

Oregon Community Paths Grant Program
Guidelines For State-Funded Grants

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Disclaimer

These guidelines are intended as a resource for Oregon Community Paths state funded grant fund recipients — they should not be treated as legal advice. They do not cover all details in the agreement or all circumstances, nor do they replace the Intergovernmental Agreement (IGA) between the grantee and the Oregon Department of Transportation (ODOT). The agreement remains the binding legal document. The Oregon Community Paths program is governed by Oregon Revised Statutes 184.619 and Oregon Administrative Rules Chapter 731, Division 36. As statutory changes are possible for Oregon Community Paths funding cycles, this will be a living document as future changes are made.

Purpose

These guidelines were developed to assist Oregon Community Paths grant recipients in administering their state award projects. While not all-inclusive, the guidelines touch on the most commonly asked questions from grant recipients and should serve as a quick reference to ensure grant funds are spent according to the applicable policies and rules. Grantees are responsible for ensuring expenditures are reasonable and necessary for their project.

Overview

The Oregon Community Paths program provides grant funding for public, non-profit and private entities through a reimbursement process for investments in multiuse active transportation paths. The Oregon legislature allocated a percentage of the Automobile Privilege Tax and the Bicycle Excise Tax to fund the program. In addition, the Oregon Transportation Commission authorized federal Transportation Alternatives funds allocated to the State to be used for the Oregon Community Paths program.

Oregon Community Paths provides two types of grants: construction grants and project refinement grants. Depending upon the grant cycle, these grant types may be funded with either federal or state dollars. The Oregon Community Paths Program does not provide additional funds for cost overages and does not guarantee future funding for project refinement grants. All costs that exceed the grant amount to deliver a project are the responsibility of the grant recipient.

Roles

Throughout your project, you will have contact with the ODOT Community Paths Program Manager and support staff through the program email, communitypaths@odot.oregon.gov.

Program staff will process reimbursement requests, review quarterly progress reports, audit project expenditures, monitor the terms of your agreement, and process project change orders and amendments to agreements. ODOT regional staff, like a local agency liaison and active transportation liaison, may also act as a resource for questions and as a support to program staff to support grantees and perform the final project walkthrough.

Eligible Expenses

Generally, Oregon Community Paths funds are to be used for capital expenditures, not working capital (i.e. operating expenses). Eligible project costs generally include the actual costs expended that are reasonable, necessary and directly related to the project and are considered capitalized to an asset that is part of the project. They generally do not include indirect, administrative costs, working capital or operating costs.

Capital expenditures or capital costs generally means costs to acquire, construct, or improve property (land, buildings and equipment), or to adapt the property to a new or different use. The liGuidst below provides some examples of eligible and ineligible expenditures.

Examples of Eligible Capital Expenditures
Land acquisition
Capital construction costs
Design and engineering professional services

Examples of Ineligible Expenditures
Ongoing operations, maintenance and repair costs
Personal services (accounting, HR, IT, etc.)
Training and conferences
Lease payments
Maintenance agreements for copiers or computers
Disposable items or items that can be depleted
Moving costs
Aesthetic furnishings (pictures, coffee pots, etc.)
Office supplies
Travel expenses ¹ not directly related to the project

¹ Travel expenses shall be reimbursed to grantee in accordance with the current State of Oregon Department of Administrative Services' rates found at: [OAM 40.10.00.PO Statewide Travel Policy](#)

Equipment or materials that could be used for work beyond the project

Things to Remember

Oregon Community Paths grant recipients are responsible to ensure that expenditures are reasonable and necessary to deliver their project.

If you are unsure of whether a cost is eligible to be reimbursed, contact the Oregon Community Paths program team with specific questions.

Matching Funds

The Oregon Community Paths program requires grantees who receive a state grant award to provide a portion of their own monies towards the project – we refer to this as “match,” “matching funds,” or “local cash match.”

The amount of local cash match is calculated as a percentage of the project total stated in your application, not your request grant amount. There are a variety of sources that can contribute toward your match. Your match was already identified on your completed application but may include project costs (the elements for the project to be implemented: design, land acquisition necessary for the development of the projects, permits, engineering) incurred 60 months prior to application submittal date. These costs may count toward match but are not eligible for reimbursement². Funds from any private or government sources may be used for match.

Program	Required Match
Oregon Community Paths – State Funds	30%

Things to Remember

Non-cash donations toward a project may be considered part of the match. These may include donated land, labor and equipment.

Reimbursements

Oregon Community Paths is a reimbursement program; you may only request reimbursement after you have expended funds (paid bills) on eligible project activities. You

² Match may include previous expenditures toward the project which must be approved prior to execution of the agreement. In this case, you may be reimbursed for the total reimbursement request.

must submit a [reimbursement request form](#), requesting reimbursement of expenses to the Oregon Community Paths program team.

Requests may be submitted monthly, but not more frequently, and must include both a summary and detailed breakdown of expenses. Submit your request as close to incurring costs as possible; don't wait until the end of the project to send in reimbursement requests.

A complete reimbursement request includes documentation for expenses such as receipts, timesheets, and proof of payment to vendors. You must reimburse your consultants/contractors/vendors before seeking reimbursement from ODOT.

Your reimbursement request must include the following:

Reimbursement Request Requirements
Project name
Agreement number
Agreement execution date
Request date
Reimbursement period (start and end dates)
Reimbursement number (#1, 2, 3,...)
Total amount requested
Itemized breakdown of expenses paid and documentation
Oregon Community Paths grant funds reimbursed to date
Oregon Community Paths grant funds remaining to be disbursed

Staff Time

Documentation for staff time paid for in-house work must include the following:

- Employee name
- Number of hours
- Amount paid
- Purpose of the staff time (how it directly relates to the project)

Contact the Oregon Community Path team if you have any questions on the sample copy of the [Self-Performing Summary sheet](#).

Consultant/Contractor/Vendor Payments

Reimbursement requests should include supporting documentation and your proof of payments to your consultant/contractor/vendor. You do not need to include supporting

documentation for your contractor's payment to its subcontractors; however, ODOT may request those details should we have question about expenditures.

You must include copies of invoices that must show the beginning and ending dates of work performed, receipts, mileage details, proof of payment (copies of cancelled checks or something from the bank showing the funds left the bank account). Include everything that shows the details of what you are requesting in the reimbursement request. If you have an invoice for an item, ODOT doesn't require a receipt, but if a receipt is all you have that will serve as documentation. ODOT may ask for additional details to answer any questions about the request.

Match

Generally, ODOT will pay 70% of the total of your reimbursement request, assuming the remaining 30% is coming from your match (see [Matching Funds section](#)). The percentage of your reimbursement that you will receive can be found in your Intergovernmental Agreement.

Your reimbursement request should show this type of calculation to demonstrate the match requirement and retainage withheld.

Example:

\$100.00	Requested Amount
<u>(\$30.00)</u>	Less Match (30%)
\$70.00	Subtotal
<u>(\$3.50)</u>	Less Retainage Withheld (5%)

\$66.50	Amount Reimbursed

If complete information is provided on your reimbursement request, you can expect to receive payment within 45 days of ODOT's approval of the request.

Things to Remember

Grantees are responsible to ensure expenditures are reasonable and necessary for their project. Services received or costs incurred before the grant was fully executed and notice of execution is given or after the grant expires are not eligible for reimbursement.

Keep good records—ODOT may request proof of payment and backup documentation supporting your reimbursement requests.

Retainage

ODOT withholds a 5% retainage with the Oregon Community Paths program. This means that with each reimbursement request you submit, we will withhold 5% of the payment due until the end of your project.

Your retainage is automatically paid out upon ODOT's acceptance of the completed Project Acceptance Report.

Public Works/Prevailing Wages

Since your project is funded with public funds, it is considered a public works project under Oregon Law (regardless of whether you are a public, private or non-profit entity). These projects are regulated by the Bureau of Labor and Industries (BOLI) and are subject to a contract fee paid to BOLI. Public entities pay the fee directly to BOLI. ODOT will coordinate with BOLI to pay the fee for private and non-profit entities out of the grant funds identified for the project.

These projects also require you to pay prevailing wages for work performed on the project and follow all prevailing wage laws.

Things to remember.

Contact BOLI if you have general questions about prevailing wage rate laws. Here's a link to their website: <https://www.oregon.gov/boli/WHD/PWR/Pages/index.aspx>.

Contracting

When you hire a contractor to perform work on your project, you must follow ORS 279C if you are a public body. Although private and non-profit entities are not subject to ORS 279C (with the exception of ORS 279C.800 through 279C.875), they should use a similar open and competitive process.

All contracts or agreements you have with consultants/contractors/vendors for materials or work on your Oregon Community Paths project must be in writing.

Consultants/contractors/vendors must carry insurance at the limits listed in your agreement with ODOT.

Things to remember

Make sure that any invoices you pay for materials or services have enough detail to demonstrate they are eligible for reimbursement with Oregon Community Paths funds. These records may be requested by ODOT as needed.

Self-Performing Work

If you plan to self-perform any portion of the project, you must seek prior approval from the Oregon Community Paths program manager. Please note that in general, overhead, profit, administrative, project management, and construction management costs incurred directly by the grantee (and not through a contract) are not eligible for reimbursement. Some costs that may be permitted are construction labor, materials and equipment operating costs (rental, fuel, insurance).

Things to remember

If you are a private entity who self-performs work, be aware that you may need to pay your employees BOLI prevailing wage rates.

Building on ODOT Right of Way

If you are building on ODOT right of way, there are some additional requirements that you must follow for the portion of your project that is on ODOT's right of way:

- Approval of Project Construction Plans

- Grantees must obtain ODOT approval for project plans (i.e. a plan set or design sheets) for the parts of your grant that are on ODOT right of way.
 - Step 1: Initiate a plan review process.
 - OCP staff recommends reaching out to your local Active Transportation Liaison to help determine if the permitting process is available.
 - Utilize the ODOT region's permitting process if available. Then move onto Step 2a.
 - Step 2a (if applicable): Once the plan is reviewed and approved, submit proof that the plan has been approved to the Oregon Community Paths mailbox (CommunityPaths@odot.oregon.gov). A copy of an email from ODOT staff saying the plan was approved is sufficient proof.
 - Step 2b (if applicable): If the permitting process is not available, connect with the ODOT Roadway Engineering section.
 - Do this by submitting your draft plan to the Oregon Community Paths Program mailbox (CommunityPaths@odot.oregon.gov). Your submission will be routed to the Active Transportation Liaison and the Roadway Engineering Section for approval.
 - After approval, Oregon Community Paths Program Mailbox will send proof of approval to grantee and Active Transportation Liaison.
- Project Inspection
 - Grantees are required to show proof that their project has passed an ODOT approved inspection for the portion of your grant that is on ODOT right of way or touches ODOT right of way (for ADA projects). This proof must be submitted as part of your final reimbursement request.
 - Examples of proof:
 - A copy of an email from ODOT staff confirming that the project inspection has been approved.
 - Additional Guidance for ADA related projects that touch ODOT right of way:
https://www.oregon.gov/odot/Engineering/Documents_RoadwayEng/HDM-G.pdf. See appendix G-17
- Project Maintenance (*included language in 2025 Intergovernmental agreements*)

- Unless there is an existing maintenance agreement with ODOT to maintain the project area, all Oregon Community Paths Intergovernmental Agreements (IGAs) beginning in 2025 require 10 years of maintenance.
- After 10 years, grantees may negotiate with ODOT to maintain the project beyond 10 years, however there is no guarantee that ODOT can maintain beyond 10 years.

Quarterly Progress Report

You'll need to report on the progress of your project quarterly, due by the first Wednesday of March, June, September, and December. Your quarterly reports help us to determine whether your project is on track or whether there are issues that need to be addressed.

Your report should include any changes to anticipated milestone or completion dates and provide an update on the status of your project. The status must include progress made in the previous quarter, efforts expected in the coming quarter, and any obstacles you are encountering in delivering your project.

Adjustments to all milestone dates must be noted in the quarterly reports. Here's a link to the [Quarterly Progress Report form](#).

Things to remember

Please remember that you must be in compliance with the terms of your agreement to receive reimbursement of expenditures. Submitting quarterly reports is required as part of your agreement.

Milestone changes should be reasonable and realistic to deliver a completed project and must be reported in the quarterly report.

Change Orders

In your agreement you identified key milestone dates for your project. If you anticipate those key milestone dates will be delayed by more than 90 days, you'll need to submit a [Request for Change Order form](#) to the Oregon Community Paths program manager. In addition, any changes to project scope must be requested through this process.

Changes to the final completion date or project scope must be reviewed and approved by ODOT through the change order process, then codified in an amendment to your agreement. ODOT will scrutinize any scope changes to ensure they remain within the original intent of the project selected for funding through the competitive process.

Things to Remember

The grant amount you have been awarded will not be increased. You will need to address any increases in project costs with another funding source.

Any changes to your first milestone or project completion date should be reasonable and realistic to deliver a completed project and will require a change order.

You must maintain the commitment to start your project within two years and complete within five years of signing the agreement.

Project Acceptance

When your project is complete, an on-site review will be conducted to confirm the work completed matches the scope of work in your agreement.

An ODOT representative will complete a project acceptance form documenting all on-site work is completed and the constructed project matches the project identified in the scope of work. You will be asked to sign the recommended project acceptance form. This action acknowledges all work on the project is complete. Upon ODOT's receipt and acceptance of this document the retainage withheld from your reimbursements will be released.

Escalation Process

When a grantee is out of compliance with the terms of their agreement, it is critical to address each non-compliance event. Some examples of being out of compliance with their agreement may be

- Your quarterly reports are late or not submitted, or they do not contain content that demonstrates progress or reports on activities
- You miss milestones or let milestones pass without initiating a Request for Change Order
- You do not deliver the project identified in the scope of work in your agreement

Staff will raise issues on an informal basis with the grantee before escalating to a more formal process.

Step 1	Informal	ODOT staff attempt to work with grantee to achieve compliance (verbal and email)
Step 2	Informal	ODOT staff escalate to Oregon Community Paths Program Manager to determine whether the non-compliance merits escalation (verbal or email)
Step 3	Informal	ODOT staff send email to grantee documenting the non-compliance concerns with a copy to communitypaths@odot.oregon.gov
Step 3	Formal	Oregon Community Paths Program Manager sends letter documenting non-compliance concerns, provides options and deadline to remedy, and potential consequences with a copy to communitypaths@odot.oregon.gov
Step 4	Formal	Oregon Community Paths Program Manager sends decision letter with consequences with a copy to communitypaths@odot.oregon.gov

Other Provisions

Maintenance and Repair

As a condition of your Oregon Community Paths grant, you must maintain your investment pursuant to your grant agreement after the project is complete. Any maintenance and repair costs are your responsibility; no Oregon Community Paths grant funds may be used for maintenance or repair costs.

Ownership

You must retain ownership of the property and may not lease or sell unless you have explicit permission from ODOT to do so. Any property successors will be required to abide by these conditions. When accepting an Oregon Community Paths grant, you are committing to continue to operate the property for its useful life as outlined in your grant agreement.

Records Retention

Grant recipients and their contractors must keep project and financial records for six (6) years.

Americans with Disabilities Act (ADA)

Your project is subject to the requirements of the Americans with Disabilities Act. Any work on the state highway system must be completed according to ODOT's standards.

Photos

You must submit "before" photos of your project. "Before" photos must be submitted within 30 days after your agreement is fully executed. "After" photos are encouraged but not required.

Things to remember.

Project photos are a great way to demonstrate the benefits of the Oregon Community Paths program. We may use your photos in future publications.

Resources

Below is a list of resources and forms you may use during the execution of your project:

- [Oregon Community Paths website](#)
- [Quarterly Progress Report form](#)
- [Request for Change Order](#)
- [Reimbursement Request Form](#)
- [Oregon Revised Statute 184.619](#)
- [Oregon Administrative Rule Chapter 731, Division 36](#)

Summary

The Oregon Community Paths program funds critical non-highway infrastructure in the state. When accepting a Community Paths grant, you are also accepting the responsibility to follow the laws and rules guiding the use of those funds. ODOT staff are available to answer questions and assist you to ensure successful delivery of your project.

Please contact communitypaths@odot.oregon.gov if you need assistance.