SUBJECT: PA Recreational Trails Grants – Administrative Instructions and Process

EFFECTIVE DATE: 2/15/2019

REVISED: 9/17/2019

BACKGROUND:

The Recreational Trails Program is a grant program of the Federal Highway Administration (FHWA) to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses. The Fixing America’s Surface Transportation (FAST) Act reauthorized the Recreational Trails Program for federal fiscal years 2016 through 2020 as a set-aside of funds from the Transportation Alternatives Set-Aside. Each state department of transportation receives an annual apportionment of funds, and each state is responsible for administering its own recreational trails program. PA DCNR has a signed Memorandum of Understanding with the PA Dept. of Transportation (PennDOT) to administer the Pennsylvania Recreational Trails (PRT) grant program.

The PRT program allows an annual allocation of funds for development projects, educational projects and DCNR’s administrative costs. The required distribution of funds for projects is 30 percent motorized, 30 percent nonmotorized and 40 percent diverse recreational trail use. Some projects can qualify simultaneously under the motorized and diverse categories or the nonmotorized and diverse categories. Educational funds cannot exceed 5 percent of the annual apportionment. Up to 7 percent of the annual apportionment can be used for DCNR’s administrative costs.

PRT applicants submit grant applications through DCNR’s annual Community Conservation Partnerships Program (C2P2). The following is an overview of the Bureau’s grant process for implementing trail projects funded through PRT, as promulgated under the Uniform Grant Guidance 2 CFR 200. FHWA’s Recreational Trails Program Guidance can be found at this link:

https://www.fhwa.dot.gov/environment/recreational_trails/guidance/

Recreational Trails funding can be used to fund trail projects on DCNR-owned land. DCNR will apply any unallocated PRT motorized funds annually to motorized recreation projects on DCNR lands.
Eligible Applicants

Eligible PRT applicants include federal and state agencies, municipalities, nonprofit and for-profit organizations.

Eligible Project Types

Eligible PRT project types include construction, rehabilitation and maintenance of trails and trail-related facilities for both motorized and non-motorized recreational trails; the development of educational materials and programs; and the purchase or lease of equipment for trail maintenance and construction. DCNR is currently not funding equipment purchases or leases due to the stalled Buy America waiver review process. Planning and acquisition are not eligible project types.

Grant Match Requirements

The grantee is required to provide a minimum match of 20% of the total project cost. Match can include a combination of cash and/or non-cash values. Eligible match sources can be local, state or other federal funding sources. However, when other federal funding sources are used as match, the total federal share cannot exceed 95% of the total project cost. At least 5% of the match must come from non-federal sources such as state, local or private sources. If other government sources are used as match, restrictions that apply to these funding sources may also apply to the PRT project.

Application Review Process

PRT applicants submit grant applications through DCNR’s annual grant program. During the application review process, DCNR identifies projects that are eligible for PRT funding. Bureau staff work with the applicant to secure the appropriate environmental clearances, Title VI documentation and PA Historical and Museum Commission (PHMC) clearances. Once all clearances are received, Bureau staff will then submit the application and clearances to PennDOT and FHWA for review and approval. If any issues are identified with the clearances, review and approval by FHWA could be delayed which could also delay the start of the project.

1. Bureau Award Notification and Contracting

- The Bureau sends a “notice-of-selection” letter to the Chief Elected Official listed in the grant application.

- Bureau Project Manager conducts a pre-contracting call with the grantee to confirm the designated Local Project Coordinator, match, project scope, and ownership and control of the project site. The grant agreement dates cannot be established until the project is approved for funding by FHWA. The grantee cannot begin any project activities or incur any costs prior to the grant agreement beginning date.

- Upon approval from FHWA, PennDOT establishes the beginning date of the grant agreement. A copy of the fully executed grant agreement is sent electronically, via email, to the Local Project Coordinator. This signifies the beginning of the project management process. The grant agreement period is approximately four years from the start date.
2. **Initial Project Start-up Letter and Initial Conference Call**

- The Bureau Project Manager sends an introductory letter to the grantee providing important contact information, the grant management process, design submission instructions and required forms.

- Within two weeks of receiving the fully executed grant agreement, the grantee must submit a Partial Payment Request to DCNR for up to 10% of the grant amount. The grantee must submit subsequent Partial Payment Requests at least every 9 months until the Final Payment is received. A minimum of 10% of the awarded grant amount will be retained for final payment.

- Upon review of the introductory letter, the grantee must contact the Bureau Project Manager to discuss the grant management process, policies and requirements. The grantee should review these documents with their design consultant and/or solicitor prior to the initial discussion with the Bureau Project Manager.

- The grantee must submit periodic Progress Reports to the Bureau Project Manager. The Bureau Project Manager will discuss submittal of Progress Reports with the grantee.

- All project procurement, including selection of design consultants, must follow the federal Methods of Procurement. See Appendix A for a complete description of the Methods of Procurement. For design consultant selection, procurement following Small Purchase Procedures is the preferred method to be followed for design work up to $250,000. If Small Purchase Procedures are used, written price or rate quotations must be obtained from an adequate number of qualified sources. If the project design work is estimated to be above $250,000, then the Competitive Proposal Procedures and Brooks Act procurement procedures must be followed. For more information, visit the FHWA Consultant Services Q&As: [https://www.fhwa.dot.gov/programadmin/consultant.cfm](https://www.fhwa.dot.gov/programadmin/consultant.cfm). Grantees must follow the requirements for Disadvantaged Business Enterprises and Small Business Enterprises (DBE/SBE) during design consultant selection. See the *Disadvantaged Business Enterprise and Small Business Enterprise Requirements* below and Appendix C for instructions and forms.

- Note that all contracts and sub-contracts must include the DNCR Nondiscrimination / Sexual Harassment Clause in its entirety. The Non-Discrimination Clause can be found in Appendix D of the Grant Agreement.

3. **Bureau Design Submission Review and Approval**

Before proceeding with any project construction, the grantee must submit a complete design package for review and approval by the Bureau Project Manager. The grantee should review
their Initial Project Start-up Letter for a list of design submission items. See Appendix B for a list of the design submission items. Upon review and approval of the design submission, the Bureau Project Manager provides written authorization for the Grantee to advertise and bid the project. Projects must include the following requirements in their invitation to bid: Disadvantaged Business Enterprise and Small Business Enterprise requirements and Buy America Program requirements. Detailed requirements for these federal programs are below.

**Disadvantaged Business Enterprise and Small Business Enterprise Requirements**

Under the federal regulations, projects are required to make a Good Faith Effort when procuring any project supplies or services to ensure that designated Disadvantaged Business Enterprises (DBEs) and Small Business Enterprises (SBEs) have the opportunity to participate in the performance of contracts and subcontracts. A Good Faith Effort is demonstrated through active and reasonable steps to solicit and utilize DBE and SBE firms on their projects.

Prior to any project procurement, the Bureau Project Manager will discuss the DBE/SBE procedures and requirements with the grantee to ensure each project follows the Good Faith Effort requirements. The grantee must include DBE/SBE requirements in their project bids or RFPs. When procuring a design consultant, the grantee is required to fulfill the Good Faith Effort as described in this section. See Appendix C for DBE/SBE instructions and forms. The grantee must submit documents to their Bureau Project Manager confirming that Good Faith Efforts were taken during project procurement. Examples of documentation of a Good Faith Effort include copies of emails, faxes and documented phone calls to DBEs/SBEs.

In cases where the sealed bid process is used for procurement, all bidders must submit the required DBE/SBE documentation with their bids, including documentation that a Good Faith Effort was used to obtain potential sub-contractors. In cases where competitive quotes for services or supplies are obtained directly by the grantee, the grantee is responsible for making a Good Faith Effort during procurement.

All DBE and SBE firms contacted must be listed on the Pennsylvania Unified Certification Program (PA UCP) website or PennDOT’s SBE website. Links to the PAUCP and SBE websites are below. All bid and RFP documentation must include links to these websites.

[https://www.dotsbe.pa.gov/PAUCPWeb/paucp/viewHome.do](https://www.dotsbe.pa.gov/PAUCPWeb/paucp/viewHome.do)

[https://www.dotsbe.pa.gov/SBEWeb/sbe/viewHome.do](https://www.dotsbe.pa.gov/SBEWeb/sbe/viewHome.do)

The Bureau strongly encourages the grantee to hold a pre-bid meeting for potential bidders to review all bidding and DBE/SBE requirements and procedures.

**Buy America Program Requirements**

The federal Buy America Program requires that all projects that permanently incorporate iron and steel must use products manufactured domestically. Specifically, the federal requirements state:

“All manufacturing processes of steel or iron materials in a product, including coating; and any subsequent process that alters the steel or iron material’s physical form or shape, or changes its chemical composition; are to occur within the United States. This includes rolling, extruding,
machining, bending, grinding, drilling, and coating. Coating includes all processes that protect or enhance the value of the material, such as epoxy coatings, galvanizing or painting.”

The grantee must include notification of the Buy America provisions in their bid or RFP specifications for procurement of steel, iron or manufactured goods. A Buy America Compliance Statement form must be completed by all bidders. See Appendix D for the Buy America provisions and Compliance Statement.

Prior to any project procurement, the Bureau Project Manager will discuss the Buy America requirements with the grantee. The grantee should review the U.S. Department of Transportation Buy America webpage at https://www.fhwa.dot.gov/construction/cqit/buyam.cfm for more information. The grantee must notify their design consultant of these requirements. Design consultants must consider these requirements in the development of the specifications and designs. If there are any concerns or issues with compliance with the Buy America requirements, the grantee must discuss them with the Bureau Project Manager.

Optional bidding procedure when Buy America compliance may not be possible

The Buy America provisions may be waived at the time of contract award if a grantee elects to include an alternate bidding provision in the project bid for foreign and domestic steel and iron products, and the lowest overall bid based on using domestic products is 25 percent more than the lowest overall bid based on using foreign products.

Flexibility in the Buy America provisions

A minimal use of foreign steel and iron materials is allowed in PRT projects; however, the cost of the steel and iron materials cannot exceed one-tenth of one percent (0.1 percent) of the total contract amount, or $2,500, whichever is greater. For PRT grant projects, $2,500 is typically the greater amount. To clarify, $2,500 is the total of all foreign steel under the construction and materials contracts shared across the entire grant project. The grantee cannot divide the project into multiple construction and materials contracts for $2,500 per contract.

Waivers of the Buy America provisions may be requested if projects do not comply with the stated requirements. However, the Buy America waiver review process is on hold indefinitely. Grantees who permanently incorporate steel products into their projects should consult with their Bureau Project Manager.

4. Advertising and Bidding

- The grantee must follow the federal guidelines for Methods of Procurement for procuring all project work. See Appendix A for a complete description of the Methods of Procurement (2 CFR 200.320). Prior to any project procurement, the grantee must discuss their procurement procedures with their Bureau Project Manager.

- The sealed bid method (formal advertising) must be used for procuring all construction contracts. The invitation for bids must be publicly advertised and solicited from an adequate number of known bidders. All bids must be publicly opened at a time and place specified in the invitation for bids. Fixed price contracts must be awarded to the “lowest responsive and responsible bidder.” Negotiations are not allowed with bidders
between opening and awarding bids. The grantee may not separate their project into phases in order to avoid the sealed bid process.

- All bids must include the DBE/SBE and Buy America documentation. Bidders must follow the DBE/SBE and Buy America requirements and submit forms with their bids. Bids submitted without this documentation cannot be accepted. See Appendix C for DBE/SBE forms and documentation. See Appendix D for Buy America provisions and certification form.

- In cases where volunteers or in-house staff will be used for all project labor and the total cost of materials or supplies is below the Simplified Acquisition Threshold of $250,000, then procurement by Small Purchase Procedures may be used to procure materials or supplies. For Small Purchase Procedures, written specifications must be used to obtain written price or rate quotes from an adequate number of qualified sources. In general, three quotes is considered adequate.

- In cases where volunteers or in-house staff will be used for all project labor and the total cost of materials or supplies is below the Micro-Purchase Threshold of $10,000, then procurement by micro-purchases is allowed. For Micro-Purchases, materials or supplies may be purchased without soliciting competitive quotations and the cost for the materials is reasonable. To the extent practicable, the grantee must distribute their micro-purchases equitably among qualified suppliers.

- Grantees who use the Small Purchase or Micro-Purchase procedure must still follow the DBE/SBE and Buy America requirements and submit documentation confirming that these requirements were followed prior to awarding any contracts.

- The grantee may not separate their project into phases in order to avoid any of the above procurement procedures.

- **PA Prevailing Wage Rates:** The Pennsylvania State Prevailing Wage Act (PWA) requires that all workers on publicly funded construction projects that exceed $25,000 be paid the State Prevailing Wage. The PWA applies to work completed by paid contractors and subcontractors; it does not apply to work performed by grantee in-house staff, volunteers, or donated construction services.

- The grantee may contact the Department of Labor and Industry’s Bureau of Labor Law Compliance (717-705-7256) with questions about the PWA and/or for assistance in determining if the PWA applies to the project. The grantee may also refer to the Department of Labor and Industry website for additional information: [http://www.dli.pa.gov/laws-regs/Pages/default.aspx](http://www.dli.pa.gov/laws-regs/Pages/default.aspx).

- Davis-Bacon federal wage requirements apply if a project is located within the right-of-way of a federal aid highway. Refer to the U.S. Department of Labor website for additional information: [https://www.dol.gov/whd/govcontracts/dbra.htm](https://www.dol.gov/whd/govcontracts/dbra.htm).
• If other state or federal funds are being used by the organization as a match for the project and other competitive purchasing procedures are to be used in conjunction with these funds, please provide this documentation to the Bureau Project Manager.

• Commonwealth Public Works Employment Verification Form: In order to comply with Section 4 of the Public Works Employment Verification Act, 43 P.S. §§167.1-167.11, all grantees who bid out their project work must include a Public Works Employment Verification form in their invitation to bid.

• The Public Works Employment Verification Form and instructions to bidders can be found in Appendix E. All bidders on a public works contract must complete and submit the Public Works Employment Verification Form as a condition of being awarded the contract.

5. Awarding of Construction / Materials Contracts

• Before awarding any contracts, the grantee forwards the bid tabulation and bid submission of the lowest qualified responsible bidder to the Bureau Project Manager for review and approval. Any issues with the bid results should be discussed with the Bureau Project Manager before awarding any contracts. Bids should include:
  o Documentation of DBE/SBE Good Faith Efforts
  o Signed Buy America Compliance Statement
  o Signed Public Works Employment Verification form

• The Bureau Project Manager provides written authorization to award contract(s) and requests a copy of each fully executed construction contract. The grantee must seek prior written approval from the Bureau Project Manager for any changes to the approved project scope of work, budget, and/or timeline.

• After submission of the executed construction contract, the grantee may be eligible to receive an additional partial payment. The Bureau Project Manager will discuss an appropriate partial payment amount with the Grantee. A minimum of 10% of the grant amount is held until project close-out requirements are met.

• If the successful bidder commits to hiring a DBE/SBE firm in their bid, they are required to follow through with hiring that DBE/SBE firm. If a DBE/SBE is hired for the project, the grantee must complete and submit the DCNR Biannual DBE/SBE Status Report in March and September throughout the project term. The grantee must seek prior written approval from the Bureau Project Manager for any changes to the contractor’s approved DBE commitment.
6. **Project Close Out and Final Payment Request**

- Concurrently or shortly after the completion of the project, the grantee contacts the appropriate Bureau Regional Advisor to schedule an on-site inspection of the completed project.

- The grantee submits a letter from the project consultant certifying that the final construction was completed in accordance with the plans and specifications approved by the Bureau.

- After all contractors/invoices have been paid in full, the grantee submits a completed Final Payment Request form and requested close-out documents within 60 days of project completion.

- If a DBE/SBE performed work on the project, the grantee must complete and submit the DBE Commercially Useful Function Report (E0-354) form to verify DBE/SBE participation in the project as well as copies of DBE/SBE invoices and proofs of payment from the prime contractor, or a letter from the DBE/SBE firm confirming payment in full.

- The Bureau Project Manager reviews the Final Payment Request form, requested closeout documents, and the final site inspection report.

- Upon approval of the closeout submission, the Bureau Project Manager provides written approval of the final payment to the Bureau Fiscal Unit and the grantee. Once the final payment is issued, the project is closed.

This policy remains in effect until revised or rescinded.
APPENDICES

Appendix A – Methods of Procurement (2 CFR 200.320)
Appendix B – Bureau Design Submission List
Appendix C – DBE/SBE Forms and Documentation
Appendix D – Buy America Provisions and Certification (23 CFR 635.410)
Appendix E – Public Works Employment Verification Form
Appendix F – DCNR Grant Forms and Documents
  - Certification of Title
  - Certification of Design
  - Certification of Compliance with Bid Requirements
  - Partial Payment Request Form
  - Development Final Payment Request Form
§ 200.320 Methods of procurement to be followed.
The non-Federal entity must use one of the following methods of procurement.

(a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§ 200.67 Micro-purchase). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

(b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

(c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply.

(1) In order for sealed bidding to be feasible, the following conditions should be present:

   (i) A complete, adequate, and realistic specification or purchase description is available;

   (ii) Two or more responsible bidders are willing and able to compete effectively for the business; and

   (iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(2) If sealed bids are used, the following requirements apply:

   (i) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;

   (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

   (iii) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;

   (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest.
Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(v) Any or all bids may be rejected if there is a sound documented reason.

(d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;

(2) Proposals must be solicited from an adequate number of qualified sources;

(3) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;

(4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

(5) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors’ qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(e) [Reserved]

(f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

(1) The item is available only from a single source;

(2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or

(4) After solicitation of a number of sources, competition is determined inadequate.

DCNR Administrative Policy/Grant Guidelines
For the PA Recreational Trails Federal Funding Program
Appendix B
Bureau Design Submission List

Design Consultant Selection
Selection of a design consultant should follow the Methods of Procurement: Small Purchase Procedures for design costs up to $250,000 (See Appendix A). When a contract with a design consultant is signed, please submit:
- A copy of the executed contract with the Design Consultant
- Certification of Title form

Draft Design Submission
Before submitting the final design and bid documentation (see below), grantees must submit drafts for review by their Bureau Project Manager. Draft documentation includes:
- Draft site plans and construction plans, including
  - Documentation of ADA compliance
- Draft bid documents, which must include:
  - Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) documentation
  - Buy America Program documentation
  - Public Works Employment Verification Form
  - Prevailing Wage Rate documentation
  - Draft Certification of Design Form

Final Design Submission
Before any bid(s) for construction or materials can be advertised, submit the following for review and approval:
- Electronic copy of the site plan and construction drawings signed, sealed and dated by your design consultant
- Bid documents signed, sealed and dated by your design consultant
  - Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) documentation
  - Buy America Program documentation
  - Public Works Employment Verification Form
  - Prevailing Wage Rate documentation
- Certification of Design form, signed and sealed by your design consultant
Awarding of Construction/Materials Contract

After bids are received and prior to awarding the construction contract, the following must be submitted for review and approval by the Bureau Project Manager:

- Bid Tabulation
- A copy of the bid submission of the lowest qualified responsible bidder, including
  - DBE/SBE Good Faith Effort documentation
  - Signed Buy America Compliance Statement
  - Signed Public Works Employment Verification form

Once the Bureau Project Manager provides authorization to award the contract(s), project construction may begin and the following must be submitted:

- Certification of Compliance with Bid Requirements
- A copy of the executed construction contract
DCNR Administrative Policy/Grant Guidelines
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Appendix C

Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) Forms and Documentation
All contractors are required to make a Good Faith Effort to provide the opportunity for Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) firms to participate in the performance of this construction contract. A specific participation goal has not been set for this project. Firms must be listed on at least one of these websites:


Bidders should use the following documents to comply with this requirement:

1. **Prime Contractor Compliance Statement** – Required to be submitted with bid
2. **Appendix A to Part 26—Guidance Concerning Good Faith Efforts** – For reference
3. **Exhibit A; DCNR Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) Requirements for the Recreational Trails Program** – For reference
4. **DBE Supportive Services Center Brochure** – Bidders can contact the Center to assist will making a Good Faith Effort.
5. **Biannual Status Report** – Successful bidder will be required to submit this form throughout the course of the project.
6. **DBE Participation for Federal Projects (EO-380)** – Required to be submitted with the bid only if the bidder has secured a DBE/SBE firm.
PA Recreational Trails Program
Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE)
Prime Contractor Compliance Statement

Contractor Name: ____________________________________________
Contractor Owner/Authorized Officer Name: ____________________________
DCNR Grant Recipient Name: ________________________________________
DCNR Grant Project Number: ________________________________________
Date(s) of Initial DBE Solicitation: _______  Date(s) of Follow-up DBE Solicitation: _______
Date(s) of DBE Search(es): __________________  Counties Searched: ____________________
Solicited By: ☐ Email ☐ Phone ☐ Fax

Please submit ALL of the following items, along with this form, with your bid or quote:

1. Copies of all documentation that supports the direct search for and solicitation of potential participation of DBE/SBE contractors in the competitive process. This includes documentation related to web searches, contact correspondence, and contact logs.
2. Copies of any quotes received from DBE/SBE contractors in response to solicitation efforts are attached.
3. A signed DBE/SBE Participation for Federal Projects form (EO-380), if a DBE/SBE firm is secured.

As the Owner/Authorized Officer for the above named company, I certify that good faith efforts have been performed in conformance with DBE/SBE regulations 49 CFR (Part 26). All good faith efforts have been properly documented as outlined in the Disadvantaged Business Enterprise Requirements. All documentation has been supplied to the above named DCNR Grant Recipient and will be retained in accordance with applicable record retention requirements under the financial assistance agreement for the above referenced project. I understand that such documentation is subject to an audit review by the Pennsylvania Department of Conservation & Natural Resources and/or the Pennsylvania Department of Transportation to further ensure compliance. I understand that I must comply with additional contract administrative requirements related to DBE/SBE regulations 49 CFR (Part 26).

Signature of Contractor Owner/Authorized Officer: ____________________________
Printed Name of Contractor Owner/Authorized Officer: ____________________________
Date: ____________________________
Appendix A to Part 26—Guidance Concerning Good Faith Efforts

I. When, as a recipient, you establish a contract goal on a DOT-assisted contract, a bidder must, in order to be responsible and/or responsive, make good faith efforts to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.

II. In any situation in which you have established a contract goal, part 26 requires you to use the good faith efforts mechanism of this part. As a recipient, it is up to you to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important for you to consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made. The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. We emphasize, however, that your determination concerning the sufficiency of the firm's good faith efforts is a judgment call: meeting quantitative formulas is not required.

III. The Department also strongly cautions you against requiring that a bidder meet a contract goal (i.e., obtain a specified amount of DBE participation) in order to be awarded a contract, even though the bidder makes an adequate good faith efforts showing. This rule specifically prohibits you from ignoring bona fide good faith efforts.

IV. The following is a list of types of actions which you should consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

A. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.

C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

D. (1) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.

(2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

E. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or
associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.

F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

H. Effectively using the services of available minority/women community organizations; minority/women contractors’ groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

V. In determining whether a bidder has made good faith efforts, you may take into account the performance of other bidders in meeting the contract. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts.
EXHIBIT A
DCNR DISADVANTAGED BUSINESS ENTERPRISE (DBE) AND SMALL BUSINESS ENTERPRISE (SBE) REQUIREMENTS FOR THE RECREATIONAL TRAILS PROGRAM

1. DBE

Include the following provisions (Paragraphs a through d) in every contract, so that such provisions will be binding not only upon the grantee, but upon any contractor, supplier, service provider and trucking firm performing work towards the grant.

(a) Policy for Federally-Funded Projects. It is the policy of the U.S. Department of Transportation (DOT) and the Department that DBEs, as defined in 49 CFR Part 26, as amended, (Part 26) and this specification, be given the opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this contract. Consequently, the DBE requirements of Part 26, as amended, apply to this contract.

(b) DBE Obligation. Take all necessary and reasonable steps to ensure that all DBEs have the opportunity to compete for and perform contracts. The grantee shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of this contract.

(c) Failure to Comply with DBE Requirements. Failure by the grantee to carry out these requirements is a material breach of this contract, which may result in termination of this grant agreement or such other remedy as the Department deems appropriate, which may include, but is not limited to:

   a. Withholding progress payments;
   b. Assessing sanctions;
   c. Liquidated damages; and/or
   d. Disqualifying the contractor from future bidding as non-responsible.

(d) Small Business Enterprise (SBE) Participation. Recruitment and utilization of certified SBEs is in addition to all other equal opportunity requirements of the contract. There is no SBE goal.

2. DEFINITIONS

The following definitions apply for terms used in this specification:

(a) Disadvantaged Business Enterprise (DBE). A for-profit small business concern:

   1. An entity certified by the Pennsylvania Unified Certification Program (PAUCP) as listed on www.paucp.com.
   2. That meets the ownership and control requirements of the DBE certification program.
   3. That meets the Personal Net Worth requirements of the DBE certification program.

(b) Small Business Enterprise (SBE). A for-profit small business concern:

   1. An entity certified by the Pennsylvania Department of Transportation (PennDOT) as listed on www.dotsbe.pa.gov.
   2. That meets the ownership and control requirements of the Small Business Element (SBE) certification program.
   3. That meets the Personal Net Worth requirements of the SBE certification program.
(c) **Commercially Useful Function.** A DBE performs a Commercially Useful Function (CUF) when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a CUF, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing (where applicable), and paying for the material itself.

(d) **Supplier.** A manufacturer, regular dealer, or transaction expeditor/broker.

1. **Manufacturer.** A DBE/SBE that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

2. **Regular Dealer.** A DBE/SBE that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided above if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Whether a DBE/SBE firm meets the criteria for being treated as a regular dealer is a contract-by-contract determination to be made by the Department.

3. **Transaction Expeditor/Broker.** A DBE/SBE packager, broker, manufacturers' representatives, or other persons who arrange or expedite transactions and who arrange for material drop-shipments.

3. **COUNTING DBE PARTICIPATION**

Although no DBE goal is established for this project, the grantee is still encouraged to involve DBEs in the required work and to submit documentation of any such involvement in the project. Recruitment and utilization of certified DBEs is in addition to all other equal opportunity requirements of the contract.

(a) **Construction.**

1. **Prime Contractor.** A DBE prime contractor will receive credit for all work performed with its own forces. The Department strongly encourages DBE prime contractors to make additional outreach efforts to solicit DBEs to perform subcontracting work on the project.

2. **Subcontractor.** When a DBE participates in a contract directly as a subcontractor or as a second-tier or lower-tier subcontractor, count only the value of the work actually performed by the DBE.

   Count the entire amount of that portion of a construction contract that is performed by the DBE's own forces. Include the cost of supplies and materials obtained by the DBE for the work of the subcontract, including supplies purchased or equipment leased by the DBE.

   When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted only if the DBE's subcontractor is itself a DBE. Work that a DBE subcontracts to a non-DBE firm does not count.

   Count expenditures to a DBE contractor only if the DBE is performing a CUF on that contract.

(b) **Materials and Supplies.**

1. **DBE Manufacturer.** If the materials or supplies are obtained from a DBE manufacturer, count 100% of the cost of the materials or supplies.
2. **DBE Regular Dealer.** If the materials or supplies are purchased from a DBE regular dealer, count 60% of the cost of the materials or supplies. Note: There is no North American Industry Classification System (NAICS) code for regular dealer.

3. **DBE Transaction Expeditor/Broker.** If the materials or supplies are purchased from a DBE which is neither a manufacturer nor a regular dealer, count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, provided the fees are determined to be reasonable and not excessive as compared with fees customarily allowed for similar services. Do not count any portion of the cost of the materials and supplies themselves.

(c) **Service Providers.** Count the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance the contract, provided the fee is reasonable and not excessive as compared with fees customarily allowed for similar services.

(d) **Trucking Firms.** Count 100% of trucking costs using the following factors to determine what can be counted:

1. Count if the DBE is responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals.

2. Count if the DBE owns and operates at least one fully licensed, insured, and operational truck used on the contract.

3. Count the total value of the transportation services the DBE provides on the contract using trucks it owns, insures, and operates using drivers it employs.

4. The DBE may lease trucks from another DBE firm, including an owner-operator who is a certified DBE. If the DBE leases trucks from another DBE, count the total value of the transportation services the lessee DBE provides on the contract.

5. The DBE may also lease trucks from a non-DBE firm, including an owner-operator. If the DBE leases trucks from a non-DBE firm and the DBE operates these leased trucks (with its own forces), count the total value of the transportation services. If the DBE leases trucks from a non-DBE owner-operator, count only the fee or commission it paid as a result of the lease arrangement. Do not count the total value of the transportation services provided by the lessee (non-DBE owner-operator), since these services are not provided by a DBE.

6. For purposes of this provision, a lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from being used for work for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE. A lease must explicitly state that the DBE leases trucks without operators when the counting of the total value of transportation services is desirable.

(e) **Specialty Items.** In cases where specialty items and DBE involvement overlap, follow the requirements specified in Section 108.01(c).

4. **COUNTING SBE PARTICIPATION**

Although no SBE goal is established for this project, the grantee is still encouraged to involve SBEs in the required work and to submit documentation of any such involvement in the project. Recruitment and utilization of certified
SBEs is in addition to all other equal opportunity requirements of the contract. Count SBE participation the same as you would count DBE participation.

5. COMMERCIALY USEFUL FUNCTION

A Commercially Useful Function (CUF) analysis is required under 49 CFR §26.55 to ensure DBE participation is credited appropriately on federally-assisted transportation projects. A DBE performs a CUF when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved.

(a) The grantee (or designee other than the prime contractor) will complete the Form EO-354, DBE Commercially Useful Function Report, (Attachment 1) for all DBEs performing work towards the grant. The CUF form must be completed within five (5) days of the DBE performing work on the project. If all questions on the CUF form are answered ‘Yes’, then no further action is required. However, a copy of the form must be kept with the project’s files for auditing purposes and submitted to the Department with the final close-out information for the grant.

(b) If any question on the CUF form is answered ‘No’ then the grantee (or designee other than the prime contractor) will immediately fax or e-mail the form to Department. The Department will fax or e-mail a copy of the form to the PennDOT’s Bureau of Equal Opportunity (BEO) for further review and analysis. The analysis and subsequent determination of the CUF will be made by BEO. However, BEO may request additional information from DCNR to help with the investigation and analysis. BEO will also consult with Department staff prior to issuing its determinations on the CUF. The determination will be issued in writing and provided to all parties (the Department, the grantee, the prime contractor and the DBE firm being impacted). If the determination warrants a change in the DBE commitment the Department will be notified. The Department will work closely with PennDOT to make the necessary revisions.

6. RECORDS & REPORTING

The grantee is required to keep such records and submit such reports as are necessary to determine compliance with DBE Requirements.

(a) Records. The records must be designed to indicate the following:

1. The number of DBEs, SBEs, and non-DBE/SBE contractors, suppliers, truckers, and or/service providers and the type of work on services performed on or materials incorporated into the project;

2. The progress and efforts made in seeking out DBE and SBE contractor organizations and individual DBEs and SBEs for work on the grant;

3. Documentation of all communication to obtain the services of DBEs/SBEs on a project;

4. The dollar amounts paid to DBEs/SBEs each month.

(b) Reports. While no DBE or SBE goal has been established in connection with the grant, the grantee is required to submit documentation of DBE and SBE involvement should they perform work in support of the grant.

1. The grantee must submit the Monthly DBE/SBE Status Report, EO-402 (Attachment 2. This Form should be completed each month once the grantee has issued a notice to proceed to the prime contractor. The report is to be completed by the prime contractor within five (5) business days following the end of each month. The grantee, upon receipt, should immediately review for completeness and forward to the Department.

2. If no payments are made to DBE or SBE firms during a given month, the prime contractor must still submit a zero activity report to the grantee. The grantee must inform the Department, in writing, of
any situation in which payments are not made to DBE/SBE subcontractors, suppliers, service provider or consultant as required by the subcontract including reasons why.

3. While they need not be submitted to the Department monthly, the grantee must keep cancelled checks on file showing payment to DBE or SBE firms. This documentation must be provided for inspection and audit by the Department upon request.

4. Upon completion of a DBE’s or SBE’s work, the grantee must submit a certification of the total amount paid to the DBE or SBE. In the event the actual amount paid is less than the award amount, provide a complete explanation of the difference.

Maintain all such records and reports for a period of three (3) years following acceptance of final payment. Make these records available for inspection by the Department and FHWA.

**ATTACHMENTS**

Attachment 1 – DBE Commercially Useful Function Report – EO-354

Attachment 2 – Monthly DBE/SBE Status Report – EO-402
A Shared Initiative of
Cheyney University
and
Pennsylvania Department of Transportation

The mission of the Center is to provide training and consulting services that will enable DBEs to acquire the proficiency, expertise and experience necessary to compete, on an equal basis, with non-DBEs for federally assisted PennDOT contracts and subcontracts.

Contact us:
877-PENNDBE
PENNDBE@CHEYNEY.EDU
Visit us online at www.penndbe.com

DBE Supportive Services Center
Cheyney University
1837 University Circle
P.O. Box 200
Cheyney, PA 19319-0200
What is the DBE Supportive Services Center?

The Disadvantaged Business Enterprise (DBE) Supportive Services Center is a shared initiative of Cheyney University and the Pennsylvania Department of Transportation (PennDOT).

Certified DBEs desiring to participate in the PennDOT highway construction program are eligible to receive all services from the DBE Supportive Services Center at no charge.

What Is a DBE?

The US Department of Transportation defines a Disadvantaged Business Enterprise as follows:

"DBEs are for-profit small business concerns where socially and economically disadvantaged individuals own at least a 51% interest.

African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women are presumed to be socially and economically disadvantaged. Other individuals can also qualify as socially and economically disadvantaged on a case-by-case basis."

For information on becoming a certified DBE, contact PennDOT, Bureau of Equal Opportunity at 800-468-4201 or visit the United Certification Program website at: www.paucp.com

Services Include

Business Management
Business Planning
Business Marketing
Prime/DBE Matching
On Site Consultations

Workshops and Training

Bonding
Bidding and Estimating
Establishing Overhead Rates
QuickBooks for Construction
Marketing and Communications
Contract and Legal Issues

PA DBE University

The DBE Supportive Services Center has developed this training reimbursement program designed to provide DBEs with additional access to industry specific trainings that will help them become more competitive for participation on PennDOT highway contracts. This program provides full-time employees of DBEs registered with PennDOT, qualified industry training providers. Trainings are provided in the classroom and online.

Want more information?

You may submit this form by:
• U.S. Mail
• Fax to 610-399-2118
• Online registration at: WWW.PENNDBE.COM

Business Name: ____________________________
Business Address: ____________________________
___________________________________________
Specialty Area: ______________________________
Contact Person: ______________________________
Principal/Owner: _____________________________
Telephone: ________________ Fax: ______________
Email: ________________________________

Do you prefer to receive communications via:
□ Email □ U.S. Mail □ Phone □ Fax

Are you a certified DBE listed on the PAUCP website?
□ Yes □ No

Are you a PennDOT Business Partner listed on ECMS?
□ Yes □ No

Are you interested in working on PennDOT federally assisted highway projects?
□ Yes □ No

I’d like someone to contact me regarding

□ Computer Technology □ Loan Programs
□ Business Management □ Networking
□ Electronic Bidding □ Project Management
□ Estimating □ Productivity & Performance
□ Financial Projections □ Operations Management
□ Business Planning □ Overhead Rate Assistance
□ Marketing □ ECMS
□ Other ____________________________
Instructions

DCNR – Recreational Trails Program
Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) Biannual Status Report

The purpose of the DBE/SBE Biannual Status Report is to verify the subcontracts and payments to DBE/SBE firms approved for participation on federally-funded Recreational Trails Program project. The report must be submitted the DCNR Project Manager in March and September throughout the life of a project.

1. Provide DCNR Grantee and Prime Contractor information as requested

2. Indicate the Reporting Period (April 1 – September 31 or October 1 – March 31) and the Assigned DBE Goal.

3. Original Contract Amount = Bid Amount
   Current Contract Amount = Current Contract Amount including deletions and/or additional work

4. Name of each DBE/SBE contracted to perform work on the project

5. Indicate whether DBE/SBE is listed on the DBE Commitment Form (EO-380)

6. Dollar amount committed to DBE/SBE (from approved EO-380)

7. Date of Executed Subcontract, Purchase Order, etc.

8. Dollar Amount of Executed Subcontract, Purchase Order, etc.

9. Dollar Amount paid to DBE/SBE firms during the preceding 6 months for work performed under this contract.

10. Check Number(s) for payment(s) listed under (8) above

11. Total Dollar Amount Paid to Date to DBE/SBE firms

12. Signature of an official certifying that the information is accurate and true concerning subcontracts and amount paid to DBE/SBE firms are in accordance with the contractual obligations

13. This item will be completed by grantee official (or designee other than the prime contractor).

Note: DCNR is to be notified immediately if scheduled payments are not made to DBE firms. Cancelled checks reflecting payment for items of work performed under this contract and/or supporting documentation shall be on file for inspection or audit, as required, by DCNR and/or appropriate state and/or federal officials.
### DCNR – Recreational Trails Program
#### Biannual DBE/SBE Status Report

<table>
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<th>DCNR Grantee Name:</th>
<th>Reporting Period:</th>
<th>Original Contract Amount: $</th>
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<tr>
<td>DCNR Grant Number: <strong>BRC-PRT-</strong></td>
<td>Assigned DBE Goal: %</td>
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<td>Prime Contractor Name:</td>
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<td>Current Contract Amount: $</td>
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<td>Prime Contract Number:</td>
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<th>DBE/SBE Firm Name</th>
<th>DBE or SBE</th>
<th>Listed On EO-380 (Y/N)</th>
<th>Committed Amount on EO-380</th>
<th>Date of Executed Subcontract</th>
<th>Amount of Executed Subcontract</th>
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I certify that contracts have been executed with the above firms, amounts listed are accurate and payments were made in accordance with contractual obligations. Cancelled checks and/or supporting information will be on file for inspection or audit.

______________________________________________
Company Official’s Signature                                            Date                                          Telephone Number

Reviewed by Grantee - Signature

______________________________________________
Date
**DBE PARTICIPATION FOR FEDERAL PROJECTS**

Original ( ) or Revision # ___________________________  Letting Date/BID Date: ___________________ (mm/dd/yyyy)

Date: ___________________  Project Owner: ____________________________

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<tr>
<th>CONTRACT NUMBER</th>
<th>PROJECT</th>
<th>FEDERAL NUMBER</th>
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<td>BID AMOUNT</td>
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**COMPLETE THIS SECTION FOR DBE FIRM**

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<th>TOTAL AGREEMENT $ ________________</th>
<th>MOBILIZATION $ ________________</th>
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CREDIT @ 60% $ ________________  (Regular Dealer Only)

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<th>STARTING DATE: mm/dd/yyyy</th>
<th>COMPLETION DATE: mm/dd/yyyy</th>
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CHECK THE APPROPRIATE BLOCK:

- SUBCONTRACTOR
- MANUFACTURER
- REGULAR DEALER
- CONSULTANT
- SERVICE
- OTHER

Identify the North American Industrial Classification System Code(s) that correspond(s) to the work to be performed by the DBE firm.

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<th>NAICS Code: ________________</th>
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Description of work for all item numbers; including partial items:

____________________________________________________________________________________________________________

____________________________________________________________________________________________________________

I am a DBE certified by the Pennsylvania Unified Certification Program (PA UCP). I hereby certify that as a DBE, I quoted the above price and type of work.

Signature of DBE: ____________________________  Date: ___________________ (mm/dd/yyyy)

I hereby certify, on behalf of, and intending to bind, the Bidder, that the information contained herein is true and correct to the best of my knowledge, information and belief.

Signature of PRIME: ____________________________  Date: ___________________ (mm/dd/yyyy)

**PENNDOT USE ONLY**

- Approved
- Conditional Approval (Prequalification only)
- Disapproved

Condition: ____________________________  By: ____________________________  Date: ___________________
**Please note that not all questions apply to all work items. If the question is not applicable simply check ‘N/A.’**

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11. Based on your observations, did the DBE demonstrate that it was responsible for execution of the work of the contract and carried out its responsibilities by actually performing, managing, and supervising the work involved? □ □ □

If no, explain in ‘Comments’ below:

COMMENTS (As appropriate, explain any steps taken to resolve any issue(s) identified above at the project level. Also, indicate whether resolution was achieved.)

*(IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH A SEPARATE SHEET)*

**Inspector-in-Charge Only**

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<th>Print Name</th>
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**ACE (or designee) Only**

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<th>Print Name</th>
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<th>Date</th>
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**BEO Only**

Based on our review of this CUF Report:

Concur □ Do not concur □

Comment: ________________________________________________________________

Signature ____________________________ Date ____________________________

(717) 888-9999

Print Name ____________________________ Phone Number ____________________________
GUIDANCE FOR COMPLETING THE CUF FORM

The guidance below is included to assist you in identifying situations that may indicate that a Disadvantaged Business Enterprise (DBE) is not performing a Commercially Useful Function (CUF) as required under Section 26.55 of Title 49 Code of Federal Regulations Part 26 (Part 26). Federal DBE regulations provide that a DBE is performing a CUF when it is responsible for execution of the work it committed to perform under a contract with the prime and is, in fact, carrying out its contractual responsibilities by performing, managing, and supervising the work. CUF is evaluated under the portion of Part 26 that indicates when DBE participation can be counted towards the project goal (that section is included as an attachment to this document). If it is determined that a DBE is not performing a CUF on some or all of the work subcontracted to them, the prime contractor will lose DBE credit.

Things to remember:

Failure of a DBE to perform a CUF is significant. Please keep in mind the following:

1. A DBE firm's activity in relation to its contractual obligations does not end with the completion of one CUF form. Accordingly, it may be necessary to review a DBEs performance multiple times and file multiple CUF forms throughout the life of a project.

2. Complete a new CUF form at least once in a construction season, and anytime a DBE performs a new or different scope of work, or if there are issues identified with the DBE's performance. Also, complete a new CUF form every time a DBE performs a new or different item of work on the project, e.g., furnish and install to supply only. A CUF form must be completed for all DBEs performing on any federally funded highway project, regardless if they are being used to meet the DBE project goal.

3. A DBE firm's performance should be reviewed in light of what it is contractually obligated to do. It is important to be familiar with the work the DBE has contractually committed to do. The identification of “red flags” during a review may not mean that a CUF issue exist. Accordingly, it is important to document what you observe for further evaluation.

A CUF form must be completed either on paper or through the PPCC. If your project has not been placed in the PPCC, please continue to maintain the completed CUF form(s) in the project field office, while also remembering to email a copy of the form to BEO for approval. As stated above, complete a new CUF form at least once in a construction season, and anytime a DBE performs a new or different scope of work. This must be done regardless if the DBE is being used to meet the project goal or not. If all supporting documentation is not yet available, complete the CUF form to the fullest extent, indicating in the 'Comments Box' any items that are still needed for review.

Once a CUF form has been completed, continue to monitor the DBE firm to ensure that Commercially Useful Function requirements are being met during the life of the project. When in doubt, contact the Bureau of Equal Opportunity (BEO) at 717-787-5891 or 1-800-468-4201 or via the email resource account at: penndotcuf@pa.gov for additional guidance and/or assistance.

Red Flags

The following are examples of some of the more common red flag occurrences:

PERFORMANCE

- Employee(s) working for both the Prime and the DBE. (Note: This could be the result of union agreements and therefore must be examined closely.)
- Equipment used by DBE belongs to the Prime Contractor
- Equipment signs and markings cover another contractor’s identity, with no formal lease agreement
- Equipment used by DBE belongs to another contractor with no formal lease agreement
- Equipment has another contractor’s name on it
- All or a portion of the DBE’s work is being done by the Prime Contractor or jointly with another contractor

RECORDS/DOCUMENTS

- Certified payrolls
- Equipment ownership, rental, or lease documents (recommend District require copy along with subcontract submittal)
- Subcontract Agreement or Purchase Order

HAULING FIRMS

RED FLAGS

- Trucks used by DBE belong to the Prime Contractor.
- Trucks used by DBE belong to another contractor with no formal lease agreement
- Truck signs and markings conceal another contractor’s identity
- Trucks have another contractor’s name on them
- Operator(s) working for both the Prime and DBE
- Use of operator(s) for leased trucks is not specified in the lease agreement and operator(s) is not an/are not employee(s) of the DBE
- Haul tickets and/or bills of lading have a firm other than the DBE listed

RECORDS/DOCUMENTS

- Certified payrolls
- Truck ownership/vehicle registration, purchase orders, rental, or lease documents (recommend District require copy along with subcontract submittal)
MATERIAL SUPPLIERS OR MANUFACTURERS/FABRICATORS

RED FLAGS

• Invoices do not indicate that DBE is the customer
• A Prime Contractor's employee is listed as the contact person on invoices
• Materials are ordered, billed to, and/or paid, by the Prime Contractor
• Drop shipped materials are addressed to the Prime Contractor
• Materials for DBE credited work are delivered by the Prime Contractor
• Evidence that the DBE supplier is not actually supplying material
• Evidence that the DBE manufacturer is not actually manufacturing material
• Two Party checks or joint checks sent by the Prime to the supplier or manufacturer

DBE owner or superintendent does not come to project site to verify the adequacy of drop shipped materials (quality and quantity)

RECORDS/DOCUMENTS

• Invoices/Purchase Orders
• Copies of cancelled checks, electronic bill transfers, bank statements, credit card statement, etc.
• Bills of Lading

SUPERVISION

RED FLAGS

• Prime Contractor or another subcontractor is completely supervising or directing the DBE’s work
• The DBE’s employees are being supervised or otherwise receiving a large amount of direction on the performance of their work from Prime Contractor or another subcontractor
• The DBE provides little or no supervision of work
• The DBE supervisor is not a full-time employee of the DBE

RECORDS/DOCUMENTS

• Document communication with DBE owner or Superintendent (recommend note in field inspector’s diary/PSA)
• Certified Payrolls
• Photos

DBE REGULATIONS REGARDING COMMERCIALLY USEFUL FUNCTION (CUF)

49 Code of Federal Regulations Part 26 Section 55 as edited for conformity with Pennsylvania Department of Transportation requirements

(c) Count expenditures to a DBE contractor toward DBE goals only if the DBE is performing a commercially useful function on that contract.

(1) A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, you must evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.

(2) A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, you must examine similar transactions, particularly those in which DBEs do not participate.

(3) If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, you must presume that it is not performing a commercially useful function.

(4) When a DBE is presumed not to be performing a commercially useful function as provided in paragraph (c) (3) of this section, the DBE may present evidence to rebut this presumption. You may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

(5) Your decisions on commercially useful function matters are subject to review by the concerned operating administration, but are not administratively appealable to DOT.

(d) Use the following factors in determining whether a DBE trucking company is performing a commercially useful function:

(1) The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals.

(2) The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.

(3) The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.

(4) The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.

(5) The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE that leases trucks equipped with drivers from a non-DBE is entitled to credit for the total value of transportation services provided by non-DBE leased trucks equipped with drivers not to exceed the value of transportation services on the contract provided by DBE-owned trucks or leased trucks with DBE employee drivers. Additional participation by non-DBE owned trucks equipped with drivers receives credit only for the fee or commission it receives as a result of the lease arrangement.

(6) For purposes above, a lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.
Buy America Program Provisions (23 CFR 635.410)

§ 635.410 Buy America requirements.

(a) The provisions of this section shall prevail and be given precedence over any requirements of this subpart which are contrary to this section. However, nothing in this section shall be construed to be contrary to the requirements of § 635.409(a) of this subpart.

(b) No Federal-aid highway construction project is to be authorized for advertisement or otherwise authorized to proceed unless at least one of the following requirements is met:

   (1) The project either: (i) Includes no permanently incorporated steel or iron materials, or (ii) if steel or iron materials are to be used, all manufacturing processes, including application of a coating, for these materials must occur in the United States. Coating includes all processes which protect or enhance the value of the material to which the coating is applied.

   (2) The State has standard contract provisions that require the use of domestic materials and products, including steel and iron materials, to the same or greater extent as the provisions set forth in this section.

   (3) The State elects to include alternate bid provisions for foreign and domestic steel and iron materials which comply with the following requirements. Any procedure for obtaining alternate bids based on furnishing foreign steel and iron materials which is acceptable to the Division Administrator may be used. The contract provisions must (i) require all bidders to submit a bid based on furnishing domestic steel and iron materials, and (ii) clearly state that the contract will be awarded to the bidder who submits the lowest total bid based on furnishing domestic steel and iron materials unless such total bid exceeds the lowest total bid based on furnishing foreign steel and iron materials by more than 25 percent.

   (4) When steel and iron materials are used in a project, the requirements of this section do not prevent a minimal use of foreign steel and iron materials, if the cost of such materials used does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or $2,500, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the steel and iron products as they are delivered to the project.

(c)

   (1) A State may request a waiver of the provisions of this section if:

      (i) The application of those provisions would be inconsistent with the public interest; or

      (ii) Steel and iron materials/products are not produced in the United States in sufficient and reasonably available quantities which are of a satisfactory quality.

   (2) A request for waiver, accompanied by supporting information, must be submitted in writing to the Regional Federal Highway Administrator (RFHWA) through the FHWA Division Administrator. A request must be submitted sufficiently in advance of the need for the waiver in order to allow time for proper review and action on the request. The RFHWA will have approval authority on the request.
(3) Requests for waivers may be made for specific projects, or for certain materials or products in specific geographic areas, or for combinations of both, depending on the circumstances.

(4) The denial of the request by the RFHWA may be appealed by the State to the Federal Highway Administrator (Administrator), whose action on the request shall be considered administratively final.

(5) A request for a waiver which involves nationwide public interest or availability issues or more than one FHWA region may be submitted by the RFHWA to the Administrator for action.

(6) A request for waiver and an appeal from a denial of a request must include facts and justification to support the granting of the waiver. The FHWA response to a request or appeal will be in writing and made available to the public upon request. Any request for a nationwide waiver and FHWA’s action on such a request may be published in the Federal Register for public comment.

(7) In determining whether the waivers described in paragraph (c)(1) of this section will be granted, the FHWA will consider all appropriate factors including, but not limited to, cost, administrative burden, and delay that would be imposed if the provision were not waived.

(d) Standard State and Federal-aid contract procedures may be used to assure compliance with the requirements of this section.

BUY AMERICA COMPLIANCE STATEMENT
PA DEPT. OF CONSERVATION AND NATURAL RESOURCES
BUREAU OF RECREATION AND CONSERVATION
RECREATIONAL TRAILS PROGRAM

Instructions
Bidder to complete the Buy America Compliance Statement below. This signed statement MUST BE submitted with the bidder’s bid response.

Compliance Statement for procurement of steel, iron or manufactured products.

Compliance Statement for 23 CFR 635.410
The bidder or offeror hereby certifies that it has read and will meet the requirements of 23 CFR 635.410 and any amendments thereto.

Signature______________________________________________________________

Company Name _______________________________________________________

Title ________________________________________________________________

Date_______________________________________________________________
DCNR Administrative Policy/Grant Guidelines
For the PA Recreational Trails Federal Funding Program

Appendix E

Public Works Employment Verification Form

and language which must be included in all bids

PUBLIC WORKS EMPLOYMENT VERIFICATION ACT
The Public Works Employment Verification Act, 43 P.S. §§167.1-167.11, became effective on January 1, 2013. As a bidder on a public works contract, you are required to comply with Section 4 of the Act by submitting the Public Works Employment Verification Form as a condition to being awarded the contract. By completing the Form, you affirm that you have utilized the Federal E-Verify program to verify the employment eligibility of all new employees hired post January 1, 2013, and that you will continue to comply with the provisions of the Act for all new hires throughout the duration of the Contract. The Public Works Employment Verification Form and a link to the U.S. Department of Homeland Security’s Employment Verification web site can be found on the Department of General Services’ Construction and Public Works web page at www.dgs.state.pa.us.

During construction, the prime contractor is required to collect Verification Forms from subcontractors of every level. The completed Verification Forms from subcontractors will be forwarded to the agency that awarded the construction contract. A subcontractor is defined as: (i) A person, other than a natural person, including a staffing agency, that performs work for a public works contractor under a contract for public works; (ii) The term includes subcontractors of every level, that is, sub-subcontractors, sub-sub-subcontractors, and the like; (iii) The term does not include persons that supply materials for a project.
COMMONWEALTH OF PENNSYLVANIA

PUBLIC WORKS EMPLOYMENT VERIFICATION FORM

Business or Organization Name (Employer) ___________________________________________

Address ________________________________________________________________

City __________________________ State _________ Zip Code ____________

Check One:

☐ Contractor
☐ Subcontractor

Contracting Public Body _______________________________________________________

Contract/Project No __________________________________________________________

Project Description __________________________________________________________

Project Location ____________________________________________________________

Date Enrolled in E-Verify: _____________________________________________________

As a contractor/subcontractor for the above referenced public works contract, I hereby affirm that as of the above date, our company is in compliance with the Public Works Employment Verification Act (‘the Act’) through utilization of the federal E-Verify Program (EVP) operated by the United States Department of Homeland Security. To the best of my/our knowledge, all employees hired post January 1, 2013 are authorized to work in the United States.

It is also agreed to that all public works contractors/subcontractors will utilize the federal EVP to verify the employment eligibility of each new hire within five (5) business days of the employee start date throughout the duration of the public works contract. Documentation confirming the use of the federal EVP upon each new hire shall be maintained in the event of an investigation or audit.

I, ___________________________________, authorized representative of the company above, attest that the information contained in this verification form is true and correct and understand that the submission of false or misleading information in connection with the above verification shall be subject to sanctions provided by law.

__________________________________________  _________________________________
Authorized Representative Signature          Date of Signature
DCNR Administrative Policy/Grant Guidelines
For the PA Recreational Trails Federal Funding Program

Appendix F

DCNR Forms and Documents
to be submitted to Bureau Project Manager
Certification of Design

INSTRUCTIONS FOR DESIGN CONSULTANT

1. Section I - Grantee and Project Identification
2. Section II – List both the Section and the Page Numbers from the Project Bid Documents.
3. Section III – Sign, date and seal this form and check all applicable boxes. The Design Consultant signing and sealing this form must be a licensed Landscape Architect, Architect or Engineer in the Commonwealth of Pennsylvania.
4. Submit the completed form to the Bureau's Central Office at the following address:
   Department of Conservation and Natural Resources
   Bureau of Recreation and Conservation
   PO Box 8475  400 Market St.  RCSOB  5th Floor
   Harrisburg, PA  17105-8475
5. Grantee & Design Consultant to keep a copy of the completed form.

SECTION I - GRANTEE AND PROJECT IDENTIFICATION

Grantee:       DCNR Grant Agreement Number: BRC-

Project Title:  

SECTION II – PROJECT BID DOCUMENTS CHECKLIST

This checklist is provided to assist the Grantee and their Design Consultant in the preparation of the project bid documents that meet the requirements established by the Department of Conservation and Natural Resources, Bureau of Recreation and Conservation. It is recommended that the Grantee and/or Design Consultant adopt the use of one of the nationally developed specification formats, such as the American Institute of Architects (AIA) or the Construction Specification Institute's Master format. The use of one of these formats will help to ensure that basic minimum standards are met.

After discussion and concurrence with your DCNR Project Manager, if this project does not require the development of Bid Documents (Project Manual), place “Not Applicable” (N/A) in the page number spaces and proceed to Section III - Certification of Design.

Please indicate the Section and specific Page Number within the Bid Documents, where the information may be found. The minimum information required in the Bid Documents shall include the following:

Section #: and Page #:  
1. Cover (sealed by the Design Consultant)  
2. Index  
3. Bid Advertisement  
4. Instructions to Bidders  
5. Bid Form (When constructing a building, separate bid forms/contracts for plumbing, electrical, and HVAC work are optional for Boroughs and mandatory for Counties, Cities, and Townships, in accordance with the Separation Act of 1913, as amended.)  
6. Bonds  
   a. Bid Bond – 10%  
   b. Performance Bond – 100% of contract award price  
   c. Labor and Material Payment Bond – 100% of contract award price  
   d. Maintenance Bond – 10% of contract award price  
7. Contractual Agreement (to include the written value of the Contract)  
8. General Conditions  
9. Supplemental Conditions (C2P2 Compliance Requirements)  
   a. Nondiscrimination/Sexual Harassment Clause (clause must be inserted in its entirety)  
   b. Federal Occupational Safety and Health Act of 1970 (OSHA) – reference only
SECTION II – PROJECT BID DOCUMENTS CHECKLIST (CONTINUED)

- Pennsylvania Act 287, as amended by Act 181 of 2006 – (811 Call before you dig!)
- "Or Equal" Clause; eliminating proprietary items
- Wage Rates – PA Prevailing Wage Rates or Federal Wage Rates, as applicable
- DBE – Disadvantaged Business Enterprise (PRT projects- required; Other projects, as applicable)
- 10. Technical Specifications (Use MasterFormat from Construction Specifications Institute (CSI), as applicable.)
- 11. Permanent DCNR Acknowledgement Sign Requirements

Note: By signing and sealing Section III, you are also certifying that your Bid Documents contain all of the above listed information.

SECTION III - CERTIFICATION OF DESIGN

☐ Public Playgrounds: I hereby certify that in my professional opinion and in accordance with currently accepted design standards, the drawings, specifications and other data to be used for construction of any public playground (as referenced in the Project Scope included in Appendix “A” of the Grant Agreement) achieve compliance with all current applicable ASTM Standards, to include but not limited to: ASTM F-1487 Standard Consumer Safety Performance of Play Equipment for Public Use, ASTM F-1292 Standard Specification for Impact Attenuation of Safety Surface Systems Under and Around Playground Equipment, ASTM F-1951 Standard Specification for Determination of Accessibility of Surface Systems Under and Around Play Equipment, Handbook for Public Playground Safety from the US Consumer Product Safety Commission (CPSC) and the provisions of the 2010 ADA Standards for Accessible Design, to include Chapter 2- Section 240: Play Areas and Chapter 10- Section 1008: Play Areas.

☐ All Other Facilities and Buildings: I hereby certify that in my professional opinion, the drawings, specifications and other data to be used for construction achieve compliance with currently accepted design standards, the Act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, the Uniform Construction Code (UCC) and the 2010 ADA Standards for Accessible Design (2010 Standards).

☐ Approvals/Permits: I hereby certify that the Grantee has been advised of and has obtained all necessary approvals/permits required from other local, state and/or federal agencies, as appropriate for this project. The grantee and I have assigned the responsibility for obtaining the necessary approvals/permits required for this project.

Affix Seal of Design Consultant

Name of Design Consultant

Name of Consulting Firm

Mailing Address

Telephone Number

Signature of Design Consultant and Date

E-mail Address

Note: Upon completion of the project, the Design Consultant will be required to submit a letter certifying that the final construction was completed in accordance with the approved drawings and specifications.
Certification of Title

Grantee: ___________________________   County: ___________________________

Project Title: ___________________________

Site Location & Address: ___________________________  
(Include Municipality)

I hereby certify that title to the property(ies) on which the plan, rehabilitation or development is to be made, in accordance with Grant Agreement Number:  BRC- __________________ under the Community Conservation Partnerships Program (C2P2), is in the name of:

______________________________  
(Insert name of Property Owner - see note below)

I further certify that there are no leases, easements, encumbrances, or restrictions on the property(ies), except as herein listed:

______________________________________________
Date

______________________________
Signature of Solicitor/Attorney

______________________________
Typed Name of Solicitor/Attorney

Note: For property(ies) not owned by the Grantee, a copy of the Lease(s) and/or permanent easement(s) must accompany this Certification for review.

Note: For Development Projects remember to list all parcels, Right of Ways (ROW), Deed Restrictions, utility corridors, etc.
Certification of Compliance with Bid Requirements

Grantee: ___________________________________________ County: __________________________

Project Title: __________________________________________________________________________

Site Location & Address: _________________________________________________________________
   (Include Municipality)

I hereby certify that the Grant Program Requirements & Guidelines and Grant Terms and Conditions available on the DCNR website at http://www.dcnr.pa.gov/Communities/Grants/Pages/default.aspx, as well as, the additional documentation provided with the initial Review Letter from the Bureau of Recreation and Conservation, have been reviewed and the Grantee has been advised of the bidding requirements for this rehabilitation and/or development project, in accordance with Grant Agreement Number BRC-______.

I further certify that the Grantee will comply with the bidding requirements in the purchase of materials and/or the award of labor and material contracts, except as herein listed:

_____________________________________________________________________________________
   Date

__________________________________________
Signature of Solicitor/Attorney

__________________________________________
Typed Name of Solicitor/Attorney

Note: This completed form must be submitted for ALL rehabilitation and/or development projects, regardless of the approved purchasing plan. The Solicitor/Attorney may elect to submit this Certification after reviewing the bid documents prepared by the Grantee’s Design Consultant, advertising for bids and the awarding of contracts. Please be advised that no Grant Payments (other than an advance payment) will be authorized by the Bureau until we are in receipt of this completed Certification.
INSTRUCTIONS

1. Complete Sections I, II, III, IV, V, and VI. Complete Section VII only if Non-Cash has been used for a portion of the required match.
2. Provide the Consultant’s Certification Letter, as required in Section II.
3. Sign and date this form in Section III – Certification.
4. Submit the complete form and attachments to the Bureau’s Central Office at the following address:
   Department of Conservation and Natural Resources
   Bureau of Recreation and Conservation
   P.O. Box 8475, 400 Market Street, RCSOB 5th Floor
   Harrisburg, PA 17105-8475
   RA-NR_BRCPAYMENTS@pa.gov
5. Keep a copy of the submission for your files.
6. Contact your Regional Advisor to schedule the DCNR Final Site Inspection, if you have not already done so.

SECTION I – GRANTEE AND PROJECT IDENTIFICATION

Payee/Grantee: E.I.N (FID #):
County: DCNR Project Number: - F
Address: Project Title:
Please select one: Check: ACH:
Bank Information required for ACH processing: Routing Number: ________________________________ Account Number: ________________________________
**If requesting ACH, banking information must be provided and must currently be on file with the Commonwealth SAP System.**

**A “Check” will be issued for all payments that do not meet ACH qualifications.**

SECTION II – CONSULTANT CERTIFICATION (Development Projects Only)

Attach a letter from your design consultant and/or municipal engineer certifying that the final construction was completed in accordance with the plans and specifications.

SECTION III – GRANTEE CERTIFICATION

I certify to the best of my knowledge that the above information provided on this form and related attachments is true, correct and that:

1. The project was completed in accordance with the Grant Contract and is acceptable to the grantee.
2. All project expenditures have been paid and were made in accordance with the Grant Agreement.
3. The grantee will maintain the site in an acceptable manner.
4. The grantee will not discriminate in the use of the site or facilities.
5. The grantee will not convert the site or facilities to a non-public park, recreation or indoor recreation use, without first receiving written approval from the Department of Conservation and Natural Resources.
6. All project documentation will be kept on file for future auditing purposes and that copies of the invoices/certificates for payment, proof of payment, change orders, etc. will be provided to DCNR for review and verification upon receipt of a request from the Department.

Signature of Local Project Coordinator: Title: Date:

BUREAU OF RECREATION & CONSERVATION – PROJECT MANAGEMENT USE ONLY

Signature of Project Manager: (Approval of Costs) Date:

BRC – FISCAL UNIT USE ONLY

ME #: GR #: Payee/Vendor #: Funding: Keystone ESF GG Bond Fund Heritage & OP Snow/ATV PRT
SAP Fund Cost Center G/L Account Internal Order Amount

$ $ $ 

Bureau of Recreation & Conservation Approved: Agreement Grant Amount $__________
Comptroller Issues Contact: NR, BRC Payments $__________
717-783-2656
BRC – Fiscal Unit Approval Date $__________

Entry Doc# ______________________ Date ____________ Liquidation of Remaining Balance (-) $__________
Payment Doc# ______________________ Date ____________
### SECTION IV – SUMMARY OF FINAL PROJECT COSTS

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Amount Paid/Value</th>
<th>DCNR Use Only</th>
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<tbody>
<tr>
<td>CONSTRUCTION/DEVELOPMENT COSTS - (from Section V)</td>
<td>$0.00</td>
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<tr>
<td>PROFESSIONAL SERVICES FEES - (from Section VI)</td>
<td>$0.00</td>
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<tr>
<td>NON-CASH MATCH VALUES – (from Section VII)</td>
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<tr>
<td>TOTAL PROJECT COST</td>
<td>$0.00</td>
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### SECTION V – TABULATION OF DEVELOPMENT COSTS

List all invoice numbers, invoice dates, vendor names/item descriptions, check number, date issued and the eligible amount related directly to the development and construction of the project. Use additional sheets as necessary. Upon request from the Department, copies of all change orders, itemized invoices and proof of payment will be submitted to DCNR with this form. You are reminded to refer to the Eligible and Ineligible Grant Project Activities/Costs/Match Policy. For Small Community (SC) projects, ONLY: identify whether the invoice is for the purchase of Labor (L) or Materials (M), use designated column marked SC- L or M.

<table>
<thead>
<tr>
<th>Invoice Number</th>
<th>Invoice Date</th>
<th>Invoice Amount</th>
<th>Vendor Name &amp; Item Description</th>
<th>(SC)-L or M</th>
<th>Check Number</th>
<th>Date Issued</th>
<th>Amount Paid</th>
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Total CASH Expenditures Submitted for Payment $0.00
SECTION VI – TABULATION OF PROFESSIONAL SERVICE COSTS

List all invoice numbers, invoice dates, vendor names/service descriptions, check number, date issued and the eligible amount related directly to the professional services for the project. Upon request from the Department, copies of itemized invoices and proof of payment will be furnished for review. Professional services may include design consultant fees, legal fees, bid advertisement costs, etc.

<table>
<thead>
<tr>
<th>Invoice Number</th>
<th>Invoice Date</th>
<th>Invoice Amount</th>
<th>Vendor Name &amp; Service Description</th>
<th>Check Number</th>
<th>Date Issued</th>
<th>Amount Paid</th>
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Total CASH Expenditures Submitted for Payment $0.00

SECTION VII – TABULATION OF NON-CASH MATCH VALUES

List all Non-Cash MATCH Values directly related to the project. You are reminded to refer to the Eligible and Ineligible Grant Project Activities/Costs/Match Policy. Non-Cash Match may include: In-House Services, Equipment Use, Donated Goods and/or Services and Volunteer Services. Please attach completed copies of Worksheets 1 through 4 and supply your detailed record-keeping sheets, as applicable, to verify the services and materials provided, as well as, the non-cash match value being claimed.

<table>
<thead>
<tr>
<th>Type of Non-Cash Match</th>
<th>Date Range for Non-Cash Match (mm/dd/yyyy through mm/dd/yyyy)</th>
<th>Value Claimed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worksheet 1 – In-House Services (Grantee Employees)</td>
<td></td>
<td>$0.00</td>
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<tr>
<td>Worksheet 2 – Equipment Use (Grantee Owned)</td>
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<tr>
<td>Worksheet 3 – Donated Goods and/or Services</td>
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<tr>
<td>Worksheet 4 – Volunteer Services</td>
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<td>$0.00</td>
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</tbody>
</table>

Total NON-CASH Value Submitted as Match $0.00
You are reminded to refer to the Eligible and Ineligible Grant Project Activities/Costs/Match Policy.

**WORKSHEET 1. In-House Services (Grantee Employees)**

Please use this worksheet to show a breakdown of In-House Services; list the names of all Employees. For all state funded development projects, eligible In-House Values are services and labor provided by Grantee employed staff. Services and labor must be directly related to the performance of site work that is tied, all or in part, to the Bureau approved Project Scope of Work, as stated in Appendix “A” of the Grant Agreement. Use additional sheets as necessary.

Please note that Grant administrative services performed by Grantee Employees, as part of their regular paid position, such as attendance at meetings, reviewing plan documents, action as project coordinator, etc. are not eligible for reimbursement.

The dollar **TOTAL of Worksheet 1** should equal the total of In-House Services Value under Section VII, Tabulation of Non-Cash Match Values on the Final Payment Request form.

<table>
<thead>
<tr>
<th>NAME OF EMPLOYEE &amp; Job Title and DESCRIPTION OF SERVICES/WORK PROVIDED/ RANGE OF DATES</th>
<th>TOTAL NUMBER OF HOURS</th>
<th>HOURLY RATE (based on pre-approved, actual hourly Billable Rate)</th>
<th>TOTAL - (Dollars) (Col. 2 x Col. 3)</th>
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</table>
You are reminded to refer to the [Eligible and Ineligible Grant Project Activities/Costs/Match Policy](#).

## WORKSHEET 2. Equipment Use (Grantee Owned)

Please use this worksheet to show a breakdown of **Equipment Use (Grantee Owned)**. For all state funded development projects, eligible **Equipment Use Values** are related to the Equipment used by Grantee employed staff. The Equipment used must be directly related to the performance of site work that is tied, all or in part, to the Bureau approved Project Scope of Work, as stated in Appendix “A” of the Grant Agreement. **Use additional sheets as necessary.**

The dollar **TOTAL** of **Worksheet 2** should equal the total of **Equipment Use Value** under Section VII, Tabulation of Non-Cash Match Values on the Final Payment Request form.

<table>
<thead>
<tr>
<th>NAME OF EQUIPMENT and DESCRIPTION OF SERVICES/ WORK PROVIDED (Ex.: dump truck, backhoe, grader, etc.) / RANGE OF DATES</th>
<th>TOTAL NUMBER OF HOURS</th>
<th>HOURLY RATE (based on pre-approved, actual hourly Billable Rate)</th>
<th>TOTAL - (Dollars) (Col. 2 x Col. 3)</th>
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**TOTAL** $0.00
WORKSHEET 3. Donated Goods and/or Services

Please use this worksheet to show a breakdown of the Donated Goods and/or Services; list the names of all Businesses/Vendors/Individuals who have donated, what they have donated, when it was donated and the value. For all state funded development projects, eligible Donated Goods and/or Services Values are defined as items and/or services that are provided at no cost to the Grantee and are directly related to the performance of site labor and/or the provision of site materials, tied all or in part, to the Bureau approved Project Scope of Work, as stated in Appendix "A" of the Grant Agreement. Please note that donated materials are ineligible unless they can meet a specific design specification required for your project and are accompanied by a FORMAL dated, signed and itemized DONATION LETTER. Use additional sheets as necessary.

Please note that pre-approved Land Donation Values are to be inserted into this Worksheet, as applicable.

The dollar TOTAL of Worksheet 3 should equal the total of Donated Goods and/or Services Value under Section VII, Tabulation of Non-Cash Match Values on the Final Payment Request form.

<table>
<thead>
<tr>
<th>NAME OF DONOR and DESCRIPTION OF GOODS and/or SERVICES DONATED</th>
<th>RANGE OF DATES</th>
<th>TOTAL LUMP SUM DONATION VALUE- GOODS and/or SERVICES</th>
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TOTAL $0.00
WORKSHEET 4. Volunteer Services

Please use this worksheet to show a breakdown of Volunteer Services; list all Volunteer Organizations and/or Individuals. For all state funded development projects, eligible Volunteer Service Values consist of non-skilled labor not paid for by the Grantee. Services and labor must be directly related to the performance of site work that is tied, all or in part, to the Bureau approved Project Scope of Work, as stated in Appendix “A” of the Grant Agreement. Use additional sheets as necessary.

Please note that DCNR has different hourly rates for Adults, Youth under the age of (18), Prison Labor, etc. Please utilize your pre-approved Volunteer Rates and confirm rates with your Central Office- Project Manager.

The dollar TOTAL of Worksheet 4 should equal the total of Volunteer Services Value under Section VII, Tabulation of Non-Cash Match Values on the Final Payment Request form.

<table>
<thead>
<tr>
<th>NAME OF INDIVIDUAL OR VOLUNTEER ORGANIZATION and DESCRIPTION OF SERVICES/WORK PROVIDED/ RANGE OF DATES</th>
<th>TOTAL NUMBER OF HOURS</th>
<th>HOURLY RATE (based on pre-approved, Volunteer Rate)</th>
<th>TOTAL - (Dollars) (Col. 2 x Col. 3)</th>
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TOTAL | $0.00
**PARTIAL PAYMENT REQUEST**

**INSTRUCTIONS**

1. Partial payments will be authorized only after the grantee has received the Bureau’s approval and/or written approval of specific eligible costs of contracts and any related contingencies. The grantee must request partial payments in writing and such requests should be based upon the estimate of funds required to meet current needs.  

   **If requesting ACH, banking information must be provided and must currently be on file with the Commonwealth SAP System.** A “Check” will be issued for all payments that do not meet ACH qualifications. **

2. Complete Section I – Grantee and Project Identification

3. Complete Section II - Partial Payment Request. Please sign and date this form and indicate the amount being requested.

4. Submit the completed and signed form to the Bureau’s central office at the following address or email:  
   Department of Conservation and Natural Resources  
   Bureau of Recreation and Conservation – Fiscal Unit  
   PO Box 8475 400 Market Street RCSOB 5th Floor  
   Harrisburg, PA 17105-8475  
   RA-NR_BRCPAYMENTS@pa.gov

5. Keep a copy of the submission for your files.  

   **Partial payments may be authorized by the Department (on a disbursement drawdown basis) up to 90% of the grant funds or approved costs (whichever is less), dependent upon your project completion schedule.** **

**SECTION I - GRANTEE AND PROJECT IDENTIFICATION**

<table>
<thead>
<tr>
<th>Payee/Grantee:</th>
<th>Employer Identification Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>County:</td>
<td>DCNR Project Number (Invoice):</td>
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<tr>
<td>Address:</td>
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<tr>
<td>Agreement Expiration:</td>
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</table>

Please select one:  

- **Check:**  
- **ACH:**

   **Bank Information required for ACH processing:**  
   Routing Number: ___________  Account Number: ___________

**SECTION II - PARTIAL PAYMENT REQUEST**

I hereby request a partial payment in the amount of $__________ and certify to the best of my knowledge that the information provided on this form is true and correct and that:

1. This request is based on an estimate of funds required to meet current needs in accordance with the Grant Agreement.

2. All documentation related to the approved project costs and this payment request, will be kept on file for future auditing purposes.

<table>
<thead>
<tr>
<th>Signature of Local Project Coordinator:</th>
<th>Title:</th>
<th>Date:</th>
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</table>

**BUREAU OF RECREATION & CONSERVATION – PROJECT MANAGEMENT USE ONLY**

<table>
<thead>
<tr>
<th>Signature of Project Manager:</th>
<th>Date:</th>
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</thead>
</table>

**BRC – FISCAL UNIT USE ONLY**

<table>
<thead>
<tr>
<th>ME #:</th>
<th>GR #:</th>
<th>Payee/Vendor #:</th>
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<tbody>
<tr>
<td>Funding:</td>
<td>Keystone</td>
<td>ESF</td>
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<tr>
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<th>Cost Center</th>
<th>G/L Account</th>
<th>Internal Order</th>
<th>Budget Period</th>
<th>Amount</th>
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Bureau of Recreation & Conservation Approved:  
Agreement Grant Amount $  
Less Advance Payment -$  
Less Previous Partial Payment -$  
Eligible Payment $  
Balance for Future Reimbursement $  

Comptroller Issues Contact:  
NR, BRC Payments  
717-783-2656  
DCNR/BRC – Authorized Approver’s Signature & Date  
Entry Doc # __________________ Date __________  
Clearing Doc # __________________ Date __________