

GRANTS AND COOPERATIVE AGREEMENTS PROGRAM REGULATIONS

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Documents Incorporated By Reference:

- General Information (Rev. 1/11)
- Environmental Review Data Sheet (Rev. 1/11)
- Project Cost Estimate (Rev. 1/11)
- Habitat Management Program (HMP) Part 2 (Rev. 1/11)
- Payment Request (Rev. 1/11)
- Evaluation Criteria - General Criteria (Rev. 1/11)
- Evaluation Criteria – Acquisition Project Criteria (Rev. 1/11)
- Evaluation Criteria – Development Project Criteria (Rev. 1/11)
- Evaluation Criteria – Education and Safety Criteria (Rev. 1/11)
- Evaluation Criteria – Ground Operations Project Criteria (Rev. 1/11)
- Evaluation Criteria – Planning Project Criteria (Rev. 1/11)
- Evaluation Criteria – Restoration Project Criteria (Rev. 1/11)

Chapter 15

OFF-HIGHWAY MOTOR VEHICLE RECREATION GRANTS AND COOPERATIVE AGREEMENTS PROGRAM REGULATIONS

4970.00. APPLICATION OF CHAPTER

California Code of Regulations (CCR), Title 14, Division 3, Chapter 15 applies only to Grant and Cooperative Agreement Applications received by the Off-Highway Motor Vehicle Recreation (OHMVR) Division on or after January 41, ~~2010~~ 10, 2011.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.

Reference: Sections 5090.01-5090.70, Public Resources Code.

4970.01. DEFINITIONS

The words used in this chapter have the following meanings whenever the words are capitalized:

- (z) "Indirect Costs" means expenses incurred for the management and administration of a project, ~~which by their nature cannot be readily identified and directly charged to a project~~ (e.g., utility costs, accounting services, contract administration, postage, management personnel, telephone bills, etc.)

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.

Reference: Sections 5020.1(j), 5024.1, 5090.07, 5090.10, 5090.11, 5090.32, 5090.35, 5090.50, 5090.53, Public Resources Code; Sections 38001 and 38006, Vehicle Code, 25 CFR Section 83.5(a); Sections 210.3 and 66010.4, Education Code; and U. S. IRC Section 501(c)(3).

4970.05. GENERAL APPLICATION REQUIREMENTS

- (a) The 2008 Grants and Cooperative Agreements Program Regulations – Appendix (Rev. ~~4/10~~ 1/11) (hereinafter Appendix) and all of its contents and subsequent revisions adopted through the rulemaking process are hereby incorporated by reference.
- (f) All Applicants shall provide matching funds or the equivalent value of services, or material, in an amount not less than twenty-five percent (25%) ~~per Project of the total Project cost as identified on the Project Cost Estimate (rev.1/11)~~.
- (1) All items of expense applied towards matching funds shall be applicable to the Project and shall be documented the same as any other item of expense.
 - (2) The same match expenses shall not be duplicated for multiple Projects.
 - (3) Cash value for volunteer time shall be determined using the agency's hourly reimbursement rate for the paid classification that most closely matches the duties performed by the volunteer. Cash value for salaried employee time shall be based on the agency's hourly reimbursement rate for the classification.

- (4) Any item of expense that would be eligible as a Project cost is also eligible as a match.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.

Reference: Sections 5090.32 and 5090.50, Public Resources Code.

4970.08. ELIGIBLE PROJECT COSTS

- (a) Eligible Project costs are the costs directly related to the work identified in the Project Description. Additionally, the Applicant may receive reimbursement up to ten fifteen percent (4015%) reimbursement of the requested amount for Indirect Costs.
- (b) Examples of eligible costs include but are not limited to:
 - (1) For acquisition projects only, pPreliminary acquisition costs for contract preparation, acquisition appraisal, and negotiation,
 - (2) Costs for an employee directly engaged in OHV Project implementation, or the first level supervisor of said employee, subject to the following:
 - (A) Costs shall be computed according to the prevailing wage (for contracted services) or salary scale (for Applicant's staff), and may include benefits (i.e., vacation, sick leave, and social security contribution) that are customarily charged by the Grantee or contractor. Personnel benefit charges shall be calculated in proportion to the actual time worked on an OHV Project.
 - (B) Costs charged to an OHV Project shall be computed on actual time worked on the Project and supported by timesheets and attendance records or comparable documentation describing the work performed on the OHV Project.
 - (C) Costs for overtime are allowed under the Grantee's established overtime policy.
 - (D) Costs for direct Project supervision.
 - (3) Stipends paid to volunteers according to the Grantee's normal practice or policy,
 - (4) Travel expenses and per diem for federal agencies shall not exceed the established federal rates. All non-federal agency Applicants shall not exceed the rates paid to Exempt, Excluded, and Represented State of California employees. The rates are posted at <http://www.dpa.ca.gov/personnel-policies/travel/hr-staff.htm>.
 - (5)(4) Costs associated with Equipment acquired with Grantee's funds and used for an OHV Project shall be charged on a use basis in accordance with the Applicant's local fair market rental rates but shall never exceed the Grantee's actual cost. The Grantee may not charge a use fee for vehicles or Equipment purchased with OHV Trust Funds, except for fuel and minor maintenance costs,
 - (6)(5) Supplies and materials, including personal safety items, may be purchased for a specific OHV Project or may be drawn from a central stock, provided the items are claimed at a cost no higher than the original purchase price paid by the Grantee,
 - (7)(6) Construction activities, from site preparation (e.g., demolition, excavation, grading, etc.) through completion of the structure or Facility,

- ~~(8)~~(7) Relocation costs that result from the displacement of a person and/or business, in accordance with California Government Code Sections 7260-7277 or the agency's applicable law if different from California law,
- ~~(9)~~(8) Grantee insurance premiums for hazard and liability insurance for an OHV Facility,
- ~~(10)~~(9) Transportation costs for moving Equipment, material, and personnel (excluding moving and relocation expenses resulting from changes in assignments),
- ~~(11)~~(10) Preparation and publication of maps and/or handouts may be included as part of any related Project,
- ~~(12)~~(11) Rent or lease of facilities or Equipment to complete the Project, provided that the lease shall be fair market value or Grantee's actual cost, whichever is less and shall be proportionate to the area of the facility used for the Project. Utilities to operate these facilities are eligible provided the utilities are documented separately from any rent or lease costs,
- ~~(13)~~(12) Equipment:
 - (A) Equipment purchase or repair shall be requested as part of the Application for a specific Project.
 - (B) Equipment repair shall be due to normal wear and tear and may include major mechanical overhaul or replacement of parts if it is shown by a financial analysis in the Application that repair is more cost effective than the purchase of a new piece of Equipment.
 - (C) Equipment shall be used for OHV related purposes unless the Applicant is funding the portion of the purchase price not dedicated to OHV purposes, and
 - (D) For Nonprofit Applicants, the maximum grant request for Equipment purchases shall not exceed \$15,000 per item and the cumulative Equipment purchase total shall not exceed \$30,000 per Applicant.
- ~~(14)~~(13) Costs associated with site-specific Project planning such as design, permitting, or CEQA or NEPA analysis.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
Reference: Sections 5090.32, 5090.50, Public Resources Code.

4970.09. INELIGIBLE PROJECT COSTS

(b) Examples of ineligible Project costs include but are not limited to:

- (10) Any Project cost more appropriately funded by other Division programs or reimbursed by any other funding source,

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
Reference: Sections 5090.32 and 5090.50, Public Resources Code.

4970.13. EDUCATION AND SAFETY

- (e) Examples of Deliverables
 - (1) Education program Deliverables may include, but are not limited to the following:
 - (A) Classroom or field training,
 - (B) Maps and brochures,
 - (C) Internet website, trail and interpretive signage, and
 - (D) Voluntary sound testing station.
 - (2) Safety program Deliverables may include, but are not limited to the following:
 - (A) Search and rescue,
 - (B) Safety equipment loan program, and
 - (C) First aid stations.
- (f) Project-Specific Application Requirements

In addition to the common requirements listed in Section 4970.05, Applications for Education and safety Projects shall include a Project Description. The Project Description shall provide sufficient clarity such that those not familiar with the agency or Project can understand what the Applicant intends to do. The description shall include:

 - (1) A statement of the activity or product the Applicant proposes to create or undertake, including the primary message of Education projects,
 - (2) How the proposed Project relates to OHV Recreation and will add to, enhance, or otherwise sustain OHV Recreation or OHV Opportunity in the Project Area,
 - (3) Identification of the needs the Project will address,
 - (4) Location where training/services will be conducted, and
 - (5) If the proposed Project contains an Education element, a description of how the Project teaches OHV safety, environmental responsibility, and respect for private property.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
Reference: Sections 5090.32 and 5090.50, Public Resources Code.