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STATE OF NEW HAMPSHIRE  
DEPARTMENT of NATURAL and CULTURAL RESOURCES  
DIVISION of PARKS and RECREATION  
BUREAU of TRAILS

172 Pembroke Road Concord, New Hampshire 03301  
Phone: (603) 271-3254 Fax: (603) 271-3553 E-Mail: nhtrails@dncr.nh.gov  
Web: www.nhtrails.org

April 16, 2020

The Honorable Mary Jane Wallner, Chairman  
Fiscal Committee of the General Court

and

His Excellency, Governor Christopher T. Sununu  
and the Honorable Executive Council  
State House  
Concord, New Hampshire 03301

**REQUESTED ACTION**

Pursuant to RSA 14:30-a, VI, the Department of Natural and Cultural Resources, Division of Parks and Recreation, Bureau of Trails, requests authorization to accept and expend Northern Borders Regional Commission funds in the amount of \$110,000 for the purpose of creating a year round multi-use recreational trail surface effective upon Fiscal Committee and Governor and Executive Council approval through June 30, 2021. 100% Federal Funds.

Funds are to be budgeted in Fiscal Years 2020 and 2021 in the following account:

<b>Nrthrn Grant Littleton</b>				
<b>03-035-035-351510-19080000</b>				
<b>FY 2020/21</b>				
<b>Class</b>	<b>Description</b>	<b>Account</b>	<b>FY 2020 Requested Budget</b>	<b>FY 2021 Requested Budget</b>
<b>Revenue</b>				
000	Federal Funds	404341	(11,000)	(99,000)
<b>Totals:</b>			<b>(11,000)</b>	<b>(99,000)</b>
<b>Expense</b>				
020	Current Expenses	500200	500	34,500
022	Rent-Leases Other Than State	500257	2,989	16,901
041	Audit Fund Set Aside	500801	11	99
048	Contractual Maint – Build Grnds	500226	7,500	47,500
<b>Totals:</b>			<b>\$11,000</b>	<b>\$99,000</b>

**EXPLANATION**

The Northern Borders Regional Commission (NBRC) is a Federal-State partnership program for economic and community development. The original grant was awarded to the Town of Littleton, however the property is owned by the State of New Hampshire and the trail development project is being coordinated by the State. As such, the NBRC felt it would be better to have the State of NH and the Town of Littleton as co-applicants for the grant funds.

The rail corridor is owned by the State of NH. This section of corridor was formally abandoned for rail use in 2019, with the intention of creating a 6.8 mile year-round multi-use recreational trail. The NBRC grant is intended to create a trail surface that will allow for public recreational use by a variety of trail users. This trail section will connect to the existing Ammonoosuc Recreational Rail Trail (19 miles long). The funds will be used to remove the existing rails and ties on the grade and then improve the trail surface with an aggregate material, such as stone dust, improve drainage ditches, and protect and highlight several historic features along the railroad grade.

Work will be accomplished using equipment rental contracts, service contracts, and Bureau of Trails' staff. The Town of Littleton and Bureau of Trails are responsible for providing a 50% match for the grant. The match will be derived from the staff of the Town of Littleton and the Bureau of Trails that will work on this project and an existing Recreational Trails Program project account for this trail.

**The following appropriation authorities are being requested:**

**Class 20 – Current Expenses – Appropriations will be used for the purchase of aggregate materials, culverts and other construction materials.**

**Class 22 – Rent – Leases other than State – Appropriation will be used for the renting of construction equipment**

**Class 41 – Audit Fund Set Aside – Appropriations needed to pay required audit fees**

**Class 48 – Contractual Maint – Build Grnds– Appropriations will be used for contracting with vendors who provide construction project services**

In the event that Federal Funds become no longer available, General Funds will not be requested to support this project.

Respectfully submitted,



Sarah L. Stewart  
Commissioner



**Northern Border  
Regional Commission**

**Grant Agreement  
Between  
Northern Border Regional Commission**

**And  
Town of Littleton, NH**

**And  
NH Department of Natural and Cultural Resources**

**Amendment #2**

**July 8, 2019**

**NBRC Contract Number  
NBRC16GNH08**

**Federal Org Code  
708X TS10 TTS91210 TSXNH R22**

**Project Title: Littleton MultiUse Trail**

<p><b>Grantee/Recipient:</b> Town of Littleton Contact: Andrew Dorsett 125 Main Street, Suite 200, Littleton New Hampshire, 03561 603-444-3996 <a href="mailto:adorsett@townoflittleton.org">adorsett@townoflittleton.org</a></p>	<p><b>Grantor:</b> Northern Border Regional Commission Contact: Christine Frost 58 Pleasant Street, Suite 3602, Concord, NH 03301 202-590-0807 <a href="mailto:admin@nbrc.gov">admin@nbrc.gov</a> <a href="http://www.nbrc.gov">www.nbrc.gov</a></p>
<p><b>Co Applicant:</b> NH Department of Natural and Cultural Resources, Division of Parks &amp; Recreation, Bureau of Trails</p>	
<p>172 Pembroke Road – Concord, NH 03301      <a href="mailto:Chris.gamache@dncr.nh.gov">Chris.gamache@dncr.nh.gov</a>; 603-271-3254</p>	
<p><b>State Program Manager:</b> Mollie Kaylor      NH BEA</p>	

172 Pembroke Road, Concord NH 03301	<a href="mailto:mollie.kaylor@nh.gov">mollie.kaylor@nh.gov</a> ; 603-271-2341

Grantee's EIN:	02-6000495
Date of Award:	August 1, 2016
Date of Amendments	02/05/2018; 07/08/19
Total Project Amount:	\$220,000
Amount of Federal NBRC Funds Awarded:	\$110,000
Total Other Funds:	\$110,000
CFDA Number and Name:	#90.61 /Economic and Infrastructure Development Grant Program
Project Description:	The project will construct 3/4 of a mile of gravel trail.
Infrastructure Award:	Yes
Approved Indirect Cost Rate:	N/A
Reimbursement Rate:	50%

***I. Grant Provisions Specific to This Award***

- I. **Statement of Purpose** - Incorporation of Proposal: This agreement implements a grant made under the authorities of 40 USC Subtitle V, to provide funding to the Town of Littleton, New Hampshire. This project shall be carried out in general accord with Grantee's proposal, received at Northern Border Regional Commission (NBRC) on June 17, 2016. Grantee's proposal is incorporated by reference. To the extent this agreement conflicts with the incorporated proposal, this Agreement shall control.
- II. **Order of Precedence:** This grant agreement is subject to the provisions of 40 USC Subtitle V, this Grant Agreement, the NBRC Federal Grant Program Eligibility and any Clarification Notes, the General Federal Grant Provisions, and any incorporated Supplements. Any conflict among these provisions shall be resolved giving precedence to these authorities in the order in which they are listed above.

- III. **Period of Performance:** The grant period of Performance shall be October 1, 2016, through September 30, 2020.
- IV. **Contract Number:** The contract number that has been assigned to this project must be included in any and all communications regarding this award, this includes filing progress reports and reimbursement requests as well as incidental communication and inquiries.
- V. **Obligation of Funds:** The following items are required to be filled with NBRC no later than September 1, 2016, to ensure that funds are obligated for this specific project in the current federal fiscal year.

§ N/A

- VI. **Notice to Proceed:** No work may begin prior to receiving a Notice-To-Proceed from NBRC. No documented match or invoices generated by the Recipient will be considered part of the project prior to the date on the Notice-To-Proceed issued by NBRC. The following items are required prior to receiving a Notice-To-Proceed:

§ N/A

VII. **Project Scope:**

- A. Implement one (3/4) mile of multimodal trail system, including OHRV and incorporate ADA improvements.

VIII. **Reporting Requirements:**

- A. **Progress Reports:** Using the Performance Progress Report (SF-PPR), each Recipient is required to provide quarterly progress reports beginning October 1, 2016. Reports are due as follows:

Reporting Period: October 1 - December 31 - Report Due January 31  
Reporting Period: January 1 - March 30 - Report Due April 30  
Reporting Period: April 1 - June 30 - Report Due July 31  
Reporting Period: July 1 - September 30 - Report Due October 30

- B. **Financial Reports:** The SF-425 Federal Financial Report is due on October 30 of each federal fiscal year (October 1 to September 30) and 45 days after the close of the project.

- IX. **Budget:** Under the terms of the Award, the total approved/authorized budget is: \$220,000. Costs will be determined in general accord with the budget outlined in the proposal or subsequently negotiated. Grantees must obtain prior written approval when any line item within the budget is changed by more than 10% of the line item. NBRC will reimburse 50% of each reimbursement request received, with a maximum of \$110,000 total funds.

- X. **Matching Share of Project Costs:** Prior to receipt of Notice To Proceed and any initial disbursement of funds, the Total Project Costs must be identified. Form NBRC1002 must be submitted identifying all match that will be used in order to complete the project.

Budget	
Administration	\$5,500
Real Estate, Easements, etc	
Architectural and Engineering/Other Contractual/Professional Services	\$26,000
Construction	\$188,500
Equipment	
Supplies	
Travel	
Personnel & Fringe	
Indirect Costs	
Sub-Awards	
Total	\$220,000

XI. **Program Income:** N/A

XII. **Architect/Engineer Agreement:** The agreement must provide for all services required by the Recipient for the design and engineering phases of the project. The recipient must select the architect/engineer in accordance with the procurement standards set forth in 12 C.F.R. 200.319. The "cost-plus-a-percentage-of-cost" and "percentage of construction cost" methods of contracting are specifically prohibited.

XIII. **Construction Management Agreement:** The award and compensation for Construction Management services are subject to the same rules as those for architect/engineer services. The Construction Management Agreement must spell out who is responsible for construction inspection, approval of construction and supply contracts, change orders and other areas of possible conflicts (i.e., the division of responsibility and authority between the Recipient, the Architect/Engineer and the Construction Management).

XIV. **Contracts and SubAwards:**

Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the Recipient entity under the Federal award must contain provisions covering the following, as applicable.

**All Contracts:**

- Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in

accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

- Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

**Contracts in excess of \$10,000:**

- All contracts in excess of \$10,000 must address termination for cause and for convenience by the Recipient entity including the manner by which it will be effected and the basis for settlement.

**Contracts in excess of \$100,000:**

- Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the Recipient in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
- Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

**Contract in excess of \$150,000:**

- Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the Recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- Contracts over \$150,000, authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(i) See §200.322 Procurement of recovered materials.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014]

- XV. **Method of Payment:** Prior to the initial disbursement, Recipients must complete the SF-3881, "ACH Vendor/Miscellaneous Payment Enrollment Form" and submit it to the NBRC at [admin@nbrc.gov](mailto:admin@nbrc.gov). In order to receive payments, Recipients must submit an SF-270 "Request of Reimbursement" for the applicable period electronically to [admin@nbrc.gov](mailto:admin@nbrc.gov). NBRC will review and process the request. All payments will be on a reimbursable basis. NBRC will reimburse 18.84% of each reimbursement request received, with a maximum of \$110,000 total funds.
- XVI. **Sub-Awards:** N/A
- XVII. **Procurement of Real or Other Property and/or Equipment:** N/A
- XVIII. **Performance Measures:** Performance measures will be collected through a survey at project close out and three years after project close out.
- A. **GPRA:** The recipient agrees to report on program performance measures and program outcomes in such form and at such intervals as may be prescribed by NBRC in compliance with the Government Performance and Results Act (GPRA) of 1993. Performance measures and reporting requirements that presently apply to program activities funded by this grant will be provided in a separate GPRA information collection document.
- B. **Project Specific Performance Measures:**
1. **Increase number of trail users**
  2. **Increased property values along the trail**
- XIX. **Project Close Out:** Every Recipient is required to provide a final report. Reports are due 45 days after the close of the project. The Performance Progress Report SF-PPR must be used for all reports. Additionally, a final financial report will be required 45 days after the close of the project. Five percent (5%) of the NBRC award will be held until a final reports are received from the grantee.
- XX. **Receipt of Financial Award:** A signed copy of this contract must be returned to NBRC via mail or email at [admin@nbrc.gov](mailto:admin@nbrc.gov) on or before September 1, 2016. If this deadline cannot for any reason be met you must contact Christine Frost at 202-590-0807 immediately. If arrangements have not been made and a signed contract has not been received by September 1, 2016, the Federal Co-Chair may assign these funds to other propriety projects within your state.
- XXI. **Acknowledgements:** The Recipient is responsible for acknowledging NBRC support during news media interviews that discuss work supported by NBRC. A statement of acknowledgement of funding in marketing materials, feasibility study, business or marketing plans, preliminary cost estimates, training materials, website home page, etc. is required to the effect that: "*Funding for this (project) was made possible in part with a*

*grant from Northern Border Regional Commission*" All materials published in whole or part with the proceeds of this grant shall contain notice and be identified by language to the following effect: "This publication is the result of tax-supported funding from NBRC, and as such is not copyrightable. It may be reprinted with the customary crediting of the source." Additionally NBRC requests, where appropriate, the use of its logo, which can be obtained by requesting such logo at [admin@nbrc.gov](mailto:admin@nbrc.gov).

### ***General Federal Grant Provisions***

I. **Recipient's Duty to Refrain from Employing Certain Government Employees:** For the grant period of performance, the Recipient (s) agree that it will not employ, offer any office or employment to, or retain for professional services any person who:

(I) On the date the NBRC executed this award or with the one-year period ending on that date, served as an officer, attorney, agent, or employee of NBRC; and

(II) Occupied a position or engaged in activities that the Federal Co-Chair determines involved discretion with respect to the award of NBRC.

The associated restrictions referenced above also shall apply beginning on the date of the NBRC executes any cost amendment to this award that provides additional funds to the Recipient.

II. **Audit Requirements:** Applicable audit requirements are contained in 2 C.F.R 200.

III. **Goals for Women and Minorities in Construction:** Consistent with 2C.F.R 200.321 non-Federal entities may take necessary steps to assure that minority and women's business and labor surplus area firms are used when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

IV. **Freedom of Information Act and Record Retention:** NBRC is responsible for meeting its Freedom of Information Act (FOIA) (5 U.S.C. 522) responsibilities for its records. Consistent with 2 CFR 200.333, financial records, supporting documents, statistical records and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report.

V. **Transparency Act Reporting.** All Recipients of awards are required to comply with reporting requirements under the Federal Funding Accountability and Transparency Act of 2006 (Transparency Act).

VI. **Allowable Costs:** The following list provides some of the more prominent allowable and unallowable costs, this is not an exhaustive list. For a more complete list reference 2 C.F.R. 200.

**Advertising and public relations. §200.421 Allowable**

The only allowable advertising costs are those which are solely for:

- (1) The recruitment of personnel required by the non-Federal entity for performance of a Federal award (See also §200.463 Recruiting costs);
- (2) The procurement of goods and services for the performance of a Federal award;
- (3) The disposal of scrap or surplus materials acquired in the performance of a Federal award except when non-Federal entities are reimbursed for disposal costs at a predetermined amount; or
- (4) Program outreach and other specific purposes necessary to meet the requirements of the Federal award.

**Alcoholic beverages. §200.428 Unallowable**

**Bad debts. §200.426 Unallowable**

**Bonding costs. §200.427 Allowable**

(a) Bonding costs arise when the Federal awarding agency requires assurance against financial loss to itself or others by reason of the act or default of the non-Federal entity. They arise also in instances where the non-Federal entity requires similar assurance, including: bonds as bid, performance, payment, advance payment, infringement, and fidelity bonds for employees and officials.

(b) Costs of bonding required pursuant to the terms and conditions of the Federal award are allowable.

(c) Costs of bonding required by the non-Federal entity in the general conduct of its operations are allowable as an indirect cost to the extent that such bonding is in accordance with sound business practice and the rates and premiums are reasonable under the circumstances.

**Compensation—fringe benefits. §200.431 Allowable**

Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave (vacation, family related, sick or military), employee insurance, pensions, and unemployment benefit plans. Except as provided elsewhere in these principles, the costs of fringe benefits are allowable provided that the benefits are reasonable and are required by law, non-Federal entity-employee agreement, or an established policy of the non-Federal entity.

**Contributions and donations. §200.434 Unallowable**

**Entertainment costs. §200.438 Unallowable**

**Equipment and other capital expenditures. §200.439 Allowable**

These need to be specific to the purpose of the award. See §§200.13 Capital expenditures, 200.33 Equipment, 200.89 Special purpose equipment, 200.48 General purpose equipment, 200.2 Acquisition cost, and 200.12 Capital assets.

**Fines, penalties, damages and other settlements. §200.441 Unallowable**

**Fund raising and investment management costs. §200.442 Unallowable**

**Goods or services for personal use. §200.445 Unallowable**

Costs of goods or services for personal use of the non-Federal entity's employees are unallowable regardless of whether the cost is reported as taxable income to the employees.

**Interest. §200.449 Unallowable**

**Lobbying. §200.450 Unallowable**

**Losses on other awards or contracts. §200.451 Unallowable**

**Materials and supplies costs, including costs of computing devices. §200.458 Allowable**

**Pre-award costs. §200.458 Unallowable** Unless specifically outlined in the grant agreement.

**Professional service costs. §200.459 Allowable**

Costs of professional and consultant services rendered by persons who are members of a particular profession or possess a special skill, and who are not officers or employees of the non-Federal entity, are allowable, subject to paragraphs (b) and (c) when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Federal Government. In addition, legal and related services



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**Amendment #2**

July 8, 2019

**NBRC Contract Number**  
**NBRC16GNH03**

**Federal Org Code**  
**708X TS10 TTS91210 TSXNH R22**

Sarah Stewart, Commissioner - DNCR  
Recipient's Authorized Representative Name and Title (print)

Sarah Stewart 7/18/19  
Recipient's Authorized Representative (signature) date

Andrew Dorsett, Town Manager  
Recipient's Authorized Representative Name and Title (print)

Andrew Dorsett 7/22/19  
Recipient's Authorized Representative (signature) date

**Harold B. Parker, Federal Co-Chair**  
NBRC Authorized Representative Name and Title (print)

NBRC Authorized Representative (signature) date

are limited under §200.435 Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements.

**Proposal costs. §200.460 Allowable**

Proposal costs are the costs of preparing bids, proposals, or applications on potential Federal and non-Federal awards or projects, including the development of data necessary to support the non-Federal entity's bids or proposals. Proposal costs of the current accounting period of both successful and unsuccessful bids and proposals normally should be treated as indirect (I&A) costs and allocated currently to all activities of the non-Federal entity. No proposal costs of past accounting periods will be allocable to the current period.

**Publication and printing costs. §200.461 Allowable**

Publication costs for electronic and print media, including distribution, promotion, and general handling are allowable. If these costs are not identifiable with a particular cost objective, they should be allocated as indirect costs to all benefiting activities of the non-Federal entity.

**Selling and marketing costs. §200.467 Unallowable**

Costs of selling and marketing any products or services of the non-Federal entity (unless allowed under §200.421 Advertising and public relations) are unallowable, except as direct costs, with prior approval by the Federal awarding agency when necessary for the performance of the Federal award.

**Training and education costs. §200.472 Allowable**

The cost of training and education provided for employee development is allowable.

**Transportation costs. §200.478 Allowable**

See §200.473 for specifics.

**Travel costs. §200.474 Allowable**

- VII. **Procurement:** Appendix II of 2 CFR 200 will guide the work of all Recipients and sub-recipients that are awarded funds through NBRC.
- VIII. **Non-Relocation:** In signing this award of financial assistance, Recipient attests that NBRC funding is not intended by the Recipient to assist its efforts to induce the relocation, or the movement of existing jobs from one region to another region in competition with those jobs. In the event that NBRC determines that its assistance was used for such purposes, NBRC retains the right to pursue appropriate enforcement action, including suspension of disbursement of a debt requiring the Recipient to reimburse NBRC.