

PROPOSED REGULATION OF THE COMMISSION ON OFF-HIGHWAY VEHICLES

LCB File No. R131-14

NVOHC Grant Regulations

Eligible Applicants

- 1. Entities which can apply for a grant under \$10,000.00 - any club, nonprofit, school, institute of higher education or government agency local, state, or federal. Entities which can apply for grants over \$10,000.00- any 501C3 federal tax exempt club or organization, school, institute of higher education or government agency local, state, or federal. The entity must be in good standing in the state that it is organized, and must be able to show proof of which from the Secretary of State's office in which they are incorporated. They MUST provide proof of legality to the scoring committee and the application in the guidebook.*
- 2. Any entity requesting a grant must provide written proof that is satisfactory to the Commission that the appropriate federal, state or local governmental agency has been consulted and approves the project to be funded by the grant and regarding the area affected by the project.*
- 3. If an agency has more than one office that operates independently of another office with management of another area of public lands, each unit can apply as independent applicants.*
- 4. Any applicants who have previously received a grant must be able to provide proof of progress on the previously awarded grant or grants.*
- 5. An applicant is deemed to be eligible for projects on public lands when a written agreement exists between the applicant and a public land management agency.*
- 6. Per NRS 490.068 the commission is to solicit nine nonvoting advisers to serve for terms of two years. If they choose not to participate as advisers then they are not eligible to submit a grant for consideration.*

General Guidelines and Rules

- 1. Applicants can be eligible to be awarded grant funds, either by ownership, lease, easement, written agreement, or long term interest in the property at the time of submitting any grant application. A general guideline for control and tenure of the property would be at least 25 years with 20 years remaining at the time of application.*

2. *All easements, rights-of-way, or control and tenure MUST be in place at the time of submitting a grant application.*
3. *The length of tenure must be sufficient to complete the project and to meet the program requirements for ongoing maintenance and operations. A general guideline is 25 years, with 20 years remaining at time of application.*
4. *The grantee is responsible for providing documentation of the continued operation and maintenance of funded facilities.*
5. *An awarded grant project or purchase must be completed within 2 years after it has been awarded unless an extension is approved by the commission.*
6. *All score sheets shall be made public within three business days of the vote and shall remain there for fifteen days. Any grant which is considered for funding must achieve at least 60%. The final decision on whether or not to fund a grant shall be with a majority vote of the commission.*
7. *Each grant applicant will be given a chance to make a presentation to the Commission. The purpose of this presentation is to be able to change the score the grant received. It will also provide a time to answer any questions the scoring committee may have about the application either in whole or in part.*
8. *The commission could consider during the grant award process past performance as part of their deliberations.*
9. *The commission shall within the guide lines of the regulation create a grant guide. The grant guide may include a questionnaire for each grant application to be completed by each commissioner.*
10. *The commission may add any special conditions to the grant agreement stating such conditions or limitations including partial funding as set forth. This will allow the commission to add conditions or limitations that need to be signed before you make the final award.*
11. *Cost of administration, monitoring, supervision by the commission of any grant may be charged to the grantee and may not exceed 10% of the total amount of the grant.*
12. *Any matter or issue, on which the grant guide is silent, the commission will refer to the regulations adopted by the commission.*
13. *Grant application and project criteria MUST be prepared in a minimum font size of 12 pitch.*
14. *Volunteer labor directly engaged in the project work on the ground is an eligible match. The volunteer labor rate to be used will be published in the guidebook.*

15. No grant will be awarded that exceeds the maximum amount as defined by NRS 490.069

16. All funds do not have to be awarded by grants, some funds may be directly spent by the commission as defined by NRS 490.069 3 and 4. Not to exceed 5% of any give category, excluding the administrative category.

A. General Compliance

All projects must comply with applicable statutes, regulatory requirements, and policies. Projects being completed on federal land must be in compliance with the applicable federal statutes.

Permitting Requirements

If awarded a grant the applicant is responsible to provide for all applicable permits and clearances no later than 90 days after notification of the grant award. No funds will be released until all applicable permits and clearances are in place.

Grant Categories

The grantee will notify the commission when the scope of work of the grant is completed and a majority vote of the commission will determine if the performance of work is acceptable.

The guidebook shall award points for volunteerism and in kind matches along with cash matches.

Important Dates

Upon a call for grants, the solicitation for grant applications will be open for 60 days. At the close of the call for grants, the grants will be published on the website for public review. 30 days after the grants are published on the website the committee as a whole will have a meeting scheduled to score the grants. The scored grants scoring and proposed awards will be published on the website for 15 days allowing an appeals process and time for review. At that point with no appeals present the awards may be issued.

Should the issuance of any grant be appealed or an appeal made for a grant not issued, the grants within that category will be held until the appeal is settled. All other grants will be funded. In the event that the grant which is being appealed, there are monies which have not been allocated in the fund available, then all grants shall be funded and the appealed grant shall be held until a final decision is made by the committee as a whole within 30 days.

Application Rules

- 1. Applicants MUST submit a complete application (1 original, 2, copies, and 1 electronic copy) with all necessary attachments.*
- 2. Due to the high number of applications, any application that is found to be incomplete will be set aside and not scored.*
- 3. An attempt will be made by the scoring committee to contact the applicant to get a complete application; however, all applications must be complete and turned in by the noticed deadline.*
- 4. An application packet MUST include a description of the project and the site, justification for the need and demand for the project, cost estimates, budgets (that are clearly defined and specific), and all supporting documentation necessary. (i.e. maps, photos, design drawings, specifications, proof of ownership).*
- 5. The electronic copy MUST be in 1 (one) PDF file format that can be used for electronic distribution to all active commissioners, advisors, staff, public and the NCOHV website. If possible the file should not exceed 25MB.*

Match item descriptions

In-Kind Match

An In-Kind match is the donation of a product, service or cash used to complete the project. An In-Kind match is not required; however is encouraged.

Grantees are encouraged to supply their “in-house” engineering, design, labor, and equipment costs as an In-Kind match. If this is not practical, these are also allowable costs for reimbursement.

All items used for match must be described in the grant agreement and must be documented upon the completion of the project. The following are types of match that can be used to match reimbursable funds:

- 1. Force Account is the use of the applicant’s staff (labor) and/or equipment. Documentation of force account labor must include the name of each worker, dates worked, hourly rate of pay, number of hours worked, total cost and work accomplished.*
- 2. Donated Material that is submitted as match may not exceed the cost of the materials or the market price at the time they were charged to the project, whichever is less. An invoice marked “donation,” or a gift letter from the donor must be retained as documentation of the donation.*
- 3. Contract Services may be submitted as match. When an employer, other than the grantee, furnishes the services of an employee, these services are valued at the employee’s regular rate of pay (benefits are not included). These services must be*

for the same skill for which the employee is normally paid. Documentation must include the employee's name, dates worked, hourly rate, and number of hours worked, total cost, and work accomplished.

4. *Volunteer Labor may be used for match. Rates must be consistent with the rate regularly paid by the grantee for similar work. Documentation must include name, dates worked, hourly rate, and number of hours worked, total donated cost, and work accomplished. For FY 2014, the rate is \$22.00 per hour.*

Bidding Process

- NRS 332.039 Advertisements or requests for bid on contract.*
- NRS 332.045 Advertisement to be by notice to bid; publication; contents of notice.*
- NRS 332.047 On-line bidding.*
- NRS 332.061 Limitation on disclosure of proprietary information and of bid containing provision requiring negotiation or evaluation.*
- NRS 332.065 Award of contract for which bids have been advertised or requested: Lowest responsive and responsible bidder; preference given to recycled products; reawarding contract.*
- NRS 332.068 Notice of protest of award of contract: Period for filing; contents; posting and disposition of bond or security; stay of action; immunity of governing body from liability to bidder.*
- NRS 332.075 Rejection of bids.*
- NRS 332.085 Determination of bidder's responsibility.*
- NRS 332.095 Assignment of contracts.*
- NRS 332.105 Bidders' bonds.*

Exceptions to Requirements for Competitive Bidding

- NRS 332.112 Emergency contracts.*
- NRS 332.115 Contracts not adapted to award by competitive bidding; purchase of equipment by local law enforcement agency, response agency or other local governmental agency; purchase of goods commonly used by hospital.*
- NRS 332.117 Award of contract to nonprofit organization or agency for training and employment of persons with mental or physical disabilities.*
- NRS 332.135 Contracts with carriers; solicitation of informal rate quotations; contracts with Purchasing Division of Department of Administration.*
- NRS 332.146 Auction, closeout and bankruptcy sales; sale of merchandise left after exhibition.*
- NRS 332.148 Failure to receive responsible bids.*

Eligible project cost

Employee services of seasonal and non-permanent staff hired specifically for this grant. Duties that are covered include on the ground field work.

Permanent staff salary is an eligible cost, but it MUST be for project work only. This includes planning, development of projects tasks and time lines, supervision, and field work.

Youth programs and youth-oriented projects

Consultant services
Supplies, materials and tools for the grant project, equipment, vehicles and law enforcement supplies
Signs and interpretive aids
Construction, reconstruction and maintenance work of trails
Construction of bridges, railings, ramps, fences and retaining structures
Bank stabilization, re-vegetation, and erosion control
Rehabilitation of closed trails or damage areas since the start of the registration program NRS490
Trailhead development including parking lots, restrooms and related facilities
Education and outreach
Equipment for snow trail grooming
Safety, education, and user information programs
Trail planning
Feasibility and trail use studies, management plans for shared trails, inventory, and analysis of existing and proposed trails.
Food for volunteers working on the project
Environmental reviews

NON-Eligible Cost

Cost that are expended that are not included in the project budget and submitted with the grant application
Volunteer insurance
Expenses related to the promotion of the organization or fund raising
Time and services associated with writing the grant
Facilities that are ornamental and do not have direct benefit to trail users
General overhead cost or taps, (example, cost to support the organization)
Marketing and advertising
Vehicle maintenance
Mileage for governmental agencies and districts (mileage for non-governmental organizations is allowed)
Depreciation on vehicles, tools and equipment used for the grant
Food for banquets or alcohol
Team building or bonding

Grant Awards Disbursement of Funds

Except as provided herein, the commission shall authorize disbursement of funds allocated to a project on a reimbursement basis. This means that the grantee shall initially pay all project cost and then seek reimbursement through the commission.

In some cases the commission may decide to pay for the cost of equipment, materials, and other such costs as the commission deems appropriate directly to the supplier on behalf of the grantee. This will ease the burden on grantees.

After the grants are selected, an agreement between the commission and the grantee will be completed. You are required to submit any additional information requested in the award letter and finalize the agreement within 90 days after receipt of the grant award letter.

The finalized agreement will identify an “end” date of the project. Applicants have 2 years to achieve substantial completion of the project.

GRANT AGREEMENT

This agreement made (date) _____ between the Nevada Off Highway Vehicle Commission and _____.

Authority exists in the law and funds have been budgeted, appropriated and other wise made available from the Projects _____, Law Enforcement _____, and Public Education _____ portion of the grant funds.

Award is hereby made to _____ in the amount of \$ _____ for the performance of the scope of work describe in the grant application.

1. Scope of Work

The sponsor will undertake the scope of work described in the grant application as accepted by the Nevada off Highway Vehicle Commission. The sponsor will agree to any and all stipulations in addition to the scope of work described in the grant application that the commission has placed upon the project.

2. Performance Period

The period of performance will be from the approval date shown on this agreement until _____, unless otherwise amended and agreed upon in writing by both parties. The sponsor shall expend monies and complete the project for all of the approved expenditures describe in the grant application.

3. Schedule of Payments

The commission's share of this project is not to exceed the approved grant amount listed in this agreement above, a maximum of \$ _____.

Payment will be made upon submission of invoice for work completed or other items provided for in the grant application as approved by the commission. Payments will be made within 30 days of approval of the above mentioned invoice.

The commission reserves the right to inspect all projects prior to, during, or at the conclusion of the project and/or periodically thereafter. A representative of the sponsor may be required to attend the inspection.

4. Recreational Use

Any lands used for this project will not be converted to any non-motorized recreational use without prior written approval of the commission. All improvements resulting from the project shall be maintained in a safe manner and the sponsor will periodically inspect the project site to ensure that requirement is satisfied.

5. Termination

The project in whole or in part, may be terminated by the commission at any time before the date of completion for any of the following reasons:

- A. The sponsor has failed to comply with the terms of this agreement.*
- B. The sponsor has insufficient funds to complete the project.*
- C. The sponsor fails to begin work on this project within one year of the date on this agreement.*

In the event the project is terminated, the sponsor shall nevertheless bring the project to a point of usefulness as determined by the commission.

6. Financial Responsibilities

The sponsor shall maintain a complete record file of all receipts, expenditures and other written records which pertain to the use of the funds in the performance of this agreement. Such records, files shall be made available upon requests at such reasonable times and places as agreeable to the parties of this agreement.

No later than 30 working days after the completion of the project or termination of the agreement the sponsor shall submit to the commission a complete record of all receipts and expenditures and other written records related to the project. Any unused portion of the projects monies will be returned to the commission at that time. Following the completion of the project or termination the commission shall inspect the project and audit all expenditures made by the sponsor related to the project as set forth in the "scope of the agreement". If the commission finds any expenditures were not made in accordance with this agreement, the commission may request, and the sponsor shall immediately refund monies used for those expenditures.

7. Successors and assignments

All terms of this agreement shall be binding in and inure to the benefit of the personal representatives, successors, or assigns of the parties.

This agreement is NOT assignable without the written consent of both parties.

8. Notice to sponsor

Your submission of this application constitutes an offer, acceptance of which shall result in a binding agreement effective upon acceptance of your application and award of the grant.

Authorized Signature of Sponsor

Date

Authorized Signature of NVOHC _____ *Date*
