

Recreational Trails Program (RTP)

Grant Manual Updates Effective for the 2022 Grant Cycle

Nonprofit Applicant Eligibility

Revised Policy: While Oregon nonprofits must be registered as a nonprofit with the Oregon Secretary of State for at least three years prior to application, the following language was added:

- Nonprofits registered in another state must submit documentation of their nonprofit status to OPRD. The nonprofit must be registered with the other state for a minimum of three years prior to applying to RTP. Refer to the Oregon Secretary of State rules to determine if your organization must also be registered to do business in Oregon:
<https://sos.oregon.gov/business/Pages/doing-business-means.aspx>.

Description of Change: The policy manual previously stated that nonprofits must be registered with the Oregon Secretary of State but did not address how this applies to out-of-state nonprofits.

Policy Manual Reference: Section 2.2

Project Eligibility: Road Right-of-Way Requirements

Revised Policy:

- If your project is primarily within the road right-of-way of a federal-aid highway, you will need to follow these additional regulations:
 - Davis-Bacon Act - federal prevailing wage law that applies to contracts and subcontracts in excess of \$2,000
 - Copeland Act – no kickbacks from employees to employer for “privilege” of employment
 - Convict (Inmate) labor is not allowed unless performed by persons who are on parole, supervised release, or probation (23 U.S.C. 114(b))
- Use this map to determine if the road is a federal-aid highway: <https://gis.odot.state.or.us/transgis/>. Click on the Classifications layer, select Federal Aid Eligible Road Network, and click Submit.

Description of Change: The underlined language in the first bullet was added. The second bullet was added to help applicants determine which roads are classified as federal-aid highways.

Policy Manual Reference: Section 2.3B

Project Eligibility: Grant Reporting

Revised Policy: Staff or volunteer time spent completing RTP progress reports and reimbursement requests is not eligible as match or for reimbursement, as these activities are not directly attributed to project implementation.

Description of Change: This policy was added to clarify eligible project and budget elements.

Policy Manual Reference: Sections 2.3C

Buy America

Revised Policy: Buy America requirements have been expanded under the 2021 Build America, Buy America Act. The Act expands existing Buy America requirements to other types of construction materials and manufactured products incorporated into an RTP project. Refer to the policy manual for more details.

Description of Change: This change is in response to the Build America, Buy America Act.
Policy Manual Reference: Section 2.4

Ownership and Public Access: User Fees

Revised Policy: RTP legislation does not prohibit charging use fees, permits, or parking fees. Land managers may charge use fees at RTP-assisted sites as permitted under their normal policies and procedures.

Description of Change: The policy manual was previously silent on user fees. This update incorporates the RTP federal guidance. Refer to the Public Access section of this policy for additional guidance on public access requirements. The RTP federal guidance also allows states and their RTP advisory committees to negotiate fees if they are determined unreasonable or are set so high that they restrict general public access.

Policy Manual Reference: Sections 2.5

Section 106 (Cultural and Historic Resource Review): Non-Federal Lands

Revised Policy:

- It is recommended that an Inadvertent Discovery Plan (IDP) be incorporated into all contracts and subcontracts, and that staff and volunteers review IDP protocols. (*Link to IDP template in manual*)
- FHWA will provide notification to tribes of the recommended projects on non-federal land. This gives tribes the opportunity to comment or request more information. Tribal consultation may result in a request for an archaeological survey in advance of final project approval, archaeological monitoring during project implementation, mitigation, or project modification.

Description of Change: The first bullet was added as a best practice and to help ensure compliance with state and federal laws regarding cultural resource protection. The second bullet was added so project sponsors are aware of this step and its potential impacts.

Policy Manual Reference: Section 2.7

Applicant Contact Information: Unique Entity Identifier (UEI)

Revised Policy: OPRD is required to collect the UEI of all grant recipients. Effective April 4, 2022, the federal government stopped using DUNS numbers and transitioned to the UEI. The UEI is required for doing business with the federal government, which includes recipients of federal grant funds. Learn more about obtaining a UEI here: <https://sam.gov/content/duns-uei>.

Description of Change: This policy change responds to the federal government's transition from DUNS numbers to the UEI. Applicants should start the process of obtaining a UEI during the application process if they do not already have one assigned. Refer to the link for more information.

Policy Manual Reference: Section 3.3A

Application Attachments: SHPO Attachments (Non-federal applicants only)

Revised Policy:

- **SHPO Attachments:** If your project has already been reviewed by SHPO, indicate that in your application, include a case number, and upload related documentation in place of the documentation listed below.
- **SHPO Submittal Form:** Submit the fillable PDF as provided, not a scanned version.

- **SHPO Clearance Form:** Submit a completed Microsoft Word document as provided, not a scanned version.

Description of Change: Projects on non-federal land, after being recommended for funding, are submitted to SHPO by the RTP grant coordinator. The underlined language was added to help streamline this step and to provide SHPO with documents in the correct format.

Policy Manual Reference: Section 3.3G

Project Selection Criteria: Diversity, Equity, and Inclusion (DEI)

Revised Guidance: This section was expanded to provide examples of DEI efforts that would be relevant to address in the application response, as applicable. Refer to the manual for the complete list.

Description of Change: This guidance is provided as a resource for applicants.

Policy Manual Reference: Section 4.1, Criterion #11

Grant Extensions

Revised Policy: When submitting an extension request, project sponsors must include a timeline for the remaining work and must be up-to-date on progress reports.

Description of Change: This policy was updated to align with what OPRD requires with an extension request.

Policy Manual Reference: Section 5.2

Fiscal Year-End Billings

Revised Policy: State fiscal year-end reimbursement requests must be submitted by August 15 of each year. Expenses incurred after June 30 must be submitted on a separate request.

Description of Change: This policy was updated to align with the grant agreement and state accounting procedures. Refer to the manual for complete fiscal year-end requirements.

Policy Manual Reference: Section 5.3B

Documenting Donated or Volunteer Labor

Revised Policy:

- The requirement to include contact information for individual volunteers was removed.
- The requirement to sign the volunteer documentation was updated to allow electronic signatures or certification statements.
- A statement was added to contact the RTP grant coordinator if the organization's existing volunteer tracking system doesn't cover the requirements listed in the manual. Existing tracking systems will be reviewed on a case-by-case basis.

Policy Manual Reference: Section 5.3B

Publicity

Revised Policy: Project Sponsors must make every effort to acknowledge and publicize OPRD's participation and assistance with the RTP project. Upon completion, signs should be placed at the project location acknowledging OPRD support. OPRD can make acknowledgement signs available upon request or Sponsors may incorporate acknowledgements onto existing or new signage at the project

location. Contact the RTP Grant Coordinator for guidance on acknowledging projects where signs may not be appropriate (example: wilderness areas, equipment purchases, etc.).

Description of Change: This policy was updated to acknowledge that grants signage may not be appropriate for all project types. OPRD may provide guidance to acknowledge RTP support on relevant websites or through other means.

Policy Manual Reference: Section 5.3D

Equipment Acquisition and Disposition

Revised Policy:

- **Annual Reporting:** Project Sponsors that purchase equipment with RTP funds must conduct a physical inventory of the property and submit an updated RTP Equipment Record Form once a year until the equipment is valued at less than \$5,000 or is disposed of. Email the form to the RTP Grant Coordinator. Notify the grant coordinator when the equipment is valued less than \$5,000 or has been disposed of. Equipment purchased with RTP funds must be used as described in the project agreement through the equipment's useful life and in accordance with 2 CFR 200.313.
- **Disposition:** For equipment valued at \$5,000 or more, the Project Sponsor may not dispose of or sell the equipment without prior written approval from OPRD and FHWA. Send a request to the RTP Grant Coordinator with a description of the equipment and reason for sale or disposal. OPRD will then request disposition approval from FHWA. Equipment with a current fair market value of \$5,000 or less may be sold or otherwise disposed of with no further obligation to FHWA. Notify the RTP grant coordinator when equipment valued at less than \$5,000 has been disposed of.

Description of Change: The underlined language was added to clarify that Project Sponsors must notify OPRD when the value of equipment purchased with RTP funds is below \$5,000 or the equipment has been disposed of. The policy was also updated to communicate FHWA's involvement in approving disposition requests when equipment is valued at \$5,000 or more.

Policy Manual Reference: Section 5.3E