

Recreational Trails Program (RTP)

Grant Manual Updates Effective for the 2023 Grant Cycle

Buy America

Revised Policy: Federal Highway Administration (FHWA) Buy America and the 2021 Build America, Buy America Act (BABA) requirements have been waived for RTP projects when the total project cost is below \$500,000. The waiver is effective for projects obligated on or after August 16, 2023.

- The equipment purchase section under Section 2.3A was updated to reflect that equipment purchases are eligible and are not held to Buy America so long as the total project cost is below \$500,000.
- Section 2.4 was updated to clarify that Buy America and BABA requirements no longer apply to projects below \$500,000.

Description of Change: This update is in response to the U.S. Department of Transportation's Buy America waiver for small grants.

Grant Manual Reference: Sections 2.3A and 2.4

Safety & Education Projects

Revised Policy:

- Materials with minimal educational information, or that are otherwise promotional, are not eligible (keychains, t-shirts, other swag).
- Per federal rules, funding and grant agreements for safety and education projects are limited to one federal fiscal year (October 1-September 30). Applicants must plan accordingly.

Description of Change: The first bullet is a clarification based on federal financial regulations found in 2 CFR 200. The second bullet is a clarification based on FHWA's RTP regulations.

Grant Manual Reference: Section 2.3A

Eligible Match

Revised Policy: Matching funds or other match contributions used to satisfy RTP match requirements must not be included as match for any other federal award or OPRD administered grant. Match cannot be double-counted across multiple federal awards or OPRD-administered grants. When in-kind contributions, volunteer labor, or other donations are used as match for more than one federal award or OPRD administered grant, the match can be split out proportionally between grant sources.

Description of Change: The federal portion of this policy is based on regulations found in 2 CFR 200.306(b)(2).

Grant Manual Reference: Section 2.3D

Section 106 (Cultural Resource Review) process for projects on Non-Federal Land

Revised Policy:

- Grantees managing projects on non-federal land must incorporate an Inadvertent Discovery Plan (IDP) into contracts, subcontracts, and other agreements in place with partners or organizations performing on-site work. If the grantee doesn't have their own IDP, use the template provided on [SHPO's website](#). It is further recommended to review IDP protocols with

any staff, volunteers, or other individuals working on the project that are not covered by a contract or agreement.

- SHPO, FHWA, and/or tribal governments may request a cultural resources survey in advance of final project approval. Applicants proposing projects on non-federal land are recommended to budget for an archaeological survey as a pre-agreement match expense, or for additional measures to avoid, minimize, or mitigate adverse effects to cultural resources and historic properties.

Description of Change: The first bullet changed language from a recommendation to a requirement and aligns with IDP requirements already included in grant agreements for projects on non-federal land. The second bullet is in response to an observed increase in requests from SHPO and tribal governments for cultural resource surveys prior to project implementation, as well as best practices for cultural resource protection. OPRD and FHWA staff may work with applicants on a case-by-case basis to help determine whether a survey, project monitoring, and related budget revisions are recommended for the project.

Grant Manual Reference: Section 2.7

Per Diem and Travel Rates

Revised Policy: Throughout the manual, updates were made to clarify that for projects including per diem, mileage (actual or donated), or lodging, rates are limited to the current rates from the [U.S. General Services Administration](#).

Description of Change: Clarification to sections of the manual that didn't identify the source of these rates.

Grant Manual Reference: Sections 2.3C and 5.3A

Reimbursement Requests

Revised Policy:

- Requests for reimbursement must be submitted at least every six months following Notice to Proceed.
- Advance payments will be considered by OPRD on a case-by-case basis. Contact the RTP grant coordinator for information about advance payment options and restrictions.
- Partial billings are requests made before the project is completed. Partial billing may not exceed 75% of the total grant amount until completion and closeout. The final 25% is held as retainage and should be requested by the Sponsor in the final request. In addition to retainage, OPRD requires that individual requests meet or exceed the required match percentage as indicated in the grant agreement. Limited exceptions to the partial billings policy and retainage amount may be allowed on a case-by-case basis. If match reported on an individual request exceeds the percentage required, it can be applied to future requests, so long as the cumulative match stays within the approved ratio.

Description of Change:

- The first bullet reflects a change in ODOT and FHWA's financial process that requires payments be submitted every six months from the date of Notice to Proceed. Previously, there was not a timeline for the first payment. Grantees must take this into account when planning the project budget and timeline. *There are no exceptions to the first bullet at this time.*

- The second bullet incorporates OPRD’s authority under federal financial regulations to consider advance payments on a case-by-case basis. There are many limitations to this policy that can be discussed with the RTP Grant Coordinator. Advance payments may be needed for projects that will not have a reimbursable expense within the first six months as required by the first bullet. If approved, advances are typically processed on an invoice basis, not for working capital.
- The underlined language in the third bullet allows flexibility with match reported on partial billings on a case-by-case basis and particularly when needed to comply with the six-month billing requirement under the first bullet. This also allows flexibility on a case-by-case basis to the retainage amount, typically based on the grantee’s billing cycle or for highly seasonal projects.

Grant Manual Reference: Section 5.3B

Final Progress Report

Revised Policy:

- **Final Progress Report:** submitted in OPRD Grants and marked as final. The final report serves as notice that the Sponsor has completed the project deliverables, as described in the grant agreement, in compliance with applicable regulations, and should include:
 - Description of all deliverables completed as included in the grant agreement scope and any amendments
 - Indication that the project is complete, accessible, and open to the public
 - Photos of the completed work
 - A map of the completed trail system or project area may be required for some projects.

Description of Change: This section was slightly expanded to clarify what is required to be included in a final progress report.

Grant Manual Reference: Section 5.3C

Summary of updates made prior to the 2023 grant cycle that remain in effect:

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.

Grant 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.

Grant Manual Reference: Section 2.3B

Project Eligibility: Grant Reporting

Revised Policy: 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.

Grant Manual Reference: Sections 2.3C

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.

Grant Manual Reference: Section 2.5

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.

Grant 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.

Grant Manual Reference: Section 3.3G

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.

Grant 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.

Grant 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.

Grant 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.

Grant 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.

Grant Manual Reference: Section 5.3E