State of New Hampshire Recreational Trails Program Guidelines

All grant applicants are required to read this supplement.

Do not mail in a copy of these guidelines, this is for information only.

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Introduction

What is the New Hampshire Recreational Trail Program (RTP)?

The RTP is a federally funded competitive grant program to develop and maintain recreational trails and trail-related activities for motorized and non-motorized recreational trail uses. Funding for the NH RTP grant is administered by the Federal Highway Administration (FHWA). Funds for this program are derived from federal gas taxes paid on the non-highway recreation fuel used in off-highway vehicles, including snowmobiles, ATV's, off-highway motorcycles and four-wheel drive light utility vehicles. This grant program is reimbursement based and requires a 20% local match by the grantee. The grant program is administered by the Bureau of Trails (BOT), part of the NH Division of Parks & Recreation within the NH Department of Natural and Cultural Resources (DNCR).

Eligible Projects: FHWA Categories

RTP funds may be used for:

- A: **Maintenance and Restoration of Existing Trails**
- B: **Development and Rehabilitation of Trailside and Trailhead Facilities/linkages**
- C: **Purchase and Lease of Trail Construction and Maintenance Equipment**
  - *"Buy America" provisions must be followed* if ≥ $500,000 for RTP award.
  - Projects that include equipment purchases will be required to retain the equipment *for 7 consecutive years past grant term* and provide *yearly accounting* of the equipment to the RTP coordinator at BOT for each year that Grantee continues to own, possess, or otherwise control said equipment.
- D: **Construction of New Trails**
- ~~E: **Acquisition of Easements or Property for Trails** must meet Federal requirements with deed standards & land values~~ (unavailable until further notice)
- G: **Educational projects for trail safety and/or environmental education**

Ineligible Projects

RTP funds may *not* be used for:

- Feasibility Studies
- Project Planning* (*some planning allowed: must be less than 10% of *total* project cost)
- Construction of Paths or Sidewalks along or adjacent to Public Roads
- Paving of Trails** (**aprons at trail crossings would qualify)
- Purchase of Equipment not directly needed for Trail Projects
- Purchase of Small Power Tools such as Chainsaws, Drills, Hand tools, etc.
- Projects already Completed or in Progress
- For-Profit Trail Systems and Trail Systems that Charge a User Fee

Project Sponsors: Who can Apply?

Grantee organization contact information will be **public** on federal RTP database for **solicitation**.

- **Private Organizations** (registered with the NH Secretary of State)
- **Non-Profit Organizations** (registered with the NH Secretary of State)

- **Educational Institutions/Universities** (registered with the NH Secretary of State)
- **Municipalities**
- **State Agencies**
- **Federal Agencies**

The program is community-based and partnerships are recommended. Sponsors are encouraged to use youth conservation or service corps as well as Disadvantaged Business Enterprises to accomplish trail projects.

Sponsors shall designate one **project administrator** (project administrator cannot be same person giving authorization) who will be responsible for coordinating the submission and receipt of all grant documents and who will be the primary contact for any questions or issues related to the grant.

Program Funding

Each grant year's appropriated program funds are divided between three trail categories:

- **30% for Motorized** trail projects including, but not limited to, snowmobiles, trail bikes, ATVs, UTVs and 4X4 vehicles.
- **30% for Non-motorized** trail projects including, but is not limited to, pedestrians, hikers, skiers, bicyclists, equestrians, snowshoes & mushers.
- **40% for Diversified** trail include projects shared by one or more users in both the Motorized and Non-motorized categories.

All applications will be placed within one of the above categories based on trail users served. Applicants compete against other projects *within* their designated category. Applicants should indicate the primary permitted users of the trail for both summer and winter. Projects may be awarded partial grants based on available RTP funds.

Grant Limits and Requirements

Applicants may submit a request for grants between **$8,000-$80,000** for A, B, C, D, projects. For **G** projects the grant amount is between **$3,000-$10,000**. Each sponsoring organization may submit up to 2 applications, but may not request more than **$80,000** total per grant year. No more than one sponsor may request a grant for a single project.

The RTP requires that a **matching** contribution be pledged. Applicants must first consider the total value of the project before determining what the requested grant and pledged match amounts will be. For each individual project the *maximum* RTP share is **$80,000**, or **80%** of the **total project value** (whichever comes first). The applicant must pledge a *minimum* of 20% of the **total project value** (**NOT 20% OF THE GRANT REQUEST**).

For example if the total project cost is $10,000, the project maximum RTP funding request is $8,000 and the minimum match requirement is $2,000.

Items and services that are not eligible for grant funding, are also not eligible as part of the match pledge. The match pledge may consist of any funds or the fair market value of materials and services provided in-kind at the sponsors expense or donated by a third party. The value of volunteer labor may be counted towards the match portion. **Grantees must be able to document and justify skilled labor value. This includes hourly rate of labor from actual employer & benefits**. See page 11 for Budget section for details

on labor. Inmate labor may be used at the actual cost incurred by the administering agency only. All match must be stated in application. If you are applying for other grants as match, **have alternatives in case you are denied said grant**.

Application Components

Project Description

Applicants should provide complete, concise and quality information regarding proposed project work. **All necessary labor, materials, equipment, methods and costs must be clearly described.** Items and expenses omitted from the project description (and budget detail) will not be considered for reimbursement without prior approval. **Answer all questions on application. Failure to do so will result in application rejection.**

Environmental Analysis

To comply with the ***National Environmental Policy Act*** (NEPA)(Title 42 U.S.C. 4321, Chapter 55), all organizations are required to submit a **N.H. Natural Heritage Bureau** (NHB) ***review*** using the online DataCheck Tool (not landowner request) of the project area for rare and endangered plant and animal species with their application (unless category C: purchasing equipment or category G: producing educational materials). A link to NHB DataCheck tool is on the RTP website.

- **New Hampshire Natural Heritage Review:** Category ABDEG* projects
  - Project sponsors will use the N.H. Natural Heritage Bureau online DataCheck Tool to review project area for known locations of threatened and endangered plant and animal species.
  - Submit NHB review PDF (with any necessary recommendations) electronically.
    - One color hardcopy (plus any written recommendations) must be submitted with application.
  - *only necessary for "G" projects if installing structures such as kiosks or signs.
  - A link to DataCheck website tool is on the RTP website.
  - If there are no known threatened and endangered plant or animal species ("hits"), the tool will immediately generate and email a PDF review of the project at no cost.
  - If there is a "hit" on the review:
    - a $25 fee is required to obtain the review, which is *not* eligible for RTP reimbursement nor match.
    - Threatened and endangered species that NHB believes will be impacted by this project will be listed on review along with contact information for Fish & Game and or Natural Heritage Bureau.
      - **It is the project sponsors' responsibility to contact Natural Heritage Bureau to obtain written recommendations on how to minimize potential adverse effects for all threatened or endangered species listed on review.**
        - **Email documentation showing this correspondence must be submitted with NHB review.** Failure to attach correspondence may cause your application to be rejected.

- ****New for 2025** RTP Coordinator will contact NH Fish & Game on applicant's behalf to coordinate recommendations to minimize adverse effects to any listed animal species on review.**

- **Information for Planning and Consultation tool (IPaC)**: The RTP coordinator will enter all projects into **US Fish & Wildlife Service's** online Information for Planning and Consultation tool (IPaC). This indicates if your project is within any *potential habitat* of any federally listed species. The RTP coordinator will review all projects with DOT Bureau of Environment for potential adverse effects to any federally listed species and coordinate with US Fish & Wildlife services for recommendations. Additional surveys for federally-species may be required to determine if species is present in potential habitat. These surveys may need to happen at specific time of year and could delay project schedule. This is determined on a case-by-case basis.

- If any of your projects have a threatened or endangered species that is ***federally*** listed on your NHB review:
  - a further review from the U.S. Fish & Wildlife service is required and the ***RTP coordinator will obtain this on your behalf***. Project sponsors still must obtain written recommendations from Natural Heritage Bureau for plants.
    - Even though the NHB review lists the US Fish & Wildlife Service's phone number, do not contact US Fish & Wildlife Service directly. The RTP coordinator will do this on your behalf through DOT's Bureau of Environment.
  - NOTE: all construction projects will be entered into **US Fish & Wildlife Service's** online **Information for Planning and Consultation** tool (IPaC) regardless if NHB review indicated a known presence of a federally-listed species. The IPaC tool indicates if your project is within any *potential habitat* of any *federally* listed species. The RTP coordinator will review all projects' scopes with DOT Bureau of Environment for potential adverse effects to any federally listed species and coordinate with US Fish & Wildlife service for recommendations.
  - Additional surveys for federally-species may be required to determine if species is present in potential habitat. These surveys may need to happen at specific time of year and could delay project schedule. This is determined on a case-by-case basis.

  - Tree-cutting is limited because of the re-classification of the **Northern Long-Eared Bat** from "threatened" to "endangered" under the Endangered Species Act. This reclassification was completed in an effort to protect the species from extinction. This re-classification took effect March 31, 2023.
    - As a result, **ANY tree removal, trimming, or brushing will have a time-of-year restriction imposed on it from April 15th – October 31st. Tree removal, trimming or brushing can occur from November 1st – April 14th if within the federal nexus.**
  - The Tricolored Bat is in process of being listed as endangered under the Endangered Species Act. While this isn't final as of this version of this guidelines, we expect it to be final in the near future. The restrictions for Tricolored Bat would most likely be similar to the Northern Long Eared Bat.

  - The Monarch Butterfly is expected to be listed within the next few years. As information changes from USF&WS as it is available.
- **Wetlands**: Any project with impacts to wetlands, streams, or rivers will require the appropriate **permits** to be filed with the **New Hampshire Department of Environmental Services: Wetlands Bureau**. Any and all impacts should be detailed in the environmental analysis section of the application. **It is the Grantee's responsibility to obtain any and all wetlands permits**. This is *not* required with application, but grantee will need to submit copies of any and all necessary wetlands permits to RTP program before project is paid out. A link to DES: Wetlands Bureau is on the RTP website.

Historical Analysis

To comply with the ***National Historic Preservation Act*** (NHPA)(Title 16 U.S.C. § 470f, section 106 process), the RTP Coordinator within the Bureau of Trails will submit all projects through EMMIT+ to the **New Hampshire Division of Historical Resources** via the State Historic Preservation Officer (SHPO) to review for adverse affects to **historic properties**. A historic property includes prehistoric or historic districts, sites, buildings or structures included in or eligible for inclusion in the national Registrar of Historic Places.

Some sponsoring organizations may choose to submit their project through EMMIT+ ahead of grant approval.

- If sponsoring organization has already had project area reviewed by Division of Historic Resources: **include the Effect Letter with the application**, indicate the **EMMIT+ project #** on the application and **add the RTP Coordinator's email** to the "Project Contacts" within EMMIT+ for your project.

Any findings by SHPO may require additional action by the Grantee before a grant contract is issued. If a Phase 1A or 1B archeological study is required by SHPO, the ***cost of this study is not reimbursable by RTP nor is it allowed as match***. This is *not* required with application, but if necessary will be required before any contracts are issued. A link to Division of Historic Resources is on the RTP website.

- If sponsoring organization has already performed a Phase 1A or Phase 1B study of project area: include copy of results with application.

Equipment or safety/education projects may not require EMMIT+ or NHB reviews however, the relationship of the project to environmental and historical resources should be described in the application in the environmental section. **Answer all questions on application. Failure to do so will result in point loss.**

Additional Supporting Documentation Requirements for Application

- **Project Administrator Authorization Form** – (All projects) Person appointed from organization whom will be the primary contact for RTP specialist and sign all forms necessary for compliance with the application, contract or agreement.
  - The Project Administrator is the only person authorized to submit billing requests for reimbursement of funds and is responsible for compliance with all aspects of the Recreational Trails Program grant.

- **Project administrator cannot be the same person giving authorization**.
  - One person signs to give authorization to project administrator on behalf of the organization.
- **Original signatures are required**. If form is signed with a pen, submit wet signature copy with hardcopy package (no photocopies of wet signatures), however electronic signatures for this form are accepted provided they are signed with a date stamp and watermark.
- This form is on the RTP website and attached to end of application.

- **Landowner Permission(s)** – (ABDEG*projects) Grants may not be awarded without proper signed and dated permission from the any and all property owner(s).
  - *only necessary for "G" projects if installing structures such as kiosks or signs.
  - **Original signatures are required**. If form is signed with a pen, submit wet signature copy with hardcopy package (no photocopies of wet signatures), however electronic signatures for this form are accepted provided they are signed with a date stamp and watermark.
  - Landowner permission forms have a **minimum # of years** associated with different project types, please make sure to indicated appropriate number of years on permission form.
  - These forms are on the RTP website.
    - **Private landowner permission form** – applications won't be considered unless any and all private landowners are listed on page 1 of application and each landowner has corresponding permission form signed and dated.
      - **Failure to submit any and all private landowner permissions so will result in application being denied**.
    - **Public landowner permission form** – public lands have representatives/land managers to make decisions for that land. The Bureau of trails can assist in finding who to contact for public lands. However, it is up to the sponsoring organization for obtaining permission from public contact person.
  - If project is on any **easements**, please submit one electronic copy along with one hardcopy with application.
    - Easements do not negate necessity of signed current landowner permission forms, organizations holding easements still need to sign a landowner permission form.
    - Most easements have "permitted use types" associated with recreational land use, make sure the trail's permitted uses follow the easement's permitted uses.
    - Some easements have prohibitions on creating new trails or trail links. If project is to create a new trail or new trail link, make sure easement allows for this.

- **Topographic Map(s) of Project Area(s)** – (ABD projects) full color topographical maps should detail the project site drawn in but should also display geographical landmarks to be able to determine project location. Include GPS points of the project location, or relevant locations to lead to actual project locations. You can download topo maps for free on USGS & NH Granit. Links to USGS map downloader and NH Granit are on RTP website.
  - "Official" Trail System maps from sponsoring organizations are usually too zoomed out to be useful even if they are topographic. Please submit a map that shows features close to your project.
  - Submit electronic copy in full color of all topo maps.

        - Submit one hardcopy **in color** of any and all maps for project.
    - **LABEL YOUR MAPS**! We are not familiar with your project area: please be specific. **Use a sharpie/pen/marker and write on your map:**
    - Suggestions for labels **if** part of your project scope:
        - Bridge locations, gate locations, culvert locations
        - Reroute as well as the original trail (mark each distinct to see difference)
        - Start and end points to the trail work
        - Label trail names that are part of the project
        - Label water crossings
        - Any wetlands in near vicinity of project area.
        - Any known historical structures in near vicinity of project area.
            - Must describe what these are in application section for historical review.
        - Any other relevant GPS point of information.

- **Official Trail System Map** – (all projects)
    - 1 official trail system map that highlights the project area
        - *Do not submit this as your topographic map* as most trail maps are too zoomed out to be useful.
    - Submit one electronic and one color hardcopy.
    - **LABEL YOUR MAPS**! **Use a sharpie/pen/marker and write on your map:**
        - where public parking is located
        - label **if** part of project scope:
            - where equipment will be used to groom
            - where trail work will be done (start and end points)
            - bridge work, gates to be added/replaced, culverts to be added/replaced
            - any reroute as well as the original trail (mark each distinct to see difference)

- **LABELLED color Photos of Project Site or Equipment to be Purchased** – (all projects)
    - **All photos should be clear and in color. Small or blurry photos will not be accepted.**
    - **LABEL YOUR PHOTOS**! We are not familiar with your project area, please label all photos.
    - **Must include enough photos to accurately depict project (minimum of 4 photos**), but you can include more photos if 4 is not enough to cover the scope of your project.
    - In addition to the electronic photos, only one set of **color hardcopy** photos are required.
        - **You may print photos on regular printer paper and handwrite labels**. You do not need to develop photos at a store.
        - No smaller than 8”x10” (so we can see them!)
        - Suggestions for photos **if** part of your project scope:
            - all bridge work locations (will need multiple photos to show bridge work)
            - all kiosk work locations
            - all parking lot locations
            - general trail photos that show needed maintenance (problems)
            - general example of flooding on trail where culvert will be placed
            - photos of areas where trees are to be cut

- Category C projects (equipment purchase applications): provide pictures of requested equipment

- ***Signed*** **Letters of Support** (recommended but not required)
  - Letters from municipalities, federal agencies, and other organizations describing the proposed project benefits.
  - Signed, dated letters on organization letterhead are best.
  - Submit one electronic and one hardcopy with application.

Budget Detail

A summary of all expenses for your project must be completed using excel **budget detail**.

- **Excel Budget Detail** – (All projects)
  - All projects must complete a budget detail form and submit with application electronically **as an unlocked excel file**. Do not send a PDF of the excel file as your electronic copy.
    - One hardcopy of budget to be submitted in *addition* to electronic excel file.
  - Form will auto calculate values for RTP request, minimum match requirement and total project cost.
  - This form is on RTP Website.

Match: For MATCH, the budget detail splits match into "hard" vs. "soft" per DOT's request. It is sometimes confusing as to what types of match are which. Here are some common examples:

- **"Hard" match** is when an item would normally incur cost to obtain. In general, this means a cash match where an item/service was paid for by the sponsoring organization to be used as match to a project.
- **"Soft" (or "in-kind") match** is when no money is exchanged to obtain the item or service.
  - Volunteer labor is the most common "soft" match for RTP grants.
  - Another example is donation of private equipment (like a tractor or an ATV) for the sponsoring organization's use during the project. The value of the donated equipment's time is determined by the FEMA schedule of equipment rates for the machine.
  - Another common "soft" match example is when a vendor donates materials from their business to an organization. This is usually accompanied by an invoice showing the **fair market value** of the donated materials to the project for documentation purposes of said match.

The following are basic descriptions of what may be included in each category total. Individual items and expenses may be adjusted or denied at the discretion of the Trails Bureau.

- **Labor:**
  - **Unskilled Labor** is work performed *outside* of the workers professional capacity.
    - Paid: Whatever that worker's hourly paid rate is should be indicated on budget
    - Volunteer: The rate for unskilled volunteer labor match is determined by the independent sector's current rate for New Hampshire.
      - This is for **MATCH** only. **RTP will not reimburse volunteer labor.**
  - **Skilled Labor** is work performed *within* the workers professional capacity.

    - **Skilled labor rate is at market value and the project sponsor must provide documentation of this hourly rate to receive reimbursement funds or match benefits.**

- **Equipment Rental** includes heavy and light equipment used specifically for the trail project.
    - If rental agreement is **≥ $10,000 for total rental**: 3 different vendor **quotes** are required with reimbursement.
    - Indicate if rental of a machine comes with or without an operator.
        - If rental comes with an operator, this is included in rental rate and operator should not be in included in labor section.
    - Personal machine use (ex: excavators/backhoes/ATVs/UTVs/etc.) is considered a donation and **can only be used as match** to the project. Use FEMA schedule of equipment rates for hourly rates of various machines. Link to these rates is on RTP website.
        - Include in budget detail: the **FEMA cost code** for each personal machine listed.

- **Materials** include but are not limited to: lumber, steel beams, concrete, stone, aggregates, fasteners, culverts, mulch, seed, brochures, maps, educational materials, pre-fabricated materials, etc.
    - Examples of prefabricated materials: bridges, kiosks, trail signs, etc.
    - If a **good/material** is purchased from a **single vendor on the same calendar day** with a good/material price being **≥ $10,000**, then **3 vendor quotes** are required for reimbursement.
    - NOTE: if federal award for project is ≥ $500,000, then iron & steel must meet Buy America requirements (see page 15-16).

- **Service contracts** are contracted services for any combination of labor, equipment rental and operation, and/or materials.
    - If service agreement is **≥ $10,000 for total contract**: 3 different vendor quotes are required with reimbursement.
    - If skilled labor/equipment is in a service contract: it is the grantee's responsibility to obtain documentation for this skilled labor rate if requested by RTP coordinator.
    - If the service contract includes materials: materials must be itemized to show cost
        - if project is ≥ $500,000, then iron & steel must meet Buy America requirements (see page 15-16).
    - **Qualified Youth service corps** are exempt from the 3 vendor quotes: however, every youth service corps contract must be submitted to the Bureau of Trails for approval before the grantee signs the contract. RTP is not obligated to pay the grantee if the youth service corps has charges within the contract not covered by RTP reimbursement.
    - **See below for additional guidelines on contracting trail work to a 3rd party.**

- **Planning, Design & Engineering** may be included, only through use of a professionally licensed and registered engineer or trail design planner. Should only be a relatively small portion of the grant request (no more than 10% of grant request).

- **Environmental Permits and Reviews** may include the actual costs incurred for any required state or local permit or review requirements. (Except any cost incurred with Natural Heritage Bureau review or archeological Phase studies)

- **Equipment Purchases** includes but is not limited to: purchase of groomers, drags, snowmobiles, tractors, OHRVs, power packs for groomer attachments.
    - Equipment purchased through RTP may only be used for trail construction/maintenance tasks
    - All equipment purchases **≥ $10,000 must have 3 different vendor quotes.** Do not use quotes as invoices.
    - If federal portion of equipment purchases is ≥ $500,000 then equipment purchases must comply with **Buy America** requirements. (see page 4-6).

Service Contract with Youth Service Corps:

- Qualified Youth Corps is **defined** by the **Federal Highway Administration** (located here: Part 2 - Guidance - Recreational Trails - Environment - FHWA (dot.gov)) which is derived from the US Code: U.S.C. Title 42 - THE PUBLIC HEALTH AND WELFARE (govinfo.gov). Do not use any other definition of a "youth corps" then what comes from federal highway.
- Qualified Youth Corps are exempt from competitive pricing (3 quotes) when used as part of a RTP project. Because of this exemption, FHWA requires very clear, concise invoices detailing all expenses itemized and justification for labor costs (similar to what is needed for own force labor).
- It is the grantee's responsibility to obtain a clear, precise contract with the qualified youth corps they wish to hire. A copy of this contract can be submitted to the RTP coordinator for review prior to the grantee signing the contract with the 3rd party. If the contract scope does not fall into the project scope, then the grant funds may be held pending another contract within the project's scope is obtained by the grantee. Understand if the grantee signs a contract with a 3rd party, RTP is not obligated to reimburse the grantee to pay the 3rd party if the contract is deemed to have charges not covered by RTP.
- Additional information on youth service corps can be found here: MAP-21 Section 1524 - Youth Service and Conservation Corps Questions & Answers.
- Contracts are usually an estimate of costs for a project to be completed. If any costs within are billed as a direct cost to the project then receipts and invoices must be provided in order to be approved for RTP reimbursement. Direct costs may adjust within reason in order to complete the project. Any and all changes to project scope must be submitted in writing to RTP coordinator for approval.
- The **contract with the youth corps** must/may contain:
    - Contract Scope: must align with the application's project scope.
    - Pay rates & benefits for each member of the field/hitch/crew including field supervisors
        - NOTE: *stipends are considered income* according to the FHWA.
    - Training for crew members.
        - This may be included as a separate line item with logs of time spent training for individual crew members or divided and added to hourly rate for individual crew members who received training. **However: sponsors must provide a calculated hourly rate demonstrating value of training costs**.

- Insurance costs for field crew members
- Overhead/administrative costs associated with the projects.
  - Attach your organization's federal indirect cost allocation plan (ICAP) coversheet if you wish to add it to your budget.
- Materials/supplies needed for project. Consumable supplies only. Must be listed out.
- Tool rentals required to complete the project
  - NOTE: RTP does not reimburse for tool purchases that will be kept and reused by the youth corps or grantee.
  - NOTE: RTP does not allow for the depreciation of tools from use.
- Lodging costs for field crew members
  - NOTE: the value of the lodging must be provided for the time the youth corps is residing there. This must be documented with rental rates/receipts.
- Meal costs for field crew members
  - NOTE: the value of the meals must be provided. This may be documented with receipts/invoices. Or if there is an established per diem/crew member/day within contract.
- Mileage/gas costs for transportation to and from the worksite.
  - NOTE: mileage charts must be submitted with the current federal rate of reimbursement per mile (changes yearly). Mileage charts must have starting destination and end destination and # of miles travelled per day. This only applies to group transportation. **Personal vehicles will not be covered for mileage**.
- Passenger vehicle rental for transportation of youth corps for duration of hitch
  - NOTE: this must be documented with rental receipts/invoices.

Items not eligible for reimbursement or match include, but are not limited to, the following:

- Administration time (communications/evaluations/paperwork/meetings)
- Any preparatory work performed before the RTP funds are allocated from the Federal Highway Administration
- Travel time for permanent employees
- Small tool purchases (non-consumable) that will be used for other projects not related to RTP

Procurement and Disposal Procedure Requirements of Equipment and Goods

Grantees are required to follow and provide documentation of procedures for the purchase and/or rental of materials, equipment, and contracted services associated with any awarded grant. Proper documentation of these will be required in order to receive grant funds. The lowest priced qualified quote must be chosen for a contract.

Quotes cannot be used as an invoice, **3 quotes** from **qualified** vendors are necessary when:

- Purchasing equipment & goods/materials **≥ $10,000** from the same vendor on the same day.
  - Note: do not break up purchases of similar materials to avoid obtaining quotes. FHWA & DOT will question this when performing an audit.
- Service/rental agreements **≥ $10,000**/total contract. This is cumulative over the course of the grant.

Buy America, Build America Act (BABA)

- On November 15, 2021, the **Infrastructure Investment and Jobs Act of 2021** (IIJA) was signed into law (the Bipartisan Infrastructure Law, or BIL), which includes the **Build America, Buy America Act** (BABA). Pub. L. No. 117-58. BABA strengthens existing Buy America regulations and specifically states that no Federal funds made available for infrastructure may be obligated for a project unless all of the **iron**, **steel**, **manufactured products**, and **construction materials** permanently incorporated into the project are **produced in the United States**. Any project within the scope of a finding, determination, or decision under the National Environmental Policy Act (NEPA), regardless of the funding source for the individual project, are subject to BABA regulations if at least one contract within the scope of the NEPA decision is funded Federally. This project is subject to BABA, and will require certification in the following item categories (an article, material, or supply should only be classified into one of the categories below):
    i. **Iron and Steel**: All iron and steel permanently incorporated into the project must be produced in the United States. The only exception to this requirement is the production of pig iron and the processing, pelletizing, and reduction of iron ore, which may occur in another country. This means all manufacturing processes, from the initial melting stage through the application of coatings, must occur in the United States.
        1. Steel products include, but are not limited to, structural steel, piles, reinforcing steel, structural plate, steel culverts, guardrail, steel supports for signs, signals (mast arms), and luminaires.
        2. Iron products include, but are not limited to, cast iron frames and grates.
    ii. **Manufactured Products***: All manufactured products permanently incorporated into the project must be produced in the United States. This means the manufactured product must be manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States must be greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
        1. **The Federal Highway Administration (FHWA) has a longstanding Buy America nationwide General Applicability Waiver for Manufactured Products. As of the date of this Special Attention, FHWA has not modified the waiver, and the waiver continues to apply to manufactured products that are not predominantly steel and iron. Manufactured products that are predominantly steel or iron remain subject to Buy America and now BABA certification.*
    iii. **Construction Materials**: All construction materials permanently incorporated into the project must be manufactured in the United States. This means the final manufacturing process and the immediately preceding manufacturing stage for the construction material must occur in the United States.
        1. Construction Materials include an article, material, or supply that is or consists primarily of:
            a. Non-ferrous metals;
            b. Plastic and polymer-based products (including polyvinylchloride, composite build materials, and polymers used in fiber optic cables);
            c. Glass (including optic glass);

d. Lumber; or
e. Drywall.

2. Construction Materials do not include:
   a. Items of primarily iron or steel;
   b. Manufactured Products;
   c. Cement and cementitious materials;
   d. Aggregates such as stone, sand, or gravel; or
   e. Aggregate binding agents or additives.
3. Items that consist of two or more of the listed materials that have been combined through a manufacturing process, and items that include at least one of the listed materials combined through a manufacturing process with a material that is not listed, should be treated as manufactured products, rather than as construction materials. Equipment, tools, and temporary items are not required to meet the BABA requirements.

iv. A **Certificate of Compliance**, conforming to the requirements of Section 106.04, shall be furnished for all above materials, regardless of item category. The form for this certification is entitled "Certificate of Compliance" and can be found at www.NHDOT.com.

v. For steel and iron materials and for manufactured products produced predominantly of steel or iron, records to be maintained by the Contractor for compliance with this Special Attention shall include a **signed mill test report** and a signed certification by each supplier, distributor, fabricator, and manufacturer that has handled the materials affirming that every process, including the application of a coating, performed on the steel or iron has been carried out in the United States of America, except as allowed by this Special Attention. **The lack of these certifications will be justification for rejection of the material provided**.

vi. **Manufacturer's certificate of compliance for construction materials must identify where the construction material was manufactured and attest specifically to compliance with BABA.**

vii. The requirements of said law and regulations do not prevent a minimal use of foreign steel and iron materials if the cost of such materials used does not exceed one-tenth of one percent (0.1%) of the total contract price or **$2,500.00**, whichever is greater.

viii. Upon completion of the project, the Contractor shall certify in writing as to compliance with BABA and also provide the total project delivered cost of all foreign steel and iron, provided under this requirement, that are permanently incorporated into the project. The form for this certification is entitled "**Build America, Buy America Certificate of Compliance**" and can be found at www.NHDOT.com.

- **Waiver:**
  i. **If the federal award for a project is ≤ $500,000, then the project qualifies for the Build America, Buy America (BABA) waiver issued by FHWA on August 16, 2023.**
     1. This means no Buy America documentation is required for this project. This applies to equipment purchases.
     2. The current Build America, Buy America waiver is active through **August 16, 2028**.
     3. For waiver details please visit: Federal Register :: Waiver of Buy America Requirements for De Minimis Costs and Small Grants

Equipment

- **Purchasing Equipment**: When purchasing equipment for trail maintenance, the grantee agrees to:
  - Equipment purchased through the Recreational Trails Program shall be maintained in good mechanical condition.
  - A **receipt from the vendor indicating the equipment has been delivered**, which shall include make and model, serial number, year of manufacture, accessories received, odometer reading and price from seller. Proof of payment (such as cancelled checks including front & back) must be submitted to the Bureau as soon as received.
  - Equipment purchased through the Recreational Trails Program shall be required to display (at locations designated by the Bureau) at least one (1), but not more than two (2), decals indicating that the equipment has been partially funded by this program. Decals shall be provided by the Bureau.
  - The Grantee agrees to retain and use, and not to sell, any equipment it purchases with funds secured through this agreement for **seven (7) consecutive years** from the date of purchase, at which point Grantee may elect to sell or otherwise convey the equipment in accordance with the foregoing terms.
  - Grantee shall provide an **equipment report** on the condition and location of trail equipment purchased with grant funds to be **submitted annually by December 31st**, with Grantee's reporting obligation continuing for each year that Grantee continues to own, possess, or otherwise control said equipment.
- **Disposal or Sale of Equipment**: Pursuant to 2 CFR 200.313 – Equipment, When seeking to sell or dispose of equipment previously purchased with RTP funds:
  - The **disposal** of equipment in **any manner** purchased with RTP funds ***requires written authorization from*** the State of NH, Dept. of Transportation through DNCR Bureau of Trails.
  - Sale of any piece of equipment purchased with RTP funds with a fair market value greater than $10,000 will require that the percentage of the sale price equal to the percentage of the contribution from the RTP program for the original purchase, shall be returned to the RTP program.
  - Equipment with a current fair market value of $10,000 or less may be retained, sold or otherwise disposed of with no further responsibility to the Bureau but still requires written authorization from NH DOT through DNCR Bureau of Trails.

Application Submission and Deadline

Mail in original hardcopy application with all necessary accompanying documents. Only one hardcopy of application & budget is required. Some accompanying documents must have two hard copies (photos, maps, NHB review). Please see checklist on application for assistance. Do not staple or bind any part of application. All application packages must be stamped in and received at DNCR by the close of business on

Last Friday of May/first Friday of June @ 4:00pm (Varies by Year)

Applications received after the due date will not be included in the current years' Recreational Trails Grant Program review. Copies of applications can be sent and are highly encouraged electronically, but are not necessary.

RTP workshops are held annually in spring during application period. Sponsoring organization must have a member (preferably the project administrator) attend one of the sessions to be eligible for grant consideration. Two workshops (day session and night session) are held in Concord at DNCR HQ on Pembroke Rd. One night session is held at the Lancaster Field Office at 629 Main St., Lancaster, NH. Additional sessions may be held depending on public interest.

Notification and Grant Term

- Applicants will be notified in Fall of application year if their projects were selected or denied. For granted projects, work is ***anticipated*** to be approved to begin spring of the following year (pending FHWA approval).
- **Any reimbursable costs or match must wait to be incurred until after RTP Coordinator has issued a "Notice to Proceed" via email.** This will occur after: FHWA approval of funds, Attorney General's office signature of Contracts and Governor & Council approval of contracts.
    - A copy of the fully executed contract will be issued at the time of the "Notice to Proceed" to the project Administrator via email.
- All work must be completed by **contract end date**.
    - **Any work performed or cost incurred after contract end date will not be eligible for reimbursement or match.**
- Contract extensions will be reviewed on a case-by-case basis. **Should a contract expire without an extension request and funding remaining, the remaining funds will be forfeit.** Properly justified requests for extension of the contract expiration date may be granted through an **amendment to the Project Agreement**. Expenses incurred after the contract expiration date will NOT be eligible for reimbursement. Therefore, a written request for a contract extension must be received by the NH BOT a minimum **of sixty (60) days prior to the contract's expiration date**.
    - Extension requests must contain information as to why project can't be completed within the agreement time, a new budget summary sheet, any scope changes, and a completion timeline. It is the responsibility of the Project Administrator to be aware of the contract expiration date and to assure that all requests for extension are **submitted prior to the sixty (60) day deadline**.

Contract Requirements

The following to be submitted **with the G1 contract** *in spring of following year after application submission*:

- NH Vendor Code – (all projects)
    - Recipients will need to be registered as a NH State Vendor through the NH Dept. of Administration. Recipients will need to provide this code to obtain a contract.
    - This can be obtained through the NH Department of Administrative Services website.

- Unique Entity Identification (UEID) – (all projects)
    - Recipients of Federal Grant funds are required to register for a **Unique Entity Identification** (UEID) through SAM.gov. This is a unique identification number used for reporting purposes for all Federal funds recipients. Additional resources are available on the RTP website to

assist with the registration process. Recipients will need to provide this UEID to obtain a contract.

- Certificate of Good Standing (COGS) – (all projects)
  - For corporations, Professional Corporation, Limited Liability Companies (LLC), Professional Limited Liability Companies, Limited Liability Partnerships Consumer Cooperative Business Trusts:
    - For-Profit Organizations: A copy of a New Hampshire Secretary of State issued Certificate of Good Standing dated **April 2nd** or later of the **year the contract is issued** (usually spring of following year after application is submitted).
  - For Voluntary Corporations organized under RSA chapter 292 (Domestic Non-Profit Corporations)
    - Certificated of good standings are valid for 5 years, so long as the certificate is current (2025-2030), the COGS will be accepted for contracts.
  - Directions to obtain this are provided on the BOT website, but can be obtained by mail, in person, or online through Quick Start.
  - The fee for this certificate is *not* eligible for reimbursement.
  - Municipalities or sub-units of governments are exempt from the COGS requirement.

- Certificate of Authority (COA) – (all projects). Send these in only with the G1 contract, not the application as they have a 30-day expiration date. These are on the RTP website but will be attached to the contract when issued.
  - The COA must attest authority either the day of or up to 30 days before the G-1 Contract is signed. (Contract signatory cannot be retroactively attested to authority).
  - 3 types:
    - COA 1 is for Corporations or Nonprofit corporations (this is a certificate of vote)
    - COA 5 is for Sole Proprietor
    - COA 7 is for municipalities

- Insurance
  - Certificate of Lability Insurance (COI) – (all projects)
    - For all projects, grantees will provide a certificate of insurance that names the "State of New Hampshire, Department of Natural and Cultural Resources, 172 Pembroke Rd, Concord, NH 03301" as the certificate holder and that the certificate holder is additionally insured.
      - Ensure the COI is not expired when submitted and will not expire before the G&C meeting date. Grantees may need to submit another COI if expiration date is close to G&C meeting date.
    - The insurance certificate must include:
      - General liability insurance against all claims of bodily injury, death, or property damage, in amounts of not less than $1,000,000 per occurrence and $2,000,000 aggregate or excess.

- Workers' Compensation
  - Evidence of Workman's Compensation, should the organization have employees, will be provided with a certificate that names the "State of New Hampshire, Department of Natural and Cultural Resources, 172 Pembroke Rd, Concord, NH 03301" as the certificate holder.
    - Ensure the COI is not expired when submitted and will not expire before the G&C meeting date. Grantees may need to submit another COI if expiration date is close to G&C meeting date.
  - The G-1 Contract exhibits has a page (Attachment A) that asks if your organization is subject to workman's comp under RSA 282-A (Workers' Compensation Law).
    - If your organization is exempt from workers' compensation, please add your statement as to why your organization is exempt in the space provided on the contract attachment A.

- Non-Profit Coversheet – only applicable for non-profit organizations.
  - This coversheet is posted on RTP website and will be sent with contract.

Penalties for Non-compliance with Contract

RTP grantees agree by signing contract to accept any and all penalties for failure to comply with contract agreement. These penalties include:

1. Termination of Grant: Any failure by the Grantee to abide by or carry out any of the terms or conditions of this grant shall, at the discretion of the State, result in termination of this grant, if, after notice to the Grantee, said default is not remedied within ten (10) days. In the event of termination, no further payments shall be made by the State.
2. Denial of future RTP funds: failure to comply with any and all terms or conditions of this grant may result in denial of future RTP funds for no less than 2 years from current grant year.

Reimbursement

The following may be submitted in the organization's Recreational Trails Program grant application *after grant approval*:

- Quotes
  - Must accompany first billing if:
    - 3 different vendor quotes for goods/materials purchases ≥ $10,000.
    - 3 different contractor quotes for service contracts ≥ $10,000.
  - Quotes may be submitted with application for estimating budget.
    - New quotes will need to be submitted if quotes expire before time of purchase.
  - ***Qualified*** **Youth service corps** are exempt from the 3 vendor quotes for service contracts.

- Bids
  - Submit to RTP coordinator:
    - Copy of all bid documents to be posted (make sure to include FHWA form 1273).
    - All locations the bid is posted

        - Copies of all solicitation requests to specific companies inviting them to bid
        - bid tab
            - If selected company is not lowest bidder, organization must justify in writing why that company was chosen over lowest bidder.

    - FHWA Form 1273: Required Contract Provisions Federal Aid Construction Contracts
        - This will be attached to all **construction** contracts, **subcontracts** and **bids** (equipment purchase projects and educational projects can disregard).
        - Many provisions do not apply to NH RTP projects, as community grants are kept under $100K for their federal share, however some provisions do apply.
        - See the Construction Program Guide website from FHWA for additional information.

- Permits from Department of Environmental Services – Wetlands Bureau
    - There are tools to assist you in helping determine if you need a permit: the NH DES Wetlands Permit Planning Tool, GranitView & USF&WS National Wetlands Inventory Mapper.
    - If you are unsure if you project requires a permit, please contact NH Dept. of Environmental Services, Wetlands Bureau.
    - If project will require permits, these may be submitted after organization has an approved grant. However, if the permits are already obtained, copies of completed permits may be attached to application.
    - Some permits require significant time and expense to obtain (for example: standard dredge and fill wetlands permits or ARMY corps of engineers permits), and sponsoring organization may choose to obtain permits ahead of grant approval. These are at the organization's own cost and not allowed as match.
    - NOTE: The old "Trails Notification" permit has been replaced by the "Statutory Permits-by-Notification". The filing fee is still $25 and has the same requirements for filing.

- Other Permits:
    - There may be other permits required for your project. It is the sponsoring organizations responsibility to obtain any and all permits necessary for the project.
    - If a project is on any **state-owned rail trails**, a **Special Use Permit** may be required. These are issued through the Bureau of Trails and the RTP coordinator will direct the sponsoring organization accordingly.

- For Category C projects: to be submitted with *reimbursement request* for equipment
    - Grantees must maintain insurance coverage, **sufficient to cover the actual cash value** of any **equipment purchased** or **reconditioned** through the Recreational Trails Program for the term of the RTP award pursuant to Title 2 CFR 200.310. The insurance policy shall name the "State of New Hampshire, Department of Natural and Cultural Resources, 172 Pembroke Rd, Concord, NH 03301" as a certificate holder.

Billing to RTP for reimbursement using own work forces must contain:

- **Work logs** for every member of the crew by day containing number of hours worked in a day, what tasks were worked on & what equipment was used. This includes specialized training for the project.
    - NOTE: training to be received for this project must be detailed in the application.
- Copies of **paystubs showing base wage rate & benefits** for all employees associated with the project.
    - **The paid employee rate needs to be broken down to an *hourly* amount** (federal requirement) and must come from the organizations' payroll office. This hourly rate will be used with the work log to calculate direct work cost of labor.
- **Direct expenses** associated with the project including building materials require invoices and proof of payment.
    - **Vehicles rentals** – This is *only approved if the project is in a remote location and employees are carpooled together*. This must be stated in the application as part of the budget. A rental invoice and paid in full receipt must accompany billing.
    - **Gas reimbursement** – This will only be approved *if the project is in a remote location & grantee is renting a vehicle to carpool employees to and from location*. Personal vehicles will not be covered for mileage expenses. The Bureau of Trails mileage log will be provided to grantee if justified need for gas reimbursement is approved. This must be stated in the application as part of the budget. The Internal Revenue Service releases a new federal reimbursement rate for gas on a yearly basis. Check with the IRS website for current rate.
    - **Meal costs** – This will only be approved *if location is remote and employees will be staying/camping at the remote location*. This must be stated in the application as part of the budget. Receipts for all food must be submitted or a per diem price/person/day is established in the budget section of the application.

Grant Payments

- The RTP grant follows Code of Federal Regulations 2 CFR 200 subpart E - Cost Principles to determine eligible items for reimbursement or match.
- RTP grantees are **reimbursed by the State of New Hampshire**. A grantee is issued a contract with the State of New Hampshire; as such, the RTP program cannot directly pay any sub-contracted vendors the grantee hires. It is up to the grantee to incur all costs up front and submit documentation to the RTP coordinator to receive reimbursement.
- Grantees must incur cost for work actually completed then submit requests for reimbursement with all invoices and proof of payments (cancelled checks [front and back] and/or paid-in-full receipts).
    - Note: An invoice marked as "paid" is not accepted as proof of payment.
- Grantees must also submit documentation of completed match with every billing until match is met for total project.
    - Note: All match amounts shall be accounted for before final payment.
- Final reimbursement will be withheld until all project is verified complete by the state, the federal grantor agency, or their representatives.

- Expenses and items may not be reimbursed if not included in within the original project proposal and budget or any subsequent approved amendments.
    - Note: amendments are approved on a case-by-case basis and must be submitted to RTP Coordinator in writing. Do not assume your amendment will be approved. Any amended expenses incurred without approval may be denied.
- Bills & match shall be submitted within 30 days of incurring cost. With each submission bill & match, grantees must include a **progress report** (form located on BOT website) on the project in order to receive their reimbursement check.

- **Capital advances** (cash advance):
    - These are approved on a case-by-case basis. It must be noted in the application that you intend to apply for a cash advance.
    - Invoices & proof of payments must be submitted to RTP coordinator before any additional billings from sponsor will be approved for reimbursement.
    - The organization must submit **at the time of the cash advance request** (not with application):
        1) A formal letter requesting a cash advance (On organization letterhead)
        2) A copy of the organization's bank **CURRENT** financial statement showing *need* for advance
        3) Completed billing form signed by project administrator in the amount of the cash advance
        4) Completed (anticipated) match form signed by project administrator

- **Project Closeout**:
    - **Final billing will include a final hardcopy progress report with hardcopy color photos** documenting the completed project or equipment purchase.
    - **No documentation for billing/match/progress reports/photos will be accepted beyond 30 days after contract end date.**
    - A site inspection may be performed by NH BOT staff.

Contact Info:

Any questions regarding NH RTP grants please contact:

RTP Coordinator: Brianna Leone
Email: Brianna.h.leone@dncr.nh.gov
By phone: (603) 271-3254
or Click for RTP website.

Thank you for applying and good luck!