to both Federal or state awards and other activities of the governmental unit.
- Be accorded consistent treatment. A cost may not be assigned to a Federal or state award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal or state award as an indirect cost.
- Except as otherwise provided for in the 2 CFR 200 and UGMS circulars, be determined in accordance with generally accepted accounting principles.
- Not be included as a cost or used to meet cost sharing or matching requirements of any other Federal or state award in either the current or a prior period, except as specifically provided by Federal or state law or regulation.
- Be the net of all applicable credits.
- Be adequately documented. Documentation required may include, but is not limited to, travel records, time sheets, invoices, proof of payment, contracts, mileage records, billing records, and other documentation that verifies the expenditure amount and appropriateness to the grant.

### **Reasonable costs**

- A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. The question of reasonableness is particularly important when governmental units or components are predominately state or federally-funded. In determining reasonableness of a given cost, consideration shall be given to:
  - a) Whether the cost is of a type generally recognized as ordinary and necessary for the performance of the Federal or State award.
  - b) The restraints or requirements by such factors as: sound business practices; arm's length bargaining; Federal, State and other laws and regulations; and, terms and conditions of the Federal or state award.
  - c) Market prices for comparable goods or services.
  - d) Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the governmental unit, its employees, the public at large, and the state or Federal government.
  - e) Significant deviations from the established practices of the governmental unit which may unjustifiably increase the Federal or state award's cost

#### Allocable costs

- A cost is allocable to a particular cost objective if the goods and services involved are chargeable or assignable to such cost objective in accordance with relative benefits received.

#### **ALLOWABLE EXPENDITURES**

Costs must be necessary and reasonable for proper and efficient operation of the grant project, be an allowable expense toward project construction, and not be a general operating expense required to carry out the overall responsibilities of state or local government.

Expenditures must be authorized (or not prohibited) under state or local laws and regulations.

Expenditures must conform to the limitations of manuals, state law, federal law, or other governing limitations in the agreement as to type or amount of costs.

Matching reimbursement of Professional Services (architectural/engineering) is limited to 12% of the budgeted grant construction amount. This allows the Department to allocate more funds to the construction of recreational facilities. Environmental survey costs may be considered above the 12% professional services limit on a case-by-case basis. Design fees will not be reimbursed until project construction plans and specifications have been reviewed and accepted by the Department.

For projects with land acquisition in the scope, appraisal costs are allowable up to 5% of appraisal value or maximum of \$10,000.00, whichever is less. **Appraisal costs are not reimbursable for grants associated with Land & Water Conservation funds.**

The sponsor will be notified if eligible expenses are disallowed. Items disallowed may be paid on the next reimbursement request if the sponsor provides the information requested and if expenses are justified.

#### **NON-ALLOWABLE EXPENDITURES**

- Expenditures must not be charged or ineligible to be charged to any other grant-financed program unless otherwise permitted by specific program guidance.
- Ceremonial or entertainment expenses
- Alcoholic beverages
- Expenses for publicity (except for competitive bid advertisement)
- Charges for deficits or overdrafts
- Sales tax
- Interest expenses
- Damage judgments arising out of the acquisition, construction, or equipping of a facility, whether determined by judicial decision, arbitration, or otherwise
- Incidental costs relating to acquisition of real property and of interests in real property, such as the cost of legal fees and relocation costs
- Operation and maintenance costs of recreation areas and facilities (unless otherwise specified)

## NON-ALLOWABLE EXPENDITURES (Cont'd)

- The value of personal property, (unless otherwise specified)
- Cost of discounts not taken and finance charges
- Employee facilities, including residences, appliances, office equipment, furniture, and utensils  
Donations or contributions made by the sponsor, such as to a charitable organization
- Salaries and expenses and other administrative costs of a political subdivision, not related to project construction
- Fines and penalties
- Appraisal costs associated with Land & Water Conservation Funds
- Costs related to the collection of an unpaid debt
- Indirect costs (unless otherwise specified)
- Used supplies/equipment (unless otherwise specified)

## SUPPORTING DOCUMENTS

### 1. Bid Advertisement and Tabulation

A copy of the published bid advertisement and the tabulation of all bids received are required. If applicable, provide justification for not going with the lowest bid. Please contact staff if you have questions.

### 2. Contract Documents

A copy of the executed contract(s) issued on the contract must be submitted.

### 3. Invoices

The invoice must identify the project element for which materials or services are being used. For example, if a portion of the invoice is for water system and the other portion for electrical system, a break out of each element must be noted.

### 4. Contractor's Application for Payment

A copy of the contractor's application for payment (including detail sheets) or voucher must be submitted.

### 5. Proof of Payment

Adequate proof of payment, such as cancelled checks, bank statements, or wire transfers are required for proof of payment. The amount charged to the grant project must be clearly defined

### 6. Force Account Records

When force account costs are reported, the sponsor may use either the Department's Work Record form or their local work records, including computer information, providing required data is submitted with each reimbursement request. (It is recommended that the sponsor receive prior format approval.)

- A. Personnel:** The disbursements for this section of the form will be obtained from the sponsor's payroll records. Work records must define actual days and hours worked.
- B. Equipment:** A brief description of the equipment, including costs code number assigned, hours/miles used, the established average rate, and total cost is needed
- C. Fringe Benefits:** Fringe benefits include, but are not limited to, the costs of leave, employee insurance, pensions, and unemployment benefit plans. (except as provided in UGMS/ 2 CFR 200, the costs of fringe benefits are allowable to the extent that the benefits are reasonable and are required by law, governmental unit-employee agreement, or an established policy of the governmental unit.
- D. In-Stock Materials:** If the sponsor uses materials from warehouse stock, a list must be furnished to the Department giving description of materials, cost of material, and for what construction element the materials were used. Materials must be at actual cost, less discounts, rebates, etc., with no profit to the sponsor. The sponsor should maintain inventory, and documentation of material cost must be furnished to the Department.
- E. Certification:** The work record must be certified by the sponsor. Individuals donating labor must sign the work record form as certification.

**7. Certification of Donated Labor or Service**

When an individual is donating labor or service in their specialized trade such as electrician, brick layer, carpenter, etc., a “Certification of Donated Labor or Service” should be completed and submitted with the signed work record for reimbursement. Additional documentation to substantiate the hourly rate may be required.

**8. Spreadsheet**

A spreadsheet prepared by the sponsor should be submitted with each reimbursement request. The purpose of this spreadsheet is to allocate expenditures to the appropriate budget element thus expediting payment. The spreadsheet totals by budget element should match the amounts listed in the Budget Summary.

**9. Budget Summary**

For construction grants, a copy of the Budget Summary will be provided by Recreation Grants. The Budget Summary should reflect the actual project costs to date. The total of the Construction section should include actual costs. If applicable, retainage should be deducted and listed on a separate line. The amounts listed in the Approved Costs column for each construction element item are estimates. Actual expenditures may be above or below the estimated amounts. However, total reimbursements will not exceed the project award.

We suggest sponsors that are not self-performing grant elements work with contractors to ensure that the bids identify the elements included in the Budget Summary. If bids contain work items not in the grant project, they must be clearly identified.



## **CONSTRUCTION METHODS**

### **CONTRACT BID CONSTRUCTION**

Political subdivisions must comply with the Local Government Code Chapters 252, 262, and 375 requirements governing advertisement of bids. It is the responsibility of the sponsor to adhere to all local, state, and federal laws and regulations regarding bidding procedures. These procedures generally require award of a construction contract to the lowest qualified bidder. If applicable, the sponsor must submit written justification as to why the contract should not be awarded to the lowest bidder; the Department must concur with the justification. The Department requires that a copy of the bid advertisement and the tabulation of all bids received before reimbursing any contract expenditures. Executed Contract change orders relating to construction of grant elements must be forwarded to the Department for review.

Not for profit sponsors of funded projects must, at minimum, follow these purchasing requirements:

Amount up to \$5000.00

- No bids required

Amount \$5000.01 to \$25,000.00

- Informal Bids: Requires a minimum of three (3) listed bids. These can be telephone or other verbal bids. The bid, name of person submitting the bid and their contact information must be recorded and submitted with the reimbursement request.

Amount \$25,000.01 and over

- Formal Bids: Requires a formal written bidding process. Sealed bids must be solicited for at least three (3) days in a newspaper of general circulation in the area in which the project is located. Proof of publication and the written bid received must be maintained by the grant sponsor for audit purposes.

Multiple purchasing is not permitted to avoid the bidding process. For example, purchasing \$6,000.00 worth of material in two \$3,000.00 lots to avoid soliciting bids as required above is not allowed.

### **CONSTRUCTION MANAGER-AGENT**

Political subdivisions must follow Government Code chapter 2269 when soliciting a construction contractor using the Construction Manager-Agent approach.

### **FORCE ACCOUNT CONSTRUCTION**

Construction performed by the sponsor's own work force including work provided by other governments must be recorded and certified on work record forms.

Fringe benefits paid by the sponsor such as FICA, insurance, and retirement, are allowable expenses, but the method of determination must be documented. Fringe benefits may be computed on a percentage of total payroll, provided the method of determination is approved. The sponsor's payroll records may be verified at the final audit/inspection.

## **CONSTRUCTION BY DONATION**

**Labor or Services:** The value of donations may be used only to meet cost sharing or matching requirements. The Department must be assured that the donation is at actual cost. The sponsor may not make a profit from any donation claimed on the grant.

Donated labor or services will be recognized for matching purposes at the local common laborer wage, minimum wage or wage the sponsor pays that type of employee or service. The force account work record form may be used for documenting donated labor provided the individual donating the labor or service certifies by signature that the hours worked are correct. The sponsor's project officer or supervisor is also required to certify the work record.

If an individual is donating labor or services in their trade such as an electrician, brick layer, carpenter, etc., reimbursement will be based on the prevailing wage paid in the locality for that specialized trade. The "Certification of Donated Labor or Service" form must be completed and submitted with a signed force account work record.

Labor performed by individuals from correctional institutions must be documented in writing by an officer of the correctional institution.

**Materials:** Donated materials will be recognized for matching purposes at the actual cost or at the normal price charged by a vendor. All vendors donating materials must submit an invoice and a signed letter stating that they are donating and that the invoiced amount is the actual price of goods or services normally charged all customers.

**Equipment:** Donated equipment use will be recognized for matching purposes at rates established by the Department, providing that the firm is not in the equipment rental business. If equipment is donated from a rental agency, the donor must submit an invoice and signed letter stating that the invoiced amount is the normal price charged all customers.

## **LOCAL GOVERNMENT PURCHASING COOPERATIVE**

The Local Government Purchasing Cooperative is an administrative agency created in accordance with Texas Government Code Chapter 791 (Inter-local Cooperation Contracts). "A local government that purchases goods and services under this section satisfies the requirement of the local government to seek competitive bids for the purchase of the goods and services." Its purpose is to obtain the benefits and efficiencies that can accrue to members or a cooperative, to comply with state bidding requirements, and to identify qualified vendors of commodities, goods, and services. Membership is free and open to all local governments, non-profits, and other political subdivisions of the state of Texas.

## **LAND ACQUISITION REIMBURSEMENT CHECKLIST**

After grant approval and Recreation Grants Branch approval of an independent appraisal prepared in accordance with the program procedures, the following information is required before payment can be made to the sponsor for acquisition projects:

- \_\_\_\_\_ 1. Project Construction Plans and Specifications must be accepted by the Department before reimbursement will be made for land donations.
- \_\_\_\_\_ 2. Proof of ownership and legal rights obtained: One photocopy of the executed, recorded deed
- \_\_\_\_\_ 3. Title Policy (if obtained)
- \_\_\_\_\_ 4. Proof of payment
- \_\_\_\_\_ 5. Budget Summary showing acquisition value of the land
- \_\_\_\_\_ 6. A current status report must be on file

### **Treatment of Land Donation Reimbursement after Expenditures Submitted**

Sponsors may not make a profit from donations. Land donations will be recognized for matching purposes after the sponsor has made other cash payments for the project. The match able amount for land donation equals the amount of the cash expenditures or the value of the land donation as approved by the Department, whichever is less.

## **REIMBURSEMENT REQUEST CHECKLIST**

The sponsor should review this checklist carefully before submitting each request. This is a comprehensive list for most projects. Some items listed may not apply to your project. Use the list as a guide, contact Recreation Grants staff if you have questions.

- \_\_\_\_\_ 1. **Plans and Permits:** Construction plans (if applicable) must be accepted by the Department and on file for each construction element of the project for which reimbursement is requested. Registration of the project with TDLR (if applicable) is required. All other required permits and clearances should be on file with TPWD.
- \_\_\_\_\_ 2. **Bid Advertisement and Tabulation of All Bids Received:** For expenditures requiring competitive bidding, a copy of the bid advertisement and a copy of the bid tabulation listing all bidders and bid amounts are requested.
- \_\_\_\_\_ 3. **Contract Documents:** A copy of the executed contract(s) and all change orders issued on the contract(s) must be filed with the Department.
- \_\_\_\_\_ 4. **Invoices:** All invoices must be legible and must identify the project element for which materials or services are being used. A copy of each invoice must be submitted with proof of payment.
- \_\_\_\_\_ 5. **Contractor's Payment Voucher:** A copy of the contractor's estimate must be furnished to the Department supporting the proof of payment.
- \_\_\_\_\_ 6. **Proof of Payment:** Adequate proof of payment is required, such as cancelled checks, bank statement, or wire transfers.
- \_\_\_\_\_ 7. **Force Account Work Record:** The sponsor may use either the Department's Daily or Weekly Work Record, or their own. Include the supervisor's signature. Submit copies of Weekly Work Record only.
- \_\_\_\_\_ 8. **Certification for Donated Professional/Skilled Labor or Service:** A completed Certification for Donated Professional/Skilled Labor or Service must be submitted when requesting reimbursement for donations of a specialized trade or profession.
- \_\_\_\_\_ 9. **Spreadsheet:** A spreadsheet that ties all expenditures, including force account, to project elements must be provided with each reimbursement request.
- \_\_\_\_\_ 10. **Budget Summary:** The sponsor should submit one completed copy of the Budget Summary with each reimbursement request.
- \_\_\_\_\_ 11. **Certification for Reimbursement Request:**  
A completed "Certification for Reimbursement Request" form must be submitted with each reimbursement request to ensure that each period reimbursement is true and correct.

## **PROJECT CLOSEOUT CHECKLIST**

Before requesting a final inspection of a completed grant project, the following must be accomplished:

- \_\_\_\_\_ 1. All facilities must be complete and usable for recreation as specified in the Agreement. If facilities differ significantly from the original site plan, an as-built site plan must be provided to the Department.
- \_\_\_\_\_ 2. A permanent grant program recognition sign must be installed in a visible location. The temporary recognition sign should be removed when the permanent sign has been installed.
- \_\_\_\_\_ 3. Project must be registered with Texas Department of Licensing and Regulation.
- \_\_\_\_\_ 4. The Sponsor must submit a Final Reimbursement Request.

## **REIMBURSEMENT FORMS**

- I. Weekly Work Record for Employees**
- II. Weekly Work Record for Volunteers**
- III. Equipment Listing**
- IV. Certification for Donate Labor or Service**
- V. Certification for Reimbursement Request**
- VI. Sample Spreadsheet for Budget Summary**
- VII. Sample Budget Summary**
- VIII. Direct Deposit Authorization**

Note: All forms are in the resources section in the Recreation Grants Online System. The spreadsheet is the responsibility of the sponsor. These forms are to be used by you for requesting reimbursement. Please feel free to duplicate as necessary or you can develop your own if the same information is provided.



## I. Weekly Work Record for Employees

Project Name: _____								Period From: _____		To: _____	
Project Number: _____											
Volunteers	/	/	/	/	/	/	/	/			
Name	S	M	T	W	Th	F	S	Total Hours	Hourly Rate	Total	Signature
Total											
Fringe Benefits %(if applicable)											
Total value towards project											
Equipment	S	M	T	W	Th	F	S	Total Hrs./Mi.	Rate Per Hrs./Mi.	Total	Reference Number
Unit Description											
Total Equipment Cost								_____			
<b>NET TOTAL (Employees + Equipment)</b>								<b>=====</b>			
I certify that the listed individuals were on the payroll of _____ on the dates shown and that these employees and the above listed equipment were used for the development of the Project named above.											
Project Officer/Supervisor Signature: _____											



## II. Weekly Work Record for Volunteers

Project Name: \_\_\_\_\_

Period From: \_\_\_\_\_ To: \_\_\_\_\_

Project Number: \_\_\_\_\_

Volunteers	S	M	T	W	Th	F	S	Total Hours	Hourly Rate	Total	Signature	
	Nature of Work											
Name	(# Of Hours Worked on Project:)											

Total

Fringe Benefits %(if applicable) \_\_\_\_\_

Total value towards project \_\_\_\_\_

Equipment	S	M	T	W	Th	F	S	Total Hrs./Mi.	Rate Per Hrs./Mi.	Total	Reference Number
	(Hours/Miles Operated)										
Unit Description											

Total Equipment Cost \_\_\_\_\_

**NET TOTAL (Volunteers + Equipment)** \_\_\_\_\_

I certify that the listed individuals & equipment were used on the dates indicated for the development of the project named above.

Project Officer/Supervisor Signature: \_\_\_\_\_









**IV. CERTIFICATION FOR DONATED PROFESSIONAL/SKILLED LABOR OR SERVICE**

I certify that my profession or skilled trade is and the prevailing wage for this profession or trade is \$\_\_\_\_\_per hour. My donation of labor or service for \_\_\_\_\_(Project Name)\_\_\_\_\_, (Project Number)\_\_\_\_\_ is correct and just, as will be stated on the work record and will be charged to the project only when working in the trade or profession named above.

By \_\_\_\_\_  
Signature of Donor  
\_\_\_\_\_  
(Print or Type Name)  
\_\_\_\_\_  
Date

By signature hereon I certify that to the best of my knowledge the individual named above is in the profession or skilled trade stated and has agreed to donate labor or services to the referenced grant project.

\_\_\_\_\_  
Sponsor  
By \_\_\_\_\_  
Signature of Donor  
\_\_\_\_\_  
(Print or Type Name and Title)  
\_\_\_\_\_  
Date



**V. CERTIFICATION FOR RECREATION GRANTS REIMBURSEMENT REQUEST**

I certify that to the best of my knowledge and belief the attached reimbursement request for the period \_\_\_\_\_ to \_\_\_\_\_

**Project Name** \_\_\_\_\_, **Project Number** \_\_\_\_\_

is correct and complete; that payment from the State of Texas has not been received; that the work and services are in accordance with the Texas Parks and Wildlife Department Recreation Grants Program, including amendments thereto; and that progress of the work and services is satisfactory and is consistent with the project agreement.

\_\_\_\_\_  
Recipient Organization (Sponsor)

By \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name and Title

\_\_\_\_\_  
Date

Reimbursement prepared by \_\_\_\_\_

Phone#/email address: \_\_\_\_\_

AMOUNT REQUESTED (NET):\$ \_\_\_\_\_



**SAMPLE VIII SPREADSHEET FOR BUDGET SUMMARY**

Sponsor: City of Anywhere  
 Project Name: Anywhere City Park  
 Project Number: 50-009999  
 Request Number: 1  
 Period: 01/02/2005 – 03/04/2005

Date(s)	Payee	Check Number	1A A/E	2A Site Prep	2B1 Water	2B2 Electrical	2D Restroom	Retainage	Total
1/2/05	James Engineering	234567	\$300.00						\$300.00
2/8/05	John Doe	234570		\$1,000.00					\$1,000.00
2/9/05	A to Z Utilities	234572			\$800.00	\$6,000.00			\$6,800.00
3/1/05	Tiny's Contracting, Inc.	234580					\$4,800.00	(\$480.00)	\$4,320.00
12/12/05 – 12/15/05	*Total Force Account	N/A			\$102.65				\$102.65
<b>TOTAL</b>			<b>\$300.00</b>	<b>\$1,000.00</b>	<b>\$902.65</b>	<b>\$6,000.00</b>	<b>\$4,800.00</b>	<b>-\$480.00</b>	<b>\$12,522.65</b>

\*Force Account: Daily Work Records for Force Account Work can be consolidated on a spreadsheet. The spreadsheet total should be for the reimbursement request period. To facilitate the final audit and inspection, the Force Account records must be tabulated on a daily basis.



## SAMPLE IX. BUDGET SUMMARY

**PROJECT:** Anywhere City Park

**REIMBURSEMENT REQUEST NUMBER 1**

**PROJECT NUMBER:** 50-009999  
03/01/2005

**PERIOD COVERED:** 01/02/2005 TO

	APPROVED COSTS	COMPLETED LAST REQUEST	COMPLETED THIS PERIOD	TOTAL COMPLETE
<b>PROFESSIONAL SERVICES</b>				
Construction Plans/Specifications Begin: 1/1/05	\$ 1,000.00		300.00	300.00
<b>CONSTRUCTION ELEMENTS</b>				
A. Site Preparation	7,000.00		1,000.00	1,000.00
B. Utilities				
1. Water	1,500.00		902.65	902.65
2. Electrical	9,000.00		6,000.00	6,000.00
C. Roads and Parking				
1. Roads	4,000.00			0.00
2. Parking	3,000.00			0.00
D. Restroom/Concession	10,000.00		4,800.00	4,800.00
E. Recreation Facilities				
1. Picnic Units	900.00			0.00
2. Barbecue Pits	800.00			0.00
3. Tennis Court Renovation	9,000.00			0.00
4. Tot Lot Playground	2,400.00			0.00
5. Baseball Field	14,000.00			
F. Miscellaneous				
1. Sign				
2. Contingencies	200.00			0.00
Construction Cost	1,200.00			0.00
Less Retainage	\$ 63,000.00		12,702.65	12,702.65
<b>TOTAL CONSTRUCTION</b>	\$ 0.00		(480.00)	(480.00)
LAND:	\$ 63,000.00		12,222.65	12,222.65
	\$			
<b>TOTAL PROJECT COST</b>	\$ 64,000.00		12,522.65	12,522.65

**MATCH: \$32,000.00**

## **X. DIRECT DEPOSIT AUTHORIZATION**

This form may be downloaded from:

<https://fmx.cpa.texas.gov/fm/pubs/>

## **Section 6**

# **AFTER GRANT PROJECTS ARE COMPLETE**



# **RETENTION, OPERATION & MAINTENANCE RESPONSIBILITIES**

## **RETENTION AND USE**

Once the project is complete, post completion inspections will be conducted by the Recreation Grants Staff. These inspections are made every five years to observe operation, maintenance, and compliance with civil rights requirements.

You are reminded that any park property assisted with grant funds shall not be converted to other than public outdoor recreation uses without the prior approval of the Department. The installation of overhead electrical lines at a fund assisted site is considered conversion.

Financial records, supporting documents and all other records pertinent to this grant must be retained for the next three years.

An annual status report will be required every year at August 31<sup>st</sup>, for five years after the project is completed. This report must contain descriptions of present and anticipated uses, contiguous land additions, new development, and any major changes in the character of the property.

\* \* \* \* \*

Property acquired or developed with TPWD assistance shall be retained and used for public recreation. Any property so acquired or developed shall not be wholly or partly converted to other than public recreation uses without the approval of the Department. Such approval will be given only upon conditions as the Department deems necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonably equivalent usefulness, quality, and location. An exception to the requirement for permanent public recreation use and dedication will only be made for leased TPWD-assisted properties after the term of such leases expire.

- A. Proposed Uses – Non-recreational uses anticipated at the time of approval, or for which a request for conversion will be made subsequent to project approval, will be subject to the conditions above.
- B. Existing Uses – These provisions do not apply to non-recreational uses being made of an area or facility at the time the program-assisted project is approved, when such uses are known to and approved by the Department and documented in the project proposal.

## **CHANGES IN RECREATIONAL USES**

The use of property acquired or developed with program assistance may not be changed from that contemplated and approved when assistance was obtained, unless prior approval is obtained from the Department.

## **OPERATION AND MAINTENANCE**

Property acquired or developed with program assistance shall be operated and maintained as follows:

- A. The property shall be maintained so as to appear attractive and inviting to the public.
- B. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards.

- C. Properties shall be kept reasonably safe for public use. Fire prevention, lifeguard, and similar activities should be maintained for proper public safety.
- D. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use. It is not necessary that assisted structures/improvements be maintained in perpetuity. Once assisted improvements/structures have exceeded their estimated lifetime, or they are no longer economically feasible to operate or maintain, they may be demolished, renovated, or redeveloped as long as the area remains in public recreation use and prior Departmental approval is received.
- E. The facility shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.

#### **AVAILABILITY TO USERS**

- A. Non-Discrimination – Property acquired or developed with program assistance shall be open to entry and use by all persons regardless of age, race, color, sex, national origin, or handicap who are otherwise eligible. Discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited, except to the extent that reasonable difference in admission or other fees may be maintained on the basis of residence.
- B. Reasonable Use Limitations – Participants may impose reasonable limits on the type and extent of use of the areas and facilities acquired or developed with program assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the number of persons using an area or facility or the type of users such as hunters only or hikers only. All limitations shall be in accord with the applicable grant agreement and amendments.