

**COMMISSION
FOR
CULTURAL CENTERS AND HISTORIC
PRESERVATION**



GRANTS MANUAL

**GENERAL ADMINISTRATIVE GUIDELINES
Fiscal Year 2017-2018**



NEVADA
**STATE HISTORIC
PRESERVATION OFFICE**

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INTRODUCTION

In 1991, the Nevada Legislature created the Commission for Cultural Affairs (Commission or CCA) to encourage preservation and development of cultural resources throughout the State by creating a network of cultural centers and activities. The Commission awarded its first grants in 1993. In 2015, the Nevada Legislature replaced the Commission for Cultural Affairs with its successor Commission for Cultural Centers and Historic Preservation (Commission or CCCHP).

The Commission is composed of the chairs (or designees) from the Nevada Arts Council, the Board of Museums and History, the State Library and Literacy Council, and the Nevada Humanities Committee. In addition, the Governor appoints a second member from the Board of Museums and History representing historic preservation and an “at-large” Commissioner with knowledge of Nevada’s tourism industry. The commitment of these volunteers includes hundreds of hours spent touring cultural sites, reviewing applications, and working with staff and grant recipients.

The Commission serves as an advisory board for the Department of Conservation and Natural Resources, which implements the grant program, relying on State bond sales for funding of grants and subsequent rehabilitation of historic buildings to be used as cultural centers. When awarding grants to historic preservation projects, the Commission considers the following:

- Accessibility to the community; and
- Promotion of tourism; and
- Promotion of preservation of some historic feature of Nevada; and
- Project sustainability after Commission support has ended; and
- Successful incorporation of the various disciplines directly associated with preserving and developing Nevada’s cultural resources; and
- Quality

Staff from the State Historic Preservation Office (SHPO), the Nevada State Library, Archives and Public Records, the Division of Museums and History, and the Nevada Arts Council is available individually and as teams to assist in development of projects and applications. We encourage you to use the expertise available. Contact information is listed below.

Division of Museums and History
401 North Carson Street
Carson City, Nevada 89701
Phone: 775-687-4340
Fax: 775-687-4333

Nevada State Library, Archives and Public Records
100 North Stewart Street
Carson City, NV 89701
Archives: 775-684-3310
Library: 775-684-3360
Fax: 775-684-3311

Nevada Arts Council
716 North Carson Street, Suite A
Carson City, NV 89701
Phone: 775-687-6680
Fax: 775-687-6688

State Historic Preservation Office
901 South Stewart Street, Suite 5004
Carson City, NV 89701
Phone: 775-684-3448
Fax: 775-684-3442

ADMINISTRATION

The purpose of this manual is to provide general grant management guidance for applicants considering this grant program and recipients of Commission for Cultural Centers and Historic Preservation (CCCHP) grants. It defines both fiscal and programmatic responsibilities and requirements.

In an effort to meet generally accepted accounting practices, an organization receiving CCCHP funding must comply with provisions of the State Administrative Manual (SAM). This manual highlights many of the applicable requirements for easier understanding. In addition, the Nevada Revised Statutes (NRS) governing purchasing (NRS 332) is located in Appendix III. Other grant management resources include all applicable rules & regulations within your local jurisdiction or community. Grantees can also refer to the “National Park Service Historic Preservation Grants Manual” if they have other questions.

Grantees are also required to adhere to [The Secretary of the Interior’s Standards for the Treatment of Historic Properties \(Standards\)](#) for proposed work on historic buildings.

The SHPO administers the day-to-day operations of the CCCHP grant program. Fiscal and project reviews are done by staff familiar with state fiscal requirements and historic preservation techniques. The SHPO encourages potential applicants and Grantees to contact staff at any time for answers or discussion regarding the program. If you have any questions regarding this manual or the management of your CCCHP grant, please do not hesitate to contact the CCCHP Manager:

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CCCHP Manger
State Historic Preservation Office
901 S. Stewart Street, Suite 5004
Carson City, NV 89701-5248
(775) 684-3443 Phone
(775) 684-3442 Fax
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(775) 684-3437
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Kristen Brown
Architectural Historian
(775) 684-3439
Email: knbrown@shpo.nv.gov

Shauna Tilley
Administrative Services Office (ASO)
(775) 684-3446
Email: stilley@shpo.nv.gov

QUALIFYING FOR A CCCHP GRANT

The Commission for Cultural Centers and Historic Preservation has developed criteria by which to judge applications for grants. These are based on NRS 383, rulings by the Nevada State Attorney General, and the Commission's own planning efforts.

To qualify, an Applicant should consider the following:

1. The Applicant must be a governmental agency or a 501(c)3 non-profit corporation formed for educational or charitable purposes. Private property owned by an individual is not eligible. Properties owned by non-profit religious organizations are eligible if they are already listed on the National Register of Historic Places.
2. The project must involve rehabilitation or pre-development work (planning documents or rehabilitation construction work) related to a historic building and/or a prehistoric and historic feature.
3. For new potential applicants, A Letter of Intent must be completed--See Application Process section below for instructions.
4. The project must produce a cultural center that will add to a network of cultural centers and activities.
5. The Applicant must clear the application with all of its internal approval entities (e.g., entities or offices that process fiscal requests, approve changes to properties or that track grants).
6. The proposed project must produce a final report. See pages 25-26 for reporting requirements and page 63 for final report format.
7. The proposed project must be completed within a reasonable amount of time in such a way that the State can comply with laws related to the bond sale. Applicants should be prepared to complete the funded phases of a project within 15-18 months from the date of the bond sale.
8. The Applicant must be able to manage the grant and account for the expenditure of funds according to the SHPO's fiscal requirements (e.g., have adequate accounting system and auditing procedures in place to provide effective accountability and control of property, funds, and assets sufficient to meet Grantee needs and Grantee audit requirements).
9. The Applicant should have a satisfactory record of integrity, judgment, and performance, especially with prior performance upon grants and contracts.
10. The Applicant will plan to submit a quarterly reimbursement request along with their quarterly progress report (See Appendix II for templates).

11. The complete *CCCHP Grant Application* must be hand-delivered to the SHPO by close of business **November 1, 2017** or post-marked no later than **November 1, 2017** if mailed.

EVALUATION CRITERIA

In an open public hearing, each Commissioner will review the applications according to the Evaluation Criteria. The Commission will assign total points for each of the applications. *These scores will not decide, by themselves, distribution or levels of awards.* Each Commissioner may consult his/her scores for evaluation as a guide for distribution of available funds. At the hearing, SHPO staff averages proposed distribution of funds for each project. The Commission reserves the right to consider subsequent testimony and discussions, after which members discuss and adjust distribution of funds. **Note:** The Commission will consider projects that are emergencies, and it will look favorably on projects that can be completed in their entirety by the end of the grant cycle. The following criteria are merely a method of initial ranking for purposes of further discussion.

1. Historic Preservation Issues – 40 points

Examples of topics to be considered:

- a. The project will promote or preserve some historic feature of Nevada.
- b. The building or prehistoric feature or historic feature or resource of cultural significance can be realistically saved.
- c. The applicant demonstrates an ability to raise or sustain required amounts of financial support from sources other than the State of Nevada, including donations of goods and services (relative to the means and abilities of the applicant).
- d. The project will produce a facility that will continue to be used as a cultural center in the future and will be properly maintained according to the [Secretary of the Interior's Standards for the Treatment of Historic Properties](#).

2. Community Impact – 30 points

Examples of topics to be considered:

- a. The project will promote tourism in the State.
- b. The project will supplement training and education in the classroom, in the arts, and the humanities.
- c. The project incorporates the various disciplines directly associated with cultural resources, such as the museums, arts, and humanities, and will be used by many types of cultural organizations.
- d. A broad base of the community will use the facility supported by the project.
- e. The facility will assist the Commission as it addresses the needs of geographic and demographic balance.

3. Accountability – 30 points

Examples of topics to be considered:

- a. The applicant can demonstrate that it can complete a quality project within budget and in a reasonable time.
- b. The applicant can manage the grant and can account for expenditure of funds according to the State of Nevada and Commission's fiscal requirements.

APPLICATION PROCESS

Letter of Intent

Organizations seeking Commission funding, who are new to the process or with buildings new to the process, must submit a Letter of Intent to apply for a CCCHP grant. New applicants must submit this letter, with original wet signatures, by **September 21, 2017**, so that the SHPO has sufficient time to work with applicants as they develop their applications. The Commission will **not** consider applications from organizations new to the process, or organizations with buildings new to the process, that have not submitted a letter of intent by this due date.

The Letter of Intent must outline the amount of funding to be requested, the nature of the project, and the nature of the organization's cultural programming. In addition, the letter should address the nature of planning already completed by the organization.

Application

All hand-delivered applications must be received, with original wet signatures, at the SHPO by close of business on **November 1, 2017**. Mailed applications must be post-marked by no later than November 1, 2017. There will be no exceptions. The Commission will not accept any late applications either by mail, hand-delivery, or at the time of the hearing. It will only consider written material submitted by **November 1, 2017** and testimony regarding the application at its grant hearing.

Upon completion of SHPO staff review, the SHPO sends applications to the Commissioners who review them individually and independently of one another in advance of the grant award hearing. After the Commission establishes the year's awards at the aforementioned hearing, the allocated grant funds will total **\$950,000.00**.

PROJECT REQUIREMENTS

Upon acceptance of a Commission grant, Grantees are required to:

1. Comply with The Secretary of the Interior's Standards for the Treatment of Historic Properties (See Appendix III).
2. Report any changes made to the project scope during the duration of the grant by completing a project change request (See Appendix II).
3. Provide the SHPO with financial reports and quarterly progress reports on the project.
4. Allow the SHPO full access to all documents necessary for a comprehensive audit.
5. File the recorded covenant, with proof of recording, with the SHPO prior to the submission of any request for reimbursement.
6. Submit a Request for Permission when any visual and/or structural changes are planned for the building in accord with the requirements of the covenant (See Appendix I).
7. Notify the Commission when there are fundamental changes to your organization's programming, structure or leadership.

SPECIFIC REQUIREMENTS

1. Requirement: Project Documentation

- a. A site plan and floor plan with north arrows clearly marked.
- b. City/county map with property clearly labeled.
- c. Plans & specs for the project (if applicable) or a detailed scope of work.
- d. Detailed photographs of all exterior elevations with views, identified & oriented to site plan.
- e. Detailed photographs of all major rooms and project rooms, labeled and keyed to a floor plan. Please include photos of specific elements proposed for modification (for example, if repointing of mortar is requested, please illustrate the current conditions with photos of existing mortar joints).
- f. Any other relevant information to enable a thorough project review such as plans, photos, Historic Structure Reports, Architectural Studies, Condition Assessments.

2. Requirement: Covenants

A covenant is a legal document executed between the State and the property owner in which the property owner of record encumbers the title of the property with a covenant running with the land, in favor of and legally enforceable by the State. The property owner of record (and, if applicable, the holder of the mortgage) must be the executors of the covenants whether or not the owner is the Grantee. When properly monitored and enforced, the covenants ensure the property's protection from unsympathetic changes and, in the event the property is sold, it is recorded with the deed, and the requirements are passed along to the new owner.

Please Note: CCCHP Grantees cannot begin the grant-funded portion of a project until the covenants are officially recorded with the appropriate County Recorder and the proof of recording has been sent to the SHPO along with the original covenants. The SHPO will not honor any request for reimbursement for projects that have not returned the original covenants document with a proof of recording.

By signing the covenants, the property owner agrees to the conditions of the covenants which may include:

1. Maintaining the premises for a minimum term of years so as to preserve the historical significance and integrity of the features, materials, appearance, workmanship, and environment; and
2. Allowing public access to the property.
3. Notifying the SHPO of any proposed structural or visual changes or modifications to both the exterior and the interior of the building prior to implementation.

The duration of the preservation covenants are determined by the cumulative award amount applied to the individual building or resource as noted below:

<u>Cumulative CCCHP award</u>	<u>Covenant Length</u>
up to \$99,999	20 years
\$100,000 to \$174,999	30 years
\$175,000 to \$249,999	40 years
\$250,000 to \$750,000	50 years
\$750,000 or more	Perpetuity

Several additional and important items to note regarding covenants:

1. Where there are several phases of development assistance, the term of the covenants must be commensurate with the total (aggregate) grant assistance the building or resource has received.
2. A new covenants document will be prepared for each grant cycle regardless of any prior awards. Covenant lengths run concurrently and independently of any other prior covenants document.
3. The preservation covenants are effective upon execution of the SHPO funding agreement.

FISCAL REQUIREMENTS

Funding Agreements

The SHPO requires Grantees to successfully complete their funding agreements within 180 (one hundred eighty) days of official notice of grant award. If a Grantee goes 180 (one hundred eighty) days without completing their funding agreement, the SHPO will notify the Commission (See Appendix I for a funding agreement template). The Commission may chose to withdraw the entire award from the Grantee. The Commission may then meet to reallocate the funds to another Grantee.

Quarterly Progress Reports and Reimbursement Requests

The SHPO requires Grantees to submit quarterly progress reports and quarterly reimbursement requests (See Appendix II) based on the terms of the funding agreement. If a Grantee goes two quarters without submitting quarterly progress reports and reimbursement requests, the SHPO will notify the Commission of this delinquency.

Timing of Project Costs

Project costs for the portion of the project receiving grant funds must be incurred within the approved grant period, as defined in the funding agreement. The SHPO will not honor any requests for reimbursement for any costs incurred, or contributions of services made, or assets acquired prior to or subsequent to the grant period.

Duration of CCCHP grant

The duration of a grant is 18 months from the date of the bond sale.

Project Personnel

Project Director vs. Financial Manager

The project director is the individual who is directly in charge of the project and is familiar with all aspects, financial and programmatic, of the project. He or she shares responsibility with the financial manager for certifying all expenditures are valid and necessary. The project director is responsible for compliance with all regulations, including SHPO review prior to commencing work, and for submitting quarterly progress reports.

The financial manager is responsible for all fiscal matters relating to the project and the individual ultimately in charge of accounting, management of funds, verification of expenditures, and grant financial reports. The financial manager should be someone other than the project director.

ACCOUNTING AND RECORDS REQUIREMENTS

Accounting systems for all CCCHP grant-funded portions of projects must ensure the following:

1. All recipients of CCCHP funding are required to establish and maintain accounting systems and financial records to account for grant funds awarded to them.
2. Grant funds awarded will be expended only for activities and purposes stated in the approved budget and scope of work and within the approved grant period.
3. Grant funds must be obligated before the end date of the grant period.
4. Obligated funds are those funds for which goods or services have been ordered or received, but which have not been disbursed. These obligations and payments include both CCCHP grant funds and matching contributions.
5. That grant funds are NOT commingled with funds from other funding sources.
6. Recipients are prohibited from commingling funds on either a program-by-program or a project-by-project basis. Each award must be accounted for separately.
7. Funds specifically budgeted and/or received for one project cannot be used to support another.
8. Funds shall not be obligated, nor will any requests for reimbursements to be honored, for grant related expenditures occurring prior to the beginning date established in the funding agreement.

Accounting System Criteria

A Grantee must use an adequate accounting system that meets the following criteria:

1. Presents and classifies projected historical cost of the grant as required for budgetary and evaluation purposes.
2. Controls funds and other resources to assure expenditures of funds and property use are in conformance with any general or special conditions that apply to the recipient.
3. Meets the prescribed requirement for period financial reporting of operations.
4. Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.
5. Maintains all required records for three years from the date of the final report or until all questions arising from an audit have been resolved.

NON-SUPPLANTING REQUIREMENT

State funds must be used to supplement existing funds for program activities and may not replace (supplant) existing funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, recoupment of monies provided under this grant, and civil and/or criminal penalties.

(Example: If a purchase of equipment is necessary for the project; however, the agency involved already has budgeted for this purchase, use of state funds for that same equipment would reduce the agency's budget. This would be supplanting. However, if that same agency purchased the equipment in their original budget for use by that agency and used the state funds to purchase additional equipment for the project, the state funds have supplemented the agency's budget.)

NON-GRANT SHARE

Non-Grant Share (aka Matching Share)

This represents that portion of the total project or program costs not borne by CCCHP grant funds. *Match for Commission-funded projects is encouraged but not required.* A lack of match will not hurt a project, but documenting match helps the program in general and may help a Grantee's applications in the future. The Commission will consider match in evaluating applications, but, at the same time, may consider the fact that not all communities are able to produce match as well as others are. The Commission would prefer to see as much documentation of match as possible to demonstrate that projects are supported by a wide variety of sources.

Matching share can consist of 'Cash Contributions.' 'Cash' represents the applicant's proposed cash outlay, including the outlay of money contributed to the Grantee by third parties.

The following may be used as "hard" cash match:

1. Local appropriations from governmental agencies.
2. Funds contributed from private sources.
3. Salaries of existing personnel who are transferred to grant activities only if the original positions are filled with new personnel and the salaries are not claimed for reimbursement.

NOTE: The agency must prove additional staffing was hired to do the original assignments at a comparable salary rate.

Matching share can also consist of 'In-kind (aka non-cash) Contributions.' This represents the value of non-cash contributions provided by the applicant or third parties. In-kind contributions may consist of charges for real property, non-expendable personal property, and the value of goods and services directly benefiting and specifically identifiable to approved objectives of the grant-supported program.

Examples of cash or in-kind (non-cash) matching share can include:

1. Proposed charges incurred by the applicant as costs during the grant period;
2. Costs financed with cash contributed or donated to the applicant by third parties.
3. Costs represented by services and real and personal property, or use of these, contributed or donated by non-federal third parties during the grant period.
4. Donations of expendable equipment, office supplies, workshop or classroom materials or workspace. (Please use appropriate form included in Appendix II). The value placed on loaned or donated equipment may not exceed its fair rental value.
5. The monetary value of time contributed by professional and technical personnel and other skilled and unskilled labor if the services they provide are an integral and necessary part of the funded project. The value placed on donated services must be consistent with the rate of

compensation paid for similar work in the organization or labor market. Fringe benefits may be included by the recipient organization for its own employees.

6. Time records signed by both the volunteer and supervisor must document all volunteer services claimed as the non-state portion of the matching grant. Time accounting for project volunteers is identical to that required for paid personnel. Such records must show the actual hours worked and the basis for determining the volunteer's contribution rate. (Please use Donated Labor form included in Appendix II.)
 - a. Rates charged for volunteers serving within their profession must be consistent with rates paid in state government for comparable activities and cannot exceed the hourly rate of \$82.49 per hour.
 - b. If a volunteer performs services outside his profession, that labor must be assessed at Nevada minimum wage (In 2017, this is \$8.25 per hour).
 - c. In-kind contributions for items other than personnel services must reflect fair market value and must be of such nature that if the state share were used to pay for the contribution, the Grantee would have incurred an allowable cost. The non-state share is subject to audit, along with the state share.

The matching share must be obligated by the end of the period for which the grant funds have been made available.

All Grantees must maintain records that clearly show the source, amount, and timing of all match contributions.

ALLOWABLE/UNALLOWABLE COSTS

CCCHP grants have certain fiscal and project requirements. The following are guidelines for allowable and unallowable costs, as well as examples and in-progress and post-project requirements. All costs must be necessary to the success of the project. If you have any questions as to whether your proposed match, costs, etc. are allowable, please do not hesitate to contact the CCCHP grant manager with any questions.

Allowable Costs – Bricks and Mortar Work (i.e. physical improvements to the building)

1. Roofing.
2. Electrical.
3. Plumbing.
4. HVAC systems.
5. Window rehabilitation.
6. ADA ramps.
7. Railing.
8. Refinishing.
9. Sound systems (permanently hardwired within the building).
10. Flooring.
11. Light fixtures.
12. Seismic retrofit.
13. Construction documents, Historic Structure Reports, and reports critical to the architectural assessment of the building.

Unallowable Costs

1. Landscape improvements, unless the work is needed to make the building safely accessible (ADA).
2. Reports, unless they are critical to the assessment, rehabilitation, and/or construction of the building.
3. Purchase of a historic building. The historic building must be owned by the organization applying for the grant. Under very special circumstances, exceptions to this have been made by the Commission.
4. Mortgage notes, insurance policies, and other similar instruments.
5. Programming.
6. Administrative costs, including travel.
7. Furnishings or anything that can be easily removed from the building (e.g., curtains, speaker systems, chairs, tables, and portable chalkboards).

REQUESTS FOR REIMBURSEMENT

Timely Reimbursement Requests:

The Grantee must be aware that timely reimbursement requests are a requirement of this grant.

Claims for reimbursement of expenditures must be submitted on a “CCCHP Reimbursement Request 2017” form as included in Appendix II. Unless an exception is made for your particular project, the following guidelines apply:

1. The Grantee or contractor may be required to incur project expenses and adequately document payment prior to reimbursement with CCCHP grant funds.
2. Reimbursement will only be made for actual cash expenditures or reimbursable services rendered. No “in-kind” contributions will be reimbursed with CCCHP grant funds.
3. Reimbursement will be made only on authorized items listed in Scope of Work in the funding agreement, attachment A-1.
4. All claims must have supporting documentation that balances to the amounts being claimed for each category. Supporting documentation includes but is not limited to:
 - a. Clear photocopies of invoices for all items charged to the project. Invoices must contain the company name or individual providing service and a description of the item or service purchased, the date, and a unit price.
 - b. Proof of payment may be required (clear copies of cancelled check [front and back]) for the total amount of the reimbursement request. The same documentation must be provided for the matching portion of the grant. Each check must be cross-referenced with the invoice.
 - c. If payments are made in cash, they must not exceed \$10 per invoice. No cash expenses will be accepted without prior arrangements with the SHPO.
 - d. If payment is made by credit card, a copy of the statement must be submitted.
 - e. Payments made by other electronic formats (e.g., electronic funds transfers) require a hard copy print out from the Grantee’s system.
5. Claims for reimbursement must identify the project number assigned by the SHPO. The number should be written or typed on each page of correspondence and supporting material.
6. All expenditures must be obligated within the approved project period. Proof all grant-funded project work must be completed within the period specified in the funding agreement.
7. Reimbursement payments will be adjusted to correct previous overpayments and disallowances resulting from non-supported expenditures, audit, or project review.

CONTRACTUAL PROFESSIONAL SERVICES

Contractual Professional Services

Independent contractor services must follow state and federal regulations. NRS 333.700(2) defines an independent contractor as “a natural person, firm or corporation who agrees to perform services for a fixed price according to his or its own methods and without subjection to the supervision or control of the other contracting party, except as to the results of the work, and not as to the means by which the services are accomplished.”

The SHPO will accept flat rates for professional consulting services (up to a maximum rate of \$82.49). In addition, architects, engineers, and related professionals, and members of trades may be paid at recognized rates established by the industry or by demonstrated previous practices not to exceed \$82.49 per hour. The contractor may enter into a fixed-fee contract not based upon an hourly rate.

The consultant is required to prepare an invoice for professional services. The consultant will not exceed the rate for professional services established in consultation with the SHPO prior to beginning work. The SHPO does not require itemized time sheets for project consultants, but does require proof of payment and a signed statement of the hourly rate charged to the project and hours billed to the project.

Transportation and subsistence costs for travel may not exceed the state travel rates and regulations.

Dual compensation is not allowed.

Consultants employed by state and local governments will only be allowed when the unit of government will not provide their services without cost. In these cases, the rate of compensation is not to exceed the daily salary rate paid by the unit of government.

Contract Review

All Grantees must ratify contracts. NRS 332 is the governing legislation in the State of Nevada for local governments.

PROCUREMENT OF GOODS OR SERVICES

The primary objective is to obtain materials, supplies, qualified services, and equipment at the most reasonable cost to the taxpayer, to supply the agency as quickly as possible, and to afford vendors competitive opportunity. All procurement transactions will be conducted in a manner to provide, to the maximum extent practical, open and free competition. To ensure maximum open and free competition, bidders' lists should be maintained and updated as required. Advertising of competitive requirements in local newspapers and trade publications is important in order to achieve more effective competition. Procurement of all goods and services shall be documented in accordance with existing statutes. State preference laws/ordinances have always required special attention by the awarding agency.

Also, prior to procurement of goods/materials, the project director should get approval from the SHPO that those good/materials meet the Standards, the approved scope of work, and can be used on the project.

Established methods of procurement include:

1. **Competitive Sealed Bidding** – bids that are publicly solicited and a firm fixed-price contract is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. This method is recognized as the preferred method of procurement and is properly used when the following conditions exist:
 - a. The requirement can be described and is finite and specific in detail, with no unknowns or contingencies.
 - b. There is good likelihood that competition is readily available among interested contractors that could satisfy the requirement.
 - c. There is enough time available to issue the solicitation, conduct a public bid opening, and award the contract to the lowest responsive and responsible bidder.

2. **Interdepartmental Transfer of Funds** – normally applies to state and local governments. In certain instances, a viable method to satisfy a requirement is funds transfer to another unit of the organization where the capability exists. This can be accomplished under the following conditions:
 - a. Another part of the organization has the in-house capability to satisfy the requirement; or
 - b. The organization has in existence a contractor currently performing that could effectively satisfy the requirement. This action, however, requires the SHPO to consent to a sole-source justification.

3. **Small Purchases** – are those relatively simple and informal procurement methods for securing services, supplies, or other property that does not cost more than \$25,000 overall. Simplified informal procedures to cut down procurement lead-time for day-to-day support

items should be used and documented. (Please use the Competitive Negotiation and Small Purchases Contracting Documentation form included in Appendix II.)

4. **Negotiation** – is the method of procurement when the prerequisite for competitive sealed bidding cannot be met. The technique of competitive proposals is usually conducted with more than one source submitting an offer, and either a fixed price or cost reimbursement-type contract is awarded. The procedures involve developing a performance “Statement of Work” (SOW) listing requisite requirements to accomplish the contract. The performance Statement of Work should be written in a straightforward manner and, as a minimum, should contain the following:
 - a. Background providing necessary introductory information or evolution of the requirement.
 - b. Objective/scope of work detailing broad parameters that are requisite for contract performance or effectively satisfy the requirement.
 - c. Tasks with accompanying deliverables should be indicated in a logical sequence, as the Grantee perceives the requirement.
 - d. A delivery schedule in increments as required satisfying the requirement.
 - e. Acceptance and approval procedures should be indicated.

Develop the Request for Proposal (RFP) containing at least the basic elements specified above, and before release, advertise the solicitation in accordance with state or local preferences.

1. **Sole-Source Contracting** – recipients are mandated to complete contractual requirements. There are, however, exceptions to this cardinal rule of competition. These exceptions result in “sole-source” contracting. Procurement by noncompetitive proposals is procurement through the solicitation from only one source, or after solicitation of a number of sources competition is determined inadequate. NRS 332 is quite clear regarding necessity to have open and free competition to satisfy contractual requirements. Recipients may make the final determination that competition is not feasible if one of the following circumstances exists:
 - a. The item of service is available only from a single source.
 - b. The public exigency or emergency of the requirement will not permit a delay resulting from a competitive solicitation.
 - c. After solicitation of a number of sources, competition is considered inadequate.

In any event, documentation reflecting actions taken and the position of the Grantee is extremely important in order to establish an audit trail. A justification of non-competitive (sole-source) procurement must include the following:

- a. A brief description of the program and the services being contracted.
- b. Explanation of why it is necessary to contract noncompetitively, to include the following: (a) expertise of the contractor, (b) management, (c) responsiveness, (d) knowledge of the program, (e) experience of contractor personnel, (f) results of a

- market survey to determine competition availability or, if one was not conducted, explain why.
- c. Time constraints: (a) when contractual coverage is required and why, affect the program if dates are not met, (c) length of time would it take another contractor to reach the same level of competence. (Equate to dollars, if desired).
 - d. Uniqueness.
 - e. Other points that should be covered to “sell the case.”
 - f. A declaration that this action is in the “best interest” of the agency.

CONTRACT PROVISIONS

Grantees must maintain copies of written contracts on file for all cooperative, working agreements, and professional services for three years after the close of the project. All contracts for evaluation services and all other contracts more than \$100,000 must be reviewed and approved by the SHPO before being signed. This policy may be adjusted in individual cases through the grant funding agreement.

Contracts shall contain the clauses as enumerated below. Grantees may develop language suited to accommodate a specific contractual situation, providing such clauses meet the intent of these clauses.

1. **Disputes** – this clause should provide a contractor recourse procedure in the event there is a contractual dispute. The dispute submitted by the contractor shall be in writing to the contracting officer (person signing the contract for the Grantee). Procedures will provide at least one additional upper management level for review. The reply from the recipient will be in writing and include general counsel concurrence (optional).
2. **Reporting** – any applicable reporting requirements affecting contractual activity to comply with a requirement of the award should be included as a special contract clause developed by the recipient. Of particular importance are progress/status/performance reports (usually on a quarterly basis) required for contracts for research and development, studies, surveys, analyses, etc. Progress reports also play an important role in equating progress to payments or cost reimbursement.
3. **Patents** – any discovery or invention that arises during the contract will be reported to the awarding agency. This clause should require the contractor to disclose inventions to the contracting officer within two months after the inventor discloses it in writing to contractor personnel responsible for patent matters. The clause should also contain and identify provisions identifying the Grantee against liability, including costs for infringement of any United States patent.
4. **Rights in Data and Copyrights** – as a rule, contracts that require data to be produced, furnished, acquired or specifically used in meeting contract requirements, must contain terms that delineate respective rights of the awarding agency and the contractor regarding use, duplication, and disclosure of such data.
5. **Examination of Records** – this clause shall state the CCCHP and the grant recipient, or any of their representatives will have access to any books, documents, papers, and records of the contractor that are directly pertinent to the contract for making audit, examination, excerpts, and transcriptions. The clause will further state that the contractor shall retain all required

records for three years after the recipient or sub recipients make final payments and all other pending matters are closed.

6. **Termination** – only the awarding agency has the right to terminate the contract. There are two types of termination:
 - a. End for convenience – contract is terminated due to reasons known to the Grantee, i.e., program changes, insufficient funding, etc. This type of termination is used when the contractor is not in violation of the contract.
 - b. Termination for cause – a contract is terminated due to actions by the contractor, i.e., failure to perform, slipped schedules, etc.

The awarding agency has the option of tailoring the termination to fit the type of contract. The awarding agency, by written notice, may terminate the contract, in whole or in part, when it is in the awarding agency interest. Termination settlements will be accommodated by negotiations carefully planned to achieve an equitable resolution.

Contracting with Small and Minority Firms, Women’s Business Enterprises, and Labor Surplus Area Firms – recipients and sub recipients will take all necessary affirmative steps to assure that the following firms are used, when possible:

- a. Small Business Firms – designated by the Small Business Administration.
- b. Minority Business Firms – 51% minority-owned/operated.
- c. Women’s Business Enterprises – small business that is at least 51% owned by a woman or women.
- d. Labor Surplus Area Firms – firms geographically located in distressed labor surplus areas designated by the Secretary of Labor.

Protests – in accordance with sound administrative practice and sound business judgment, recipients alone will be responsible for settlement of all contractual and administrative issues arising out of procurement.

PROJECT CHANGE REQUESTS

The Grantee must secure prior written approval from the SHPO for any revision to their funding agreement. Project Change Requests must be submitted with an original signature. Emailed or faxed copies will not be accepted. A “Project Change Request” form, as well as a written justification for the change must be submitted to the SHPO. (Please use Project Change form included in Appendix II). The Grantee must receive a signed, approved copy of the “Project Change Request” from the SHPO before implementing a requested change.

A Project Change Request shall be submitted under the following circumstances:

- a. Change in scope of work.
- b. Changing the amount of an approved category. Funds may be moved from one approved category to another with proper justification
- c. Requests for moving funds into a previously non-approved category. Funds may be moved into a previously non-approved category if it is essential for the success of the project. Please note, funds may not be increased; they must be taken from approved categories.
- d. When a project director is changed. Please submit vitae for new project director along with Project Change Request.
- e. When requesting a project period extension.

Changes within the same category do not require submission of the Project Change Request form. However, a justification explaining any significant changes from the approved budget should be submitted to the SHPO for prior approval.

If the project cannot be completed within the period specified in the funding agreement, the Grantee must submit to the SHPO a written request (with a Project Change Request form) explaining the programmatic reason for extension of the grant period. **This should be submitted at least 60 days prior to the expiration date of the project.** The request should state the reason for the excess time and the effect denial of the request would have on the project.

If a grant extension is allowed, monthly progress reports shall be submitted on progress report forms no later than ten calendar days from the preceding month.

If an extension request is not submitted prior to the project’s expiration date, the original project expiration date stands. **Any remaining grant funds will be forfeit.**

PROGRESS REPORT REQUIREMENTS

All grants require submission of “Quarterly Progress Reports” on each individual project. This is the responsibility of the project director. The purpose of the quarterly report is to evaluate the progress of planned activity. Failure to meet this requirement will result in suspension of payment on submitted monthly financial reports. After notification, if further noncompliance persists, it will be cause to terminate funding of the project. The following should be observed in preparation and submission of quarterly progress reports:

1. **Due Date** – reports are due 15 days after the close of each calendar quarter, or deadline as agreed upon with the SHPO. The final report is due 30 days following the close of the grant period or any extension thereof.
2. **Submission** – Grantees shall submit quarterly progress reports and a cumulative final report, including an inventory list, if applicable. (Please use Quarterly Progress Report form included in Appendix II).
3. **Quarterly Reporting Requirements** – reporting requirements noted in this section are designed to provide sufficient information to monitor grant implementation and goal achievement. To support effective monitoring, progress reports must be keyed to the grant implementation plan provided in the grant application. Specifically, the quarterly report must include the following:
 - a. Indicate the overall status of the project. Have the goals and/or objectives been achieved during the report period? Be specific and detailed.
 - b. Indicate in quantitative terms the results achieved, both during the reporting period and cumulative-to-date. Explanatory and descriptive statements of activities will be helpful, especially if project objectives’ change.
 - c. State the status of goals and/or objectives that were due for completion during a previous report, but carried over due to late implementation or other problems.
 - d. If the project is not meeting its goals and objectives, state the corrective action planned to resolve the problems. State the effect of these problems on the remaining schedule for achieving the project’s remaining goals and/or objectives.
 - e. If appropriate, identify changes needed in accomplishing the project. Changes that alter plans and/or goals of the original application require prior approval and issuance of appropriate amendments.
 - f. State if technical or other assistance is needed during the coming quarter to help resolve implementation problems. If technical assistance has been provided to resolve implementation problems, state the problems addressed and results of the assistance provided.
 - g. Provide photographs depicting project number and showing completed work to date. Each photograph must represent work completed for the reporting period.

Photographs should include a descriptive caption, date taken and source/taken by. They can be digital as long as they are clear and clearly printed. Photographs can be submitted via flash drive, CD/DVD, or sent via e-mail as long as they have the required identifying information. Otherwise, send in hard copies.

- h. The Grantee and/or contractor must notify the SHPO immediately by telephone and/or letter of any project progression problems or changes to the approved scope of work. Telephone calls may be accepted if confirmations are made in writing.
4. **Monthly Reports** - If a project period extension was granted, monthly reports are required for the duration of the extension. The monthly reports should have the same format and content as the quarterly reports.

GRANT CLOSEOUT PROCEDURES

Final Report – is due no later than 30 days after the close of the original or extended grant period. Information to be provided after each grant cycle is as follows:

1. The final report must reflect compliance with the [Secretary of Interior's Standards for the Treatment of Historic Properties](#) and any special conditions agreed to by the Grantee and the Commission at the time of the grant award.
2. Final Report (See Appendix II) for the project to be considered complete and to receive final payment. The Report includes:
 - a. Part I: Property and Ownership Identification
 - b. Part II: Fiscal Report
 - c. Part III: Certification of Public Benefit
 - d. Part IV: Case Study Narrative with Illustrations
 - e. Part V: Photographic Index
 1. Photographs with project number showing completed work. Each photograph must be tied to the project and the line items funded in Attachment A-1 and A-2 of the funding agreement. Photographs should include a descriptive caption, date taken and source/taken by. They can be digital as long as they are clear and clearly printed. Photographs can be submitted via CD or disk or sent via e-mail as long as they have the required identifying information. Otherwise, send in hard copies.

If the CCCHP grant funded building is open to the public, the final report must include an approximate number of individuals visiting the facility during the grant period.

Other products as negotiated with the SHPO that may include inventory reports and site/building forms, data entry, and photographs, videos or CDs, brochures, maps, etc.

All CCCHP grant funded projects will be requested to provide annual estimates of the numbers of visitors for the life of the covenants.

The SHPO may retain ten percent of the total grant award until it receives and approves the final project product.

At the expiration date of the funding agreement, all remaining costs incurred up to the last day of the grant period must be accumulated and submitted for reimbursement on a final "CCCHP Reimbursement Request 2017" form. The final financial claim should be submitted no later than 30 days after the grant period's expiration date.

This claim, along with the final report, and a possible inspection by the SHPO, or other state representatives, to ensure work has been completed satisfactorily in accordance with the terms of the funding agreement, will serve to close out the grant.

PUBLIC ACKNOWLEDGMENT

Appropriate credit must be given to the Commission in all news releases, publicity, or printed material describing or promoting the grant. The final product (report, brochure, publication, or any other funded item) must clearly state that it was “funded with assistance of the Commission for Cultural Centers and Historic Preservation.”

An acknowledgement of Commission support must be made in connection with publication or dissemination of any printed, audio-visual, or electronic material based on, or developed under, a result of the grant award.

Please contact SHPO staff for appropriate guidance with reference to signage at the site and/or acknowledgment plaques.

SUSPENSION OF FUNDING

The Commission may terminate CCCHP grant funding of a project for the following reasons:

1. Default by the Grantee.
2. Failure by the Grantee and/or contractor to observe the covenants, conditions, and warranties of the grant funding agreement and its incorporated provisions.
3. Failure by the Grantee and/or contractor to demonstrate progress on the grant.
4. Unsatisfactory financial conditions by the Grantee and/or contractor, which endangers the grant's performance.
5. Delinquency by the Grantee and/or contractor in payment of taxes or the costs of performance of the grant in the ordinary course of business.
6. Appointment of a trustee, receiver, or liquidation for all or a substantial part of the Grantee's and/or contractor's property, or institution of bankruptcy, reorganizations arrangements, or liquidation proceedings by or against the Grantee and/or contractor.
7. Commission of an act of bankruptcy.

CONFLICT OF INTEREST

The Grantee will establish safeguards to prevent employees, consultants, or members of governing bodies from using their positions for purposes that are, or give appearance of being, motivated by the desire for private gain for themselves or others with whom they have ties, such as, family or business, etc.