

ARKANSAS STATE PARKS

MATCHING GRANT PROJECT MANAGEMENT GUIDE

OUTDOOR RECREATION GRANTS PROGRAM



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1 INTRODUCTION

The *Project Management Guide* is divided into two parts. The first part, pages 5-14, is a General Information section and a section entitled “What Do I Do First” describing the step-by-step process for completing your grant.

The second part, pages 16-80, includes more specific grant regulations and provisions, appraisal formats, land acquisition information, bidding requirements, samples of completed reimbursement request documents, and other samples that may be beneficial in your project process.

Notations throughout this manual will refer to items where detailed information and samples are intended to help clarify the process. Please contact us if we may assist you with your project.

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Our office is located on the fourth floor of the Multi-Agency Complex, the first building just west of the Capitol. Please feel free to visit our office at any time.

2 GENERAL INFORMATION

Arkansas's 50/50 Reimbursable Matching Grant Program provides financial assistance for the acquisition of land and/or development of outdoor recreation areas and facilities. Grant funds are made available by the federal Land and Water Conservation Fund (LWCF) and the Arkansas Natural and Cultural Resources Grant and Trust Fund (NCRGTF).

Funding for the federal LWCF are royalties paid by energy companies drilling for oil and gas on the Outer Continental Shelf and revenues from certain oil and gas leases in the Gulf of Mexico. These funds are appropriated to the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Marianas. The LWCF Act of 1965 (Public Law 88-578) became effective for a twenty-five year period on January 1, 1965, and has been extended to September 30, 2015. The funds for Arkansas's NCRGTF are collected from a tax on the transfer of certain real estate. Act 729 of 1987 established the NCRGTF.

Both the LWCF and NCRGTF programs are administered identically as "Arkansas's Matching Grant Program." This provides the flexibility to fund projects from either grant source. On the state level, both programs are administered by the Arkansas Department of Parks and Tourism, Outdoor Recreation Grants Program.

Property acquired or developed under the Arkansas's Matching Grant Program must remain in public outdoor recreation use in perpetuity (i.e., FOREVER).

Once the project boundaries have been established by your project application boundary map, all facilities within that boundary, whether developed with LWCF or NCRGTF monies or not, must be in compliance with all rules and regulations contained in the LWCF State Assistance Program Federal Assistance Manual.

The purpose of the Matching Grant Program is to provide "outdoor" recreation. Enclosed facilities cannot be constructed within the area described by the park boundary map, except as support to an outdoor facility (e.g., rest rooms or concession stands). Pavilions cannot have sides on them that give the effect of a closed-in building. Please remember that facilities constructed with LWCF or NCRGTF monies cannot be enclosed at a later date.

All utility wiring must be placed underground, including any overhead utility wiring existing at the start of the project. (In a few cases waivers may be obtained for some existing wiring. Please talk to your Project Officer regarding this waiver request).

Upon completion of a Matching Grant Project, grantee will receive a sign indicating that LWCF or NCRGTF funding was used in the acquisition and/or development of the project. This sign must be placed on the site and remain there in perpetuity.

WHAT DOES "50/50 MATCHING GRANT" MEAN?

The 50/50 Matching Grant is a reimbursible grant. The grantee must finance 100 percent of project costs, which can include in-kind labor, land donations, contributions, and general appropriations. Grantees will

not be reimbursed for more than the amount of cash they spend. Fifty percent of the eligible expenditures, up to the amount of the grant, may be reimbursed by periodic billings during the project period or the grantee may wait until project completion to request the total reimbursement.

The chart shown below will help to understand how the 50/50 reimbursable matching grant works. For simplicity's sake, let's say that a project will cost a total of \$100,000. If the grantee spent \$100,000 cash, submitted canceled checks and invoices for \$100,000 and the expenditures are part of the approved project, then we would mail the grantee a reimbursement check for \$50,000 (example column #1).

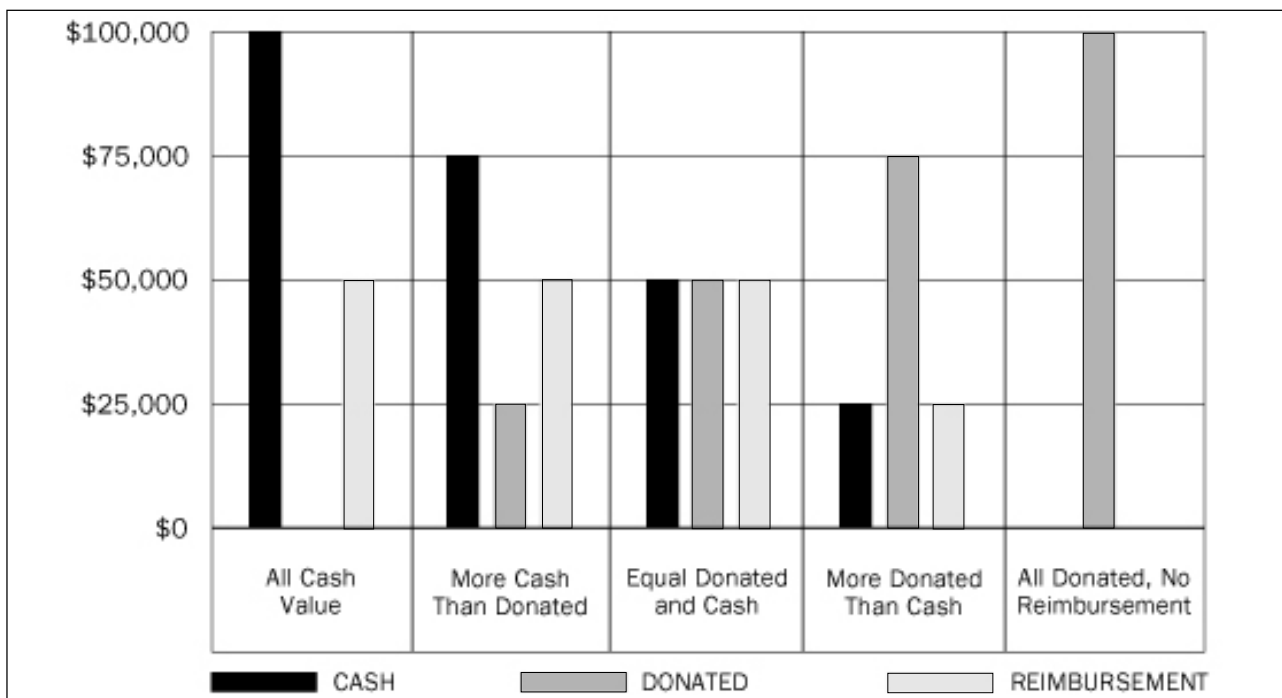
One example is if the grantee spent \$75,000 cash and local citizens donated \$25,000 in labor (\$75,000 cash + \$25,000 donated labor = \$100,000 project). In this case we would reimburse the grantee \$50,000 after we receive a reimbursement request with canceled checks, invoices, and time sheets detailing the local labor (example column #2).

Another example is if the grantee spent \$50,000 cash and locals donated \$50,000 in labor and/or materials (\$50,000 cash

+ \$50,000 donated labor and/or materials = \$100,000 project). For this example we would reimburse the grantee \$50,000 after we receive a reimbursement request with canceled checks, invoices, and time sheets detailing the local labor (example column #3).

If the grantee spent \$25,000 in cash and locals donated \$75,000 in labor and or materials (\$25,000 cash + \$75,000 donated labor and/or materials = \$100,000 project), we would only reimburse the grantee with a \$25,000 check (example column #4).

The last example shows that the locals donated \$100,000 in labor and materials (example column #5). The park could have been completed with out the need of a grant!



3 WHAT DO I DO FIRST?

A STEP-BY-STEP EXPLANATION OF HOW TO MANAGE THE MATCHING GRANT

PLEASE NOTE: Do not spend any project funds, purchase or accept donated property, or contract for construction before you receive a written Notice to Proceed!

The purpose of this section is to provide you with a step-by-step process of how to: (1) begin, build, and complete your grant project; (2) get grant reimbursements; (3) finalize your project; and (4) comply with your post-completion responsibilities. Not every project will follow the order of events exactly as we describe it. Keep close contact with your Project Officer to prevent problems. After you complete each successive step in the grant process, you may wish to mark it complete in this guide.

I. READ AND BECOME FAMILIAR WITH THE PROJECT MANAGEMENT GUIDE!

II. THE GRANTEE WILL SUBMIT BUDGETS, PLANS, SPECIFICATIONS, AND APPRAISALS TO THE PROJECT OFFICER FOR APPROVAL.

- 1) Budget**—detailed costs for each part of your project
- If the amount of the grant award is the same as the amount requested in the application, the budget submitted in the application may be used.
 - If the amount of the grant award is less than the amount the applicant requested, a new revised budget must be mailed to the ORGP Project Officer for approval. Elements not contained in the original application cannot receive funding.
- 2) Plans**—drawings of facilities, structures and floor plans
- You must submit construction plans of sufficient detail that a contractor or a builder can use the plans to construct the facility. You must provide floor plans and cross sections of all side-walks, trails, basketball courts, pavilion slabs, or any concrete

or asphalt work. Pavilion, concession stand, and basketball court slabs should show rebar reinforcements in the cross sections (see Chapter 7, page 57 for an example of a cross section). Plans and specifications must be submitted to the Project Officer within 30 days after the Project Management workshop.

Plans must show all handicapped access within the project area, handicapped parking areas and accessible walkways from the parking area to each facility indicating the width of the walkways and construction material. If there are any changes in the site plan from the one submitted with the original application you must submit a new site plan (For example, a change in the location of a pavilion or playground). If the original site plan does not address handicapped access to each facility, a revised plan showing the handicapped access must be submitted.

Plans for the construction of covered structures including restrooms, concession stands and or any building with a roof and four walls must include a licensed engineer's certification for earthquake stabilization. (Arkansas Code Annotated 12-80-104) The certification must be stamped on the plans for the facility.

Buildings of four thousand (4,000) square feet or less shall be exempt for the requirements of Arkansas Code Annotated 12-80-104 only upon the resolution of the local planning commission or, in the absence of a local planning commission, upon the resolution of the governing body of the political subdivision specifically exempting the city or community from this Act.

3) Specifications—written descriptions of building materials and furnishings

You must submit specifications of sufficient detail that a contractor or a builder can use the specifications to purchase all materials needed to construct the facility. Specifications should identify and describe all major construction materials. All building materials used in the construction of pavilions, rest rooms, or concession stands must be new and shall be of durable materials that resist weathering and heavy public use. Plumbing should be commercial type and vandal proof. Fixtures inside the concession stand must be new and of commercial grade materials. Specifications for pavilion slabs should include depth and materials of the sub base, construction materials and size of slab.

Specifications for pre-fabricated facilities such as pavilion kits, playground equipment and basketball goals, trash containers, etc. may be copied from manufacturers' catalogues, brochures or printed spec. sheets provided they contain enough detail for the ORGP staff to determine quality, suitability for the intended purpose and materials used for manufacture. Details for footings, slabs etc. must be provided for pre-fabricated equipment installation.

- Playground equipment must be new and comply with guidelines established by the U. S. Consumer Product Safety Commission. Only new, commercial grade equipment, constructed of material that has proven durable in all types of weather and can withstand heavy public use will be approved.
- All areas under playground equipment must be surfaced with an impact absorbing material. Playgrounds must be accessible for

use by the handicapped. A portion of the impact area under each piece of play equipment shall be an approved material offering wheelchair access from beyond the contained material to each piece of playground equipment. Impact materials must be approved and tested under the American Society of Testing Materials (ASTM) regulations. Ask your salesperson for a certificate of testing from ASTM to ensure compliance.

- Picnic tables must be new, commercial grade and constructed of materials that withstand weathering and heavy public use. Grills must be commercial grade and preferably pedestal mounted. At least twenty per cent (20%) of the total number of picnic tables and grills, in the project area, must be handicapped accessible to comply with ADA.
- All specifications must be written, especially playground equipment, so that the specifications are not vendor specific. You can specify a make or model number but you must include the words "or approved equal."
- Basketball courts must include the backboards, goals and basketball slabs. The backboards and goals must be new, of commercial grade and constructed of materials that have proven durable in all types of weather. They must also be suitable for heavy public use.
- Sidewalks, trails, and/or pathways should include the depth and material of the sub base, construction materials, length, and width of trail and the distance between

control joints. Paved walkways and/or other means of handi-capped access are required for all facilities within the project boundary.

- Ball field fencing specifications should include the gauge and height of wire for the backstop (minimum specifications of the backstop will be 2 inch mesh 9 gauge fencing and a height of 16 feet with a 4 foot over-hood such as a typical commercial quality backstop, for total of 20 foot height), the wings (minimum specifications of wings will be 2 inch mesh 9 gauge fencing and a height of 12 feet placed at 45 degree angles to the main backstop and parallel to the foul lines), the sides (minimum requirements are 2 inch mesh 11 gauge fencing), and the outfield fence (minimum requirements are 2 inch mesh 11 gauge fencing), the gauge, diameter, and material of the vertical frame posts (minimum requirements are 3 inch outside diameter galvanized steel pipe), and the gauge, diameter, and material of the horizontal rails (minimum requirements are 1 5/8 inch outside diameter galvanized steel pipe. You should include the width and number of the walk gates (minimum clearance is 3 feet on walk gates to comply with ADA) and the drive through gates. Ball field dug-outs and ball fields must be accessible to the disabled.
- Parking areas must be all-weather and designed for a minimum of 10 spaces. Each space should be a minimum of 9 feet wide by 18 feet long with one of the spaces designated handicapped accessible. You must provide one handicapped accessible parking space for every 25 (or portion thereof) spaces of parking. (This information complies with ACA 27-15-301). The handicapped space must have a 5 foot adjacent access aisle constructed of a hard surface material suitable for wheelchair travel and the parking space(s) must be designated by a sign showing the international symbol of accessibility. Parking areas that contain more than 100 marked parking spaces must follow the requirements in Title II and Title III of the Americans With Disabilities Act.

If the project includes land acquisition, a formal appraisal or written finding of value will be required.

Formal Appraisal

- Parcels of land with an estimated value of \$25,000 or greater will require a formal appraisal. Formal appraisals (often referred to as "Yellow Book Appraisals") must follow the narrative format on pages 34-36. Please give your appraiser a copy of this format and ask them to prepare the appraisal as required. Appraisals that do not follow this format will be returned and may end up costing the grantee additional money to have another appraisal done.

Formal appraisals are forwarded to the Appraisal Division of the Arkansas State Highway and Transportation Department for review which may take up to 2 months to complete.

Finding of Value

- Any project which proposes the purchase of property with an anticipated value of less than \$25,000 must include a written finding of value prepared by a knowledgeable person such as a real estate broker, banker or local appraiser.

The finding of value must follow the format outlined on page 36. This valuation can be based on the individual's knowledge of the land values, but should include a statement of the person's experience and qualifications, including a short description of the factors considered and the means by which a conclusion was reached.

Your will be notified by your ORGP Project Officer recommended revisions, corrections or additions to your construction plans, specifications, site plan, budget and, if applicable, appraisal or finding of value if any of these items are not approved. All revisions must be sent to your Project Officer for final approval.

III. THE PROJECT OFFICER WILL MAIL A LETTER OF APPROVAL FOR:

- (1) CONSTRUCTION PLANS
- (2) SPECIFICATIONS
- (3) BUDGET; AND
- (4) REVISED SITE PLAN (IF APPLICABLE)
- (5) APPRAISAL OR WAIVER OF VALUE (IF APPLICABLE)

- The grantee will receive a letter stating that the plans, specifications, budget, site development plan, and appraisal or finding of value (where applicable) are approved.
- In the same letter you will be asked to forward all bid documentation for review and approval.

IV. THE GRANTEE MUST SUBMIT BID DOCUMENTS TO THE PROJECT OFFICER FOR APPROVAL.

Grantees must follow the bid requirements in the Project Management Guide. Any grantee who does not follow established bidding procedures as outlined in this guide will not be reimbursed for any expenses deemed in violation of the purchasing regulations outlined in this section.

See Chapter 6, pages 37-42, for purchasing regulations and bid requirements.

See Chapter 6, pages 43-46 for Sample Newspaper Bids.

- The grantee will receive a letter with recommendations for revisions, corrections, or additions, if the bid documentation is not approved. This information must be resubmitted to your Project Officer with revisions, corrections, or additions for approval.

V. THE PROJECT OFFICER WILL SEND A LETTER TO THE GRANTEE WITH A STATE CONTRACT AGREEMENT FOR SIGNATURE.

- You will receive a Contract Agreement for signature after your plans, specifications, budget, appraisal or finding of value (if applicable) and all bid documents are approved. When you receive this two-page Contract Agreement, consider carefully what this commitment means!
- The first page is the project name, project number, contract period and the project parts. The second page contains Federal and State regulations that you are agreeing to follow when you sign the Contract Agreement. The Mayor or the County Judge must sign the Contract Agreement. The School Superintendent must also sign if the project is a joint project with a school.

The Mayor, County Judge and/or School Superintendent should be aware that this Contract Agreement is binding in perpetuity.

VI. THE GRANTEE WILL RETURN THE SIGNED CONTRACT TO THE ORGP PROJECT OFFICER.

- Return both pages of the Contract Agreement to the Project Officer for approval by the Executive Director of the Department of Parks and Tourism.

VII. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PARKS AND TOURISM WILL SEND THE GRANTEE A COPY OF THE FULLY EXECUTED CONTRACT AND A “NOTICE TO PROCEED.”

You will receive a letter signed by the Executive Director of the Arkansas Department of Parks and Tourism, stating that this is your “Official Notice To Proceed.” You will also receive a permanent copy of the approved Contract Agreement bound with a grant Application Guide and a Project Management Guide. This Contract Agreement should be placed in a safe place and should be made a part of the permanent records of the city or the county. Please contact your Project Officer if you have any questions.

- You must submit a written request for an amendment if you should need to change any aspect of your Contract Agreement. Check with your Project Officer if you have any doubt.
- The request for a Contract Amendment must be submitted by the grantee’s Mayor, County Judge or chief executive officer. The request letter should indicate what changes are proposed and explain why the changes are necessary. Our office must receive your amendment request thirty (30) calendar days prior to any changes. You run the risk of not being reimbursed for expenses incurred if any changes are made to the project without prior written approval from our office.

VIII. GRANTEES BEGIN THE BIDDING PROCESS.

- The grantee shall bid the project as specified in Chapter 6, pages 39-45 for all items requiring bids. All bids received should be documented on a bid tabulation sheet.

IX. GRANTEE ACCEPTS OR REJECTS BIDS.

- The grantee is required to accept the lowest qualified and responsive bid that is received. You may contact the vendor and schedule construction or delivery of the bid items if the lowest bid is accepted. If the lowest bid is in question, please contact your Project Officer before accepting another bid. Any and all bids may be rejected if over the budgeted amount and

the project must be re-bid. Bids cannot be rejected if you receive a qualified and responsive bid that is within your budgeted amount.

- The grantee may have to reduce the scope of your project if the bids are rejected because they exceed the project budget. Please write a letter to your Project Officer that outlines the problem and requests an amendment to reduce the scope of the project. An amendment changing the scope of the contract will be sent to the grantee if those changes are approved. Please sign and return the amendment to us. When received, the Director of the Outdoor Recreation Grants Program will also sign the amendment and forward a copy of the approved amendment to the Grantee. Once the approved amendment is received, the grantee may re-bid the project.
- The grantee may advertise a second time if no bids are received by the date of the advertised bid opening. Grantees may notify prospective bidders if there is a concern that prospective bidders are not aware of the request for bid.

X. GRANTEE BEGINS CONSTRUCTION OF PROJECT FACILITIES.

- Project construction should begin within 60 days of the Official Notice To Proceed. Please notify your Project Officer, in writing, if you will not be able to meet this deadline. Explain the reasons for the delay and provide a time line for the completion of the project.

Circumstances may occur that make it impossible for a grantee to complete a project identified in the Contract Agreement. Please notify your Project Officer as soon as possible if you are unable to complete a project. We will work with you to bring the project to an end and still provide the community with a viable recreation area. There are two possible methods by which such a situation can be handled.

If the grantee has NOT received reimbursement of any LWCF or NCRGTF funds for the project, the grant can be withdrawn. The Chief Executive Officer should write a letter requesting withdrawal of the project. The letter should be addressed to John Beneke, Director, Outdoor Recreation Grants Section.

If the grantee has received reimbursement of any LWCF or NCRGTF funds, the project must be sufficiently complete to be considered a usable outdoor recreation facility. If the project can be considered usable, we can amend the Contract Agreement to delete items that have not been completed provided all other requirements have been met. However, if the project cannot be considered a usable facility, the grantee would have to develop it to a usable condition so the Contract Agreement could be amended.

In the event that the grantee realizes the project cannot be completed as identified on the Contract Agreement, the Project Officer must be notified in writing so that he/she can assist you in meeting these requirements.

XI. THE GRANTEE MUST SUBMIT QUARTERLY STATUS REPORTS DESCRIBING PROGRESS TO THE PROJECT OFFICER.

- Status reports are required every three months. A status report is a brief letter or email message stating what progress, if any, that has been made on your project. The report allows the Project Officer to better plan inspections, both progress and final, as well as provide information needed for the Outdoor Recreation Grants Program to submit status reports to the National Park Service and the Natural and Cultural Resources Council.

XII. THE GRANTEE SUBMITS REIMBURSEMENT REQUESTS TO THE PROJECT OFFICER TO RECEIVE GRANT FUNDS.

In the Application Project Narrative each Grantee provided an estimate of the amount of local matching fund source(s), i.e., General Appropriation, Force Account Labor, Donated Land, City/County Equipment Use, In-Kind Services.

Your Project Priority Rating Score was based on that estimate. Each Grantee is expected to adhere to this estimate. Reimbursements inconsistent with the estimate will not be processed unless the Director of the Outdoor Recreation Grants Program, approves the variance.

Reimbursement requests are processed when they are received. Please allow 2-3 weeks for processing. Reimbursement requests that are received, but do not follow the correct format, will be returned to the grantee without being processed. Before submitting your reimbursement request please read and follow the steps listed in *Chapter 6, Pages 48-49*. Failure to include the correct information will delay your requests.

See Chapter 6, pages 50-54 for reimbursement form examples

XIII. THE ORGP DIRECTOR MAILS A LETTER CONTAINING A PAYMENT WARRANT TO THE GRANTEE.

- Grantee will receive a warrant reimbursing them for the approved project expenses, OR

- Grantee will receive a letter detailing additions or corrections before the reimbursement request can be processed, OR
- Grantee will receive a letter of notification that the request has been processed with exceptions. The letter will explain the exceptions.

XIV. ORGP STAFF WILL CONDUCT ON-SITE INSPECTIONS.

Progress

- This inspection is to check the progress of the project. If at any of the progress inspections it is noted that ADA guidelines are not being followed, you will not receive any reimbursement requests until you are in compliance.

Final

- This inspection must be done before your project can be closed. The project will be inspected to verify that your project has been completed in compliance with your Contract Agreement and ADA requirements.

Post-Completion

- At least once every five years an inspection will be made to ensure that your park is well maintained, that the LWCF/NCRGTF sign is still in place, that no ineligible items have been added within the project boundary and that all applicable LWCF/NCRGTF regulations are being met. This inspection is in compliance with the Contract Agreement that you signed with the State.

XV. NOTIFY YOUR PROJECT OFFICER, IN WRITING, THAT THE PROJECT HAS BEEN COMPLETELY

In order for the Project Officer to process final reimbursement requests in a timely manner, grantee should notify their Project Officer when the project is nearing completion and subsequently:

- Request final inspection.
- Request sign to be placed permanently at project site.
- Prepare and submit final “as-built” site plan (if different than provided with grant application).
- Prepare and submit updated park inventory form (see page 56 for example).
- Prepare and submit final reimbursement request.

If the grant-funded project does not pass the final inspection, you will be sent a letter detailing the problems with recommendations for correcting them.

Your final reimbursement request will be processed after all items identified as problems have been corrected, an LWCF or ANCGTRF sign has been permanently mounted in a prominent location on the site, an as-built site plan (if applicable) and an updated park inventory form have been submitted and received.

XVI. PARK DEDICATION OR RIBBON-CUTTING CEREMONY

Grantees are urged to hold a park dedication or ribbon-cutting ceremony once their project and the final inspection has been completed.

This is a great time for City or County officials to recognize the efforts of local workers, volunteers and political leaders who played an active role in the project construction or those who assisted the city or county with the application process. This ceremony also encourages community awareness and promotes good community relations.

4 FEDERAL REGULATIONS & GENERAL PROVISIONS

OF THE MATCHING GRANT CONTRACT

FEDERAL REGULATIONS

The following regulations apply to the use of federal funds. Additional information may be accessed on-line. Please notify your Project Officer if you need more specific information on any of the following:

- OMB Circular A-95
- Title VI of the Civil Rights Act of 1964
- Architectural Barriers Act of 1968 (P.L. 90-480)
- Americans with Disabilities Act of 1990
- Clean Air Act of 1970
- Endangered Species Act of 1973 (P.L. 93-205)
- Non-discrimination on the Basis of Handicap, Section 504, Rehabilitation Act of 1973
- Flood Disaster Protection Act of 1973
- Historic Properties Preservation Act of 1966 (P.L. 89-665)
- National Environmental Policy Act of 1969 (P.L. 91-190)
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646)
- Executive Order 11246 (Equal Employment Opportunity)
- Executive Order 11296 (Evaluation of Flood Hazard)
- Executive Order 11288 (Prevention, Control and Abatement of Water Pollution)
- Copeland Anti-Kickback Act.

GENERAL PROVISIONS OF THE MATCHING GRANT CONTRACT

General Provisions that are listed on pages 15-25 of this guide are included in an attachment to your Contract Agreement with the State. It is important for you to be aware that by signing your Contract Agreement with the State, you have agreed to each item of the General Provisions.

Please note that Part I, Item E indicates that wherever a term, condition, obligation, or requirement listed in the General provisions refers to the State, such reference shall also apply to the grantee, except where it is clear from the nature of the term, condition, obligation, or requirement that it is to apply solely to the State.

Also note that all references to the Land and Water Conservation Fund also apply to projects funded through the Natural and Cultural Resources Grant and Trust Fund.

L&WCF GRANTS MANUAL

CHAPTER 660.3
ATTACHMENT B**LAND AND WATER CONSERVATION FUND PROJECT AGREEMENT****General Provisions****Part I - Definitions**

- A. The term “NPS” as used herein means the National Park Service, United States Department of the Interior.
- B. The term “Director” as used herein means the Director of the National Park Service, or any representative lawfully delegated the authority to act for such Director.
- C. The term “Manual” as used herein means the Land and Water Conservation Fund Manual.
- D. The term “project” as used herein means a single project, a consolidated grant, a project element of a consolidated grant, or project stage which is subject to the project agreement.
- E. The term “State” as used herein means the State or Territory which is a party to the project agreement, and, where applicable, the political subdivision or public agency to which funds are to be transferred pursuant to this agreement. Wherever a term, condition, obligation, or requirement refers to the State, such term, condition, obligation, or requirement shall also apply to the recipient political subdivision or public agency, except where it is clear from the nature of the term, condition, obligation, or requirement that it is to apply solely to the State.
- F. The term “Secretary” as used herein means the Secretary of the Interior, or any representative lawfully delegated the authority to act for such Secretary.

Part II - Continuing Assurances

The parties to the project agreement specifically recognize that the Land and Water Conservation Fund assistance project creates an obligation to maintain the property described in the project agreement consistent with the Land and Water Conservation Fund Act and the following requirements.

Further, it is the acknowledged intent of the parties hereto that recipients of assistance will use moneys granted hereunder for the purposes of this program, and that assistance granted from the Fund will result in a net increase, commensurate at least with the Federal cost-share, in a participant’s outdoor recreation. It is intended by both parties hereto that assistance from the Fund will be added to, rather than replace or be substituted for, State and local outdoor recreation funds.

Manual Release 151

Replaces all preceding manual releases

L&WCF GRANTS MANUAL

CHAPTER 660.3
ATTACHMENT B

- A. The State agrees, as recipient of this assistance, that it will meet the following specific requirements and that it will further impose these requirements, and the terms of the project agreement, upon any political subdivision or public agency to which funds are transferred pursuant to the project agreement. The State also agrees that it shall be responsible for compliance with the terms of the project agreement by such a political subdivision or public agency and that failure by such political subdivision or public agency to so comply shall be deemed a failure by the State to comply with the terms of this agreement.
- B. The State agrees that the property described in the project agreement and the dated project boundary map made part of that agreement is being acquired or developed with Land and Water Conservation Fund assistance, or is integral to such acquisition or development, and that, without the approval of the Secretary, it shall not be converted to other than public outdoor recreation use but shall be maintained in public outdoor recreation in perpetuity or for the term of the lease in the case of leased property. The Secretary shall approve such conversion only if it is found to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions deemed necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. This replacement land becomes subject to Section 6(f)(3) protection. The approval of conversion shall be at the sole discretion of the Secretary, or his designee. Prior to the completion of this project, the State and the Director may mutually alter the area described in the project agreement and the signed and dated project boundary map (see Section 660.2.6.b) to provide the most satisfactory public outdoor recreation unit, except that acquired parcels are afforded Section 6(f)(3) protection as Fund reimbursement is provided.

In the event the NPS provides Land and Water Conservation Fund assistance for the acquisition and/or development of property subject to reversionary interests with full knowledge of those reversionary interests, conversion of said property to other than public outdoor recreation uses as a result of such reversionary interest being exercised is approved. In receipt of this approval, the State agrees to notify the Service of the conversion as soon as possible and to seek approval of replacement property in accord with the conditions et forth in these provisions. The State further agrees to effectuate such replacement within a reasonable period of time, acceptable to the Service, after the conversion of property takes place. The provisions of this paragraph are also applicable to: leased properties acquired and/or developed with Fund assistance where such lease is terminated prior to its full term due to the existence of provisions in such lease known and agreed to by the Service; and properties subject to other outstanding rights and interests that may result in a conversion when known and agreed to by the Service.

- C. The State agrees that the benefit to be derived by the United States from the full compliance by the State with the terms of this agreement is the preservation, protection, and the net increase in the quality of public outdoor recreation facilities and resources which are available to the people of the State and of the United States, and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the United States by way of assistance under the terms of this agreement. The State agrees that payment by the State to the United States of an amount equal to the amount of assistance extended under this agreement by the United States would be inadequate compensation to the United States for any breach by the State of this agreement. The State further agrees, therefore, that the appropriate remedy in the event of a breach by the State of this agreement shall be the specific performance of this agreement.
- D. The State agrees to comply with the policies and procedures set forth in the Land and Water Conservation Fund Manual. Provisions of said Manual are incorporated into and made a part of the project agreement.
- E. The State agrees that the property and facilities described in the project agreement shall be operated and maintained as prescribed by Manual requirements.
- F. The State agrees that a permanent record shall be kept in the participant's public property records and available for public inspection to the effect that the property described in the scope of the project agreement, and the signed and dated project boundary map made part of that agreement, has been acquired or developed with Land and Water Conservation Fund assistance and that it cannot be converted to other than public outdoor recreation use without the written approval of the Secretary of the Interior.
- G. Nondiscrimination
1. The State shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Department of Interior Regulation (43 CFR 17) issued pursuant to that Title, to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, religion, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of any property or facility acquired or developed pursuant to the project agreement. The State shall immediately take any measures necessary to effectuate this provision. This assurance shall be binding on the State or any political subdivision or other appropriate public agency to which Fund assistance or property acquired or developed with Fund assistance has been transferred for public recreation purposes.

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2. The State shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
3. The State shall comply with the regulations and guidelines promulgated pursuant to the Civil Rights Act of 1964 by the Secretary of the Interior and the National Park Service.
4. The provisions of the the first three paragraphs apply to any part of the recreation system within which the assisted facility or property exists.
5. The State shall not discriminate against any person on the basis of residence, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence as set forth in the Manual.

Part III - Project Assurances**A. Applicable Federal Circulars**

The State shall comply with applicable regulations, policies, guidelines and requirements including 43 CFR Part 12.41 - 12.92 (Administrative Requirements and Cost Principles for Assistance Programs), A-87 (Cost Principles for State and Local Governments) and A-128 (Audits of State and Local Government) as they relate to the application, acceptance and use of Federal funds for this federally assisted project.

B. Project Application

1. The Application for Federal Assistance bearing the same project number as the agreement and associated documents is by this reference made a part of the agreement.
2. The State possesses legal authority to apply for the grant and to finance and construct the proposed facilities. A resolution, motion or similar action has been duly adopted or passed authorizing the filing of the application, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative of the State to act in connection with the application and to provide such additional information as may be required.
3. The State has the ability and intention to finance the non-Federal share of the costs for the project. Sufficient funds will be available to assure effective operation and maintenance of the facilities acquired or developed by the project.

Manual Release 151

Replaces all preceding manual releases

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C. Project Execution

1. The project period shall begin with the date of approval of the project agreement or the effective date of a waiver of retroactivity and shall terminate at the end of the stated or amended project period unless the project is completed or terminated sooner in which event the project shall end on the date of completion or termination. For project elements added to a consolidated grant, the project period will begin on the date the project element is approved.
2. The State shall transfer to the project sponsor identified in the Application for Federal Assistance or the Description and Notification Form all funds granted hereunder except those reimbursed to the State to cover administrative expenses.
3. The State will cause work on the project to be commenced within a reasonable time after receipt of notification that funds have been approved and assure that the project will be prosecuted to completion with reasonable diligence.
4. The State will require the facility to be designed to comply with the Architectural Barriers Act of 1968 (Public Law 90-480), and DOI Section 504 Regulations (43 CFR Part 17). The State will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
5. The State shall secure completion of the work in accordance with approved construction plans and specifications, and shall secure compliance with all applicable Federal, State, and local laws and regulations.
6. In the event the project covered by the project agreement, including future stages of the project, cannot be completed in accordance with the plans and specifications for the project; the State shall bring the project to a point of recreational usefulness agreed upon by the State and the Director or his designee.
7. The State will provide for and maintain competent and adequate architectural/engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the NPS may require.

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8. The State will comply with the terms of Title II and Title III, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), 94 Stat. 1894 (f970), and the applicable regulations and procedures implementing such Act for all real property acquisitions and where applicable shall assure that the Act has been complied with for property to be developed with assistance under the project agreement.
9. The State will comply with the provisions of: Executive Order 11988, relating to evaluation of flood hazards; Executive Order 11288, relating to the prevention, control, and abatement of water pollution, and Executive Order 11990 relating to the protection of wetlands.
10. The State will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires the purchase of flood insurance in communities where such insurance is available, as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes, for use in any area that has been identified as an area having special flood hazards by the Flood Insurance Administration of the Federal Emergency Management Agency. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
11. The State will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities, pursuant to 40 CFR, Part 15.20 and that it will notify the NPS of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the project is under consideration for listing by the EPA. The State agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. The State further agrees to insert this clause into any contract or subcontract in excess of \$100,000.
12. The State will assist the NPS in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-I et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to effects (see CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

13. The State will comply with Executive Order 12432, "Minority Business Enterprise Development," as follows:
1. Place minority business firms on bidder's mailing lists.
 2. Solicit these firms whenever they are potential sources of supplies, equipment, construction, or services.
 3. Where feasible, divide total requirements into smaller needs, and set delivery schedules what will encourage participation by these firms.
 4. For any project involving \$500,000 or more in grant assistance (except for projects involving acquisition only) the State or recipient shall submit, prior to the commencement of construction and every fiscal year quarter thereafter until project completion, reports documenting the efforts to hire minority business firms. These reports, SF 334, will be submitted one month following the end of each fiscal quarter (i.e., January 31, April 30, July 31, and October 31) to the appropriate National Park Service Regional Office.
 5. The Department of the Interior is committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness. The National Park Service Regional Offices will work closely with the States to ensure full compliance and that grant recipients take affirmative action in placing a fair share of purchases with minority business firms.

D. Construction Contracted for by the State Shall Meet the Following Requirements:

1. Contracts for construction shall comply with the provisions of 43 CFR part 12.41 - 12.92, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
2. No grant or contract may be awarded by any grantee, subgrantee or contractor of any grantee or subgrantee to any party which has been debarred or suspended under Executive Order 12549.

E. Retention and Custodial Requirements for Records:

1. Financial records, supporting documents, statistical records, and all other records pertinent to this grant shall be retained in accordance with 43 CFR part 12.41-12.92 for a period of three years; except the records shall be retained beyond the three-year period if audit findings have not been resolved.

2. The retention period starts from the date of the final expenditure report for the project or the consolidated project element.
3. State and local governments are authorized to substitute microfilm copies in lieu of original records.
4. The Secretary of the Interior and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State and local governments and their subgrantees which are pertinent to a specific project for the purpose of making audit, examination, excerpts and transcripts.

F. Project Termination:

1. The Director may temporarily suspend Federal assistance under the project pending corrective action by the State or pending a decision to terminate the grant by the Service.
2. The State may unilaterally terminate the project or consolidated project element at any time prior to the first payment on the project or consolidated project element. After the initial payment, the project may be terminated, modified, or amended by the State only by mutual agreement.
3. The Director may terminate the project in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has failed to comply with the conditions of the grant. The Director will promptly notify the State in writing of the determination and the reasons for the termination, together with the effective date. Payments made to States or recoveries by the Service under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.
4. The Director or State may terminate grants in whole, or in part at any time before the date of completion, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The NPS may allow full credit to the State for the Federal share of the noncancelable obligations, properly incurred by the grantee prior to termination.
5. Termination either for cause or for convenience requires that the project in question be brought to a state of recreational usefulness agreed upon by the State and the Director or that all funds provided by the National Park Service be returned.

G. Lobbying with Appropriated Funds

The State must certify that no Federally appropriated funds have been paid or will be paid, by or on behalf of the State, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding, extension, continuation, renewal, amendment, or modification of this grant. In compliance with Section 1352, title 31, U.S. Code, the State, for each grant, certifies, as follows:

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. The above certification must be included with every L&WCF grant application. This requirement may be fulfilled by the completion and signing of Department of the Interior Form DI-1963, available from the National Park Service Regional Office.

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In compliance with the Drug-Free Workplace Act of 1988 (43 CFR Part 12, Subpart D), the State, for each grant, certifies, as follows:

The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of a grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted;

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- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The above certification, along with a specification of the site(s) for the performance of work to be done in connection with the specific grant, must be included with every L&WCF grant application. This requirement may be fulfilled by the completion and signing of Department of the Interior Form DI-1955, available from the National Park Service Regional Office.

AMENDMENTS

If you should need to change any aspect of your Contract Agreement you must submit a written request for an Amendment. If in doubt call your project officer.

The request for an Amendment must be from the grantee's chief executive officer. The request letter should indicate what changes are proposed and explain why the changes are necessary. Our office must receive your amendment request thirty (30) calendar days prior to any changes being made. If any changes are made to the project without prior written approval from our office, you run the risk of not being reimbursed for the expense.

BARRIER FREE ACCESS

All recipients of LWCF or NCRGTF monies must comply with P.L. 90-480 and *Section 504 Guidelines for Federally Assisted Park and Recreation Programs and Activities*, and Title II and Title III of the Americans with Disabilities Act (ADA) of 1990. These requirements are listed below.

If at any time during the project construction it is determined that the project facilities do not comply with accessibility regulations, reimbursements will not be processed until all state and federal requirements are met. In no case will final reimbursement take place until a final inspection shows that the project is in compliance with accessibility regulations.

Each recipient must:

- Evaluate its programs, activities, policies and practices to determine what actions need to be taken to assure compliance, including in this evaluation interested persons and handicapped persons, or persons or organizations representing handicapped persons.
- Proclaim to the public its policy of non-discrimination and the procedure for filing complaints. This requirement can be met through the posting of the Department of the Interior's non-discrimination poster. Each recipient must explain to an individual who feels he/she has been discriminated against that they may write to:

Director
Office of Equal Opportunity
Department of the Interior
Washington, D.C. 20240

- Where structural changes to facilities are necessary to achieve program accessibility, a transition plan must be developed setting forth steps necessary to complete such changes.

In addition to the above, any recipient of funds who employs fifteen (15) or more full or part-time employees in their parks or recreation department must:

- Keep a copy of their self-evaluation on file and available for public inspection for three years after it is completed.
- Designate at least one person the responsibility for ensuring compliance.
- Adopt grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of handicap.
- Take initial and continuing steps to notify program participants, beneficiaries, applicants and employees, including persons with impaired hearing and vision, that it does not discriminate on the basis of handicap.

The ABA Minimum Standards and Criteria booklet published by the Arkansas Building Authority should be used as a guide to making new structures accessible to the handicapped and in modifying

existing structures. The grantee's engineering and/or project coordinator should be aware of these standards.

The rule of thumb to follow is; "a person must be able to travel from a designated handicapped parking space(s) to each facility within the project boundary AND they must be able to do this unassisted." It is easier and less expensive to build an accessible facility the first time, than to have to go back and retrofit that facility.

INABILITY TO COMPLETE A PROJECT

Some circumstances may occur that make it impossible for a grantee to complete a project as agreed to in the Contract Agreement. There are two possible methods by which such a situation can be handled.

If the grantee has not received any LWCF or NCRGTF monies for the project, the grant can be withdrawn. This will require a written request for withdrawal of the project from the grantee's chief executive officer.

If the grantee has received any LWCF or NCRGTF monies, the project must be complete enough to be considered a usable outdoor recreation facility. If the project can be considered usable, we can amend the Contract Agreement to delete the incomplete items. Provided that all requirements of the previous section of this guide have been met, our staff would then be able to perform a final inspection of the project and complete all final paperwork. If the project cannot be considered usable the grantee would have to develop it to a usable point so that the Contract Agreement could then be amended.

As soon as the grantee realizes that the project cannot be completed as contracted, the project officer must be notified so that he or she can assist you in meeting these requirements.

OPERATION AND MAINTENANCE

Property acquired or developed with assistance from the LWCF or NCRGTF must be operated and maintained as follows:

- The property should appear attractive and inviting to the public.
- Sanitation facilities should be maintained in accordance with applicable health standards.
- Properties should be kept for public use. Fire prevention, lifeguards, etc., should be provided for proper public safety.
- Buildings, roads, trails, and other structures and improvements must be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use.
- The facilities must be kept open for public use at reasonable hours and times of the year, according to the type of area or facility. The grantee should post in a prominent location a sign indicating the times the facilities are available for public use. If the facilities are ever to be locked, such as seasonal facilities during winter, a sign must be posted stating the facilities are closed for winter and indicating when they will open again. However, before locking facilities (other than swimming pools during the off-season) for an extended period of time, the grantee must notify the Outdoor Recreation Grants Program. This notification must be in writing and give a full explanation of why the facilities must be locked and the proposed hours they will be open.

Property acquired or developed with assistance from the LWCF or NCRGTF must be open to entry and use by all persons regardless of race, color, religion, sex, or national origin. It is prohibited to discriminate on the basis of residence, including preferential reservation or membership systems, except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

Grantees may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with LWCF or NCRGTF Fund assistance when such an action is necessary for maintenance or preservation. Therefore, limitations may be imposed on the number of persons using a recreational area or the type of users, such as “hunters only” or “hikers only.” All such

limitations must be in accord with the applicable Contract Agreement and amendments.

Projects on land owned by or adjacent to schools must have signs installed informing the public that the facilities are open to the general public. These signs should also indicate the times when the facilities are reserved exclusively for school use.

The use of property acquired or developed with assistance from the LWCF or NCRGTF may not be changed from the proposed and approved use unless prior approval is obtained from the State. In some instances, the State must in turn request such approval from the Department of the Interior.

SIGNS

The Arkansas State Parks Outdoor Recreation Program will provide all Grantees a 8" x 10" metal sign acknowledging receipt of LWCF or NCRGTF funding to be placed at your park site upon completion of the grant project. Please indicate the exact location of the acknowledgment sign with your final reimbursement request so that one of our Project Officers can verify that it is displayed during future project inspections. Please notify our office if ever the location should change.

The design of the funding acknowledgements signs that we provide are shown on page 31 and 32, each with dimension of 8" tall x 10" wide. Projects that develop several sites must have a permanent sign at each site. If your project is for further development or expansion of an existing park that already has a permanent LWCF or NCRGTF acknowledgment sign, another sign is not necessary. Please contact the Arkansas State Parks Outdoor Recreation Program if a replacement sign is ever needed.

If Grantee would prefer, they may have an acknowledgment sign fabricated using their own funds. The sign must be made of a permanent material such as metal or stone and must contain the information and logo as shown on blue pages 31 and 32. There are no rules for a specific color or size; however, it must be large enough to be legible.

The illustrations on the following pages show the signs provided by the Outdoor Recreation Grants Program and required for LWCF and NCRGTF projects.

LAND AND WATER CONSERVATION FUND



This park was funded in part by a grant partnership of the Arkansas Department of Parks and Tourism, Local Government, and the federal Land and Water Conservation Fund

○

ARKANSAS NATURAL AND CULTURAL RESOURCES GRANT AND TRUST FUND



This park was funded in part by a grant partnership of the Arkansas Department of Parks and Tourism, Local Government, and a portion of Arkansas's Real Estate Transfer Tax.

○

5 ACQUISITION OR COMBINATION PROJECT

Upon receipt of appraisal approval for a project for acquisition of land only, the Department of Parks and Tourism will execute a Contract Agreement between the Applicant (grantee) and the State of Arkansas. For projects including facility development as well as land acquisition, standard review procedures must be followed in regards to plans, specifications, bid documentation, and any necessary permits prior to execution of the Contract Agreement. Upon the return of a properly executed contract, the Department of Parks and Tourism will issue a Notification to Proceed.

Following the issuance of the Notification to Proceed, the grantee will have forty-five (45) calendar days to submit evidence that it has taken Title to the property. If you are unable to take Title within 45 days, you must inform your project officer in writing of the reason for the delay. This notification must be submitted at least one week prior to the end of the 45- day period.

After you have taken Title to the property you will have sixty (60) calendar days to submit a request for reimbursement for the acquisition costs. This requirement does not apply to combination projects where the property is being donated. The request for reimbursement must include copies of the following:

1. Deed
2. Invoice for project sign
3. Cancelled checks (front and back)
4. Ten-year history of conveyance
5. Title Opinion
6. Statement of Just Compensation

If the project includes relocation, you must follow the procedures outlined in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646). Along with the above listed documentation, any grantee whose project involves relocation must also submit the appropriate relocation

documentation with the request for reimbursement. This will include the following:

1. A copy of the written offer to purchase including a statement of just compensation.
2. Relocation Plan, advisory services program and appeals procedures where displacement occurred.
3. A statement of difference in value if the purchase price is greater than the approved appraisal of fair market value.
4. Documentation showing that the owner or his designated representative has been given an opportunity to accompany the appraiser during his inspection of the property.
5. Evidence that occupants of property acquired, were furnished at the time of initiation of negotiation, adequate information explaining their eligibility to payments under Title II of the Act.
6. Copies of waivers where applicable.
7. Appropriate claims forms and supporting documentation.
8. Evidence of purchase price and title.

Failure to comply with either of the above listed time limits will result in the withdrawal of all LWCF or NCRGTF monies from the project.

APPRAISAL FORMATS

NOTE TO APPRAISERS:

Do not use Multi-purpose Supplemental Addendum for Federally Related Transactions forms or any type of Land Appraisal forms.

FORMAL APPRAISAL FORMAT

Any project that proposes acquisition of property through private donation or which proposes the purchase of property with an anticipated value of \$25,000 or more must follow this format. The Formal Appraisal must cover the following:

I. QUALIFICATIONS

Statement of qualifications of all appraisers and/or technicians, contributing to the report.

II. STATEMENT OF LIMITING CONDITIONS

The appraiser should provide clear concise statements of all assumptions including the following specifications:

- That the title to the property is marketable
- That the appraiser assumes no responsibility for legal matters
- That the data furnished by others is presumed correct

III. PURPOSE OF THE APPRAISAL

This shall include a definition of all values required and appraised.

IV. IDENTIFICATION OF THE PROPERTY

Legal description of the tract and the property that is to be acquired

V. 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.

VI. PROPERTY DATA

- *Site*
- *Improvements*
- *Equipment*

- *Condition*
- *Assessed Value and Annual Tax Load*
- *Zoning*

Describe the zoning for the subject and comparable properties and if rezoning is imminent discuss under item VII.

VII. ANALYSIS OF HIGHEST AND BEST USE

The report shall state the highest and best market use that can be made of the property (land and improvements where applicable, machinery and equipment) for which there is a current market. 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.

VIII. 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 current factual data (sales and offerings) of comparable or nearly comparable lands having optimum uses. Differences shall be weighed and explained to show how they indicate the value of the land being appraised.

IX. 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 and page)

if a national service) of all figures used. The dollar amounts of physical deterioration and functions and economic obsolescence, or the omission of same, shall be explained in narrative form. This procedure may be omitted on improvements, both real and personal, for which only a salvage or scrap value is estimated.

X. VALUE ESTIMATE BY INCOME APPROACH

This shall include adequate factual data to support each figure and factor used and shall be arranged in detailed form to show at least the

- estimated gross rent or income
- an itemized estimate of total expenses including reserves for replacements.

Capitalization of net income shall be at the rate prevailing for this type of property and location. The capitalization technique method and rate shall be explained in narrative form supported by a statement of sources of rates and factors.

XI. 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. Three (3) comparable sales are required.

XII. 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 IX, X, and XI are indicative of the market value.

XIII. TABULATION OF HISTORY OF CONVEYANCES (PROPERTY SALES AND TRANSFERS)

Include parties to the transactions, dates of purchase and amounts of consideration for at least 10 years prior to the appraisal.

XIV. CERTIFICATION OF APPRAISER

- He/She has personally inspected the property.

- He/She has no present or contemplated interest in the property.
- That in his/her opinion, the market value of the taking as of (valuation date) is: \$ _____.

- (Signature)
- _____

- (Date Report Submitted)
- _____

XV. EXHIBITS AND ADDENDA

(Note: All maps and plans may be bound as facing pages opposite the description, tabulation, or discussions they concern.)

- *Location Map*
(within the city or area)
- *Comparative Map Data*
(show geographic location of the appraised property and the comparative parcels analyzed)
- *Detail of the Comparative Data*
(narrative)
- *Plot Plan*
- *Floor Plans*
(when needed to explain the value estimates)
- *Photographs*

Pictures shall show at least the front elevation of the major improvements, plus any unusual features. When a large number of buildings are involved, include duplicates, one picture may be used for each type. Views of the best comparable should be included whenever possible. Except for the overall view, photographs may be bound as pages facing the discussion or descrip-

tion to which the photographs pertain. All graphic material shall include captions.

- *Other Pertinent Exhibits*

FINDING OF VALUE FORMAT

Any project which proposes the purchase of property with an anticipated value of less than \$25,000 must include a written finding of value prepared by a knowledgeable person such as a real estate broker, banker or local appraiser. This waiver valuation can be based on the individual's knowledge of land values, but should include a statement of the person's experience and qualifications, including a short description of the factors considered and the means by which a conclusion was reached.

DEVELOPMENT PLAN

If the proposed project is for acquisition of land only it will be necessary to prepare a plan for the development of this property. Such a plan should include, at a minimum, the following:

I. NECESSITY

Discuss why the immediate acquisition of the property is necessary. Include an explanation of why the property cannot be developed at this time.

II. LONG-RANGE DEVELOPMENT PLAN

Include items proposed for development on this site. Be as specific as possible. Include estimated dates for such development. Also include proposed methods for funding such developments if they are known. If the source of funding is not known, please indicate this fact.

III. INTERIM PLANS FOR THE SITE

How will the site be used until development starts? Include in this section the current use(s) of the site. How long will this interim period last? If there will be more than one use list each use and its estimated time frame.

IV. INCOME

Will income be generated from the site during the interim period? What is the projected amount of this income? Will this income be

used in the development of the applicant's park system as a whole? Have any arrangements been made to insure such a use of this income? If so, what are they?

V. SITE MAPS AND PLANS

Include at least one 8 1/2" x 11" site plan indicating the proposed use areas of the site, e.g., playground areas, picnic areas, ballfield areas. If possible include more detailed plans of these developments.

6 PROCUREMENT, BIDDING, AND REIMBURSEMENTS

ARKANSAS CODE ANNOTATED (A.C.A.) §19-11-204, §19-11-229, §19-11-230, §19-11-231, §19-11-234, AND §19-4-1405

PURCHASING REQUIREMENTS AND BID DOCUMENTS REQUIRED FOR MATERIALS (COMMODITIES) ONLY

- Include all similar materials for the entire project.
- Purchases for similar materials (commodities) that do not exceed \$10,000 may be purchased on the open market, see A.C.A. §19-11-231.
- All purchases will be awarded to the responsible bidder who has submitted the lowest bid that meets the requirements, criteria, and specifications. Delivery time must be reasonable and consistent with current industry norms.
- Competitive bids must be secured for similar material (commodity) that exceeds \$5,000 and is less than or equal to \$25,000.

Competitive Bidding

A.C.A. §19-11-234

Definition: "Competitive bidding" is a method of purchasing that requires obtaining bids by:

- A) Direct mail request to prospective bidders and obtaining written bids; or
- B) Telephone request to prospective bidders and obtaining written bids; or
- C) Written form request to prospective bidders and obtaining written bids; or
- D) Fax request to prospective bidders and obtaining written bids.

(1) You must have a minimum of three (3) competitive bids. If three (3) competitive bids are not obtained, you must include the names of at least three (3) firms contacted in attempting to obtain competitive bids. Please include the contact name and phone number or address of the firms contacted, and the date contacted. Each bid, together with the name of the bidder,

shall be recorded on a bid tabulation sheet and open to public inspection.

- (2) Only firms that sell the type of material (commodity) or provide the type of labor (service) to be purchased will be contacted. Bids may be solicited from vendors within the city, county, state, or country.

Multiple purchases of \$10,000 or less made by Grantee to circumvent bid limits would violate state-purchasing procedures. Grantee will not be reimbursed for expenditures that violate procedures.

- Competitive "sealed" bids must be secured for similar materials (commodities) that exceeds \$50,000.

Competitive Sealed Bidding

A.C.A. §19-11-229

Definition: "Competitive sealed bidding," means a method of purchasing that requires:

- (1) Issuance of an invitation for bids with a purchase description and all contractual terms and conditions applicable to the purchase;
- (2) Public opening of bids at a pre-designated time and place;
- (3) Acceptance of a bid without alteration or correction (you must notify your Project Officer if alteration or corrections are needed);

(4) Award to the responsive and responsible bidder who has submitted the lowest bid that meets the requirements and criteria set forth in the invitation for bids;

(5) Public notice.

- A notice for bid must be placed at least once (1) in a newspaper with general circulation in the state. The notice must be published one (1) time, at least five (5) days, but no more than thirty (30) days prior to the date for the opening of bids.
- The notice will include a general description of the materials (commodities) to be purchased, state where invitations for bid may be obtained, and include the notice that federal (state) funds are being used in the project. A 5% bid guarantee is to be sent with each proposal, if the bid is in excess of \$50,000.
- Bids will be opened publicly in the presence of one (1) or more witnesses at the time and place designated in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded on a bid tabulation sheet and open to public inspection. Bids are to be evaluated based on the requirements set forth in the invitation for bids. The invitation for bid must include the evaluation criteria. No criteria may be used in bid evaluation that were not set forth in the invitation for bids. The contract will be awarded with reasonable promptness by written notice to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

You must take the lowest bid submitted that meets your specifications and requirements. You will not be reimbursed for expenditures that do not follow these regulations.

- If, after having advertised for bids, no bids are received by the date of the bid opening, the grantee must advertise for the goods and/or services to be procured a second time. The second bid opening date will be established in accordance with the previous regulations.

PURCHASING REQUIREMENTS AND BID DOCUMENTS REQUIRED FOR LABOR (SERVICES) ONLY

- Include all similar labor (services) for the entire project.

- Purchases for similar labor (services) that do not exceed \$10,000 may be purchased on the open market, see A.C.A. §19-11-231.

- All purchases will be awarded to the responsible bidder who has submitted the lowest bid that meets the requirements, criteria and specifications. Delivery time must be reasonable and consistent with current industry norms.

- Competitive bids must be secured for similar labor (services) that exceeds \$10,000 and is less than or equal to \$50,000.

Competitive Bidding

A.C.A. §19-11-234

Definition: “Competitive bidding” is a method of purchasing (acquiring services) that requires obtaining bids by:

- A) Direct mail request to prospective bidders and obtaining written bids; or
- B) Telephone request to prospective bidders and obtaining written bids; or
- C) Written form request to prospective bidders and obtaining written bids; or
- D) Fax request to prospective bidders and obtaining written bids.

(1) You must have a minimum of three (3) competitive bids. If three (3) competitive bids are not obtained, you must include the names of at least three (3) firms contacted in attempting to obtain competitive bids. Please include the contact name and phone number or address of the firms contacted, and the date contacted. Each bid, together with the name of the bidder, shall be recorded on a bid tabulation sheet and

open to public inspection.

- (2) Only firms that offer the type of labor (services) or provide the type of labor (service) to be purchased will be contacted. Bids may be solicited from vendors within the city, county, state, or country. Competitive “sealed” bids must be secured for similar labor (services) that exceeds \$50,000.

Competitive Sealed Bidding

A.C.A. §19-11-229

Definition: “Competitive sealed bidding,” means a method of purchasing (acquiring) that requires:

- (1) Issuance of an invitation for bids with a purchase (acquiring) of labor (services) description and all contractual terms and conditions applicable to the purchase;
 - (2) Public opening of bids at a pre-designated time and place;
 - (3) Acceptance of a bid without alteration or correction (you must notify your Project Officer if alteration or corrections are needed);
 - (4) Award to the responsive and responsible bidder who has submitted the lowest bid that meets the requirements and criteria set forth in the invitation for bids; and
 - (5) Public notice.
- A notice for bid must be placed at least once (1) in a newspaper with general circulation in the state. The notice must be published one (1) time, at least five (5) days, but no more than thirty (30) days prior to the date for the opening of bids.

- The notice will include a general description of the labor (services) to be purchased (acquired), state where invitations for bid may be obtained and include the notice that federal (state) funds are being used in the project.

- Bids will be opened publicly in the presence of one (1) or more witnesses at the time and place designated in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded on a bid tabulation sheet and open to public inspection. Bids are to be evaluated based on the requirements set forth in the invitation for bids. The invitation for bid must include the evaluation criteria. No criteria may be used in bid evaluation that were not set forth in the invitation for bids. The contract will be awarded with reasonable promptness by written notice to

the lowest responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

You must accept the lowest bid that meets your specifications and requirements. You will not be reimbursed for expenditures that do not follow these regulations.

- If, after having advertised for bids, no bids are received by the date of the bid opening, the grantee must advertise for the goods and/or services to be procured a second time. The second bid opening date will be established in accordance with the previous regulations.

Please notify your Project Officer in the event that the lowest bid exceeds available funds.

BID DOCUMENTS REQUIRED FOR MATERIALS AND LABOR (TURN-KEY PROJECTS)

- Turn-key projects involving materials and labor that do not exceed \$5,000 may be obtained on the open market, see A.C.A. §19-11-231.

Multiple turn-key projects of \$5,000 or less, made by the Grantee, to circumvent bid limits will be a violation of state-purchasing procedures. The grantee will not be reimbursed for expenditures that violate these procedures.

- Turn-key projects above \$5,000 and below \$20,000 for materials and labor will be by competitive bids.

Competitive Bidding

A.C.A. §19-11-234

Definition: “Competitive bidding” is a method of purchasing that requires obtaining bids by:

- A) Direct mail request to prospective bidders and obtaining written bids; or
 - B) Telephone request to prospective bidders and obtaining written bids; or
 - C) Written form request to prospective bidders and obtaining written bids; or
 - D) Fax request to prospective bidders and obtaining written bids.
- (1) You must have a minimum of four (4) competitive bids. If four (4) competitive bids are not obtained, you must include the names of at least four (4) firms contacted in attempting to obtain competitive bids. Please include the contact name and phone number or address of the firms contacted, and the date contacted.
 - (2) Only firms that provide the type of material and labor to be contracted will be contacted. Bids may be solicited from vendors within the city, county, state, or country.

Competitive Sealed Bidding

A.C.A. §19-4-1405

- Competitive “sealed” bids must be secured for materials and labor (turn-key jobs) that equals or exceeds \$20,000.

Definition: “Competitive sealed bidding,” means a method of purchasing that requires:

- (1) Issuance of an invitation for bids with a purchase description and all contractual terms and conditions applicable to the purchase;
 - (2) Public opening of bids at a pre-designated time and place;
 - (3) Acceptance of a bid without alteration or correction (you must notify your Project Officer if alteration or corrections are needed);
 - (4) Award to the responsive and responsible bidder who has submitted the lowest bid that meets the requirements and criteria set forth in the invitation for bids; and
 - (5) Public notice.
- A notice for bid must be placed at least once (1) a week for one (1) week for projects \$20,000 to \$49,999 in a newspaper with

general circulation in the county where the project is located.

- A notice for bid must be placed at least once (1) a week for two (2) consecutive weeks for projects over \$50,000 in a newspaper with general circulation in the county where the project is located. The notice must be published at least seven (7) days, but no more than thirty (30) days prior to the date for the opening of bids.
- For a bid advertisement that requires two insertions, the last insertion will be not less than one (1) week prior to the date on which the bids are to be received.
- The notice should include a general description of the materials and labor to be contracted and:
- Provide for the receipt of sealed bids;
- Set the time and place where the bids will be received;
- Contain the amount of the bid bond. A 5% bid guarantee is to be sent with each proposal, if the bid is in excess of \$20,000;
- Specify where copies of the plans and specifications and a draft of the proposed contract can be obtained for examination; and
- Contain other information and requirements as necessary.
- Bids will be opened publicly in the presence of one (1) or more witnesses at the

time and place designated in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded on a bid tabulation sheet and open to public inspection. Bids are to be evaluated based on the requirements set forth in the instruction to bidders. These instructions must include all the evaluation criteria. No criteria may be used in bid evaluation that is not included in these instructions. The contract will be awarded with reasonable promptness by written notice to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the instruction to bidders. A 5% bid bond is required and must accompany each bid. The bid will be void unless accompanied by a cashier's check drawn upon a bank or trust company doing business in the state or by a corporate bid bond.

- Performance and payment bonds will be required if the contract is over \$20,000. The bonds will be for the completion of the construction free of all liens and encumbrances and for the protection of the grantee against all liability for injury to persons or damage to, and loss of property in the course of the work project. The bond must be filed in the county where the work is to be done. The Contract Award will not be issued until the performance bond is received and filed.

All contracts will be awarded to the responsible bidder who has submitted the lowest bid that meets the requirements, criteria and specifications.

You must take the lowest bid submitted that meets your specifications and requirements. You will not be reimbursed for contracts that do not follow these regulations.

OVER \$20,000 BID PROPOSALS AND/OR CONTRACTS
OVER \$20,000 BID PROPOSALS AND/OR CONTRACTS
 (ARKANSAS CODE ANNOTATED 18-44-503, 18-44-506, 18-44-507, 22-9-401, 22-9-402, 22-9-403)

- A 5% bid guarantee is to be sent with each proposal, if the bid is in excess of \$20,000.
- A successful bidder shall furnish a Performance Payment bond within 10 days after receipt of the Owner's Intent to Award notice. Failure to furnish the required bonds may cause forfei-

ture of bid guarantee to the owner as liquidated damages.

- The Contractor shall furnish a "Performance and Payment Bond" in the amount equal to 100% of the contract price as security for the faithful performance of this contract and for payment of all indebtedness for labor and materials furnished or performed in connection with this contract. The bond shall be written by a surety company which is qualified and is authorized licensed by the Insurance Commissioner to represent the surety company executing said bond and filing with said bond, his power of attorney as his authority. The mere countersigning of a bond will not be sufficient. The bond shall be written in favor of the owner and executed. The contractor shall file (not record) the original with the Clerk in the Circuit Court of the County in which the work to be performed is located. The contractor is to pay all expense incident to the filing of the bond. Two copies of the bond should be certified by the Clerk to evidence the filing of the original. One copy shall remain with the contractor and one copy provided to the Owner.
- Contractors must be licensed the day the project bids. All bidders shall conform to the requirements of Arkansas Code Annotated 17-25-101 et. seq. Arkansas State Licensing Law for Contractors.
- There shall be only one (1) bid submitted per State Contractors License. Each bid received shall contain the license for that

bidder to do business in the State of Arkansas.

- If, after having advertised for bids, no bids are received by the date of the bid opening, the grantee must advertise for the goods and/or services to be procured a second time. The second bid opening date will be established in accordance with the previous regulations.

Arkansas Code Annotated 22-9-101 provides that public construction involving the expenditure of \$25,000 or more must be conducted under the supervision of a registered professional engineer and the expenditure of \$100,000 or more must be conducted under the supervision of a registered architect.

PURCHASES AND BID DOCUMENTS REQUIRED FOR MATERIALS ONLY, LABOR ONLY, OR TURN-KEY PROJECTS UTILIZING "REQUESTS FOR PROPOSALS"

§ 19-11-230 Competitive Sealed Proposals

Definition: "Competitive sealed proposals" means a method of procurement that involves, but is not limited to:

- (1) Solicitation of proposals through a request for proposals;
- (2) Submission of cost or pricing data from the offeror where required;
- (3) Discussion with responsible offerors whose proposals have been determined to be reasonably susceptible to being selected for award and;
- (4) An award made to the responsible offeror whose proposal is determined in writing to be the most advantageous considering price and evaluation factors set for the in the request for proposals.

When, under regulations promulgated by the State Procurement Director, the director determines in writing that the use of competitive sealed bidding is not practicable and advantageous, a contract may be awarded by competitive sealed proposals.

Public notice of the request for proposals shall be given in the same manner as provided in § 19-11-229(d), which refers to public notice of "competitive sealed bidding."

PURCHASES AND BID DOCUMENTS REQUIRED FOR MATERIALS ONLY, LABOR ONLY, OR TURN-KEY PROJECTS UTILIZING "REQUESTS FOR PROPOSALS"

§ 19-11-230 Competitive Sealed Proposals

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- (2) Submission of cost or pricing data from the offeror where required;
- (3) Discussion with responsible offerors whose proposals have been determined to be reasonably susceptible to being selected for award and;
- (4) An award made to the responsible offeror whose proposal is determined in writing to be the most advantageous considering price and evaluation factors set for the in the request for proposals.

When, under regulations promulgated by the State Procurement Director, the director determines in writing that the use of the competitive sealed bidding is not practicable and advantageous, a contract may be awarded by competitive sealed proposals.

Public notice of the request for proposals shall be given in the same manner as provided in § 19-11-229(d), which refers to public notice of "competitive sealed bidding".

SAMPLE NEWSPAPER BID

FOR MATERIALS ONLY
STATEWIDE NEWSPAPER

Sun County News
999 Anyplace Street
Smallville, Arkansas 90000

Contact: Amy Small
Phone: 501-999-9999
Fax: 501-000-0000

Insertion Date: February 26, 2016
Public Notice

The City of Smallville is accepting bids on the purchase of a modular play structure designed to accommodate 30-35 children, 5 to 12 years of age; with a minimum of 15 play activities. Bids will also be accepted for the purchase of fill material to place underneath the structure consisting of 12 (twelve) inches of engineered wood fiber manufactured for this application and prefabricated modular containment borders to contain the fill material.

All persons wishing to provide the above items must meet additional specifications contained in the instruction to bidders. The "Instructions to Bidder" packets may be obtained from the office of Sun Planning District, Post Office Box 888, Smallville, Arkansas 90000, or by calling 501-999-9999. Requests for additional information may be directed to Amy Small at the Planning District or the above listed telephone number.

Bids must be returned to the Sun Planning District office no later than 10:00 a.m. on March 26, 2016 and must be clearly marked Smallville Park Bid-SEALED BID. State (or Federal) funds are being used in this project and all Federal and State regulations apply. Minority and women owned businesses are encouraged to bid.

John Small, Mayor

Send Billing and Proof of Publication to:

The Honorable John Small
Mayor of Smallville
City Hall
Smallville, Arkansas 90000

SAMPLE NEWSPAPER BID

FOR LABOR ONLY

STATEWIDE NEWSPAPER

Sun County News
999 Anyplace Street
Smallville, Arkansas 90000

Contact: Amy Small
Phone: 501-999-9999
Fax: 501-000-0000

Insertion Date: February 26, 2016

Public Notice

The City of Smallville is accepting bids on the purchase of a modular play structure designed to accommodate 30-35 children, 5 to 12 years of age; with a minimum of 15 play activities. Bids will also be accepted for the purchase of fill material to place underneath the structure consisting of 12 (twelve) inches of engineered wood fiber manufactured for this application and prefabricated modular borders to contain the fill material.

All persons wishing to provide the above items must meet additional specifications contained in the instruction to bidders. The "Instructions to Bidder" packets may be obtained from the office of Sun Planning District, Post Office Box 888, Smallville, Arkansas 90000, or by calling 501-999-9999. Requests for additional information may be directed to Amy Small at the Planning District or the above listed telephone number.

Bids must be returned to the Sun Planning District office no later than 10:00 a.m. on March 26, 2016, and must be clearly marked "Smallville Park Bid - SEALED BID. State (or Federal) funds are being used in this project and all Federal and State regulations apply. Minority and women owned businesses are encouraged to bid.

John Small, Mayor

Send Billing and Proof of Publication to:

The Honorable John Small
Mayor of Smallville
City Hall
Smallville, Arkansas 90000

SAMPLE NEWSPAPER BID
FOR MATERIALS AND LABOR (TURN-KEY PROJECT)
COUNTYWIDE NEWSPAPER

Sun County News
999 Anyplace Street
Smallville, Arkansas 90000

Contact: Amy Small
Phone: 501-999-9999
Fax: 501-000-0000

Insertion Date: February 26, 2016
Public Notice

The City of Smallville is accepting bids on the purchase of a modular play structure designed to accommodate 30-35 children, 5 to 12 years of age; with a minimum of 15 play activities. Bids will also be accepted for the purchase of fill material to place underneath the structure consisting of 12 (twelve) inches of engineered wood fiber manufactured for this application and prefabricated modular borders to contain the fill material.

All persons wishing to provide the above items must meet additional specifications contained in the instruction to bidders. "Instructions to Bidder" packets may be obtained from the office of Sun Planning District, Post Office Box 888, Smallville, Arkansas 90000, or by calling 501-999-9999. Requests for additional information may be directed to Amy Small at the Planning District or the above listed telephone number.

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John Small, Mayor

Send Billing and Proof of Publication to:

The Honorable John Small
Mayor of Smallville
City Hall
Smallville, Arkansas 90000

SAMPLE NEWSPAPER BID

FOR LABOR ONLY

STATEWIDE NEWSPAPER

Sun County News
999 Anyplace Street
Smallville, Arkansas 90000

Contact: Amy Small
Phone: 501-999-9999
Fax: 501-000-0000

Insertion Date: February 26, 2016

Public Notice

The City of Smallville is accepting bids on the purchase of a modular play structure designed to accommodate 30-35 children, 5 to 12 years of age; with a minimum of 15 play activities. Bids will also be accepted for the purchase of fill material to place underneath the structure consisting of 12 (twelve) inches of engineered wood fiber manufactured for this application and prefabricated modular borders to contain the fill material.

All persons wishing to provide the above items must meet additional specifications contained in the instruction to bidders. The "Instructions to Bidder" packets may be obtained from the office of Sun Planning District, Post Office Box 888, Smallville, Arkansas 90000, or by calling 501-999-9999. Requests for additional information may be directed to Amy Small at the Planning District or the above listed telephone number.

Bids must be returned to the Sun Planning District office no later than 10:00 a.m. on March 26, 2016 and must be clearly marked "Smallville Park Bid - SEALED BID. State (or Federal) funds are being used in this project and all Federal and State regulations apply. Minority and women owned businesses are encouraged to bid.

John Small, Mayor

Send Billing and Proof of Publication to:

The Honorable John Small
Mayor of Smallville
City Hall
Smallville, Arkansas 90000

DONATIONS

A park project may be completed by any combination of the following:

- Paid labor, equipment, and materials
- Donated labor, equipment and materials from individuals or civic groups.
- Force account (city/county employees) labor, equipment and material from a city/county government.

Paid labor, equipment and materials must be documented for reimbursement purposes by invoices and cancelled checks. Federal wage rates are not required for this program. Wage rates should reflect local Employment Security Wage Rates for labor, or the grantee's usual rate, whichever is greater.

Donated labor, equipment and materials must be documented with time sheets, statements, invoices or letters signed by the donor. By submitting such documentation in a request for reimbursement, the grantee is acknowledging receipt and acceptance of the donation. The calculations for donated labor wage rates should be based on local prevailing wage rates for general labor, unless labor is from a specialized or licensed trade, for example, the person doing plumbing work is a professional plumber. In this case his labor may be charged at rate consistent with that earned in his profession. As another example, if a plumber donates his time to help with fencing on the park, his labor could then only be calculated at the rate for a general laborer.

The grantee will not receive any monetary reimbursement for donated labor, equipment and materials. However, you will receive 100 percent reimbursement for equivalent amounts of paid labor, equipment and materials matching your donated value. Please remember that you can only receive reimbursement up to the total amount of actual cash that you expend.

When labor, equipment and materials are supplied by the local government, this value is treated in the same manner as other cash expenditures. Documentation should include the grantee's employee time sheets and appropriate statements for use of local government equipment and materials.

Cancelled payroll checks are not required, but should be available through your records for possible audits. Force account billings are treated differently from donated value because they are actual expenses to the city/county.

The total amount of donated value allowable on your project may not exceed the amount of donated value listed in your project application. For example, if your application showed that grantee share of the total project cost to be \$50,000, consisting of \$40,000 in cash and \$10,000 in donated value. The grantee will not be allowed in this case to apply more than \$10,000 in donated value to the project.

REIMBURSEMENT

The reimbursement request checklist will provide most of the information needed about a reimbursement. The State has established a few additional guidelines to hold down its administrative costs.

A reimbursement request for less than twenty percent (20%) of the total project amount may be held and combined with a subsequent one. The final twenty percent (20%) of the total project cost will not be reimbursed until the final inspection is complete and the project is ready to be closed.

Requests for reimbursement should be submitted at least every three months. Reimbursements usually require four to six weeks to process after receipt of the request, providing no additional information is required.

As a reminder, the following are some items that are not eligible for reimbursement:

- finance charges and interest
- legal fees
- expenses for supplies and tools (e.g., paper, pens, rakes, paintbrushes, saws, saw blades, ladders)
- incidental costs related to land acquisition such as appraisals, abstracts, recording fees, etc.
- costs incurred prior to the Contract Agreement and the Notice To Proceed.

Please note that copies of bids are not acceptable as an invoice. An invoice is necessary to document the receipt by the grantee of goods or services obtained through the procurement process.

If you have any questions regarding a reimbursement, please contact your Project Officer.

Please do not request a final reimbursement until you have submitted a final “as-built” site plan and have notified the project officer (in writing) that the project has been completed.

REIMBURSEMENT REQUEST CHECKLIST

- ___ 1. All requests for reimbursement must be addressed to:
(Project Officer's Name)
Outdoor Recreation Grants Program
Arkansas Department of Parks and Tourism
1 Capitol Mall
Little Rock, Arkansas 72201
- ___ 2. Include a cover letter requesting reimbursement. This letter must include the project number, total dollar amount requested, and the number of the request (1st, 2nd, 3rd, etc.). Be sure the letter is dated and signed by the appropriate local official.
- ___ 3. Legible, clear copies of all itemized invoices (not billing statements) attached to the check or checks they represent. If the invoices are not itemized or cannot be clearly read they will be returned to you unreimbursed. Invoices must contain the name (not only the part number) of the item purchased, the number of items purchased, the unit cost, the total cost of the items and tax if applicable. The vendor's name and address must be on the invoice.
- ___ 4. Invoices for similar materials or similar labor that total \$5,001 and less than or equal to \$25,000 must include copies of the three (3) competitive quote bids and a bid tabulation form as documentation the project was bid as required.
- ___ 5. Invoices for similar materials or similar labor that total \$25,000 and above must be accompanied by a copy of the contract, bid tabulation sheet, copy of lowest qualified and responsive bid, and proof of advertising in a statewide newspaper.

- ___ 6. Invoices for materials and labor (turn-key project) that total \$5,001 and less than or equal to \$20,000 must include copies of four (4) competitive quote bids and a bid tabulation form as documentation the project was bid as required.
- ___ 7. Invoices for materials and labor (turn-key project) that total \$20,001 and less than or equal to \$50,000 must be accompanied by a copy of the contract, bid tabulation sheet, copy of lowest qualified and responsive bid, and proof of advertising once in a newspaper that has countywide circulation in the county where the work is to be performed.
- ___ 8. Invoices for materials and labor (turn-key project) that total \$50,001 and above must be accompanied by a copy of the contract, bid tabulation sheet, copy of lowest qualified and responsive bid, and proof of advertising once a week for two consecutive weeks in a newspaper that has countywide circulation in the county where the work is to be performed.
- ___ 9. Reimbursement Summary Sheet with the Project Title, Project Number, Request Number and Current Date. Enter the budgeted line item from your approved budget, reference number (either the check number or the number from your donated value sheet or City/County value sheet), and the total amount of the check if applicable. Your expenses should be listed in the appropriate columns depending on each expenditure. Total each column (except check amount). The sum of each individual column should equal the sum of the line total column.
- ___ 10. Copies of both sides of all canceled checks.
- ___ 11. Package the request in the following order:
- a. Cover Letter
 - b. Reimbursement Summary Sheet
 - c. Checks/Invoices
 - d. Requests for in-kind credits

Related items (checks and invoices) should be stapled together in the order they appear on the reimbursement summary sheet.

The name and telephone number of the person who can answer questions about the request should be listed in the cover letter.

Only costs incurred during the contract period are eligible for reimbursement.

Any reimbursements received in the ORGP office that do not follow the format and do not contain the correct bid documentation in this chapter will be returned to the grantee. Please check your requests and make sure that the requests are in the correct format and that you include all bid documents.

Sample copies of the reimbursement forms are located on pages 50 through 54.

**Value of Donated Labor
Time Sheet—Land and Water Conservation Fund
Natural and Cultural Resources Grant and Trust Fund**

Park Name _____ **RETAIN FOR AUDIT**

Project Name and Number _____

Name of Person Contributing Donated Time	Work Performed (Labor, Plumbing, Masonry, etc.)
---	--

Hourly Rate Based on _____	Budget Line Item
-----------------------------------	-------------------------

A person donating his time to a project will be paid as a general laborer **unless** he is professionally skilled in the work he is performing on the project (i.e., plumber doing work on pipes, mason doing work on a brick building). When this is the case, the wage rate this individual is normally paid for performing his service may be charged to the project. A general laborer's wages may be charged in the amount of that which the city or county in the immediate area pay their city employees for performing similar duties.

Date	Time of Work				Total Work Hours	Hourly Rate	Value of Donation*
	Start	End	Start	End			

Total Value of Donation _____

Signature of Person Donating Time *Date*

Signature Required Verifying Record *Date*

Supervisor Verifying Accuracy *Date*

* Hours x hourly rate

Sheet # M-_____

Value of Donated Material Land and Water Conservation Fund Natural and Cultural Resources Grant and Trust Fund			
			RETAIN FOR AUDIT
Project Name and Number	Project Element		
Donor			
Description of Material Donated	Date of Donation	Fair Value	Basis of Value
Total Value of Donation -----			
_____		_____	
<i>Verifying Official's Signature</i>		<i>Date</i>	

Individual Park Inventory Form

(Please fill out one form for each park)

Name of Park/Recreation Site: _____

Closest major highway: _____

Site location/address: _____

City: _____ County: _____

Operating Agency: _____ Owner: _____

Size of Area

Recreational land area in acres..... _____

Recreational water area in acres..... _____

Is fishing permitted? _____

Is boating permitted? _____

Number of Playing Fields

Baseball/softball fiends – unlighted: _____

Baseball/softball fiends – lighted: _____

Soccer fields- unlighted:..... _____

Soccer fields- lighted:..... _____

Open spaces acres: _____

Number of Courts

Tennis courts- unlighted:..... _____

Tennis courts- lighted:..... _____

Basketball courts- unlighted:..... _____

Basketball courts- lighted:..... _____

Golf Numbers

18 hole golf courses: _____

9 hole golf courses: _____

Miniature golf/putt-putt courses: _____

Golf driving ranges:..... _____

Disc golf courses: _____

Swimming

Number of swimming pools: _____

Swimming pool(s) total square feet: _____

Non-pool swimming areas (lake, rivers, etc.): _____

Number of water play areas (splash pads, water slide, etc.): _____

Number of Playgrounds

Multi-station play structures:..... _____

Individual pieces of play equipment (swings, slides, spring animals, etc.):..... _____

Trails

Number of paved trails: _____

Individual Park Inventory Form

(Please fill out one form for each park)

Miles of paved trails:.....

Number of unpaved trails:

Miles of unpaved trails:.....

Number of ATV trails:

Miles of ATV trails:

Water Access

Number of fishing piers or docks:

Number of boat launching ramps:

Number of slips or stalls in marina:

Camping

Number if camping sites with utilities:

Number of camping sites without utilities:

Panic Facilities

Number of pavilions:

Number of picnic sites:

Other Facilities

Number of sites with skate park elements (bowls, ramps, half-pipe, etc.):

Number of sites with BMX track:.....

Number of amphitheaters:

Number of paved parking spaces:.....

Number of un-paved parking spaces:

List other developed outdoor recreation facilities on the site:.....

Describe this Park (answer with Yes or No)

New park constructed within the past five years:

Park is in overall good condition and was completed 5-10 years ago:.....

Park is in overall good condition and was completed over 10 years ago:.....

Park is in overall good condition, some facilities need repairs or upgrading:

Park is serviceable, needs several facilities repaired and upgraded:

All facilities provide barrier-free access:

Some facilities provide barrier-free access:

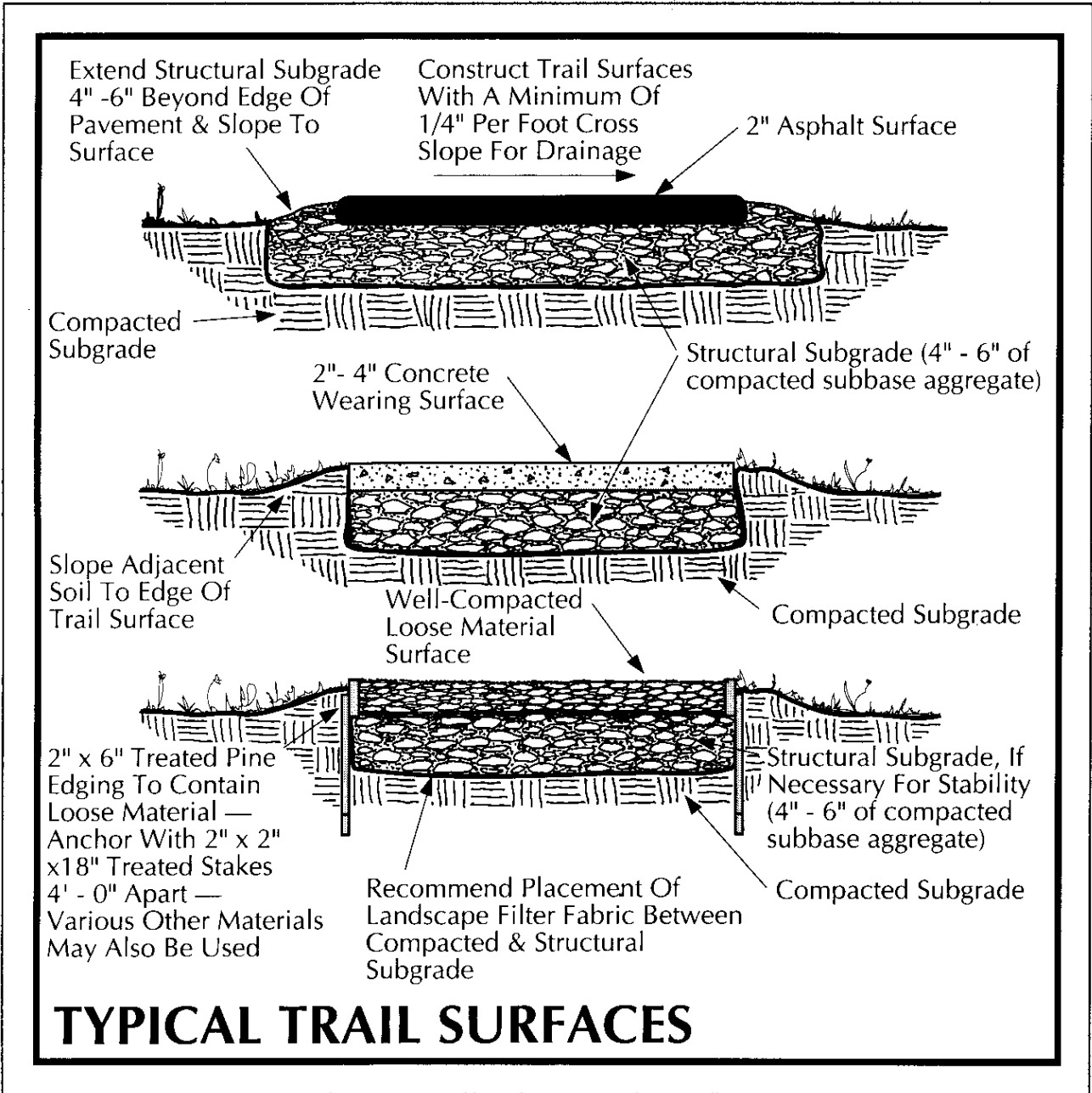
Most facilities do not provide barrier-free access:

Comments:

Signature of Mayor/County Judge:

Date:

SAMPLE OF CROSS-SECTION



Recreational Equipment Vendors

- ABC Playground
Post Office Box 1405
Alexander, AR 72002
phone: (501) 455-3342/(800) 452-7529
email: rob.abcplay@yahoo.com
web: abcplaygrounds.org
- Arkoma Playgrounds
93 Colt Square, Suite 5
Fayetteville, AR 72703
phone: (479) 443-0066/(888) 340-7529
email: arkoma@arkoma.net
web: www.arkomaplaygrounds.com
- Ash Recreation and Design (Miracle)
7799 Samples Road
Benton, AR 72019
Phone: 501-687-7869
Fax: 1-800-933-6484
Email: keith@ashrecreation.com
Web: miracle-recreation.com
- Barre Commercial Playgrounds, Inc.
41 Lieblong Road
Greenbrier, AR 72058
phone: (501) 772-4020
email: johnbarre63@yahoo.com
web: www.barreplaygrounds.com
- Cunningham Recreation-RJR Enterprise
804 N. 42nd Street
Rogers AR 72756
phone: (479) 936-1092/(47) 621-3939
email: ryanbrown@nwarjr.com
web: cunninghamrec.com
- Kyle Recreation
6834 Cantrell Road
Little Rock, AR 72207
phone: (501) 227-6125
email: kylerec@sbcglobal.net
web: kylerecreation.com
- Lynch Enterprises
104 Fieldcrest Drive
Searcy, AR 72143
phone: (501) 368-0027/(501) 593-3993
email: klynch9332@sbcglobal.net
- Musco Lighting
Recreational Sports Lighting
Arkansas Sales Rep: Jeremy Lemons
3901 Wildflower Lane
Benton, AR 72015
phone: (501) 249-8056
e-mail: jeremy.lemons@musco.com
web: www.musco.com
- PlayWell
6929 JFK Blvd #20-176
North Little Rock, AR 72116
phone: (501) 625-7529
email: robert@playwellgroup.com
web: playwellgroup.com
- Wayne Davis Playgrounds
104 Orchid Drive
Maumelle, AR 72113
phone: (501) 851-0756/(501) 658-0732
email: wyndavis@sbcglobal.net
web: davisplaygrounds.com

9 POST-COMPLETION RESPONSIBILITIES FOR LOCAL PROJECT

Local Project Sponsors are required, as recipients of LWCF/NCRGTF assistance, to maintain assisted sites and facilities in public outdoor recreation use following project completion.

When a city or county receives Matching Grant Program Funds, the city or county agrees by signing a contract with the State of Arkansas guaranteeing that the property identified in the boundary map 6(f)(3) that was provided with the grant application would remain in “outdoor recreation” use in “perpetuity”. Eventually the facilities located on this property will become outdated and obsolete and need to be repaired or replaced. In some instances it may be necessary to remove these facilities. Regardless of the circumstances, the park property must remain available for outdoor recreation use forever. Please contact the Arkansas Department of Parks and Tourism’s Outdoor Recreation Grants Program office and notify us of your wish to make these modifications prior to taking any action.

- A) Property acquired or developed with Land and Water Conservation Fund Assistance shall be operated and maintained according to the following standards.
 - 1. All LWCF/NCRGTF assisted project sites must be operated and maintained in a manner which encourages public participation.
 - 2. The property shall be attractive and inviting to the public. Staffing and servicing of facilities shall be adequate.
 - 3. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards.
 - 4. Properties, facilities and equipment shall be maintained for proper public safety.
 - 5. Facilities, roads, trails and other improvements shall be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use. Erosion problems shall be corrected.
 - 6. The facility shall be kept open for public use at reasonable hours and times. Rest rooms shall be unlocked during normal park hours.
 - 7. The LWCF/NCRGTF acknowledgment sign shall be displayed on site throughout the project life.

- B) Property acquired or developed with LWCF/NCRGTF shall be available to all persons to use and enjoy. The project sponsor must comply with the following:
 - 1. Discrimination On The Basis Of Race, Color, National Origin, Religion, or Sex. Under Title VI of the 1964 Civil Rights Act property acquired or developed with LWCF assistance shall be open to entry and use by all persons regardless of race, color, or national origin, who are otherwise eligible. The code of Federal Regulations, Title 43, Part 17, effectuates the provisions of Title VI. The prohibitions imposed by Title VI apply to park or recreation areas benefiting from Federal assistance and to any other recreation

areas administered by the State agency or local agency receiving the assistance. Discrimination is also prohibited on the basis of religion or sex.

2. **Discrimination On The Basis Of Residence.** Section 6(f)(8) of the LWCF Act provides that with respect to property acquired or developed with LWCF assistance, discrimination on the basis of residence, including preferential reservation, membership or annual permit systems is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

Fees charged to nonresidents cannot exceed twice that charged to residents. Where there is no charge for residents but a fee is charged to nonresidents, nonresident fees cannot exceed fees charged for residents at comparable State or local public facilities. Reservation, membership or annual permit systems available to residents must also be available to nonresidents and the period of availability must be the same for both residents and nonresidents.

These provisions apply only to the recreation areas described in the project agreement. Nonresidents fishing and hunting license fees are excluded from these requirements.

3. **Discrimination On The Basis Of Disabilities.** Section 504 of the Rehabilitation Act of 1973 requires that no qualified person shall, on the basis of disability, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.

- C) Property acquired or developed with LWCF/NCRGTF assistance must be used as outdoor recreation areas. Use of the project site may be restricted, depending on the project area and use. Project sponsors may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with fund assistance, when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the numbers of persons using an area or facility or the type of users, such as “hunters only” or “hikers only.” Project site limitations shall be in accordance with the applicable grant agreement and amendments. The Outdoor Recreation Grants Program Project Officer will be responsible for performing post-completion inspections for the life of the project. The items mentioned above will be addressed when these post-completion inspections are made.

CONVERSION

Properties (parks and recreation areas) acquired or developed with LWCF/NCRGTF assistance are prohibited by Section 6(f)(3) of the LWCF Act of 1965, as amended, from conversion to other than public outdoor recreation use.

Section 6(f)(3) of the LWCF Act states that “No property acquired or developed with assistance under this section shall, without the approval of the Secretary, U. S. Department of the Interior, be converted to other than public outdoor recreation use. The Secretary shall approve such conversion only if he/she finds it to be in accordance with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP) and only

upon such conditions as he/she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location”.

The basis for determining the area covered by Section 6(f)(3) is through the LWCF/NCRGTF Contract Agreement with the State, any attachments made a part of the Contract Agreement, and the project boundary map.

When an area acquired or developed with LWCF/NCRGTF assistance will be used for other than public outdoor recreation use, this use constitutes a conversion under Section 6(f)(3) of the LWCF Act. The restriction on the use of LWCF/NCRGTF assisted properties is a perpetual restriction which can only be removed by an Act of Congress. Conversions are remedies to otherwise unresolved situations, not vested rights in the program.

The Secretary, U. S. Department of the Interior, has the authority to disapprove conversion requests and/or reject proposed property substitutions.

Conversions generally occur in the following four situations:

1. Property interests are conveyed for non-public recreation uses.
2. Non-outdoor recreation uses (public and private) are made of the area or a portion thereof.
3. Non-eligible indoor recreation facilities are developed within the project area.
4. Public outdoor recreation use of property acquired or developed with LWCF assistance is terminated.

Examples of conversions are construction of through-roads, construction of residential, industrial and commercial developments, water or sewer lines, community centers, gymnasiums, senior centers, offices, residences, electrical easements, private circus showings, and other uses not permitted under the LWCF Program.

Conversions are normally discovered in the following manner:

1. Inspections conducted by the Outdoor Recreation Grants Staff or National Park Service Staff.
2. Contact with local officials.

Activities leading to a conversion of park property, may also be discovered using the above mentioned means and the following:

1. Local news media reports.
2. Intergovernmental review process.

Examples of pre-conversion activities are public hearings, application for permits, etc.

FURTHER CONSTRUCTION ON PARK SITE?

What do you do if further development is considered at a park site?

The local sponsor should contact the Outdoor Recreation Grants Project Officer when additional development on LWCF/NCRGTF assisted park property is proposed. A meeting will be held with the local sponsor to determine if the activity is allowable or inconsistent with Section 6(f)(3) requirements of the LWCF Act. According to LWCF Manual Section 675.9(3) A. (5), exceptions to a conversion may be allowed for the following:

- (a) Underground utility easements that do not have significant impacts upon the recreational utility of the park will not constitute a conversion.
- (b) Proposals to construct public facilities where it can be shown there is a gain or increased benefit to public outdoor recreational opportunity, will not constitute a conversion. Final review and approval of such cases shall be made on a case-by-case basis.

If it is determined that either (a) or (b) is applicable, the project sponsor must request, in writing, permission to continue the activity based on their ability to meet the following requirements:

For underground utility easements:

1. Provide a written justification for granting the easement.
2. Provide a written description of the possible impacts on the park and their effect on the outdoor recreation experiences in the park, both positive and negative.
3. Provide a detailed site plan of the park showing the location of the easement, the current development in the park and the planned future development in the park.
4. Provide a statement of assurance that public right or interests will be granted in the property by project sponsor.
5. Provide a statement of assurance that the intended present and future use of the project will not be impaired and the property will be restored to its prior condition.

For construction of public facilities:

1. Provide complete detailed plans for the proposed development including:
 - (a) A description of the proposal, including purpose of facility, potential users, types of facilities and activities proposed (ex. arts and crafts, reading areas, kitchen, gymnasium and multipurpose room).
 - (b) Provide maps and/or drawings depicting the existing recreation facilities with respect to the proposed public facility including additional support necessitated by any new construction (parking areas, road access). Photographs are useful in depicting the area.
 - (c) Description of the proposed facility's size and design.

2. A site plan to scale showing the park property improvements to the property and the proposed development.
3. A description of how the proposed facility will increase public outdoor recreation use (positive net impact). A narrative must be included which describes how existing recreation opportunities will be enhanced or augmented by construction of the public facility.
4. A statement describing the proposed construction schedule and any foreseeable interruptions in usage of the park.
5. A statement outlining public support of and involvement in the planning of the project.
6. An analysis of the impact on existing outdoor recreation facilities and its integration into the recreation purpose of the surrounding property. Will any existing recreation facilities be destroyed or relocated either on or off the site? Is the existing facility being used to capacity? Will the facility be constructed on the only area of its type in the community?
7. A complete environmental assessment using the information that follows:

An assessment of the effect the project will have on the immediate and surrounding environment must be done. The environmental assessment should be a reporting of the effect this project will have on the environment.

The Environmental Assessment should cover the three points listed below in sufficient detail to resolve the test of “major” and “significant”. Prepare your assessment in the format shown below with headings and subheadings and not in a flowing narrative style.

- a. The Proposed Action must include a description of the proposed action, a statement regarding the need for it, a description of what the action is designed to accomplish, location of the project, its scope, the level of impact-causing activities associated with the project, when the action is to take place, and, if applicable, its relation to the Federal, State, or local projects and proposals.
- b. The Alternative to the Proposed Action must include a brief description of alternatives as required by National Environmental Protection Act Section 102(2)(E).

The environmental impacts of the proposal and the alternatives should be presented in comparative form and should define the issues, pros and cons of a reasonable range of alternatives and provide a clear basis for choice between them by program staff and the public.

- c. Environmental impacts of proposed action. Succinctly describe those environmental elements that would be affected. Discuss anticipated impacts on the following elements and any means to mitigate adverse environmental impacts:

- Land use (project site and surrounding area), • Fish and wildlife, • Geology and soils, • Mineral resources, • Air and water quality, • Water resources/hydrology, • Historic/archeological resources, • Transportation/access, • Consumption of energy resources, • Socio-economic effects, • Discuss any existing easements, rights-of-way etc., and their effect on the proposed site.

“Impacts” are defined as causing direct or indirect changes in the existing environment, whether beneficial or adverse that are anticipated as a result of the proposed action or related future actions. To the extent appropriate, the document will discuss impacts of the action, including environmental damage that could be caused by users, upon the physical and biological environment as well as upon cultural, aesthetic and socio-economic conditions.

Elements of impacts that are unknown or only partially understood should be indicated. Any off-site impacts, such as increased traffic on neighborhood roads, or increased noise levels in surrounding areas, should be described.

- d. A listing of agencies and persons consulted.
8. A statement of assurance that no rights or interest in the property will be granted in the property by the project sponsor.
9. A statement of assurance that the intended present and future use of the project will not be impaired.
10. A statement of assurance that the property will be restored to its original condition after construction is completed.

CONVERSION PROCESS

What if a conversion is necessary?

In the event the activity is not allowed, or does not qualify as an exception, program staff should determine if it could be removed from the park voluntarily by the project sponsor. If not, the following procedure shall be followed:

1. Program staff shall inform the project sponsor of the conversion determination, and request the following information as a prerequisite to approval:
 - a. A written description of all practical alternatives to the conversion.
 - b. A statement as of their evaluation and why they were rejected on a sound basis.
2. If a viable alternative to the conversion is available, the program sponsor must use it, either voluntarily or due to the contractual obligations as specified under the funding agreement, and section 6(f)(3) of the LWCF Act.

If the conversion is necessary, several additional prerequisites are required to be met before approval. To convert property that was either acquired and/or developed with LWCF/NCRGTF assistance, new property must be substituted for that being converted to other than public outdoor recreation use. To determine if the property qualified as replacement property, the program sponsor must submit the following:

1. Two appraisals: One appraisal establishing the fair market value of the property to be converted, and the second appraisal to be of the property proposed for substitution showing the property proposed for substitution to be at least equal in fair market value to that being converted. An appraiser must conduct the appraisal.
 - (a) Generally this will necessitate a review of appraisals prepared in accordance with the current Uniform Appraisal Standards for Federal Land Acquisition published by the Land Acquisition Conference for both the property proposed to be converted and that recommended for substitution.
 - (b) Property improvements will be excluded from all fair market value consideration for properties to be substituted. Exceptions are allowed only in those cases where property proposed for substitution contains improvements that directly enhance its outdoor recreation utility.
2. A statement that the property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. Dependent upon the situation and the discretion of program staff, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. It must, however, be administered by the same political jurisdiction as the converted property.
3. A statement of assurance that the property proposed for substitution meets the eligibility requirements for LWCF assisted acquisition as follows:
 - (a) The project sponsor will obtain title or adequate control and tenure of the proposed substitute property to provide reasonable assurance that a conversion under Section 6(f)(3) of the LWCF Act will not occur without approval.
 - (b) The land was not originally acquired by the seller for recreation, if seller is a public agency.
 - (c) The land has not been managed for recreational purposes while in public ownership.
 - (d) Federal assistance was not provided in the original acquisition by the other agency to facilitate the basic project being funded by LWCF assistance, unless the Federal assistance was allowed by the Act. (See Manual Section 670.1.5)
 - (e) Law requires the selling agency to receive payment for land transferred to another public agency. (Example-Public school land that can be used for non-school purposes only through payment to the school agency or excess State prison lands that can be transferred to local government use only on a purchase basis.)
 - (f) The requirement of appraisal, history of conveyances and evidence of title are the same as normal purchases.
 - (g) If the selling agency is Federal, fair market value is paid.

4. A statement that the project sponsor is aware of and complies with the requirements of P. L. 91-646 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
5. A complete environmental assessment for the substitute property.

NOTE: Replacement property must constitute or be part of a viable recreation area.

If the Outdoor Recreation Grants Staff concurs with the proposal, regarding LWCF assisted properties, it will be sent to the National Park Service for final review and approval. The Outdoor Recreation Grant Staff will conduct a final approval of NCRGTF assisted projects. The project sponsor must submit an alternative proposal for the replacement property if the State does not concur that the property is of equal or greater recreational value.

NOTE: Repayment of the LWCF/NCRGTF grant monies is not an option in resolving a conversion.

The Arkansas Department of Parks and Tourism, Outdoor Recreation Grants Program stands ready to assist local governments with their outdoor recreation needs. It is the intent of the LWCF/NCRGTF to provide the means for you and future generations to enjoy outdoor recreation opportunities in your community. Remember the requirements of the contractual obligation in the agreements with the State and National Park Service when considering changes in your LWCF/NCRGTF assisted facilities.

APPENDIX I LOCAL SPONSOR RESPONSIBILITY CHECKLIST

1. Are facilities open at reasonable hours and times of day? Are facilities open at reasonable times of the year?
2. Are all facilities open to the public?
3. Is a differential fee system in use?
4. Is there any evidence of discrimination?
5. Are there any un-approved overhead utility lines?
6. Are all facilities accessible to the disabled?
7. Is vandalism a serious problem?
8. Are there any health, safety or liability concerns?
9. Are there any conflicts with adjacent areas?
10. Is the upkeep and repair of facilities adequate?
11. Is the staffing and servicing of facilities adequate?
12. Are any directional, use or safety signs needed?
13. Is the LWCF or NCRGTF acknowledgment sign posted?
14. Is the quality of the area being maintained?
15. Is the property attractive and inviting to the public?

Periodic inspection of your facilities by State and Federal officials will be made concerning the above items.

APPENDIX II

CHECKLIST OF REQUIREMENTS DOCUMENTATION

EXEMPTIONS FROM SECTION 6(F)(3) REQUIREMENTS.

A.) Utility Easements

1. Provide a written justification for the easement.
2. Provide a written description of the possible impacts on the park.
3. Provide a detailed site plan drawn to scale or with all facility dimensions shown in feet and inches.

B.) Public Facility Proposals

1. Provide detailed plans for the proposed development.
2. Provide a detailed site plan, to scale or with all facility dimensions marked in feet and inches.
3. Provide a description of how the proposed facility will increase public recreation use.
4. Provide the proposed construction schedule.
5. Provide a statement outlining public support.
6. Provide an analysis of the impact on existing outdoor recreation facilities.
7. Provide a complete environmental assessment.
8. Provide a statement of assurance that no rights or special interests in the property will be granted by the project sponsor.
9. Provide a statement of assurance that the intended present and future use of the project will not be impaired.
10. Provide a statement of assurance that the property will be restored to its original condition after construction is completed.

APPENDIX III

CHECKLIST OF REQUIRED DOCUMENTATION

CONVERSION PROPOSAL

1. Prerequisite Documentation
 - a) Provide a written description of all practical alternatives to the conversion.
 - b) Provide a statement of the evaluation of the alternatives and why they were rejected.
2. Substitute Proper Documentation
 - a) Provide appraisals of the fair market value of both parcels of land. These appraisals must be completed by a certified appraiser.
 - b) Provide a statement of reasonably equivalent usefulness and location.
 - c) Provide a statement of assurance that the property meets the eligibility requirements.
 - d) Provide a statement that the project sponsor complies with the requirements of P.L. 91-646 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
3. Proposal Information
 - a) Provide a detailed site plan (or development plan) for the substitute property.
 - b) Provide a narrative on the proposed development of the substitute property.
 - c) Provide a plat of the substitute property.

BARRIER FREE COMPLIANCE CHECKLIST FOR LWCF AND NCRGTF PROJECTS

LWCF Project Number	Applicant	Date of Inspection
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SECTION 1: WALKS/ACCESS ROUTES

At least one accessible route or walkway shall connect accessible buildings, facilities, and elements that are on the same site including accessible parking spaces, loading zones, accessible public streets, and sidewalks.

- _____ 1.1 Accessible walks shall be at least 3 feet wide and shall have a gradient of 5% (1:20) or less.
- _____ 1.2 Accessible walks shall have a continuous common surface not interrupted by steps or abrupt changes in level greater than 1/2 inch.
- _____ 1.3 Wherever accessible walks cross other walks, driveways or parking lots, they shall blend to a common level.
- _____ 1.4 Accessible walks terminating at doors shall have a level platform 5 ft. by 5 ft. extending at least 1 ft. 6 in. on the opening side of door.
- _____ 1.5 The surface texture along accessible walkways shall be stable, firm and relatively nonslip under all weather conditions. Materials such as loose stone, cobblestone, with unfilled joints and finely graded clay covering on an unsurfaced area shall not be used.
- _____ 1.6 Accessible walkways with a running slope greater than 5% (1:20) is a ramp and shall comply with Section 4: Ramps.
- _____ 1.7 Accessible walks, including trails, shall have a minimum of 6 ft. 8 in. clear headroom.

SECTION 2: PARKING AND PASSENGER LOADING ZONES

- _____ 2.1 Location: Parking spaces for disabled persons and accessible passenger loading zones that serve a particular building or facility shall be located on the shortest possible accessible circulation route to an accessible entrance of building or facility including picnic shelters/areas, swimming pools, athletic areas and game courts. Parking spaces for disabled persons shall be located on the shortest possible circulation route to an accessible pedestrian entrance. The distance from the accessible parking spaces to the principal entrance of the building or facility shall be no greater than 150 feet.

- _____ 2.2 The minimum number of accessible parking spaces shall be one (1) space per 25 spaces, or a portion thereof.
- _____ 2.3 Accessible-parking spaces shall be designated as reserved for the disabled by a sign showing the international symbol of accessibility. Each space shall be marked with a vertical signpost; in addition a symbol painted on the pavement is allowed. Such signs shall not be obscured by a vehicle parked in the space.
- _____ 2.4 Accessible parking spaces shall be a minimum of 8ft. wide with an adjacent access aisle 5ft. wide for autos and 8ft. wide for vans. Two accessible parking spaces may share a common access aisle.
- _____ 2.5 Passenger loading zones shall provide an access aisle at least 4 ft. wide and 20 ft. (4' x 20') long adjacent and parallel to the vehicle pull-up space. An accessible curb ramp is required if there are curbs between access aisle and the vehicle pull-up space.
- _____ 2.6 The surface of accessible parking spaces shall be stable, firm and nonslip under all weather conditions

SECTION 3: CURB RAMPS

- _____ 3.1 Location: Curb ramps shall be provided wherever an accessible route or walkway crosses a curb.
- _____ 3.2 Slopes of curb ramps shall comply with Section 4.1.
- _____ 3.3 The minimum width of curb ramps shall be 3 feet, exclusive of flared sides.
- _____ 3.4 Surfaces of curb ramps shall be stable, firm and relatively nonslip under all weather conditions.
- _____ 3.5 Sides of curb ramps. If a curb ramp is located where pedestrians must walk across the ramp, then it shall have flared sides; the maximum slope of the flare shall be 10%. Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp.
- _____ 3.6 A curb ramp shall have a tactile warning texture such as exposed aggregate concrete.

SECTION 4: RAMPS

Any part of an accessible route or walkway with a slope greater than 1:20 (5%) shall be considered a ramp and comply with all requirements therein.

- _____ 4.1 The maximum slope of a ramp shall be 1:12 (8.33%). The maximum rise of any uninterrupted ramp run shall be 30 inches.

NOTE: If practical, a slope of 1:16 (6.24%) maximum rise is recommended.

- _____ 4.2 The minimum clear width of a ramp shall be 4 ft.
- _____ 4.3 Ramps shall have level landings at the bottom and top of each run. The landing shall be at least as wide as the widest ramp leading to it; with a length of at least 5 feet clear. If the ramp changes direction at landings, the minimum in landing size shall be 5 ft. by 5 ft. If a doorway is located at a landing, then the area in front of the doorway shall comply with Section 1.4 Walks/Access Routes.
- _____ 4.4 Handrails: If ramp slope is greater than 1:20 (5%) up to and including 1:12 (8.33%) and there is no drop off, then one side shall have a handrail. Where ramps drop off on one or both sides, both sides should have handrails. A handrail is not required on slopes of 1:20 (5%) or less, when there is no drop off.
- _____ 4.5 The cross slope of ramp surfaces shall be no greater than 1:50 (2%).
- _____ 4.6 The ramp surface shall comply with Section 1.5.

SECTION 5: ENTRANCES

At least one principal entrance to a building or facility shall be part of an accessible route or walkway and shall comply with Section 1: Walks/Access Routes. An accessible route to accessible spaces or elements within the building or facility shall connect entrances.

- _____ 5.1 Doorways shall have a minimum clear opening of 32 inches with the door open at a 90-degree angle, measured between the face of the door and the stop.
- _____ 5.2 Stairs likely to be used by semi-ambulant persons or elderly persons shall be designed so that they are usable with a minimum of energy expenditure.
 - _____ 5.2.1 Treads and Risers: On any given flight of stairs, all steps shall have uniform riser heights and uniform tread widths. Stair treads shall be no less than 11 inches wide, measured from riser to riser.
 - _____ 5.2.2 Nosings: The undersides of nosings shall not be abrupt. The radius of curvature at the leading edge of the tread shall be no greater than 1/2 inch. Risers shall be sloped or the underside of the nosing shall have an angle not less than 60 degrees from the horizontal. Nosings shall project no more than 1 1/2 inches.
 - _____ 5.2.3 Handrails—Stairways shall have handrails at both sides of stairs.

SECTION 6: DRINKING FOUNTAINS AND WATER COOLERS

If fountains or coolers are provided, at least one shall comply with requirements below and shall be along an accessible route.

_____ 6.1.1 Spout Height—Spouts shall be no higher than 3 feet, measured from the floor or ground surfaces to the spout outlet.

_____ 6.1.2 Spout Location—The spouts of drinking fountains and water coolers shall be at the front of the unit and shall direct the water flow in a trajectory that is parallel or nearly parallel to the front of the unit. The spout shall provide a flow of water at least 4 inches high so as to allow the insertion of a cup or glass under the flow of water.

_____ 6.1.3 Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twist of the wrist. The force required to activate controls shall be no greater than 5 lbs.

_____ 6.1.4 Clearances:

1. Wall and post-mounted cantilever units shall have a clear knee space between the bottom of the apron and the floor or ground at least 27 in. high, 30 in. wide, and 17 to 19 in. deep. Such units shall also have a minimum clear floor ground space of 30 to 48 in. to allow a person in a wheelchair to approach the unit facing forward.

2. Free standing or built-in units not having a clear space under them shall have a clear floor or ground space at least 30 in. to 48 in. to allow a person in a wheelchair to make a parallel approach to the unit.

SECTION 7: REST ROOMS

At least one (1) stall shall be accessible along or at the end of an accessible route, walkway, hallway, corridor or pathway. The stall shall be at least 3 ft. wide and 5 ft. deep. If a door is used, it shall have a 32 in. wide clearance swings out. Grab bar shall be mounted on each side, 33 in. high and 42 in. long, parallel to the floor, 1 1/2 in. outside diameter, with 1-1/2 in. clearance between the rail and wall and fastened securely at ends and center.

_____ 7.1 Toilets: The height of toilets shall be 17 in. to 19 in., measured from the floor to the top of the toilet seat.

_____ 7.2 Urinals: At least one (1) urinal shall be wall-hung with an elongated rim at a maximum of 17 in. above the floor. A clear floor space 30 in. to 48 in. shall be provided in front of urinals to allow forward approach.

- ____ 7.3 Lavatories: At least one (1) lavatory shall be mounted with a clearance of at least 29 in. from the floor to the bottom of the apron and a maximum rim height of 34 in.
- ____ 7.4 Exposed pipes and surfaces: Hot water and drain pipes under lavatories shall be insulated or otherwise protected. There shall be no sharp or abrasive surfaces under lavatories.
- ____ 7.5 Mirrors: At least one (1) mirror shall be mounted with the bottom edge no higher than 40 in. from the floor.

SECTION 8: PUBLIC TELEPHONES

If public telephones are provided, then they shall comply with the following:

1. A clear or ground space at least 30 in. by 48 in. that allow either a forward or parallel approach by a person using a wheelchair. Bases, enclosures, and fixed seats shall not impede approaches.
2. The highest operable part of the phone shall be no higher than 48 in. Diagonally mounted telephones (in a corner) shall be no higher than 54 in.
3. The cord length from the telephone to the hand set shall be at least 29 in. long.

SECTION 9: SIGNS

All signs that provide emergency information, or general directions, or identifies rooms and spaces shall comply as follows.

1. Letters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke-width-to-height ratio between 1:5 and 1:10.
2. Characters and symbols shall contrast with their background—either light characters on a dark background or dark characters on a light background.
3. Letters and numbers on signs shall be raised or incised 1/32 in. minimum. Raised characters or symbols shall be at least 5/8 in. high, but no higher than 2 in. Indented characters or symbols shall have a stroke width of at least 1/4 in. Symbols or pictographs on signs shall be raised or indented 1/2 in. minimum.
4. The International Symbol of Accessibility shall be used to identify accessible facilities.

SECTION 10: OUTDOOR FACILITIES

- ____ 10.1 Park Benches: Accessible benches shall have a back rest and arm supports to give added body support to individuals affected by muscle weakness or spasms.

- _____ 10.1.2 Accessible benches shall be a maximum of 14 in. to 16 in. deep with the back 18 in. high and arm rest 8 in. from the seat. The seat surface shall be from 15 in. to 17 in. from the ground, including a space beside benches for wheelchairs and strollers, 30 in.
- _____ 10.2 Lighting: If the facilities are to be used during night hours, accessible loading zones and parking spaces shall be adequately lighted.
- _____ 10.3 Picnic Tables: If picnic tables are provided, at least one shall be accessible. Accessible tables should be located on level sites adjacent to or connected to accessible walkways, or accessible route; and have the following features:
1. A clear space between the ground and bottom edge of the table of 29 in.
 2. One end of the table shall have an extension 19 to 25 in.
 3. There should be a minimum 3 ft clearance around the table. (4 ft. preferably).
 4. Tables and seating should be placed on level, firm surface pads. Connections between pads and pathways shall comply with Section 1: Walks/Access Routes.
- _____ 10.4 Grills: If grills are provided, at least one shall be 30 to 36 in. high, with a horizontal reach of 15" from a wheelchair. Handles should not conduct heat and be easy to grasp. There should be a minimum 3 ft. firm surfaced clearance around the grill and be placed on level, firm surface pads. Connections between pads and pathways shall comply with Section 1: Walks/Access Routes.
- _____ 10.5 Water Faucets: If water faucets are provided, at least one faucet shall be 36in. to 42 in. high.
- _____ 10.6 Picnic Shelters: If picnic shelters are provided, at least one shall be accessible with accessible tables, seating and grills. Connections between pavilion and pathways shall comply with Section 1: Walks/Access Routes.
- _____ 10.7 Swimming Facilities
- _____ 10.7.1 Pools: Accessibility to pools can be provided in the following manner.
1. At various locations, the pool coping can be raised above the pool deck 1' 7" and fitted with grab bars to aid disabled persons to sit and then swing their legs over the side into the water. The water level should be high, 3 to 4 inches from the top of the coping, to aid in a safe exit out of water.
 2. The coping can be level with the pool's water height and deck, with just enough slope to allow for drainage of water splashed on the deck.

3. The installation of a ramp with handrails, and a set of stairs with handrails, both located at the shallow end of the pool.
 - a) Width of ramp minimum of 36 inches.
 - b) Handrails between 30 minimum to 36 inches maximum height.
 - c) Slope of ramp should be at least 1:12 (8.33%).
4. Hydraulic lift pads and movable floors are other alternatives.

10.7.2 Lakes/Beaches—Generally, lake or beach swimming is not recommended for disabled persons, because of the lack of control over water depth, temperature, supervision and sanitation control. However, if a designer wishes to make a lake accessible, the following items should be considered:

1. The slope of the beach into the water should be no more than 10 percent.
2. An access walk leading to and along the water's edge is necessary. (See Section 1: Walks/ Access Routes and Section 4: Ramps)
3. A ramp with handrails along one side extending into the water to a depth of 36 inches should be provided.
4. Entire swimming area should be well marked with floating markers or signals.

SECTION 11: FISHING PIERS

This type of facility can serve as a meaningful therapeutic tool for disabled persons if the following standards are met.

1. Access walk to the pier from the shore must comply with Section 1: Walks/Access Routes.
2. Fishing platforms must be a minimum of 8 feet wide to provide adequate room for circulation and tackle storage.
3. Handrails must be provided around the entire pier. Hand rails must be 36 inches high and have a 30 degree angle sloping top for arm and pole rest.
4. A shelf for bait and tackle must be provided at a height of no more than 30 inches from the floor of the pier. The shelf should extend 2 feet beyond handrails.
5. A kick plate must be provided to prevent foot pedals of wheelchairs from going off the pier.
6. A smooth non-slip surface must be provided on the access walk and the pier. Boards used for the surface area must be laid no more than 1/2 inch apart.

