



**North Dakota Parks and Recreation Department
Recreation Division – 701-328-5357 – parkrec@nd.gov
Land and Water Conservation Fund Grant Program
Applicant/Sponsor Manual**

General Information

The Land and Water Conservation Fund (LWCF) grant program is a federal matching grant program offered by the National Park Service (NPS) through the North Dakota Parks and Recreation Department (NDPRD) to provide financial assistance for the acquisition, construction, improvement, or renovation of outdoor recreation facilities throughout ND. Sites that receive LWCF grant funding must be open to the public and maintained in perpetuity.

- **Eligible Applicants:** Only political subdivisions may apply.

- **Eligible Expenses:**

Recreation facilities may include but are not limited to the following facility types:

- Sports and playfields and other outdoor spaces used in competitive and individual sports. This includes fields for baseball, softball, soccer and football, tennis courts, playgrounds, golf courses, rodeo arenas, inline hockey rinks, skate parks, running tracks, and other similar facilities.
- Picnic facilities including tables, fireplaces, shelters, and associated amenities.
- Trails including development and marking of overlooks, turnouts and trails for nature walks, hiking, bicycling, horseback riding, exercising, and motorized vehicles.
- Swimming facilities including swimming beaches, outdoor pools, wave-making pools, wading pools, spray pools, lifeguard towers, bathhouses and other similar facilities.
- Non-motorized boating facilities for canoeing or kayaking.
- Winter sports facilities such as cross country ski trails, sledding, snowmobiling, and other winter sports. Outdoor ice skating and outdoor ice hockey rinks are also eligible.
- Camping facilities including tables, fireplaces, restrooms, and associated tent and RV facilities.
- Exhibit or interpretive panels that present information to aid observation or interpretation of natural resources located on the recreation site.
- Spectator facilities such as amphitheatres and modest seating areas related to community playfields and other eligible facilities.
- Accessible facilities including the adaptation of new or existing outdoor recreation facilities and support facilities for use by persons with disabilities. Such accessible facilities must be available to the general public or be part of an outdoor recreation area that serves the general public.

Land acquisition:

- Acquisition projects generally consist of land purchase and/or donation that are sometimes combined with development of facilities. Land acquired through purchase or donation must be appraised according to federal standards. An acquisition through donation from non-public sources may be used as a portion of the sponsor's matching share for development purposes.

- **Ineligible Expenses:**

- Expenditures on items not in the approved project scope
- Sales tax
- Service charges for late payment
- Costs incurred prior to federal approval date and after project expiration date
- Equipment such as hammers, ladders or lawn mowers
- Payments to one vendor in excess of \$25,000 that are not bid according to federal regulations
- Legal fees
- Operation and maintenance costs

- **ADA and ABA Requirements:** All projects must meet requirements of the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA). The ADA guidelines and standards are for construction or alteration of public facilities, and the ABA guidelines and standards are for facilities designed, built, altered, or leased with federal funds. For more information on these requirements please visit the ADA and ABA Accessibility Guidelines website at <http://www.access-board.gov/ada/>.
- **State and Local Contributions:** Grant recipients must utilize funding within 18 months of the award to ensure timely completion of the project and efficient use of the funds. NDPRD will reimburse the project sponsor up to 50% of the eligible project costs, with the remainder the responsibility of the local project sponsor.

At the time of application the project sponsor must have at least 50% of the total grant cost available. The local share may include tax sources (appropriations), bond issues, force account contributions, cash donations or other state funding sources so long as those programs allow.

General Provisions

- **Project Application:** please see attached application.
- **State Comprehensive Outdoor Recreation Plan (SCORP):** In order for a project to be selected for funding, it must show a need in the SCORP for the legislative planning region in which the project will be developed. The SCORP is available online at <http://www.parkrec.nd.gov/information/department/attachments/p-scorp-toc.pdf>.
- **Project Selection:** Applications will be scored and selected based on the project region's recreation priorities according to the SCORP, using the Open Project Selection Process (see attached document).
- **Project Clearance:** To ensure environmentally, historically and culturally important properties are not negatively affected, projects must be reviewed for clearance through the ND State Historic Preservation Office and the ND Natural Heritage Inventory. The projects selected for funding will be forwarded by NDPRD to these agencies for review. Projects which do not pass this review will not receive funding.
- **PD/ESF:** Once a project is selected, the project sponsor will be notified and asked to complete the Project Description & Environmental Screening Form, available on the NPS website at <http://www.nps.gov/ncrc/programs/lwcf/pub.htm>. NDPRD will gladly offer assistance in this step.
- **Pre-award Inspection:** All projects are subject to a pre-award inspection
- **NPS Application:** Once a project has been selected and passed all clearances, NDPRD will submit an application packet to NPS for final approval. This step may take several weeks.
- **Recreation Preservation:** Section 6(f)(3) of the LWCF Act requires that recreation areas or facilities that receive LWCF funding must be open for public recreation and maintained to a level of usefulness in perpetuity. The entire recreation area will be referred to as the "6f boundary." This 6(f) boundary will legally encumber all recreation land that is improved through LWCF funding, i.e., if a playground is developed in a park, the entire park will be encumbered. For more information about the 6f legal requirements please visit <http://www.nps.gov/ncrc/programs/lwcf/protect.html>. **If the project sponsor fails to meet these requirements, they will be ineligible for future funding.**

- **Procurement:** Grant recipients are required to follow the State of North Dakota’s procurement guidelines when purchasing goods or services needed to complete a project unless a local procurement process is in place prior to the grant award. If a local process is in place, please provide a copy to NDPRD prior to any expenditures. Otherwise please follow the guidelines below.
 - Purchases \$2,500 and below: Use adequate procedures to ensure commodities and services are obtained at a fair and reasonable price, which may include the soliciting only one informal bid or proposal. Rotate vendors solicited on an equitable basis (ref. N.D.A.C. § 4-12-08-02). “Fair and reasonable” price can be based on previous purchases, market research, a published price list, or by simply soliciting more than one vendor. Remember, “When in doubt, bid it out.”
 - Purchases \$2,500.01 to \$25,000: Solicit no fewer than three vendors, insofar as practical, to submit oral or written informal bids or proposals. If you do not receive three bids or proposals, provide a written justification (e.g., “only two known vendors” or “contacted three vendors, only two responded”).
 - Purchases over \$25,000: Solicit formal sealed bids or proposals with notice to approved bidders on the State Bidders List (ref. N.D.C.C. § 54-44.4-14, N.D.A.C. Chapter 4-12-08). Notice of bid opportunities must be placed weekly in a newspaper for a period of no less than three weeks to ensure notice of a bid opportunity.
 - Limited Competitive and Noncompetitive Procurements: Occasionally, circumstances arise under which a fully competitive procurement process may be difficult or impossible. Procurement is noncompetitive when there is no bidding process. Limited competition occurs when competition is possible, but the requirements of the solicitation restrict competition to particular bidders. (Ref. N.D.C.C. § 54-44.4-05, N.D.A.C. § 4-12-09). Project sponsors must use the State’s Alternate Procurement Request form, SFN 51403 to document this process.
 - Documentation Requirements: Each procurement transaction must be adequately documented for audit and public record purposes. If the purchase is over \$2,500, the procurement file must have evidence that three vendors were solicited or document the reason three bids were not obtained. Include any required approvals, solicitation document used, list of bidders solicited, responses received, bid summary or evaluation worksheets, reasons for rejecting a particular bid, and method of award (e.g. purchasing card or purchase order). Written determinations are required for all emergency, limited competitive and noncompetitive procurements.
 - Exemptions by Statute: Please note, certain commodities and services are not subject to state procurement laws. The following commodities and services are exempted from state procurement practices by N.D.C.C. § 54-44.4-02 And N.D.A.C. § 4-12-01-04, as follows:
 - Telephone and telegraph service, electrical light, and power services.
 - Department of Transportation materials, equipment, and supplies in accordance with N.D.C.C. § 24-02-16.
 - Specific commodities and services as determined by written directive by the Director of OMB in N.D.A.C § 4-12-01-04 such as: A. contracts for public buildings and public improvement contract bids, pursuant to N.D.C.C. Title 48. B. Contracts for architect, engineer, and land surveying services pursuant to N.D.C.C. Chapter 54-44.7.
- **Reimbursement:** The project sponsor will not receive a cash grant at the time of project approval. The sponsor must pay the bills first and then request reimbursement for the allowable maximum of the

expenses incurred for the project. Reimbursement requests may be made periodically during the project period. Reimbursement forms are available at <http://www.parkrec.nd.gov/recreation/grants/lwcf/reimbursementforms.html>.

As in any program where a reimbursement is requested for a portion of the project costs, adequate documentation and records are essential. There must be definite supporting documentation (i.e. invoices and canceled checks) for each item of cost claimed -- estimates are not sufficient. NDPRD may request additional support documentation in order to process a billing.

- Reimbursement Requests: The following is a list of documentation NDPRD will need to process all reimbursement requests:
 - Reimbursement Request Form
 - Affidavit of publication, supplied by the newspaper when you advertise for bids.
 - Minutes of any meeting at which action is taken on bids received. Should be dated and signed by responsible official.
 - Contractor invoices (or final progress payment, if countersigned by contractor acknowledging payment of all prior charges, and if the cost of each major work item is shown) and cancelled checks to contractor (copy of both sides).
 - Cancelled checks (copy of both sides) for all other materials and services.
 - Copies of invoices. Not monthly statements.
 - Employee time records.
 - Individual earnings records for the calendar year or payroll journals. Should show gross wages, withholdings and net pay for each pay period.
 - Equipment rental time records.
 - Detailed schedule showing how you computed owned-equipment rental rates. For donated equipment time, you must use hourly rates via a quote from a local rent all or a published equipment billing chart for a municipality.
- Partial Billings: Using the Reimbursement Request Form, a partial billing along with supporting documentation may be submitted to NDPRD after portions of the work have been completed. The state will retain at least 5% of the grant amount until the project is complete and a final inspection has been conducted. Supporting documentation needed includes the following:
 - Progress Report Form
 - Expenditure Records indicated above
 - Volunteer Logs
- Final Billings: Final billings should be submitted within thirty days of the completion of the project or the grant expiration date, whichever comes first. Final billings must be submitted to NDPRD utilizing the process outlined above. Once a final billing is received, NDPRD staff will contact the local sponsor to discuss the completed grant project and arrange for a final inspection. Final billing and grant closeout will not be completed until NDPRD has conducted the final inspection and certified the project is indeed complete, meeting the description outlined in the grant application and/or project amendment.
- Reimbursement Request Form: The local sponsor is responsible to track costs according to the categories on the Reimbursement Request Form and must maintain an auditable record for a period of not less than 3 years from the expiration date of a grant award. The Reimbursement Request Form provided by NDPRD must be submitted with all payment requests.
- **Progress Reports**: Grant sponsors are required to submit a progress report by April 1 and November 1 of each year to ensure that NDPRD is apprised of the grants progress. This information is critical, since NDPRD must review projects that have not progressed for six months for potential termination of funding. NDPRD considers an absence of a bi-annual report as no progress on the project. The Progress

Report form is available at

<http://www.parkrec.nd.gov/recreation/grants/lwcf/attachments/grantprogramprogressreport.pdf>.

- **Amendments:** During the grant period, various situations may result in changes or deviations from the grant description. An amendment is necessary to add to or alter the approved project. Changes that may necessitate an amendment are increases or decreases in the grant amount, scope changes, or an extension of the project period.

- Changes in Project Scope: Only those items approved for the grant are eligible for reimbursement. Facilities must be constructed in the same location as designated on the plans submitted with the application. Due to unforeseen changes in project costs or revisions in the plans for the facility, certain items may have to be added or deleted from the project after it is approved. In the case of adding an item to the project, construction on that item cannot begin until the amendment is approved.

The amount of state assistance specified on the award letter is the maximum amount reserved for that particular project. Costs over this amount have to be paid by the applicant. All changes in project scope should be in accordance with the intent of the original application, and must be justifiable. The need for the change must be documented by a letter to the NDPRD, accompanied by revised cost estimates, construction plans, and maps.

- Project Period Extensions: All acquisition and development must take place within the project period, which is identified in the award letter. The award letter is sent to the project sponsor after the project has received approval. For most projects, the target date for project completion will be based on an 18 month project period. The project sponsor is encouraged to complete the project as soon as possible as inflation can add a 5% cost increase each year.

If the project cannot be completed during the period identified on the project letter, a request must be submitted for a time extension. The request must justify why the project cannot be completed before the expiration date. This justification should include a time schedule for completing the remaining items. Typically no more than one six month extension can be granted and then only under unforeseen circumstances. Work performed after the project has expired will not be eligible for reimbursement. Final payments for work done during the project period can be made after the project has expired. These payments should specify the work had been completed before the project expired.

- Submission of an Amendment Request: The grant sponsor initiates the amendment by submitting a request for the changes to NDPRD. This request should include all project revisions desired, including cost estimates, maps or design plans, and justification of the need for the changes. It is recommended that NDPRD be contacted prior to the submission of the amendment request. Department staff will be able to provide advice on the feasibility of an amendment approval. An amendment for a change in scope can be requested any time prior to the beginning of work on the added item. An amendment for an extension of time should be submitted forty-five days before the grant is scheduled to expire.

It is essential that amendment requests be kept to a minimum. Amendments are used to cover items that could not be anticipated in the original project. Major deviations from the original grant application will not be accepted. It is the responsibility of the local sponsor to thoroughly determine the type of project prior to submission and, upon approval, carry through with that proposal.

- **Grant Completion:** Upon notification by the local sponsor that a project has been completed, NDPRD staff will conduct a final inspection. If the project has been completed in accord with the grant description, the final billing can be processed. In order for a project to be considered completed and ready for final billing, it should be submitted within thirty days of the completion of the grant or expiration date, whichever comes first.
- **Grant Termination:** A local sponsor may request withdrawal of a grant at any time prior to the first payment or expenditure of grant funds. After the initial payment, the grant may be rescinded, modified or amended only upon review by NDPRD and/or NPS.

NDPRD and/or NPS may terminate a grant in whole or in part, at any time before the date of completion, if it is determined the local sponsor has failed to comply with the terms of the grant proposal or the intent of the program. Failure by the local sponsor to comply with the terms of the grant may cause suspension of all obligations and a return of any monies received. If a grant is terminated, the sponsor will be notified in writing of the determination and the reasons for the termination, together with the effective date. Payments made to the local sponsor or recovery of funds by the NDPRD under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.

NDPRD and/or NPS may terminate the grants in whole or in part at any time before the date of completion when both parties agree that the continuation of the grant would not produce beneficial results commensurate with the further expenditure of funds. The parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The local sponsor shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. Termination either for cause or for convenience requires the grant in question be brought to a state of recreational usefulness agreed upon by the local sponsor and NDPRD or all funds must be returned.

- **Project Site Retention & Future Responsibilities:** At the time of project approval, the local sponsor, through the acceptance of funds, commits that the facilities developed with federal assistance must remain open for general public use and will be operated and maintained. The entire 6f area must remain open to the public in perpetuity. If ever a facility or site reaches the end of its usable life, the project sponsor must contact NDPRD and arrange for a 6f conversion or obsolescence of property. Occasionally NDPRD will approve a change-of-use for a facility or site when notified prior to any actions. **If the project sponsor fails to meet these requirements, they will be ineligible for future funding.**
- **Display Requirement:** All projects funded through LWCF must display the required signage provided by NDPRD.
- **Forms and Resources:** All Grant Program forms are available at <http://www.parkrec.nd.gov/recreation/grants/lwcf/reimbursementforms.html>.

North Dakota Parks and Recreation Department (NDPRD)
Land and Water Conservation Fund/State Outdoor Recreation Facilities Grant
Open Project Selection Process

Project Name: _____

Project Sponsor: _____ **Project Cost:** _____

Reviewer: _____

State and Regional Priority Score – Based upon the 2008-2012 State Comprehensive Outdoor Recreation Plan (SCORP)	
50 point max, If project falls in more than one category, select the category with the highest points	
State Priority (Not applicable for State Recreation Facilities Grants)	
Land acquisition with development to provide or improve outdoor recreation access	50
Land Acquisition for future development to provide or improve outdoor recreation access	40
Region 1: Divide, McKenzie and Williams Counties	
Trails, Picnic Areas, Play Grounds, Pools, Beaches and Water Access	30
Campgrounds, Off Road Parks and Sports Fields	20
Winter Sports Facilities, Public Use Areas, Support Facilities (Support facilities are not eligible for State Recreation Facility Grants), Sports Courses and Golf Courses	10
Region 2: Bottineau, Burke, McHenry, Mountrail, Pierce, Renville and Ward Counties	
Trails, Picnic Areas, Play Grounds and Campgrounds	30
Pools, Beaches, Off Road Parks and Winter Sports Facilities	20
Support Facilities (Support facilities are not eligible for State Recreation Facility Grants), Sports Fields, Open Space Parks, Historic Parks, Sports Courts and Golf Courses	10
Region 3: Benson, Cavalier, Eddy, Ramsey, Rolette and Towner Counties	
Trails, Picnic Areas, Play Grounds, Pools, Beaches and Water Access	30
Campgrounds, Off Road Parks and Golf Courses	20
Sports Fields, Winter Sports Facilities, Support Facilities (Support facilities are not eligible for State Recreation Facility Grants), Historic Parks and Sports Courts	10
Region 4: Grand Forks, Nelson, Pembina and Walsh Counties	
Trails, Picnic Areas, Play Grounds, Pools, Beaches and Water Access	30
Campgrounds, Off Road Parks and Sports Courses	20
Winter Sports Facilities, Sports Fields, Historic Parks, Open Space Parks, Pet Parks and Golf Courses	10
Region 5: Cass, Ransom, Richland, Sargent, Steele and Trail Counties	
Trails, Picnic Areas, Play Grounds, Pools and Beaches	30
Campgrounds, Golf Courses, and Sports Courts	20
Winter Sports Facilities, Sports Fields, Off Road Parks, Open Space Parks, Public Use Areas and Pet Parks	10
Region 6: Barnes, Dickey, Foster, Griggs, LaMoure, Logan, McIntosh, Stutsman and Wells Counties	
Trails, Picnic Areas, Play Grounds, Pools and Beaches	30
Campgrounds, Off Road Parks and Winter Sports Facilities	20
Sports Fields, Public Use Areas, Open Space Parks, Sports Courts, Golf Courses and Historic Parks	10
Region 7: Burleigh, Emmons, Grant, Kidder, McLean, Mercer, Morton, Oliver, Sheridan and Sioux Counties	
Trails, Picnic Areas, Play Grounds, Pools, Beaches and Water Access	30
Campgrounds, Winter Sports Facilities and Sports Fields	20
Off Road Parks, Open Space Parks, Public Use Areas, Sports Courts, Golf Courses, Historic Parks	10
Region 8: Adams, Billings, Bowman, Dunn, Golden Valley, Hettinger, Slope and Stark Counties	
Trails, Picnic Areas, Play Grounds and Campgrounds	30
Pools, Beaches and Water Access, Off Road Parks and Winter Sports Facilities	20
Sports Fields, Open Space Parks, Public Use Areas, Historic Parks, Golf Courses and Sports Courts	10
Total	

Planning & Preparation – 15 point max, select all that apply		
	Yes	No
The applicant has completed and submitted all required documentation and information by the deadline date.	3	0
Funds for entire local share are budgeted and authorized, or loans, pledges and other sources are secured for completion of project.	3	0
The project has been publicized and discussed in public forums. Evidence is provided that the community has been informed and aware of the plan.	3	0
The project has been identified as part of a local recreation survey or plan (does not include site plans).	3	0
The project involves a documented partnership between governments and /or private organizations.	3	0
Total		

Development and Renovation – 20 point max			
	Yes	No	
The project improves or completes a larger recreation project that has already been initiated by the applicant.	2	0	
The project will provide new accessible facilities or improve accessibility of existing facilities.	4	0	
<i>Select only 1 seasonal duration category</i>	The seasonal duration of the proposed project is ten months or greater.	4	0
	The seasonal duration of the proposed project is between six and nine months.	3	0
	The seasonal duration of the proposed project is between four and six months.	2	0
	The seasonal duration of the proposed project is between one and three months.	1	0
The project will reduce existing recreation facility use conflicts by separating or redesigning facilities.	3	0	
The current grant request provides for multiple uses or activities. Ex: basketball tennis court, ice rink.	2	0	
The project will ease pressure on existing high use recreation facilities.	3	0	
The proposed project is a significant first of a kind facility for the local area.	2	0	
Total			

Local Grant Management – 15 point max			
	Yes	No	
<i>Select only project completion category</i>	The sponsor of the project has not received a grant from NDPRD within the last five years.	6	0
	The project sponsor has received a grant from NDPRD in the past 5 years, and completed that project within 12 months.	6	0
	The project sponsor has received a grant from NDPRD in the past 5 years, and completed that project within 18 months.	4	0
	The project sponsor has received a grant from NDPRD in the past 5 years, and completed that project within 24 months.	2	0
	The project sponsor has received a grant from NDPRD in the past 5 years, and has either not completed the project or the project has taken longer than 24 months to complete.	0	0
The project site is currently a LWCF site.	6	0	
The project sponsor does not have any open NDPRD grant projects at the time of application.	3	0	
Total			

Total of all categories – 100 point max - _____



North Dakota Parks and Recreation Department

Recreation Division – 701-328-5357 – parkrec@nd.gov

Outdoor Recreation Facilities/ Land & Water Conservation Fund

2010 Joint Application

Please type responses on a separate sheet. Only completed applications will be considered.

- 1. Who is the project sponsor (only political subdivisions may apply)?**
- 2. Who is the project sponsor contact (provide name, title, complete address, county, email, phone, and fax)?**
- 3. Is there an alternate/additional contact (if yes, provide name, title, complete address, county, email, phone, and fax)?**
- 4. What is the name of the project?**
- 5. Please describe the proposed project. Include location and scope of the project, how it will benefit the community/state, and your plan for long-term maintenance.**
- 6. Describe the proposed project site, including the property name and acreage, physical address, county, the site's current use, and the surrounding environment.**
- 7. What is the legal description of the project location (township, range, section)?**
- 8. What is the population of the community that will benefit from this grant?**
- 9. What recreational opportunities are currently offered in the community?**
- 10. Describe any unique or important significance of the proposed project.**
- 11. Has your community conducted a survey indicating a need for this proposed project? If yes, please explain.**
- 12. Is this project part of a strategic plan for recreational improvements in your community? If yes, please explain.**
- 13. Please explain how your project meets regional recreation demands as described in the State Comprehensive Outdoor Recreation Plan.**
- 14. Describe any partnerships or agreements with other agencies that will benefit the operation or maintenance of the project.**
- 15. Explain any benefits or negative impacts of the project.**
- 16. Please explain how your project meets requirements of the Americans with Disabilities Act and Architectural Barriers Act.**

- 17. What is the estimated start date?**
- 18. What is the estimated completion date (no more than 18 months from start date)?**
- 19. What is the total cost of the proposed project and what is the grant amount requested?**
- 20. Please explain how you will meet sponsor match requirements. Include all funding sources, amounts, and budget descriptions (may attach spreadsheet).**
- 21. Would partial funding affect completion of the grant? Please explain.**
- 22. Has the project sponsor ever received funds from the Land and Water Conservation Fund (LWCF) or Recreational Trails Program grant programs? If yes, please provide project names and numbers and years of completion.**
- 23. This application will be considered for both the Outdoor Recreation Facilities grant program and the Land and Water Conservation Fund (LWCF) grant program. Please indicate if you wish to be considered for one grant program only. If chosen for LWCF, the project boundary of the entire recreation area will be encumbered and must be maintained in perpetuity.**
- 24. Is the proposed project location currently a LWCF site?**
 - a. If yes, what is the acreage of the currently encumbered recreation area and how much (if any) will this project add to that total?**
 - b. If no, what is the total acreage of the recreational area that would be encumbered if the project was awarded LWCF funding?**
- 25. Does the project sponsor have clear title to the project lands through Warranty Deed?**
- 26. Please attach the following documents:**
 - a. A copy of the Warranty Deed**
 - b. Project location maps**
 - c. Park boundary map**
 - d. Site development plan**
 - a. Certifications regarding debarment, suspension and other responsibility matters, drug-free workplace requirements and lobbying (see application attachment A)**
 - b. Optional supporting documents (such as photos, letters of support, meeting minutes, etc.)**

Application Attachment A

Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying

Persons submitting this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions – The prospective primary participant further agrees by submitting this proposal that it will include the clause titles, “Certification Regarding Debarment, Suspension, Ineligibility and voluntary Exclusion – Lower Tier Covered Transaction,” provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to be used; use this form for certification and sign; Certification Regarding Drug- Free Workplace Requirements-Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) – (See Appendix C of Subpart D of 43 CFR Part 12)

Checking the boxes on this form and submitting it provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the funding agency determines to award the covered transaction, grant, cooperative agreement or loan.

PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions

CHECK IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Part B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions

CHECK IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Part C: Certification Regarding Drug-Free Workplace Requirements

CHECK IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL

Alternate I. (Grantees Other Than Individuals)

1. The grantee certifies that it will or continue to provide a drug-free workplace by:
 1. (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee’s workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 2. (b) Establishing an ongoing drug-free awareness program to inform employees about-
 1. The dangers of drug abuse in the workplace;
 2. The grantee’s policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 3. (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 4. (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
 1. Abide by the terms of the statement; and
 2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 5. (e) Notifying the agency in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification numbers (s) of each affected grant;
 6. (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—
 1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 7. (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a),(b),(c),(d),(e) and (f).
2. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code)

Address Line 1:

Address Line 2:

City:
State:
Zip:

- Check if there are workplaces on file that are not identified here

Part D: Certification Regarding Drug-Free Workplace Requirements

- CHECK IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL

Alternate II. (Grantees Who Are Individuals)

1. The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
2. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number (s) of each affected grant.

Part E: Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative

- CHECK IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT; SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

- CHECK IF CERTIFICATION IS FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN

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

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

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

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true and that all information in this application is accurate to the best of my knowledge:

Responsible Official's Signature

Responsible Official's Title

Political Subdivision (Project Sponsor)

Date

Please return completed application by November 1, 2010 to:

**ND Parks and Recreation Department
Attn: Jessica Riepl, Grants Coordinator
1600 East Century Avenue, Suite 3
Bismarck, ND 58503**

If you have any questions, please contact Jessica Riepl at 701-328-5364 or jriepl@nd.gov.