



North Dakota Parks and Recreation Department (NDPRD)

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

Off-Highway Vehicle Recreation (OHVR) Grant Manual

General Information

The Off-Highway Vehicle Recreation (OHVR) grant program is funded by the off-highway vehicle (OHV) registration fees under authority of NDCC 39-29-05. Offered through the North Dakota Parks and Recreation Department (NDPRD), OHVR grants provide 80/20 matching financial assistance of up to \$150,000 for construction, improvement, renovation of OHV recreation facilities throughout North Dakota or other OHV related education and events. This grant program also offers up to 100% funding for law enforcement agencies to assist with enforcement of OHV riding areas and promote responsible OHV use.

- **Eligible Applicants:** Political subdivisions (including cities, counties, park districts), state agencies, federal agencies, and OHV clubs and associations recognized by the secretary of the state. Any law enforcement agency in North Dakota may apply for the law enforcement grant.
- **Eligible Expenses- non-law enforcement:**
 - Construction of new OHV trails and trail bridges
 - Restoration of existing OHV trails and trail bridges
 - Development and rehabilitation of OHV trailside and trailhead facilities and trail linkages
 - Trail signage – see requirements below
 - Costs associated with construction planning such as engineering, architecture, design or necessary permits (may not exceed 20% of total cost)
 - Land acquisition, lease, or easement – see requirements below
 - Equipment rental costs associated with eligible project
 - OHV related education and training – *Maximum of \$2,000*
 - OHV related events – *Maximum of \$5,000*
- **Eligible Expenses- law enforcement agencies only:**
 - Equipment purchases
 - Overtime expense for officers patrolling OHV areas
 - Signage of OHV areas (sign purchases only, no labor or installation costs)
 - Local/statewide media for public awareness of laws and safety issues
 - OHV related education and training – *Maximum of \$2,000*
 - OHV related events – *Maximum of \$5,000*

Agencies must clearly demonstrate their intended use of the equipment and overtime hours in the application
- **Ineligible Expenses:**
 - Ongoing operation or maintenance
 - Access roads and/or road maintenance
 - Equipment purchase of any kind (Except for law enforcement)
 - Recreation facilities which do not directly benefit OHV recreation
- **ADA and ABA Requirements:** All support facilities must meet requirements of the Americans with Disabilities Act and the Architectural Barriers Act.

- **Land Acquisitions, Lease or Easements:** Land acquisitions may be eligible for funding. Project sponsors should contact NDPRD for more information before applying. Leases or easements must be for a minimum of 10 years.
- **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.
- **State and Local Contributions:** NDPRD will reimburse the project sponsor up to 80% of the total eligible project costs, with the remainder the responsibility of the local project sponsor. Law enforcement agencies may receive up to 100% funding depending on available funds. At the time of application the project sponsor must have at least 20% of the total project cost available. The local share may include tax sources (appropriations), bond issues, force account contributions, cash donations or other state or federal funding sources so long as those programs allow.
- **Project Timeline:** Grant recipients must utilize funding within 18 months of the award to ensure timely completion of the project and efficient use of the funds.

General Provisions

- **Project Application:** Please see the attached OHVR and OHVR Law Enforcement grant applications.
- **Pre-award Inspection:** All projects are subject to a pre-award site inspection.
- **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 <https://www.parkrec.nd.gov/business/grants/ohv-trail-grant>

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
 - Progress Report 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 25% of the grant amount until the project is complete and a final inspection has been conducted.
 - 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
- **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 expenditure. Otherwise please follow the guidelines below.
 - Purchases less than \$10,000: 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 \$10,000 to \$49,999.99: 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 \$50,000 to \$99,999.99: Solicit informal bids or proposals with notice to approved bidders on the State Bidders List
 - Purchases \$100,000 and over: Must be purchased using formal sealed bids or Request for Proposal(RFP). Solicitations must be posted using SPO Online with appropriate state bidders list. (ref. N.D.C.C. § 54-44.4-14, N.D.A.C. Chapter 4-12-08).
 - 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 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.
- **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. Projects 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 the 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.

- **Trail Signage:** Any project, upon completion, must be adequately marked for clear and safe usage of Off-Highway Vehicles.
- **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. Law enforcement agencies must submit a final report describing results of enforcement events (including number of contacts, citations/warnings issued, etc.), media campaigns, amount and effect of overtime hour use, and photos of equipment and signage.
- **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 by written mutual agreement between the local sponsor and NDPRD.

NDPRD 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 local 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 may terminate the grants in whole or in part at any time before the date of completion when all 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 state assistance must remain open for general public use and will be operated and maintained. The site and facility must remain in public use until the facilities become obsolete or are at the end of their useable life.
- **Display Requirement:** All projects funded through the Off-Highway Vehicle Recreation Grant must display signage acknowledging the North Dakota Parks and Recreation Department where applicable.
- **Forms and Resources:** All Grant Program forms are available at <https://www.parkrec.nd.gov/business/grants/ohv-trail-grant>



North Dakota Parks and Recreation Department

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Off-Highway Vehicle Recreation Grant Application

(Non-law enforcement)

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

- 1. Who is the project sponsor?**
- 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, any present structures on the site, 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 OHV 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. Describe any partnerships or agreements with other agencies that will benefit the operation or maintenance of the project.**
- 14. Explain any benefits or negative impacts of the project.**
- 15. What is the estimated start date?**
- 16. What is the estimated completion date (no more than 18 months from start date)?**
- 17. What is the total cost of the proposed project and what is the grant amount requested?**

18. Please explain how you will meet sponsor match requirements. Include all funding sources, amounts, and budget descriptions (may attach spreadsheet).
19. Would partial funding affect completion of the grant? Please explain.
20. 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.
21. Is the proposed project location currently a LWCF site?
22. Please attach the following documents:
- a. A copy of the Warranty Deed or lease/easement agreement
 - b. Project location maps
 - c. Site development plan
 - d. Optional supporting documents (such as photos, letters of support, meeting minutes, etc.)
- I certify that all information in this application (including attachments) is true and accurate to the best of my knowledge:

Responsible Official's Signature

Responsible Official's Title

Project Sponsor

Date

Please return completed application to:

ND Parks and Recreation Department
 Attn: Erik Dietrich, Motorized Recreation Coordinator
 1600 East Century Avenue, Suite 3
 Bismarck, ND 58503

If you have any questions, please contact Erik Dietrich at 701-328-5366 or erdietrich@nd.gov.



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Off-Highway Vehicle Recreation Law Enforcement Grant Application

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

1. What agency is requesting assistance?
 2. Who is the agency 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 agency needing for OHV enforcement (i.e., overtime, equipment, signage, etc.)?
 5. Describe the proposed enforcement area, including problems and how this assistance will help with addressing these problems.
 6. What OHV opportunities are currently offered in the community?
 7. Describe any partnerships or agreements with other agencies that will benefit the operation or enforcement of these areas.
 8. What is the grant amount requested?
 9. Please explain how you will utilize this money with a line item budget and timeline for expenditures.
- I certify that all information in this application (including attachments) is true and accurate to the best of my knowledge:

Responsible Official's Signature

Responsible Official's Title

Agency Sponsor

Date

Please return completed application to:

ND Parks and Recreation Department
Attn: Erik Dietrich, Motorized Recreation Coordinator
1600 East Century Avenue, Suite 3
Bismarck, ND 58503

If you have any questions, please contact Erik Dietrich at 701-328-5366 or erdietrich@nd.gov.