

Hurricane Sandy HPF Grant Agreement

Connecticut State Historic Preservation Office

The grantee shall not assign or otherwise transfer final responsibility for this Grant Agreement, the grant, or the project to any third party. The execution of subcontracts shall not alter or modify the obligations of the grantee. However, the grantee may subcontract for performance of project-related work summarized in this Grant Agreement. The grantee must administer this grant award free from conflict of interest, bribery, "kickbacks," cost-plus-a-percentage-of-costs contracts, and other procurement practices prohibited by 43 CFR 12.944 and as described in the Historic Preservation Fund Grants Manual (2007 revision).

SHPO	Special Conditions:
	#1. Scope of Work and Budget: The funds provided by this grant are intended to preserve the historic and archeological resources impacted by Hurricane Sandy. P.L. 113-2 stipulates that this funding shall be used for the preservation, stabilization, rehabilitation, and repair of historic properties damaged by Hurricanes Sandy in federally declared disaster locations per the Stafford Act, and listed in or considered eligible for listing in the National Register of Historic Places. Non-Federal matching share is not required for this grant award; however, as part of the reporting requirements to the NPS it must be tracked.
	#2. OMB Administrative Requirements: The requirements of the <i>Historic Preservation Fund Grants Manual (HPF Grants Manual)</i> shall apply to this grant award except where its provisions are specifically superseded by 43 CFR 12, Subpart C, Uniform Administrative Requirements for Grants to State and Local Governments. All Assurances of Compliance required by Chapter 7 of the <i>HPF Grants Manual</i> must be submitted to NPS. Evidence of compliance with any E.O. 12372 process established by the State must also be submitted to NPS, unless the State's Governor has determined that the HPF grant is not included in the programs subject to review and comment by the Single Point of Contact.
	#3. Limitations on Grant Expenditures and Preagreement Costs: The term of availability of these grant funds is from December 1, 2013, through September 30, 2015. All costs incurred must be billed to NPS within 90 days of the end date of this agreement as amended. This Grant Agreement authorizes preagreement costs approved by the SHPO beginning October 22, 2012. All costs must be incurred by the end date specified above (unless the Grant Agreement's end date is formally extended in writing by NPS). Such expenditures may not exceed the maximum limits shown on this grant award, or amendments subsequently approved in writing by NPS.
	#4. Eligible Activities: Funds shall be used for eligible predevelopment or development work, eligible review and compliance activities, and National Register nomination work as defined in Chapter 6, Sections J, I, K, M and O of the <i>HPF Grants Manual</i> . All of the activities defined in those sections apply unless specifically stated to the contrary in this grant agreement (see Special Condition #5, Ineligible Activities). Funds may also be used for workshops or individual technical assistance and advice to local government officials and property owners about preserving historic resources affected by the hurricanes, or for the recordation and survey of damaged structures in accordance with Chapter 6, Section D of the <i>HPF Grants Manual</i> . Only damage resulting from Hurricane Sandy is eligible for assistance, and all development work must only be directed to properties listed or eligible for listing in the National Register of Historic Places. Additionally, this funding may be used to: 1) hire additional term, temporary, or contractor staff to enable the SHPOs to expeditiously conduct the reviews of all Federally funded or sponsored projects required by Section 106

	<p>of the National Historic Preservation Act</p> <ol style="list-style-type: none"> 2) offer preservation technical assistance to local government officials and to owners of properties listed in or considered eligible by the State Historic Preservation Officer for listing in the National Register of Historic Places 3) develop architectural/engineering plans and specifications, economic feasibility studies, survey and damage assessments, construction work to stabilize and repair historic and archeological properties, and survey of hurricane-damaged properties.
	<p><u>#5, Ineligible Activities:</u> Acquisition of real property is not an eligible cost for assistance from this emergency funding. Reconstruction is limited to portions of a historic property that still retain (prior to reconstruction) sufficient significance and integrity to remain listed in the National Register. Total reconstructions are not eligible for grant assistance. If specific features or elements of a building or landscape are missing and thus need to be recreated, this work is potentially eligible for funding (provided adequate historical documentation is available). Major reconstruction projects, such as recreating a building or landscape that has been completely destroyed, are not eligible for grant assistance because vanished structures, by definition, have lost their integrity and therefore are no longer eligible for the National Register of Historic Places, or for grant assistance.</p>
	<p><u>#6, Properties Prohibition:</u> In accordance with Justice Department policy regarding separation of Church and State, no development projects for properties operated or owned religious institutions may be funded with HPF grant assistance. The Justice Department issued a legal opinion in 2003 that authorized the award of Save America's Treasures grants to nationally significant religious structures. This opinion did not, however, extend authorization to other HPF grant activities. Further, section 101(e)(4) of the National Historic Preservation Act prohibits grant assistance for the acquisition of religious properties.</p> <p>Additionally, federally owned properties are not eligible for assistance from this grant (see Chapter 13, Part D.14 of <i>The Historic Preservation Fund Grant Manual</i>).</p>
	<p><u>#7, Equipment Purchases Exceeding \$5,000:</u> Prior to the expenditure of grant funds, grantees must submit a request for written NPS authorization for any equipment purchase not specifically listed in this grant application with an individual unit cost of more than \$5,000. Grantees must maintain a property inventory record and comply with the property management requirements of OMB Circular A-102 (as codified in 43 CFR 12.71-73) and the HPF Grants Manual, Chapter 19, for all equipment purchased with HPF grant funds.</p>
	<p><u>#8, Distribution of Time:</u> Personnel costs charged to the HPF grant for employees who work on more than one Federal grant program (e.g., an HPF grant and a National Endowment for the Humanities grant), or who work partly on HPF-eligible work and partly on non-eligible work, must be documented by time distribution records that support the number of hours and the corresponding personnel costs charged to the HPF grant, in accordance with OMB Circular A-87, Attachment B, Item 11.h., and with Chapter 13, Section B.12.h. of the HPF Grants Manual.</p>
	<p><u>#9, Limitation on Administrative and Indirect Costs:</u> No more than 5% of the grant award may be used for administrative costs. This limitation applies to the sum of the direct costs of administration and any indirect costs charged by the State pursuant to a current federally approved indirect cost rate.</p> <p>Administrative costs are those costs defined in the HPF Grants Manual, Chapter 6, Section F.1, and in Chapter 7, Exhibit 7-B. Note: This limitation applies to SHPO administrative costs only; it does not apply to the administrative costs incurred by subgrantees.</p>

	<p>#10, Lobbying Prohibition: None of the funds awarded may be used to process any grant or contract documents, which do not include the text of 18 U.S.C. 1913 prohibiting lobbying with appropriated funds. Recipients shall not use any part of the appropriated funds for any activity or for the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete.</p>
	<p>#11 Procurement and Reimbursement: All procurement procedures must follow the minimum Federal requirements outlined in 43 CFR 12.76. However, if a State’s governing authority has suspended competitive bidding requirements for State agencies because of the hurricane emergency, then NPS will concur with the State’s procurement procedures. In addition, public health and safety emergency situations may justify noncompetitive procurement awards if the State’s Contracting Officer includes a justification in the SHPO’s files. Prospective bidders must be aware of the involvement of Federal funds and that consequent applicable Federal and State requirements must be met. Additionally, no funding from this program may be advanced into a project without approval from the NPS. The eligible grant expenses should be made on a reimbursement-only basis to a subgrantee.</p>
	<p>#12 Obligation of Subgrant Awards: Funds not obligated within one year from the start date of the grant agreement are subject to recapture and reallocation to other grantees. NPS will use the Disaster Recovery Interim Progress Report described in Special Condition #13, below, to assess the State’s use and expenditure of funds. NPS may recapture and reallocate funds to other grantees if a State is not making prompt and effective use of its grant.</p>
	<p>#13, Performance Reports: Interim Performance Reports must be submitted to NPS on a quarterly basis during the grant period, with the initial Performance Report due not later than three months from the beginning date of this agreement. An acceptable Final Performance Report must be submitted within 90 days of the end date of this agreement or as amended. Quarterly Interim Reports and the Final Report must include the SF-425, <i>Federal Financial Report</i>, which is used to document financial obligations and outlays during the previous reporting period. Failure to submit acceptable progress reports by the dates specified, and in the format prescribed by NPS, may result in suspension of funds or other action. NPS requires that the grantee keep photographic records of all grant funded work. The Final Report must include no less than two images of every project completed with this grant funding.</p> <p>The goals of this grant program include expediting the repair of damaged communities and assisting residents to return to their homes, communities, and businesses. To that end, the NPS encourages States to include photographs submitted with the Final Performance Report that document both properties repaired with this grant assistance, as well as representation of residents, families and businesses, that have returned to their communities as a result of this grant assistance.</p> <p>Quarterly Interim and Final Reports should be sent to: Jenifer Eggleston National Park Service 1201 I (Eye) Street, NW, 6th Floor (Org. Code 2256) Washington, DC 20005</p> <p>The grantee agrees to maintain close liaison with the NPS Grant Awarding Official throughout the grant period. NPS reserves the right to request meetings, upon reasonable notice, with grantee project staff at intervals during the course of project work.</p>
	<p>#14, Project Notifications: Project Notifications for each subgrant/contract exceeding \$25,000 Federal share from this award, or involving National Historic Landmarks regardless of the amount of the Federal share, must be submitted to NPS at least 20 calendar days <u>prior</u> to the award of the subgrant/contracting accordance with Chapter 8, Section F, of the HPF Grants Manual. All Project</p>

		Notifications must include the SHPO certification required by Chapter 8, Exhibit 8-A, of the <i>HPF Grants Manual</i> (as applicable to the type of project), must specify the proposed outcome to be achieved with the grant, must be entered into the Project Notification tracking chart (provided by the NPS), and must supply at minimum two images of the resource.
		#15, Final Project Reports: Acceptable Final Project Reports from all subgrant projects exceeding \$25,000 Federal share, or involving National Historic Landmarks regardless of the amount of the Federal share, must be submitted to NPS within 90 calendar days of the completion of each subgrant, in accordance with Chapters 3 and 25 of the <i>HPF Grants Manual</i> . Failure to comply will result in suspension payments and/or other sanctions in accordance with Chapter 22 of the <i>HPF Grants Manual</i> . All final project reports must be submitted to NPS using the Project Notification tracking chart and must provide at minimum two images of the completed grant funded work.
		#16, Debarment and Suspension: In accordance with Executive Order 12549 “Debarment and Suspension” the grantee and its subgrantees must not make any award or permit any award (by subgrant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549.
		#17, Financial Audit. The grantee shall obtain an audit of grant expenditure records in accordance with OMB Circular A-133, which requires a Single Agency Audit for any grantee who expends at least \$500,000 of Federal grant funds (from all sources) in a fiscal year. The single audit must be performed in accordance with <i>Government Auditing Standards</i> (the Yellow Book) and cover the entire grant operations. The grantee is responsible for making sure a completed SF-SAC (Data Collection Form for Reporting on Audits of States, Local Governments, and Non-Profit Organizations) and Single Audit reporting package is submitted to the Federal Audit Clearinghouse within 30 days after receipt of the auditor’s report or 9 months after the end of the State’s fiscal year (i.e., if the State’s fiscal year end date is June 30, then the 9 month due date is March 30), or whichever is earlier. The Single Audit reporting package includes a completed: Form SF-SAC, Financial Statement(s), Schedule of expenditures of Federal Awards, Summary Schedule of Prior Audit Findings, Opinion on Financial Statements, Report on Internal Control-GAS, Report on Compliance-GAS, Report on Internal Control-A-133, Report on Compliance-A-133, Schedule of Findings and Questioned Costs, Corrective Action Plan (if findings) and Opinion or Disclaimer of Opinion on Schedule of Federal Awards. The Form SF-SAC must be signed by a senior level representative of the grantee and the auditor must also sign the form. The Form SF-SAC and Single Audit reporting package must be submitted on-line. The audit package must be submitted to the clearinghouse by on-line submission to: http://harvester.census.gov/fac/collect/ddeindex.html . Basic questions regarding the submission or processing of your Single Audit package should be directed to the Federal Audit Clearinghouse at: (800) 253-0696 or e-mail: govs.fac@census.gov . A reasonable proportion of the costs of an acceptable audit performed may be charged to this grant. Failure to comply with this Special Condition may result in withholding of payments or other sanctions as appropriate.
		#18, Record Keeping: The grantee must maintain the property, personnel, financial, procurement and other records and accounts pertinent to the funds awarded by this grant in accordance with 43 CFR 12. The grantee, and its contractors will permit on-site inspections by NPS representatives, and will effectively require property owners, employees and board members to furnish such information as, in the judgment of NPS representatives, may be relevant to a question of compliance with grant conditions and directives on the effectiveness, legality and achievements of project work.
		#19, Access to Records: The Secretary of the Interior and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of financial

	or programmatic audit and examination to any books, documents, papers, and records of the grantee that are pertinent to the grant at all reasonable times during the period of retention provided for in 43 CFR 12.
	#20, Publicity and Press Releases: Press releases about this project must acknowledge the grant assistance provided by the Historic Preservation Fund of the National Park Service, and copies of the press releases must be provided to NPS. The grantee must transmit notice of any public ceremonies planned to publicize the project or its results in a timely enough manner so that NPS, Department of the Interior, Congressional or other Federal officials can attend if desired.
	#21, Publications: The grantee must include acknowledgment of grant support from the Historic Preservation Fund hurricane grant program of the National Park Service, and a nondiscrimination statement in all publications and videos assisted with grant monies and/or concerning NPS grant-assisted activities. At least two copies of each publication and video concerning NPS grant-assisted activities, or published with NPS grant assistance, must be furnished to the NPS Grant Awarding Official within 30 calendar days of publication. All publications, including video and audio tapes, must contain the following disclaimer and acknowledgement of NPS support: <i>This material is based upon work assisted by a grant from the Department of the Interior, National Park Service. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Department of the Interior.</i> All consultants hired by the grantee must be informed of this requirement. The National Park Service shall have a royalty-free right to republish any published material generated by this grant.
	#22, Prior Approval Requirements: The grantee may not, without written approval by the NPS grant awarding official (that official whose signature/title appears on the grant award document, or his designee), make changes in the approved scope of work or budget that would substantively alter the approved scope of work (43 CFR 12.925).
	#23, Approved Budget and Scope of Work: Please see appendix A of this grant agreement to find the approved state action plan and SF-424A & SF-424C forms. These documents outline the approved scope and budget for this grant.
	#24, Conformance to the Secretary of the Interior's Standards: The subgrantee must submit documents for grant funded work (the undertaking) to the SHPO for review and approval to ensure conformance with <i>the Secretary of the Interior's Standards for the Treatment of Historic Properties</i> , and with the conditions listed in the grant agreement prior to the beginning of grant-assisted repair work at the property. In addition, if the project was completed prior to the subgrant selection due to the recovery needs of historic resources in the immediate wake of the disaster, the SHPO's office will document and verify, with the assistance of the subgrantee, that the completed project conforms to the applicable Standard. Work that does not comply with these Standards in the judgment of the SHPO will not be reimbursed, and may cause the grant to be terminated and any expended funds to be returned.
	#25, Compliance with Section 106 of the National Historic Preservation Act: Pursuant to Section 106 of the National Historic Preservation Act, the NPS has agreed that SHPO/THPOs for this Emergency Supplemental HPF grant assistance must initiate consultation and must complete the consultation process stipulated in the regulations issued by the Advisory Council for Historic Preservation (ACHP) in 36 CFR 800 prior to the commencement of all grant-assisted construction, ground disturbance or project planning. It shall be understood that NPS remains ultimately responsible for all findings and determinations. SHPO/THPO must retain proof of public notice and a request for consultation for every selected subgrantee in the SHPO/THPO project files. Subgrantees will be required to submit documents to the SHPO/THPO for determination of effects to historic properties. Review documentation will remain with each subgrant file until such time as the subgrantee submits a final report and photographs for work to the SHPO/THPO to confirm that

	<p>all work completed was done as required. All documentation should conform to 800.11 of the 36 CFR Part 800. Documentation of proper review by SHPO/THPO staff for compliance with the Standards must be available to NPS at all times while the grant remains open. In addition, subgrantees must comply with those recommendations stated in the Historic Preservation Fund Grants Manual Chapter 8, Section D “Standards Applicable to Subgrantees.” Determinations of Adverse Effect will cause terminations of subgrantee projects however in cases of cumulative adverse effects there may be a need to development of Memorandum of Agreement (MOA) with SHPO/THPO, NPS, and ACHP.</p>
	<p><u>#26, Development of Unanticipated Discovery Protocols</u> At a minimum, these unanticipated discovery protocols shall require the sub-grantee or contractor to immediately stop construction in the vicinity of the affected historic resource and take reasonable measures to avoid and minimize harm to the resource until the SHPO or THPO, sub-grantee or contractor, and Indian Tribes, as appropriate, have determined a suitable course of action within 15 calendar days. With the express permission of the SHPO and/or THPO, the sub-grantee or contractor may perform additional measures to secure the jobsite if the sub-grantee or contractor determines that unfinished work in the vicinity of the affected historic property would cause safety or security concerns.</p>
	<p><u># 27, Compliance with Section 110(k) of the National Historic Preservation Act:</u> Pursuant to Section 110(k) of the National Historic Preservation Act, the SHPO has agreed that subgrantees shall not be granted assistance if demolition has occurred in anticipation of the requirements of Section 106 (see Special Condition #25).</p>
	<p><u>#28, Disclosure of Federal Historic Preservation Tax Credit:</u> Work approved under this grant shall in no way inhibit or preclude others from applying for federal assistance through other programs overseen or reviewed by NPS, such as the Federal Historic Preservation Tax Incentive for Income Producing Structures. It shall be understood that approval through this grant funding is not transferrable to other NPS or NPS sponsored programs. Subgrantees should understand that work performed under this grant program may impact other work approvals or potential tax credits.</p>
	<p><u>#29, Requirement for Project Sign:</u> Each subgrantee must erect and maintain a project sign at the project site. This sign must: be of reasonable and adequate design and construction to withstand weather exposure; be of a size that can be easily read from the public right-of-way; and be maintained in place throughout the project term as stipulated in this Grant Agreement. At a minimum, the sign must represent that funding is being provided by the National Park Service, Department of the Interior. Additional information identifying the historical significance of the property and recognizing other contributors is encouraged and permissible. The cost of fabricating and erecting this sign is an eligible cost for this grant.</p>
	<p><u>#30, Requirement for Executing Preservation Easement/Covenant:</u> Section 102(a)(5) of the National Historic Preservation Act requires that HPF grantees must agree to assume, after the completion of the project, the total cost of continued maintenance, repair and administration of the grant-assisted property in a manner satisfactory to the Secretary of the Interior.</p> <p>Accordingly, the owners of properties receiving grant assistance must sign a Preservation Easement/Covenant with the State Historic Preservation Officer. The term of the Easement/Covenant must meet the following minimal standards dependent on grant funding levels:</p> <ul style="list-style-type: none"> ▪ Up to \$50,000 a five year covenant/easement ▪ \$50,001 up to \$99,999 a ten year covenant/easement ▪ 100,000 and above a twenty year covenant/easement

		The Easement/Covenant must be executed by registering it with the deed of the property. All Easements/Covenants should be recorded with the property prior to the release of HPF funding.
		<p><u>#31, Required Documentation for the Subgrant files:</u> At minimum the NPS requires the following documentation be retained in each subgrant project file:</p> <ul style="list-style-type: none"> ▪ Complete grant application with a scoring sheet ▪ National Register listing data and/or determination of eligibility ▪ Existing conditions documentation including images providing clear evidence of Hurricane Sandy damage ▪ Signed and recorded Easement/Covenant ▪ Documentation and review for compliance with the Secretary of Interior Standards for the Treatment of Historic Properties ▪ Determination of Effect statement for compliance with Section 106 (note if Adverse Effects are identified the procedures outlined in the Programmatic Agreement must be followed). Note: Section 106 documentation should also include proof of consultation/outreach. ▪ Proof of project sign with appropriate funding credit ▪ Site visit reports that include images showing the in-progress and completed grant funded work and provide narrative reviews of the project work. ▪ Signed and dated Construction and/or Non-Construction Assurances ▪ Environmental Certification ▪ Proof of procurement and financial documentation of all grant funded expenses with a project budget and scope
		<p><u>#32, Disaster Planning:</u> The state will be required to address cultural resource disaster planning, response, and recovery in its Comprehensive Statewide Historic Preservation Plan, as required in Section 101(b)(3)(c) of the NHPA. This includes, but is not limited to: a review of their existing disaster response and recovery plans, partnerships, and procedures; identifying those areas/historic resources/cultural collections, etc. most vulnerable to and in need of additional historic preservation assistance and expertise in disaster planning, response, and recovery; and actively working with their statewide emergency management agencies/organizations to ensure cultural resources are properly considered in all state and local hazard mitigation planning efforts.</p>
		<p><u>#33, Buy American Act:</u> The purchase of supplies, equipment, and construction materials with grant assistance must comply, to the greatest extent practicable, with the requirements of 43 CFR 12, Subpart E. The grantee's designated awarding official is responsible for determining whether items are available from domestic sources and that costs would be reasonable. When the State uses the exceptions specified in 43 CFR 12.710(d) and (e), and 43 CFR 12.715, it must document the situation in its files.</p>
		<p><u>#34, ASAP Payment System. Method of Payment.</u> Payment will be made by advance or reimbursement through the Department of Treasury's ASAP system.</p> <ol style="list-style-type: none"> a) <u>Requesting Reimbursement.</u> Reimbursements are the preferred method of payment. Requests for reimbursements must be submitted via the ASAP system. Requests for reimbursement should coincide with normal billing patterns. Each request must be limited to the amount of disbursements made for the Federal share of direct project costs and the proportionate share of allowable indirect costs incurred during that billing period. b) <u>Requesting Advances.</u> Requests for advances must be made submitted via the ASAP

		<p>system. If feasible, each request should be timed so that payment is received on the same day that the funds are dispersed for direct project costs and/or the proportionate share of any allowable indirect costs. If same-day transfers are not feasible, advance payments must be as close to actual disbursements as administratively feasible.</p> <p>c) <u>Adjusting payment requests for available cash.</u> Funds that are available from repayments to, and interest earned on, a revolving fund, program income, rebates, refunds, contract settlements, audit recoveries, credits, discounts, and interest earned on any of those funds must be disbursed before requesting additional cash payments.</p> <p>d) <u>Bank Accounts.</u> All payments are made through electronic funds transfer to the bank account identified in the U.S. Treasury ASAP payment system by the grant recipient.</p> <p>e) <u>Supporting Documents and Agency Approval of Payments.</u> Additional supporting documentation and prior Agency (NPS) approval of payments may be required when/if a grant recipient is determined to be “high risk” or has performance issues. If prior Agency payment approval is in effect for an award, the ASAP system will notify the grant recipient when they submit a request for payment. The Recipient must then notify the NPS Awarding Officer identified on the Grant Agreement that a payment request has been submitted. The NPS Awarding Officer may request additional information from the recipient to support the payment request prior to approving the release of funds, as deemed necessary. The grant recipient is required to comply with these requests. Supporting documents may include invoices, copies of contracts, vendor quotes, and other expenditure explanations that justify the reimbursement requests.</p>
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