



**Administrative Guidelines
for
Awarded Grants**

Revised January 2022

These Administrative Guidelines supersede all previous versions

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PREFACE

Congratulations on receiving a Grant Award from the Arizona State Parks Board!

These Administrative Guidelines were established to assist project sponsors in the successful and timely completion of their grant projects. The Arizona State Parks and Trails (ASPT) Grant Staff will work closely with project sponsors to answer questions and provide recommendations on grant projects. Should you have questions or concerns regarding a grant project, please contact Grants staff.

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Growing Smarter State Trust Land Acquisition (Land Conservation Funds)

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Recreational Trails Program (RTP)

Off-Highway Vehicle Recreational Fund (OHV)

Land and Water Conservation Fund (LWCF)

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- Jeff Schmidt
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Heritage Fund (Trails; Historic Preservation; Local, Regional and State Parks)

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State Lake Improvement Fund (SLIF)

- Mickey Rogers

Websites:

- Agency: azstateparks.com
- Grants Programs Web Page: azstateparks.com/grants
- WebGrants (Online Grants Management System): azparkgrants.com
- eCivis (Online Grant Management System): ecivis.com

Arizona State Parks Board

Arizona State Parks Board, in accordance with A.R.S. § 41-511, shall consist of seven members. The state land commissioner shall be a member and the remaining members, each of whom shall be a bona fide resident of the state, shall be appointed by the governor pursuant to A.R.S. §38-211.

The appointive members shall be selected because of their knowledge of and interest in outdoor activities, multiple use of lands, archaeology, natural resources and the value of the historic aspects of Arizona, and because of their interest in the conservation of natural resources.

No less than one of the appointive members shall be representative of the livestock industry, one appointive member shall be professionally engaged in general recreation work, and one appointive member shall be professionally engaged in the tourism industry.

Advisory Committees

The Arizona State Parks Board has three (3) volunteer Advisory Committees related to its grant programs. These committee members serve as experts in specific areas and advise the Arizona State Parks Board on public priorities in the grant process.

The Arizona Outdoors Recreation Coordinating Commission (AORCC) recommends criteria and policies for the equitable distribution of funding for outdoor recreation grants.

AORCC serves State Parks by ensuring equitable and legal distribution of the Land and Water Conservation Fund (LWCF), Recreational Trail Program (RTP) and the Off-Highway Vehicle Recreation (OHV) funds.

AORCC is a Governor appointed board with seven (7) members. By statute, one must be the Director of *Arizona Game and Fish Department* and one must be the Director of *Arizona State Parks*. The Governor appoints the remaining five members to three-year terms. Three must be professional full-time Parks and Recreation Department Directors of a county, city or town, and two must be members of the general public with broad experience in outdoor recreation.

The Arizona State Committee on Trails (ASCOT) advises staff and the Arizona State Parks Board on issues of interest pertaining to non-motorized trails.

The overall mission of the State Trails Program is to promote, develop and preserve non-motorized trail opportunities throughout the state for mountain bikers, hikers, equestrians, and water trail users. State Parks staff works with ASCOT to advance and promote non-motorized trail use, by providing technical trail assistance, promoting trail management and development, and providing trails related information and educational opportunities.

The ASCOT group contains 15 geographically diverse members who are appointed to three-year terms. Membership consists of no more than eight (8) members of land managing agencies, no more than eight (8) members representing various non-motorized trail-user groups and up to four

members who must be unaffiliated with specific groups or agencies to serve as representatives-at-large. Positions are filled through a public solicitation process with approval of the Arizona State Parks Board.

The Off-Highway Vehicle Advisory Group (OHVAG) acts as a conduit between the Arizona State Parks Board and the OHV community.

The geographically diverse seven (7) member group is appointed by the Arizona State Parks Board to a maximum of two consecutive three-year terms. Five (5) of the seven (7) members must be affiliated with an OHV organization or group; one seat must represent casual OHV recreationists or the general public, and one seat must represent a sportsperson's group (defined as a member of an organization representing hunting, fishing or similar sportsperson outdoor activities). OHVAG is responsible for the two following specific jobs: to represent the public and recommend expenditures of motorized grant funds.

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I. Introduction and Arizona State Parks Board Policy

These guidelines provide the policies and procedures that give project sponsors direction to successfully administer grant projects. They represent Arizona State Parks Board policy for grant administration.

These guidelines, the project agreement, project application, and grant program manual identify the project sponsor's responsibilities in completing a project awarded grant funds from the following programs:

- Arizona State Parks Board Heritage Fund: Local, Regional and State Parks (LRSP); Trails; Historic Preservation (HP) - *Grants have not been awarded since 2008, fund was abolished in 2011.*
- Growing Smarter State Trust Land Acquisition Grant Program (GSLA) - *Legislation expired in 2011, grant funds were fully expended in 2014.*
- Off-Highway Vehicle Recreation Fund (OHV)
- State Lake Improvement Fund (SLIF) - *No grant cycle currently.*
- Land and Water Conservation Fund (LWCF) - *Federal*
- Recreational Trails Program (RTP) - *Federal*

Online Grants Management System WebGrants, eCivis (www.azparkgrants.com, eCivis.com)

Depending on the funding being applied for, grant programs are now managed through ASPT Online Grant Management Systems **WebGrants and eCivis**. All applications must be submitted through either WebGrants or eCivis and each grant is also managed through the system. All historic LWCF projects have been migrated to WebGrants and are accessible to grantees.

Manual Updates

This manual is periodically updated based on the need for clarification and instructions to address project-specific issues in grant administration. Staff presents recommendations for administrative and policy changes to the appropriate Advisory Committee for discussion.

Staff and Advisory Committee recommendations are presented to Arizona State Parks Board for final action. If these guidelines are silent on a specific project issue, the program guidance document for the funding source may be used.:

Land and Water Conservation Fund State Assistance Program, Federal Financial Assistance Manual

The LWCF Grants Manual sets forth the administrative policies, procedures and guidelines for LWCF grants. The LWCF manual is used as a guide in administering the programs when appropriate or when Arizona State Parks Board policy is silent. The Open Project Selection Process is used to determine project selection criteria.

Recreational Trails Program (RTP) and Off-Highway Vehicle (OHV) Recreation Fund Interim Guidance

The RTP Interim Guidance sets forth the administrative policies, procedures and guidelines for RTP and State OHV funded projects. This manual is used as a guide in developing the State Parks grant program manual and for administering the program. The manual includes related guidance revisions, updates, and corrections and is the authority. It supersedes Arizona State Parks and Trails policy if conflicts occur. Arizona State Parks Board policy is used to determine project selection criteria and project sponsor agreement procedures.

Competitive Grant Programs Currently Administered by Arizona State Parks

Grant Programs

Type of Funding	Funding Source	Max Request Amount
Motorized Competitive Grants		
<ul style="list-style-type: none"> ● Clubs ● Non-profits ● Tribal agencies ● Federal agencies ● State agencies ● Local municipalities 	OHV Decal & RTP	Variable based on project needs and timeline.
Motorized Law Enforcement Supplemental Grant	OHV Decal	\$30,000
Motorized Emergency and Mitigation Supplemental Grant	OHV Decal	\$100,000
Motorized Small Supplemental Grant	OHV Decal	\$100,000
Motorized Signage Supplemental Grant	OHV Decal	\$20,000
Safety and Environmental Education Grants (Motorized and Non-Motorized)	RTP	\$10,000
Non-Motorized Competitive Grants		
<ul style="list-style-type: none"> ● Clubs ● Non-profits ● Tribal agencies ● Federal agencies ● State agencies ● Local municipalities 	RTP	Variable based on project needs and timeline.
Non-Motorized Non-Competitive Grants	RTP	\$30,000

Federal Recreational Trails Program (RTP)

- The Recreational Trails Program (RTP) provides funds to states to develop/maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses.

- Funded from motor fuel taxes collected from off-highway recreational fuel use (OHVs) in each state.

State OHV Recreation Fund (A.R.S. §28-1176)

- The Off-Highway Vehicle Recreation Fund has been in existence since 1991. The Arizona Legislature appropriated 0.55% of the state’s annual vehicle gas tax revenue to support the Fund.
- In 2009, new OHV legislation was enacted to provide more regulation of OHV usage and additional funds to support law enforcement and facility development.
- All vehicles weighing less than 1800 pounds and designed primarily for travel over unimproved terrain are required to display an indicia (sticker) distributed through the Department of Motor Vehicles. The \$25 cost of the sticker is added to the OHV Recreation Fund.
- State Parks receives 60% of the money in the Fund and a review team is required to examine applications for eligible projects and determine the amount of funding, if any, for each project.

Source of Funding for the RTP and OHV Programs

Funding arrives from two (2) separate sources:

1. Federal (Recreational Trails Program)
 - a. Administered by Federal Highway Administration (FHWA), Arizona Department of Transportation and Arizona State Parks and Trails.
 - b. Federal funds are used for motorized, non-motorized and diverse projects.
 - c. Diverse trail projects are those that accommodate two or more user groups (e.g., hiking and equestrian, or hiking and ATV use, etc.)
2. State (Off-Highway Vehicle)
 - a. The Off-Highway Vehicle Recreation Fund (A.R.S. §28-1176)
 - b. Funding for OHV-related projects only.

Motorized Programs and Funding Opportunities

Off-Highway Vehicle projects have two separate funding sources – Federal and State.

Who Administers the OHV Program?

State Parks staff, with the assistance of the Off-Highway Vehicle Advisory Group (OHVAG) and the Arizona Outdoor Recreation Coordinating Commission (AORCC), administers the Statewide OHV Recreation Program.

OHVAG establishes funding priorities and evaluates elements that reflect the high priority needs of motorized trail users. Criteria to evaluate and fund OHV project applications are consistent with the priorities established in the *2015 State Trails Plan* and the *Arizona State OHV statute (A.R.S. §28-1176)*.

Motorized Programs

There are currently three (3) Motorized Funding Opportunities (Programs) available:

1. Competitive Motorized Program
2. Supplemental OHV Program
 - a. Includes four (4) separate programs
3. Safety and Environmental Education (SEE)

II. Project Sponsor Agreement, Supplemental Project Agreement, and Supplemental Work Order

The project sponsor must be able to demonstrate that the project is ready to move forward immediately before the project application is submitted.

Once a project is awarded funding by the Arizona State Parks Board and cultural and environmental reviews are completed by Arizona Department of Transportation Environmental Planning Group (ADOT EPG) and/or the State Historic Preservation Office (SHPO), the project sponsor is required to sign an agreement with Arizona State Parks & Trails that identifies the terms and conditions that guide the parties through the administration of the funds and the completion of the approved project.

It contains the project title, identifying number, grant award amount, project period, any program minimum required match, approved scope of work, and other special conditions pertinent to the award. It references the Administrative Guidelines, specific General Provisions that apply to the project sponsor or the current Intergovernmental Agreement in place with the project sponsor, and the applicable grant manual and original project application to provide additional guidance.

Before a project will be considered for funding, the project sponsor must demonstrate that the project can meet the requirements of the State Historic Preservation Office (SHPO) and, for federal-aid projects, the National Environmental Policy Act (NEPA).

Procedures

1. All project sponsors must be able to provide documentation for review by the SHPO and the ADOT EPG. Documentation includes cultural surveys of the project area and a project description that describes how cultural resources in the project area will be avoided and possible direct or indirect effects will be mitigated. Therefore, the project sponsor must conduct investigations during the project development stages to determine the potential for impacts to existing cultural resources the project may cause. The surveys may take considerable time and may be expensive. The project sponsor must plan ahead and be prepared to provide the required documents within sixty (60) days of a request from State Parks staff.
2. Project sponsors who will be receiving federal-aid funds are required to provide documentation that meets *National Environmental Policy Act (NEPA)* requirements. The

project development process must identify any existing environmental conditions that may delay or prevent development of the project. The project description must specifically identify how any sensitive areas will be avoided or possible direct or indirect effects will be mitigated. With the exception of an education only project, all projects are required to submit an updated species map list from Arizona Game & Fish and attach to the **NEPA Form** (separate form in application).

- a. The species list is generated by using the **Game and Fish's Environmental Review Tool** which produces the required map. In addition, the Game & Fish tool also includes many other mapping features to add layers, identify Section, Township, Range; land ownership and to draw/identify trails, trailheads, location of projected signage, etc...

NOTE: Failure to provide these documents may result in funds being withdrawn for an approved project and funds transferred to another trail project.

3. Meeting the SHPO deadline will insure that a project agreement can be executed within six months (180 days) after Arizona State Parks Board awards funding. A project may be canceled if for any reason a project agreement cannot be executed within 30 days of funding approval.
4. After the SHPO and NEPA (if project is federally funded) approvals are issued, two original copies of the Project Sponsor Agreement with Attachment A and the specific General Provisions are e-mailed, using WebGrants, to the project sponsor for review and signature. The individual authorized in the Resolution or Authority to Apply document must sign the agreement. The agreement has a signature line for legal counsel and review of the agreement is recommended, but not required.
 - a. If acceptable, the project sponsor signs both originals of the Project Sponsor Agreement with Attachment A and returns them through WebGrants to State Parks within **30** working days of receipt for final execution by the Executive Director or the designer of ASPT.
 - b. ASPT will upload the signed agreement in WebGrants where it is viewable at any time by both parties. The agreement is effective as of the date signed by ASPT and the project sponsor is notified that eligible project expenditures may begin.
 - c. If the project sponsor cannot return the signed Project Sponsor Agreement within the **30** days from the date of receipt, a time extension may be requested. The extension request must be justified in writing and received by Arizona State Parks and Trails at least 10 working days prior to the end of the 30-day period.
 - d. If agreements are not signed and returned to Arizona State Parks and Trails within 30 working days of the approved extended time period, the project may be cancelled. ASPT will notify the project sponsor in writing when grant funding is cancelled.

Preservation and Conservation Easement Deed (PCED)

For Historic Preservation grants involving property development work, a **Preservation and Conservation Easement Deed (PCED)** is a special condition of the project sponsor agreement.

This document binds the property owner and/or subsequent owners to assume responsibility for maintenance of the property for a specified number of years based on the grant award.

When an individual project receives more than \$10,000 in Arizona Historic Preservation Heritage Funds, a Preservation and Conservation Easement Deed must be completed by the property owner and recorded by the County Recorder with the current deed to the property. A copy of the recordation must be sent to ASPT within 90 days of full execution. Disbursement of grant funds will be held until evidence of the PCED recordation is received by ASPT.

Grant Award	Minimum Term	Recording Requirements
\$10,000 or less	5-year Preservation Agreement	Not applicable
\$10,001 to \$25,000	10-year Preservation Deed	Recorded with property deed
\$25,001 to \$50,000	15-year Preservation Deed	Recorded with property deed
\$50,001 to \$100,000	20-year Preservation Deed	Recorded with property deed
\$100,001 or more	30-year Preservation Deed	Recorded with property deed

III. Amendments to the Agreement

Each project sponsor is expected to complete the project according to the original agreement within the approved time frame. ASPT recognizes however, that the project sponsor may encounter circumstances that may warrant an amendment to the project sponsor agreement.

Amendment Types

Permissible amendments include:

- Time extensions/term adjustments;
- Scope changes;
- Funding adjustments; and
- Changes in the project sponsor.

Amendment requests must be submitted electronically to ASPT staff. Justification and appropriate support information must be attached to the request. The amendment policy of the Arizona State Parks Board defines each amendment type and specifies the approval authority.

NOTE: Amendment requests must be submitted to the grant staff at ASPT at least three months prior to the project ending date or the amendment may not be considered.

Retroactive Amendments

- Any requests for retroactive decisions must be approved by the Arizona State Parks Board. Requests must be detailed and must provide a revised timeline of project completion for all approved scope items.

Amendment Process

- If Arizona State Parks and Trails approves the amendment, the project sponsor will receive two original copies of the amendments for signature. Within 20 working days of receipt, the project sponsor must return the signed documents to ASPT for signature by the Executive Director or designee. ASPT retains one original copy and the other is returned to the project sponsor. The amendment is effective as of the date of signing by Arizona State Parks. If the request is denied, the project sponsor will receive notification of the denial.

IV. Project Management

The project sponsor and State Parks staff will administer awarded projects according to the terms of the project sponsor agreement and the guidelines in this manual. Following an award of grant funds, the project sponsor shall make every effort to expedite project work towards successful completion. LWCF and Recreational Trails Program projects are administered according to the appropriate federal grant manual, the terms of the agreement with the National Park Service or authorization of Federal Highway Administration, and the terms of the project sponsor agreement with ASPT.

Procurement Standards

If the project sponsor is a federal governmental entity, procurement transactions shall be accomplished according to the project sponsor's procurement standards. State procurement standards shall apply to all non-federal governmental and other entities to the fullest extent possible. Click [here](#) for State procurement standards.

Project Period

A development project must be completed within three (3) years of the date the project sponsor agreement is signed by ASPT.

NOTE: In Fall 2018 the Arizona State Parks Board will be considering reducing the allotted time to complete a development project three (3) years to two (2) years. If approved, this provision will begin immediately and include projects approved in this cycle.

An acquisition project should be completed within two (2) years of the date the project sponsor agreement is signed by ASPT.

A project including both development and acquisition should be completed by the end date listed in the project sponsor agreement or risk loss of funding. If the project cannot be completed by the project end date, the project sponsor must request a time extension.

(See Section III. A.) **All RTP and OHV projects must be active within any 6-month period meaning reimbursements must be requested within that time frame. Failure to meet this requirement may result in funds being withdrawn for the project.**

Project Start-Up

The project sponsor shall commence work on an approved project as specified in Section V. Work is defined as:

- *an executed consultant agreement for studies, reports, or architectural/engineering projects; an executed construction contract or initiated on-site force account labor (construction or maintenance activities performed by a project sponsor's personnel rather than by outside labor) for development projects; release of Request for Quotes*

(RFQ) for equipment purchases; initiation of negotiations to purchase real property for acquisition projects; or other documented evidence of project initiation.

For Recreational Trails and Off-Highway Vehicle grant awards must be shovel ready.

NOTE: All projects must be active within any six (6) month period beginning with the date of funding approval. Therefore, requests for reimbursement must be made within a six (6) month period. Failure to meet this requirement may result in funds being withdrawn for a project.

Progress Reports

Following receipt of a fully executed Project Sponsor Agreement, the project sponsor is required to submit quarterly progress reports to ASPT using WebGrants. The project sponsor must ensure that the reports are submitted at the end of each quarter.

A portion of the Administrative Criteria in the grant application manuals for most of the grant programs relates to timely submission of quarterly reports. If reports are not submitted by the due dates shown above, 5 points for each report late or missing will be lost during the grant rating process for future grant projects.

Project sponsors must report progress for each project that is based on the total costs of each approved scope item.

On-Site Inspections

ASPT staff or advisory committee members may make periodic on-site inspections of project sites. Whenever possible, these inspections will take place with the project sponsor at a mutually agreeable time. During inspections, staff will determine compliance with the project sponsor agreement and provide problem-solving assistance.

Fund Acknowledgement and Signs

The project sponsor must provide permanent acknowledgement of grant funding assistance according to the following guidelines:

Heritage Fund Acknowledgement

At a minimum, fund acknowledgement shall include the following language:

- “This project is (was) financed in part by a grant from (name of grant program: *Local, Regional and State Parks Heritage Fund; Trails Heritage Fund; or Historic Preservation Heritage Fund*) which is funded by the Arizona Lottery and administered by the Arizona State Parks Board.” Recognition of the grant funding source must be included in final reports, pamphlets, signs, brochures, videos, etc.

Other Fund Acknowledgements

Non-motorized:

- *“This Project was financed in part by a grant from the Federal Recreational Trails Program (RTP) administered by Arizona State Parks and Trails.”*

Motorized using state-funded OHV only:

- *“This Project was financed in part by a grant from the Arizona Off-Highway Vehicle Recreation (OHV) Fund administered by Arizona State Parks and Trails.”*

Motorized using a mix of RTP and State OHV funds:

- *“This Project was financed in part by a grant from the Federal Recreational Trails Program (RTP) and the Arizona Off-Highway Vehicle Recreation (OHV) Fund administered by Arizona State Parks and Trails.”*

Temporary Signs

The project site may display temporary signs acknowledging the funding source upon initiation of construction and the signs may remain until the project is completed. There is no requirement to place a sign at an acquisition project site because of the effect such acknowledgement may have on the market value of the land.

Permanent Signs

Fund acknowledgement signs and decals are available from ASPT at no cost. A project sponsor must obtain approval from ASPT before any other method of acknowledgement is used.

Fund Acknowledgement and Signs

ASPT will supply basic acknowledgement signs for approved projects to be used at project site. Costs associated for additional fund acknowledgement and informational and/or directional signs are allowable project costs.

V. Types of Projects

Development Projects

Construction contracts must be awarded, or force account on-site work must be in progress within 9 months of the obligation award and fully executed project sponsor agreement. Each project sponsor is expected to proceed with the development of plans and specifications after receipt of the fully executed project sponsor agreement for Arizona State Parks Board approved development project.

The project sponsor must give attention to the following items when proceeding with approved work.

1. Arizona Licensed Architect/Engineer

- a. The project sponsor must use an Arizona licensed architect/engineer registered under A.R.S. § 32-1 – Professions and Occupations to prepare the plans and specifications for either contract or force-account construction work.
- b. The project sponsor must submit a copy of the signed agreement between the project sponsor and the architectural and/or engineering firm that conducts the work to ASPT if costs for this work are included in the approved project scope and budget.
- c. **NOTE:** An officer or United States federal employee practicing as an architect, engineer, geologist, assayer, landscape architect or land surveyor is exempt from this requirement.

2. Bid Solicitation Review

- a. Upon completion of the solicitation of bids for construction contracts, the project sponsor must submit a copy of the bid award letter to ASPT (Appendix B).

3. Plans and Specifications Review for Historic Preservation Projects

- a. Historic Preservation plans and specifications must be submitted to the HP Grant Coordinator who will forward the plans and specifications to State Historic Preservation Office (SHPO) for review.
- b. SHPO has 30 days to complete a review and provide written comment. Upon completion of the review, the HP Grant Coordinator will notify the project sponsor and when appropriate, issue a Notice to Proceed (NTP).
- c. The review ensures that the work to be accomplished is consistent with the Secretary of Interior's Standards for Historic Preservation Certification. Grant payment requests will not be processed until the review occurs.

4. Required Documentation for Development Projects

- a. The following documentation must be submitted before any reimbursements are released:
 - i. Plans and specifications (HP projects only)
 - ii. List of bids received
 - iii. Award of bid letter (Appendix B)

- iv. A justification statement if an award is made to a vendor other than the lowest bidder

Required Documentation for Equipment Projects

The project sponsor must purchase approved equipment according to the project sponsor's procurement standards. The project sponsor must submit to ASPT a copy of bids or price quotes for equipment requiring competitive bidding. Equipment purchased with Recreational Trails Program Funding must be "Made in America" approved built.

Acquisition Projects for All Grant Programs EXCEPT Growing Smarter

The project sponsor must initiate negotiations to purchase land, water or property within six (6) months of the date on the fully executed project sponsor agreement.

Acquisition of land, water, property or interests therein may be accomplished through negotiated purchase or donation. All acquisitions must conform to the Arizona Board of Appraisal, the Uniform Standards of Professional Appraisal Practice (USPAP), and state and federal laws pertaining to acquisition.

ASPT will not provide grant assistance for, nor count as matching funds, land acquisitions at a price above the approved appraised value. An appraisal is considered valid if it was done within one year prior to the purchase.

Appraisal

- The project sponsor must obtain an appraisal of the property proposed for purchase according to the requirements of the Arizona Board of Appraisal and the USPAP. The appraiser must be an Arizona-licensed certified appraiser. The appraisal is valid for one year.

Appraisal Review Report

- The project sponsor must submit each appraisal to ASPT for review. ASPT confirms whether the preparation of the appraisal is in accordance with the USPAP and that the fair market value is appropriately supported.
- ASPT may request a court appointed "determination of value" of the review if the appraised value specified in the appraisal report is challenged. The approved appraised value as established by the appraisal review report, or a determination of value, sets the limit for grant assistance in the cost of land, water or other property.

Required Acquisition Documentation for All Programs Except Growing Smarter

- The first grant payment request will not be processed until the following documentation is received:
 - Appraisal report
 - Written offer to purchase, including a statement of just compensation (not required for donations)
 - Written offer to donate when all or a portion of a property is to be donated

- Documentation that the owner was given an opportunity to accompany the appraiser during the appraiser's inspection of the property (this can come from the project sponsor)
- Evidence of purchase price
- Recorded title
- Title insurance no older than one year, or the project sponsor's attorney certification that the title is free and clear of encumbrances
- A cultural resources evaluation pursuant to A.R.S. § 41-861 et. Seq. of the State Historic Preservation Act, if required by the State Historic Preservation Office (SHPO)

Waiver of Retroactivity for Acquisition Projects

Acquisitions completed prior to grant approval may be eligible for grant assistance under the following conditions. A waiver of retroactivity applies only to real estate acquisition projects (land or structures). The waiver of retroactivity applies if it is necessary to acquire property, through purchase or donation, before a grant application for acquisition assistance can be considered for funding, usually because the sale of a property is imminent and if not purchased, a significant opportunity would be lost. The Executive Director of Arizona State Parks, or a designee, must approve the waiver before the project sponsor acquires the property.

To obtain approval, the applicant must notify Arizona State Parks and Trails in writing of the necessity for the waiver and give justification for the proposed action prior to acquiring the property. The notification must include a site map and parcel map and the anticipated date of acquisition.

If Arizona State Parks and Trails approves the waiver and later awards the grant funds, retroactive acquisition costs, including land donation values, are eligible for grant assistance.

Granting a waiver acknowledges the need for immediate action, but does not imply project approval. Retroactive costs are incurred at the applicant's risk, since the granting of the waiver does not in any way ensure full funding approval of the project.

If Arizona State Parks and Trails grants the waiver, the applicant must submit a grant application within the next 18 months.

Studies and Report Projects

Participants must submit a draft copy of their study or report to Arizona State Parks and Trails staff for review at least 45 working days prior to the project ending date.

VI. Project Costs

Only items approved by the Arizona State Parks Board, and identified in the scope of work from the project sponsor agreement, are eligible for reimbursement. Eligible project costs are those identified specifically with and charged directly to a particular scope item.

Documents such as invoices, statements or claims and warrants or check copies must support all expenditures. The project sponsor must reference the project by name and number on all documentation and must retain such documentation for five (5) years after the project closure date found on the project sponsor agreement.

Allowable Costs

The following criteria or categories describe allowable project costs:

1. Pre-Agreement and Design/Engineering (D&E) and/or Consultant Costs (except Historic Preservation Projects)

ASPT must approve these costs as a specific item in the scope of work at the time grant funds are awarded. The costs may not exceed **10% of the approved grant award**.

2. Acquisition Costs for All Grant Programs

Property may be acquired through negotiated purchase or donation. Grant funds may not be used to acquire property through eminent domain or condemnation. Eligible acquisition costs include: appraisal and related fees; the fair market value of property acquired, as determined by an appraisal approved by the Arizona State Parks Board; and necessary relocation costs.

3. Personnel

Only the costs of personnel directly involved with approved project work are allowable, including travel expenses (**not to exceed [current state travel rates](#)**). If work requires employee supervision, the cost of the supervisor may be charged to the project.

The project sponsor must maintain time and activity records for labor costs, including donated labor by volunteers. The records should document the date, the related scope items, number of hours, rate of pay (or donation value) and employee related expenses for each employee working on the project.

Each record must be signed by the employee and supervisor attesting to the accuracy of the charge. The time record must reference the project by name and number as shown on the project sponsor agreement. Payroll documents must also be maintained.

If donated labor is used, the amount allowed is the **State Volunteer Rate which is \$24.83 per hour** or the rate outlined in the agreement, unless it is for a licensed trade which can be counted at the current market rate. A certified trail crew supervisor may be charged at **\$26.83 per hour**. If prison labor is used, only the actual amount paid for services rendered is eligible.

4. **Supplies and Materials**

The project sponsor may purchase supplies and materials for a project or they may be drawn from a central stock maintained by the project sponsor. When supplies or materials are drawn from a central stock, the project sponsor must retain internal requisitions and issue documents. Reimbursement for such materials may not exceed the price charged to the project sponsor.

5. **Equipment**

Allowable costs include the cost of rented, leased or purchased equipment associated with the development of a project or equipment required to make a facility initially operational such as pumps or sprinkler systems. The project sponsor must maintain time and activity records for the equipment.

6. **Construction**

Allowable construction costs include activities from site preparation to completion of a project, including advertising for bids. Construction, in general, may be carried out by contract with a private firm or by use of the project sponsor's own personnel, materials and equipment (force account).

7. **Discounts**

Normally, ASPT reimburses only what was paid or the value of the donation. If project sponsors receive a discount, the difference between the full price and the discounted price may be counted as a donation if the vendor provides documentation of the amount paid as well as the full market value.

Non-Allowable Costs (unless otherwise noted)

- Operation and maintenance costs.
- Indirect costs and administrative costs.
- Costs more than the amount specified in the project sponsor agreement and amendments
- Costs incurred before or after the approved project period unless approved in advance by ASPT.
- Costs associated with environmental assessments and archaeological data recovery activities beyond preliminary reviews and surveys.
 - **NOTE:** The State Off-Highway Vehicle Recreation Fund program may fund some surveys and assessments. Please contact Grants staff for further information.
- Costs associated with the preparation of grant applications.
- Ceremonial or entertainment expenses.
- Publicity expenses.
- Bonus payments or performance awards of any kind.
- Contingency reserves or similar reserves.
- Charges in excess of the lowest bid when competitive bidding is required unless ASPT agrees in advance to the higher cost.
- Charges for deficits, overdrafts, late payment or interest fees.
- Charges incurred contrary to the policies and practices of the project sponsor.

- Consequential damage judgments arising out of acquisition, construction or equipping of a facility, whether determined by judicial action, arbitration, negotiation, or otherwise (damages to adjoining property owned by other persons which are caused by noise, lights, vibration, etc.).
- Incidental costs associated with acquisition of real property, and of interests in real property, unless allowable under A.R.S. § 34-401 to 439 or required by ASPT.
- Costs of offered discounts not taken by the project sponsor.
- Fines and penalties.
- Any losses arising from uncollectible accounts and other claims and related costs.
- Fund-raising time and effort and legal and professional fees paid in connection with raising funds and court costs of any kind.
- Food is not an eligible expense under the RTP program. Food may be eligible for volunteers with the OHV program. Alcohol is not allowed.
- Volunteer t-shirts or awards.

VII. Grant Payments

ASPT will reimburse eligible expenditures included within the project's approved scope of work. Reimbursements are made according to the minimum match required for the program. Advances will be considered on a case-by-case basis and are subject to program restrictions. All advanced funds must be expended within 180 days of funds being advanced. Failure to spend these funds in the 180 days will require all projects costs for the remainder of the project will be reimbursed. Written justification from the project sponsor as well as a Grant Payment Request form must accompany requests for advances.

Project sponsors must use the forms located on **WebGrants** (*Grant Volunteer Match Form (Appendix A)*) or similar agency form, and the *Detailed Expenditure Record*) to request reimbursement. A fiscal accounting system that ensures proper accounting of receipts and expenditures attributable to an awarded project must be used.

Each expenditure must be supported with appropriate documentation.

The project sponsor must retain all original support documentation, such as purchase orders, requisitions, invoices and evidence of payment, time sheets, transfer documents, appraisals and related acquisition documents. Support documents that don't already include this information must identify the grant project name and number as shown on the project sponsor agreement. These documents must be retained for a period of 5 years from grant closure.

A project sponsor must submit a W-9 Form (Federal Tax Identification number) to ASPT prior to the submittal of grant payment requests. If the W-9 is not on file with ASPT, the project sponsor will be notified with instructions on completing and submitting the form.

Grant Payment Request Form

- Project sponsors must submit a claim through WebGrants **electronically** before ASPT staff can process a reimbursement request.

Detailed Expenditure Record Form and the Supporting Documentation Form

- The Detailed Expenditure Record is used to list actual costs for eligible project expenditures in chronological order.
- Each expenditure must reference a project scope item and an electronic transfer or acknowledgment of a credit card purchase for each expenditure paid.
- A Detailed Expenditure Record must be completed and sent electronically according to the instructions and must accompany each grant payment request.

REMINDER: Support documentation is also required including photocopies of purchase orders, requisitions, invoices, evidence of payment, time sheets, transfer documents, appraisals and related acquisition documents.

Grants Volunteer Match Form

- The Grants Volunteer Match Form is included in each claim on WebGrants and is required to document eligible match work. The form identifies the Scope Item applicable to the

match work, what was done, when it was done, and who did the work. All information must be provided.

- The individual sign-up sheets need to be kept in the sponsors filed for five years after project completion. A summary of volunteer work needs to be submitted electronically.

Payment Process

- Project sponsors should bill at least quarterly and this request must be sent electronically.

VIII. Project Closure / Certified Completion Letter (Appendix B)

The project sponsor must complete the project by the project ending date specified in the project sponsor agreement. The project sponsor shall have no more than 90 working days following the project ending date or project completion, whichever comes first, to submit all required closure documents to ASPT through WebGrants. Failure to submit the closure documents within this time frame may reflect negatively on the rating of the project sponsor's future grant applications and may result in project termination.

ASPT shall retain 10% of the grant award until the closure process is complete.

Required Closure Documents for All Grant Programs

The project sponsor must complete the *Certified Completion Letter* in **WebGrants** to ASPT within 30 working days following project completion.

The following documents must be submitted in WebGrants to ASPT within 90 working days following project completion:

- A completed final Grant Payment Request Form (Claim), which includes the Detailed Expenditure Record
- A Quarterly Project Status Progress Report indicating that the project is 100% complete
- An “as-built” site map for development projects or an “as-acquired” parcel map for acquisition projects.
 - **NOTE:** The site map or parcel map need only depict work completed or parcels acquired with grant assistance. The project sponsor is not required to submit detailed engineering drawings for site maps. Please try to keep maps 8.5” X 11” in size. Submit an “as-built” map if project site is different from map submitted with the application.
- A final deliverable such as a report, brochure, video, survey, or inventory report or photos that includes acknowledgement of grant funds awarded/ used.

Final On-Site Inspections

ASPT will request photos of a completed project in lieu of performing an on-site inspection. In addition, project sponsors may be asked to attend an advisory committee meeting to report on finished projects.

Development Projects

ASPT staff or their designees will schedule a final on-site inspection of the project site to determine compliance with the terms of the project sponsor agreement and any amendments. Problems that become evident during the inspection may be reconciled by amendment, administrative action or other action appropriate to the funding program and the project. ASPT will provide a copy of the final on-site inspection report to the project sponsor for record keeping.

Equipment Purchases and/or Land Acquisitions

ASPT will determine the need for on-site inspections of equipment purchases and land acquisitions. ASPT requires that any equipment purchased with grant funds must be properly maintained and serviced by the project sponsor. The equipment must only be used for its intended purpose. The project sponsor must contact ASPT prior to disposal or transfer of any equipment.

Document Reconciliation and Final Payment

If applicable, the final payment will be processed after ASPT staff receives all required closure documents.

IX. Project Withdrawal/Termination

Each awarded project will be closed, withdrawn or terminated according to the provisions of the project sponsor agreement.

Withdrawal

The project sponsor may withdraw the project at any time before the first grant disbursement is made without penalty.

If State Parks and the project sponsor agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds the project sponsor may withdraw from the project sponsor agreement at any time before the date of completion. The two parties shall agree upon the withdrawal conditions, including the effective date and, in the case of partial withdrawal, the portion to be withdrawn. The project sponsor shall not incur new obligations for the withdrawn portion after the effective date, and shall cancel as many outstanding obligations as possible.

The project sponsor is required to reimburse all funds provided by the Arizona State Parks Board the grant share of obligations properly incurred before the effective withdrawal date unless the project in question is brought to a state of public usefulness to the terms set forth by ASPT.

Termination

After initial payment, the Arizona State Parks Board may terminate the project in whole, or in part, at any time before the date of completion, whenever the Arizona State Parks Board determines that the project sponsor failed to comply with the terms or conditions of the grant. Arizona State Parks Board will promptly notify the project sponsor in writing of the determination and the reasons for the termination, including the effective date. All payments made to project sponsors shall be recoverable by ASPT under a project terminated for cause. *

- ***Termination for cause** is a contract provision that permits a party completely or partially to terminate performance of the contract for material breach or other stated causes.

When there is a "for cause" event, the contract usually requires that the party give the other party notice that adequately identifies the reasons for the alleged "for cause" event, and provides a period of time for the other party to cure the problem(s). Only if that party fails to rectify the problem(s) within the prescribed cure period does the affected party have the right to terminate the agreement.

X. Audit

Each awarded project is subject to audit by ASPT staff or designees within five years after the official closure letter submitted by the project sponsor is received by ASPT. This signifies the official closeout of the grant.

The audit determines compliance with the terms of the project sponsor agreement and that all project expenditures were allowable and documented. The project sponsor is responsible to comply with the project record retention requirement of maintaining project records for a period of **five years**.

Random Selection

- An annual, random selection from closed projects determines which projects are audited. A minimum of one project per program may be selected.

Audit Checklist (Appendix)

- Project sponsors are required to complete an ASPT audit checklist and provide with its designated audit firm with an audit packet, which includes the documents listed on the audit checklist within 20 working days.

Audit Coordination

- ASPT staff coordinates the audit process with the project sponsor and its designated audit firm.

Recovery of Grant Funds

- In the event a disallowance of grant expenditure(s) was not determined prior to close-out of the grant, ASPT retains the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from a final audit.

XI. Post-Completion Requirements

The results of a completed project shall benefit the public according to the stated purposes of each grant-funding program. ASPT requires a project sponsor to operate and maintain the project for the period specified in the project sponsor agreement.

Operation and Maintenance

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

- The property shall be maintained to appear attractive and inviting to the public.
- Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards.
- Properties shall be kept safe for public use. Fire prevention, lifeguard, and similar activities shall be maintained for proper public safety.
- Buildings, roads, trails and other structures and improvements shall be kept in good repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use.
- The facility shall be kept open for public use during reasonable hours and times of the year, according to the type of area or facility.

Self-Certification Inspections (Appendix)

To ensure compliance with maintenance requirements at grant-assisted project sites after project closure, each project sponsor is required to conduct periodic on-site inspections of a funded project. Every 5 years after project closure and for the duration of the maintenance period specified in the project sponsor agreement, the project sponsor must file a written report with ASPT.

ASPT will notify the project sponsor when inspections should be conducted and will provide the necessary forms to accomplish the inspections.

Growing Smarter Acquisitions parcels must complete an annual report through WebGrants by August 31st (Appendix)

Non-Compliance with Post-Completion Requirements

Project sponsors who do not meet the term of public use for grant-funded facilities must follow one of the remedies listed below to be in compliance with these guidelines. ASPT will consult with the project sponsor in determining the most appropriate remedy.

Obsolescence

The LWCF Grants Manual, Chapter 675.9.4, shall be used as guidance to process obsolescence requests. Only those requests that significantly contravene the original plans for an area shall require the Executive Director of ASPT (or designee) and in the case of LWCF, the National Park Service review and approval action. Notwithstanding neglect or inadequate maintenance on the part of the project sponsor, a recreation area or facility may be determined to be obsolete if:

- Reasonable maintenance and repairs are not sufficient to keep the recreation area or facility operating;
- Changing recreation needs dictate a change in the type of facility provided;
- Operating practices dictate a change in the type of facilities required; or
- The recreation area or facility is destroyed by fire, natural disaster or vandalism.

If a facility funded with LWCF is declared obsolete, the project area must continue to be available for public outdoor recreation in perpetuity

Conversions

A conversion is required when a grant recipient is no longer maintaining a grant-funded facility to the standard originally stated in the project sponsor agreement approved by Arizona State Parks Board, or when the facility has been removed from public use. The facility must be replaced by one of equal value at the time of conversion at the grant recipient's expense.

If project areas are not properly meeting the term of public use, the LWCF Grants Manual, Chapter 675.9.3, is used as guidance to process conversion requests under the LWCF; Local, Regional, and State Parks; Recreational Trails Program; Trails; State Lake Improvement Fund; and Off-Highway Vehicle grant programs.

ASPT will process conversion requests administratively by obtaining Executive Director approval. Conversions affecting LWCF project sites shall be forwarded to the National Park Service for approval following action by the Executive Director.

Repayment for All Grant Programs Except Growing Smarter and LWCF

In the event the project sponsor fails to provide for operation and maintenance of the facilities or equipment during the Term of Public Use, the project sponsor shall reimburse the appropriate grant fund as follows:

- 100% of grant expended funds, 0-5th year;
- 80%, 6th-10th year;
- 60%, 11th-15th year;
- 40%, 16th-20th year;
- 20%, 21st-25th year.

NOTE: As an example, the 6th-10th year shall mean from the first day of the sixth year through the last day of the tenth year, beginning with the certified date of completion.

Repayment is not allowed for LWCF grant projects.

In lieu of repayment for a facility that is removed from public use prior to the end of the required Term of Public Use, the project sponsor may apply for obsolescence under subsection C.1.

Repayment for Growing Smarter Acquisition Projects

The project sponsor is in default if it fails in the performance of any portion of this agreement or any conditions of the Conservation Easement. Notice of and a description of the nature of the default will be mailed to the project sponsor. Failure to commence an ASPT-approved cure for the

default or to seek amendment to the approved cure, within 60 days of project sponsor's receipt of the written notice, shall be considered a default.

In case of a default of the contractual provisions stated in either this agreement or the conditions of the patent, ASPT retains the right to exercise remedies to the grant contract. Specifically, ASPT may request the following as remedies to a default: demand the return of the total grant award made pursuant to this agreement, interest on the grant award calculated at the court accessed judgment rate, attorney's fees and court costs.

XII. Disagreements

Disagreements with any decision or action concerning project administration which are not resolved with staff to the satisfaction of the project sponsor may be addressed in the following manner:

1. The project sponsor may submit a written request for review to the Deputy Director of the Resource & Public Programs Division of ASPT. The Deputy Director will address the matter and respond in writing within 30 working days of receiving the request from the project sponsor.
2. If the disagreement is not resolved following the Deputy Director's review, the project sponsor may submit a written request for review and consideration to the Executive Director of ASPT. The Executive Director will respond within 30 working days of receiving the request.

APPENDICES

- A. Amendment Policy
- B. Sample Bid Award Letter
- C. Certified Completion Letter
- D. LWCF Site Inspection Report

APPENDIX A

Amendment Policy for Grant Project Sponsor Agreements

Project sponsor agreements authorized by the Arizona State Parks Board may be amended to accommodate changes to the original agreement. Authorized amendment types include: 1) time extensions, 2) scope changes, 3) funding adjustments, and/or 4) change in project sponsor.

The following explanation clarifies authorized amendment types including the approval authority for each and shall apply to each grant program administered by ASPT.

Amendment Type	Approval Authority
1. Time Extension	
<ul style="list-style-type: none"> ● 1 year or less ● More than one year or more than one extension 	<p style="margin-left: 20px;">Executive Director or Designee</p> <p style="margin-left: 20px;">Arizona State Parks Board</p>
2. Scope of Change	
<ul style="list-style-type: none"> ● Additional scope items, but within the original intent and cost of approved project ● Deletions resulting in no significant impact on the original scope or project rating ● Change in project location but the original scope remains the same ● Deletions having significant impact on the original scope and project rating 	<p style="margin-left: 20px;">Executive Director or Designee</p> <p style="margin-left: 20px;">Executive Director or Designee</p> <p style="margin-left: 20px;">Executive Director or Designee</p> <p style="margin-left: 20px;">Arizona State Parks Board</p>
3. Funding Adjustment	
<ul style="list-style-type: none"> ● Transfer of unused funds in a completed project of project sponsor to another project of the same project sponsor with cost overruns, but with no adjustments to either project's approved scope of work 	<p style="margin-left: 20px;">Executive Director or Designee</p>
4. Change in Project Sponsor	
<ul style="list-style-type: none"> ● Transfer of project from one sponsor to another 	<p style="margin-left: 20px;">The appropriate advisory body shall review prior to recommending action to the Arizona State Parks Board on this type of amendment.</p>

Notes to the Policy:

Upon project closure, an amendment shall not be necessary to reduce project costs from the original award if the approved project scope was accomplished for less money than the award. In lieu of the amendment, staff shall prepare a “Project Closure” letter to the project sponsor summarizing grant fund expenditures and the disposition of unexpended funds. This letter shall be the official document specifying actual grant funds expended, closure of the project, and the disposition of unexpended funds.

Amendments to approve scope of work items or staff shall present retroactive time extensions to the appropriate Advisory Committee and then to the Board for approval consideration, with a staff recommendation for either approval or denial. Scope change amendments must include a revised cost schedule and a revised site plan.

APPENDIX B

**Sample
Bid Award Letter**

Address the Bid Award letter to Arizona State Parks & Trails on the project sponsor's letterhead and send electronically.

Date:

Chief of Grants and Trails
Arizona State Parks and Trails
23751 N 23rd Ave, Suite 190
Phoenix, Arizona 85085

Dear (Chief of Grants and Trail's name):

A bid proposal has been reviewed and found to be acceptable for the grant project numbered and titled: _____.

An award has been made to:

Vendor's Name:
Address:
Award Amount:
Scope of Work:

Documents attached to this report include:

- 1) Certified list of bids received; and
- 2) A justification statement if an award is to a vendor other than the low bidder. A copy of the signed contract will be mailed to Arizona State Parks and Trails after it has been fully executed with the vendor.

A copy of the signed contract will be mailed to Arizona State Parks and Trails after it has been fully executed with the vendor.

Sincerely,

Name

Title

Organization

APPENDIX C

Sample
(Available on WebGrants)

Certified Completion Letter

Date:

Chief of Grants and Trails
Arizona State Parks
23751 N 23rd Ave, Suite 190
Phoenix, AZ 85085

Dear _____,

This letter certifies that the grant project titled _____,
and numbered _____ was completed on _____ in accordance with the
terms of the project sponsor agreement, including any approved amendments and complies with all
applicable laws, rules and regulations.

This letter also certifies that this entity complied with all applicable state, local or other
procurement rules and that the following documents are part of the project files for each awarded
contract:

- plans and specifications stamped by an Arizona licensed architect/engineer
- award of bid letter for each construction contract
- list of bids received for each construction contract
- complete and signed copy of all construction contracts; and
- a justification statement if an award is made to a vendor other than the lowest bidder.

All records and back-up documentation will be retained for five years. All facilities developed
with grant funds will be available for public use for _____ years.

Signature of person authorized to
sign for the Project sponsor

Title of the above

Subscribed and sworn before me the _____ day of _____, _____.

Signature of Notary Public

My commission expires _____.

APPENDIX D
Arizona State Parks & Trails
LWCF Site Inspection Form

Please review the form below to see what staff are looking for when conducting site visits. The form is completed by grant staff to ensure compliance for all LWCF projects. It is important that each grantee understands the implications of not complying with LWCF policies and procedures.

1. Is the property being used for the purposes intended?
2. Is the property accessible to disabled people?
3. Is the site/structures well maintained?
4. Is there any visible graffiti or vandalism?
5. Is the site and programs open to the general public including non-residents?
6. Are the hours of operations posted?
7. Are fees and charges reasonable?
8. Are the scope items of the project on the project site?
9. Are all buildings used for recreation?
10. Was the 6”f boundary verified with a determination that no conversion for non-recreational land use is necessary?
11. Is the site free of any major problems?
12. Indicate the overall condition of the site.
13. Is there an LWCF sign posted on-site?