Allocation Guide

South Dakota Guide to the Historic Preservation Allocation for Certified Local Governments

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Historic Preservation CLG Allocations Guide is adapted for use in South Dakota from **Historic Preservation Fund Grant Manual**, a publication of the National Park Service.

Submission of an application for a preservation allocation constitutes a declaration that the applicant has read the Allocation Guide and is familiar with the terms of the allocation program, the requirements for reimbursement and the necessary documentation. Recipients of the allocation should retain this manual for reference until the final payment has been received and reports have been submitted.

The activity that is the subject of this Allocation Guide has been financed in part with the Federal funds from the National Park Service, U.S. Department of the Interior.

This program receives Federal Financial assistance from the National Park Service. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the American With Disabilities Act of 1990, and South Dakota law SDCL 20-13, the State of South Dakota and U.S. Department of the Interior prohibit discrimination on the basis of race, color, creed, religion, sex, disability, ancestry, or national origin. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to: South Dakota Division of Human Rights, State Capital, Pierre, SD 57501, or the Office of Equal Opportunity, National Park service, 201 I Street NW, Washington, D.C. 20240.

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Certified Local Government Calendar*

January	Submit previous year's Annual Report to SHPO Submit CLG Progress Report Form by Jan. 31
Febraury	Receive CLG grant application packet from SHPO
March	Submit grant application to SHPO
April	Submit CLG Progress Report Form by April 30
May	Submit all reimbursement requests for grants by May 31
June	Grant awards announced Submit all reimbursement requests for any carryover funds Grant agreements signed
July	
August	
September	
October	Submit CLG Progress Report Form by Oct. 31
November	
December	Prepare annual report to submit in January

***Calendar could change subject to the release of the state's annual apportionment of the HPF. SHPO will communicate the revised dates accordingly.**

Introduction

The National Historic Preservation Act of 1966, as amended, established a program of matching grants-in-aid to the states for historic preservation projects and programs for the purpose of identification and registration of historic properties, and the preservation of properties included on the National Register of Historic Places. These funds are derived from offshore oil leases and are appropriated by Congress from the Historic Preservation Fund.

One of the programs specified in the National Historic Preservation Act amendments was for the State Historic Preservation Officer (SHPO) to cooperate with local governments in the development of local historic preservation programs and to assist local governments in becoming certified. A Certified Local Government (CLG) may compete for a share of a minimum of ten (10) percent of the annual apportionment distributed by the Secretary of the Interior to each state. This CLG allocation is subject to the same administrative requirements of the Historic Preservation Fund Grant Manual, Fiscal Year 1999 Historic preservation Fund Grant Conditions, and the guidelines set forth in this allocation guide.

The purpose of this guide is to familiarize applicants with programs, policies, and requirements, as well as with application procedures necessary for a matching allocation. These requirements are subject to interpretation and changes in policy at both the State and Federal level. Allocation recipients will be informed of additional requirements which may apply to these projects.

Allocation Selection Criteria

CLG Certification

A local government is eligible for certification when the state historic preservation officer and the National Park Service acknowledge that the local government completes the following:

A. Enforces appropriate State or local legislation for the designation and protection of historic properties;

B. Has established an adequate and qualified historic preservation review commission by State or local legislation;

C. Maintains a system for the survey and inventory of historic properties that furthers the purpose of the South Dakota SHPO Program;

D. Provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and

E. Satisfactorily performs the responsibilities delegated to it.

As part of the public participation process, the certified local government must provide a public education program. In order to maintain that program, CLGs are required to complete one project, sponsor one workshop or public meeting, attend one state sponsored workshop, and submit an annual report due at the end of January following the completion of its fiscal year. At the beginning of the Federal fiscal year, CLGs are requested to comment on preservation needs in the state and provide input for the state program's annual action plan.

Standard of Qualification

An allocation recipient must meet and maintain for the period of the allocation award, the following standards as they relate to the scope of a particular project:

1. Have adequate financial resources for performance, the necessary experience, organization, technical qualifications, and facilities; or a firm commitment, arrangement, or ability to obtain such including proposed subagreements. Appropriate educational backgrounds are in archaeology, history, or architectural history; or supervision by people having these qualifications;

2. Be able to comply with the proposed or required completion schedule for the project;
3. Have a satisfactory record of integrity, judgement, and performance, especially with prior performance upon grants and contracts;
4. Have an adequate financial management system which provide efficient and effective accountability and control of all property, funds, and assets sufficient to meet grantor needs and audit requirements;
5. Maintain a standard of procurement which will comply with Federal regulations;
6. Maintain a property management system which provides adequate procedures for the acquisition, maintenance, safeguarding, and disposition of all property, if any;
7. Conform with the civil rights, equal employment opportunity, and labor law requirements of Federal grants, and with debarment requirements; and
8. Be otherwise qualified and eligible to deserve an allocation award under applicable laws and regulations.
9. Be a member of the South Dakota Historical Society.

An allocation recipient is requested to submit a certification prior to receiving an allocation award. This certification assures the State that allocation recipient has an established, adequate accounting system with appropriate internal controls to safeguard assets, to check the accuracy and reliability of accounting data, to promote operating efficiency, and to encourage compliance with the prescribed standards set forth in this manual. The project manager/financial officer accepting responsibility for providing compliance with the project requirement must sign it.

Fiscal Year Guidelines and Criteria

Certified local governments (CLGs) must receive a good annual evaluation report as part of the criteria to receive Federal funds.

The CLG portion of the State Historic Preservation Program's annual Historic Preservation Fund allocation award will be divided into two groups – basic and supplemental.

CLG Allocations will be awarded according to the following procedures and guidelines:

1. The basic allotment will be $2,000 per CLG, regardless of how many plan to apply.

2. If CLGs request less than their Basic Program Allocation, the remaining money will be added to the Supplemental Fund pool.
3. Any CLG may apply for Supplemental Funds. **Priority** will be given to activities from this allocation pool that are from one of the following items:
    a. National Register nominations from previous surveys
    b. Architectural survey of an area/structure not previously surveyed.
    c. Archeological survey of an area not previously surveyed.
    d. Amending a current National Register Historic District nomination.
    e. Workshops relating to windows, paint colors, historic landscaping, researching historic properties, archaeology, local architectural history, financial incentive programs, and the Secretary of the Interior's Standards.
    f. Preparation and implementation of a comprehensive historic preservation plan.
4. Supplemental project funds will be awarded as follows:
    a. Each application will be rated in these categories:
        i. Has the CLG met the minimum requirements?
            1. Maintained the correct number of commission members that meet at least four times a year (5 points).
            2. Submitted an Annual Report by the deadline (5 points).
            3. Conducted at least one annual public education project and workshop (5 points).
            4. Sent at least one commission member to a statewide workshop or annual meeting (5 points).
        ii. Did the CLG meet grant deadlines in the past three years?
            1. CLG met grant deadlines in the past three years (5 points).
            2. Projects produced in the past three years met the relevant Secretary of the Interior's Standards (5 points).
            3. Past projects benefited historic resources throughout CLG's jurisdiction (5 points).

4. Past projects improved access to and increased use of previously gathered historic preservation information by the general public (5 points).

iii. Proposed Grant Project (5 points each)

1. Proposed projects guidelines are realistic
2. Project meets Sec. of Interior Standards
3. Project benefits historic resources throughout
4. Project improves access to and increases use of historic preservation information by the general public

iv. The CLG has closed out all previously awarded Historic Preservation Fund CLG allocations (20 points).

v. The CLG will supply cash match for the allocation. Cash match examples include a city employee donating time doing preservation work and being paid by the city for that time, cash directly spent by the city for that time, cash directly spent by the local government for preservation and direct appropriations to the preservation commission by the local governments (20 points).

vi. The project can serve as a model for other CLGs or is innovative in some way (20 points).

Supplemental fund requests will be awarded based on the priorities identified above. Highest-ranking projects will receive funding from the supplemental pool.

No CLG will receive more than 30% of the **total** CLG allocation pool in any given year.

Contact the CLG Coordinators at the South Dakota SHPO if you have any questions.

General Conditions

Environmental Compliance

Activities funded with Federal financial assistance need to be conducted in full accordance with the policies and provisions of the National Environmental Policy Act of 1969 (Public Law 91-190), as amended. Allocation recipients must cooperate in carrying out the provisions of NEPA and the Council of Environmental Quality Regulations.

Projects must be carried out in cooperation with the Advisory Council on Historic Preservation to ensure compliance with Section 106 of the National Historic Preservation Act.

Projects involving flood plains and wetlands must comply with the requirements of 44 CFR 3642; Executive Order 11988, Flood-plain Management, which relates to evaluation of flood hazards; Executive Order 11288, which relates to prevention, control, and abatement of water pollution; and Executive Order 11990, which relates to protection to wetlands.

Equal Opportunity Compliance

Federally financed activities must provide evidence of compliance with anti-discrimination regulations. Allocation recipients must comply with the requirements imposed by Title VI, Section 504, the Age Discrimination Act, Title IX of the Education Amendments of 1972, the Drug Abuse Office and Treatment Act of 1972, and the Americans With Disabilities Act of 1990 including methods of administration which give reasonable assurance that any non-compliance will be corrected.

Civil Rights. Title VI of the Civil Rights Act of 1964 as amended, provides that no person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. This requirement applies to, but is not limited to, employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other compensation; and selection for training, including apprenticeship.

Handicapped/Disabilities. Section 504 of the Rehabilitation Act of 1973 is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance. The Americans With Disabilities Act of 1990 calls for equal access to employment, public service and accommodations, transportation and telecommunications relay services for Americans with disabilities.

Age. The Age Discrimination Act of 1975 is designed to eliminate discrimination on the basis of age in any program or activity receiving Federal financial assistance.

Sex. Title IX of the Education Amendments of 1972, as amended, prohibits discrimination on the basis of sex.

The allocation recipient must comply with all applicable statutes and executive orders including Department of Interior regulation 43 CFR 17 on equal employment opportunity, and allocation awards will be governed by the provision of all such statutes and executive orders, including enforcement provisions, as implemented by, but not limited to, Department of the Interior policies. Compliance with these regulations may be accomplished through:

A. Posting an equal opportunity poster where it may be seen by the general public

B. Documenting any open project selection process used; and,

C. Including the following language in any publication or program literature:

    a. **This program receives Federal financial assistance from the National Park Service. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act of 1990 the U.S. Department of Interior prohibits discrimination on the basis of race, color, national origin, age, sex, or handicap in its federally assisted program, activity, or facility as described above, or if you desire more information, please write to the Office of Equal Opportunity, National Park Service, 210 I Street NW, Washington, D.C. 20240.**

The South Dakota Department of Education's procedure for handling Title VI complaints is as follows:

Contractors or employees, or prospective contractors or employees, of allocation recipients, if believing they have been discrimination against on the basis of race, color, national origin, sex, age, or handicap, may write directly to the South Dakota Division of Human Rights (State Capitol, 500 E. Capitol Avenue, Pierre, SD 57501), and notify, in writing, the South Dakota State Historical Society (Cultural Heritage Center, 900 Governor's Drive, Pierre, SD 57501) that a complaint was filed with the Division of Human Rights. The Division, pursuant to 43 CFR 17, shall proceed in the appropriate manner. The State Historical Society shall forward all such complaints to the Office for Equal Opportunity within ten days of receipt.

Conflict of Interest

Interests that conflict with fair, impartial, and objective performance of assigned duties or responsibilities of an allocation are not allowed. An allocation recipient's officers, members, agents, or employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements. A conflict of interest exists when a person obtains a benefit, whether personal or financial, real or apparent, from the position he/she holds with respect to allocation activities; or is unable to make an impartial decision or render impartial advice due to outside relationships.

A person may not participate in the selection, award, or administration of any subgrant, contract, or subcontract assisted with allocation funds; or review any Federal Tax Act certification, National Register nomination, or review and compliance case if a conflict of interest would be involved. A person may abstain from the decision-making process but will not be prevented from making a presentation concerning the activity, so long as those in a position to make a decision are fully informed as to the possible interest of the person abstaining. After this presentation, the person may absent themselves from the meeting during the discussion, review, scoring, and voting. Meeting minutes must clearly note the member's abstention and reasons for the abstention.

A conflict of interest must be declared and documented in writing as soon as the situation becomes apparent for board members, employees, or officers. In a nonvoting situation, descriptions of the procurement methods used for supplies, consultant services, or equipment must be completed and submitted as documentation to the South Dakota SHPO Program.

Nepotism. No person shall be employed who is related by blood or marriage to their immediate supervisor.

Small, Minority, and Women's Businesses

It is a national policy to award a fair share of contracts to small, minority or women's business firms. Contracts/agreements made by the allocation recipient should take affirmative steps to assure that small, minority, and women's businesses are utilized when possible as sources of supplies, equipment, construction and other services.

Debarment and Suspension Certification

Recipients of Federal financial assistance must not make any awards or contracts to any party which is considered "high-risk," has been debarred or suspended, or is otherwise ineligible for participation in Federal assistance programs under Executive Order 12549. It

applies to any agreement or transaction between an allocation recipient and a subgrantee and contractor or key employee.

Publications and Public Information

Acknowledgement of National Prak Service support must be made in connection with exhibits, films, publications, videos, or public information of any material based on project activity. This acknowledgement must be in the form of a statement that follows below. The commercial products portion may be omitted should none be mentioned in the exhibit, film, or publication.

This activity has been (partially) financed with Federal funds from the National Park Service, Department of the Interior through the South Dakota State Historic Preservation Office. [However, the contents and opinion do not necessarily reflect the views or views or policies of the Department of the Interior, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior.]

Publicity for the projects in newspapers, radio, and television releases or public talk shows, need to acknowledge Federal and State assistance and cite the National Park Service, South Dakota State Historical Society and the South Dakota State Historic Preservation Office. Besides the above disclaimer, the nondiscrimination phase needs to be on all publications including videos, movies, slide shows, and brochures.

Retention of Records

Financial records, supporting documents, statistical records, and all other pertinent records should be retained for a period of three (3) years or until an acceptable audit has been performed and all claims and findings involving the records have been resolved. The three-year retention period starts from the date of the submission of the final expenditure report.

Use and Disclosure of Information

Financial records, supporting documentation, statistical records, and all other records pertinent to the project are subject to disclosure under the Freedom of Information Act, 5 USC 552. The Department of the Interior and South Dakota State Historical Society acquires the right to use and disclose program and project data.

Audit Requirements

The Single Audit Act, as amended, requires that non-Federal awards must have a single or program-specific audit conducted in accordance with OMB Circular A-133. This audit must also include an evaluation of compliance with grant terms and conditions. Other grants of less than $300,000 must be made in accordance with generally accepted government auditing standards covering financial and compliance audits.

Frequency of Audit. Audits must be made annually unless the State of local government has a constitutional or statutory requirement for less frequent audits.

The South Dakota State Historic Preservation Office (SHPO) is responsible for reviewing audit and other reports submitted by and for subgrantees; identifying questioned costs and other findings; deciding whether to sustain the questioned costs, and accounting for sustained questioned costs as a receivable; and pursuing recovery or taking other appropriate follow-up action. These audit reports must be maintained in the grantee's files and made available for review during the grantee's own audit. Copies of audits must be on file at the South Dakota SHPO.

Lobbying

Historic Preservation Fund allocations must conform to provisions of 18 USC 1913. Costs associated with activities to influence legislation pending before Congress which is referred to as "lobbying," may not be charged as grant costs, either on a direct or indirect cost basis. No expenditures may be made for the use of equipment or premises for political purpose, sponsoring candidates, meetings, or engaging in partisan political activities.

Consultant and Contract Compliance

In instances where project work cannot be completed in-house by a grant recipient, possibly because of lack of expertise or personnel, consultants may be hired as subcontractors who agree to perform the work. All federal provisions outlined in this manual apply to those third parties when using Federal financial assistance. Consultants must be made aware of all the federal guidelines outlined in this manual and must adhere to the same standards. **A written agreement must be made with third parties to perform activities even without charge to the grantee when the value of the third party is counted towards match.**

Funds must not pay for any work or activity that does not conform to the terms of conditions of this allocation guide of the *Secretary of the Interior's Standards for Archaeology and Historic Preservation*, or other specified scope of work. For survey,

planning and nomination contracts, please consult the state program area administrator to review project work/contract. Specific directives apply to those program area projects.

A written agreement between the parties must be completed and should contain at a minimum a definite description of the work to be performed with a final product, the beginning and ending dated for completion of work, the total amount of the contract, a breakdown of how payments will be made with a statement of how modifications may be made to the agreement and should reference all applicable federal guidelines.

Copyrights

The Grantee is free to copyright any books, publications, or other copyright materials developed in the course of or under a project financed by the National Park Service. However, such copyrighted materials will be subject to a royalty-free, nonexclusive, and irrevocable license to the Federal Government to reproduce, publish, or otherwise, and to authorize others to use the work for Government purpose. Materials must acknowledge National Park Service grant assistance.

Allocation Administration

The nonconstruction portion of the historic preservation allocation program pertains to those projects involving the survey, registration, and protective activities of historic, archaeological, and architectural properties. It also involves public information and other preservation outreach programs. All these activities must be performed in keeping with the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation*. Certified local governments are to administer these historic preservation activities, and develop and help maintain local historic preservation programs. They must provide financial and technical assistance to further these local programs. The State's orientation and training sessions for members of preservation commissions provide them with a working knowledge of the roles and operations of preservation programs. Ten percent of the State's annual Historic Preservation Fund apportionment is passed on to local governments for preservation projects to further the local historic preservation programs.

The Federal assistance is administered under the provisions of the Office of Management and Budget Circular A-102, Uniform Administrative Requirement for Grants-in-Aid to State and Local Governments; Office of Management and Budget Circular A-87, Cost Principles Applicable to Grants and Contracts with State and Local Governments; Office of Management and Budget Circular A-128, Single Audits of State and Local Governments; and the Department of the Interior, National Park Service, National Register Programs Guidelines NPS-49. Copies of these circulars/regulations may be obtained from the State Historic Preservation Program upon request. CLGs are required to comply with these regulations.

Matching Share

CLG funds are matched on a dollar-for-dollar basis. For each dollar spent, the CLG allocation recipient must provide one dollar. Matching dollar may be a contribution of cash or in-kind (noncash). The in-kind valuation for volunteers is $31.72 per hour. Professionals may contribute the value of their hourly rate on project where their professional expertise is appropriate. All matches must be documented. The maximum claim for an hourly donation of time is $94.47. Match may consist of the following:

A. Charges incurred as costs during the allocation period (which are not necessarily cash outlays);

B. Costs financed with cash contribution or donated by the grant recipient or other nonfederal third party; and

C. Costs represented by services and real and personal property, or use of these, donated by the recipient or third nonfederal party during the allocation period.

Like allocation expenditures, matching share contributions must be allowable. **Third parties who contribute match must have contracts. Match must help achieve the scope of project work, be necessary, and reasonable to the project.**

Timing. While nonfederal share contributions need not be made in exact time concurrence and proportion with withdrawal and expenditures of Federal funds, the full grant recipient's matching share must be contributed within the project period and submitted with the final Federal reimbursement request. The records, including supporting documentation of the in-kind services performed, must be maintained on a current basis, recorded as they occur.

Valuation. In-kind contribution must be fairly valued, documented, and recorded as allocation costs when performed. All match, in-kind or cash, must be documented in order to be used as match. The value documented on record at the South Dakota State Historic Preservation Office shall be determining rate used in calculating match. This includes wage rates, room rentals, and such. The means by which match is documented is listed below:

Volunteer services or donated services may be furnished by professional consultants, and other skilled and unskilled labor, but they must possess the required qualifications in the skill or profession involved, and must actually perform that specific work to claim their hourly wage. To document the qualification of the volunteer, a resume or personal history summary must be submitted to the South Dakota State Historic Preservation Office to be kept on file. Be sure to include the social security number.

Volunteer services charged to the grant must be such as will make a meaningful and desirable contribution. Volunteers must possess the required qualifications in the skill or profession involved, and must actually perform that specific work. Rates claimed for volunteer services must be consistent with those regular rates paid for similar work in other activities of the State Government. In those instances in which the skills required for the HPF-assisted work are not found in the State Government, rates used must be consistent with those paid for similar work in the labor market in which the grantee competes for the kind of services involved.

Timecards with actual hours worked and duties performed, along with a written contract indicating that the volunteer has donated their time, signed by the volunteer and supervisor are needed. These should be attached to the Certificate of Eligible Actual Costs when submitting the match to the State, as supporting documentation for matching wages.

Should only a portion of the wage be donated as match, the written contract is evidence to support this.

Donated expendable personal property includes items such as equipment and supplies used within a year. These costs are based at fair market value at the time of donation. The basis for determining this value must be included as documentation and includes copies of receipts, invoices, or such.

Donated nonexpendable personal property and buildings are items with significant value, of a more prominent nature benefiting more than one year. The valuation shall not exceed the fair market value of equipment and property of the same type of condition at the same time of donation. If the property is donated as a loan, the allowable share would be determined as if the grant recipient had rented the property and paid fair rental value at the time of donation. An appraisal of the property, buildings, or use of them must be submitted along with the Donated Equipment form.

Donated Indirect Costs. An organization that has an allowable approved indirect cost rate may donate a portion or all of these costs as matching share. The South Dakota SHPO will need a copy of the Federally approved rate to keep on file, along with a statement from the entity stating the amount donated as match.

Forms for documenting donated labor, materials or equipment, or usage of materials, space and equipment are in the Appendix. Remember to maintain current rate valuations at the South Dakota State Historic Preservation Office and maintain time and use records for in-kind services. This means records of the days and hours item/service was in use.

Standards for Allowability

Allocation funds must be used only for allowable costs of the activities for which the allocation was awarded. Costs (including match) must be necessary and reasonable to accomplish allocation objectives; be net of all discounts; be incurred within the project period; and not be included as a cost of any other Federally financed program.

Costs specified in the allocation agreement budget constitute approval; if the costs are not specified in the agreement, prior approval in writing will be needed. Allowable costs will be determined in accordance with the costs principles in OMB Circular A-87.

Allowable Costs. Whether costs are direct, indirect, Federal share, or nonfederal matching share, all must be allowable. Below is a partial list of allowable activities. Consult SHPO for allowability of other projects. Examples of allowable project cost categories are listed below:

1. The cost of establishing and maintaining accounting and other information systems required for the management of allocation activities.
2. Advertising for recruitment of personnel necessary for the program, solicitation of bids for the procurement of goods and services required, and disposal of surplus materials acquired.
3. Costs incurred by local review board established by certified local governments, when provided for in the agreement.
4. Communication costs incurred for telephone calls, centrex, telpak, postage and similar expenses necessary or directly related to program operations.
5. Compensation for personnel services rendered during the period of performance under the allocation agreement including wages, salaries, and benefits.
6. Use of building, capital improvements, and equipment used in allocation program operations through use allowances and depreciation based on acquisition costs. Records of actual use (number of hours, miles, etc.) and age of the equipment and source of acquisition must support the claim.
7. Costs of temporary exhibits relating to program activities.
8. Indirect costs in accordance with the applicable indirect cost principles and when based on a current, approved or provisional rate awarded by the cognizant Federal agency.
9. Cost of materials and supplies necessary to carry out the program activities/purchases made should be charged at their actual prices after deducting discounts, and should include only those materials and supplies actually used. Incoming transportation costs are a proper part of material cost
10. Cost of membership in civic, business, technical, and professional organizations; meetings, conferences, and related reference materials; provided the benefits are directly related to achieving grant program objectives and cost is reasonable. The expenditure must be in its agency name.
11. Costs of recruitment, examination, certification, classification, training, and related activities.
12. Costs of printing and reproduction services necessary for administration, limited to forms, manuals, and informational literature. Publication costs of reports relating to program accomplishments are allowable when provided for in the grant agreement.

13. Costs of professional and consultant service costs are allowable subject to the provisions of this manual; to the federal, state, and local laws; and when reasonable in relation to the services rendered. A written agreement is needed between the parties detailing the responsibilities, standards, timeframe, and fees; whether it is a grant expenditure of match from a third party. A reasonable rate of compensation for personal services must be established.

14. Public information services costs including those associated with newsletters, pamphlets, news releases, film, videotapes, and other forms of program-related information services when used to inform or instruct, interest individuals on preservation matters, and disseminate results of activities to the general public.

15. Travel costs are allowable for expenses for transportation, lodging, and subsistence items incurred by employees who are in travel status on official business incident to the grant program. Such costs will be reimbursed on a per diem/mileage basis using South Dakota's State rates.

16. Costs of curation of artifacts are allowable on a limited basis: they must be included in the projects approved budget as a line item, they must be deposited in an approved repository, and they must be deposited and charged during the project dates.

17. Cost of supplies for a construction project up to $500. Property must be listed on the National Register of Historic Places. The activities must correspond with a Preservation Week project.

Unallowable Costs. The following are not eligible for reimbursement under preservation allocations. Consult SHPO for questions.

1. Expenses and costs of organized fundraising such as management consultants and fees to promoters, etc.
2. Costs of amusements, social activities, and related incidental costs such as meals, beverages, lodgings, rentals, transportation, and gratuities. This includes refreshments served at required workshops and receptions during travel status.
3. Contributions and donations of allocation funds.
4. Archival research not necessary to carry out the project.
5. Costs of exhibition of artifacts or other materials.

6. Costs to salvage archaeology unrelated to increasing an understanding of a National Register property.
7. Payment of interest penalties for late payment of bills to contractors: See P.L. 977-177, the Prompt Payment Act.
8. Lobbying costs associated with activities or any form of communication designed to influence in any manner Federal, State, or local elected officials or oppose any legislation or appropriation.
9. Costs of museum exhibits, salaries, and other administrative expenses including maintenance.
10. Contributions to a contingency reserve or similar provision.
11. Costs resulting from violations of or failure to comply with federal, state, and local laws and regulations.
12. Salaries and other expenses of governmental bodies such as county supervisors, city councils, school boards, etc.
13. Reprints of brochures are not allowable for supplemental funds.

Procurement Standards

All procurement transactions, regardless of whether by sealed bids or by negotiation, and without regard to dollar value, shall be conducted in a manner that provides maximum open and free competition. Examples of what is considered to be restrictive of competition include, but are not limited to: (1) placing unreasonable requirements on firms in order for them to qualify to do business, (2) noncompetitive practices between firms, (3) organizational conflicts of interest, and (4) unnecessary experience and bonding requirements.

It is the Federal Government's policy to award a fair share of contracts to Minority Business Enterprises (MBEs) and Woman Business Enterprises (WBEs). The instructions regarding the reporting of MBEs/WBEs under grants and cooperative agreements awarded by the Department of the Interior (DOI) bureaus and offices are based on Executive Orders 11625, 12138, and 12432. In accordance with 43 CFR 12.76 (or 43 CFR 12.944 for nonprofit organizations), affirmative steps must be taken to assure that MBEs/WBEs are utilized when possible as sources of supplies, equipment, construction, and services. The affirmative steps shall include the following:

- Including qualified MBEs/WBEs on solicitation lists;

- Assuring that MBEs/WBEs are solicited once they are identified;
- When economically feasible, dividing total requirements into smaller tasks or quantities so as to permit maximum MBE/WBE participation;
- Where feasible, establishing delivery schedules which will encourage MBE/WBE participation;
- Encouraging use of the services of the U.S. Department of Commerce's Minority Business Development Agency (MBDA) and the U.S. Small Business Administration to identify MBEs/WBEs, as required;
- If any subcontracts are to be let, requiring the prime contractor to take affirmative steps listed above.

Contract awards shall be made only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of proposed procurement. Contractor integrity, compliance with public policy, record of past performance, and financial and technical resources should be considered. (Note: evidence of default, adverse record of past performance, or related factors are necessary to demonstrate lack of responsibility.)

A cost or price analysis must be made in connection with every procurement action to determine the reasonableness of the proposed contract price. State law recommends that contracts contain a retention clause; retain a necessary amount from the final payment to get a complete product.

Small Purchase Procedures are simple informal procurement methods used for services, supplies, or other property costing not more than $25,000 [SDCL 5-18A-11]. A price quotation must be obtained from at least three qualified sources to assure competition. Use the Procurement History form to record competitive purchasing and attach copies of bids and contract.

Competitive Sealed Bids. Formal advertising, with adequate purchase description, sealed bids, and public openings is the required method of procurement for property over $25,000. Advertisements must be published in at least one area newspaper not less than three times. Where such advertised bids are obtained, the award shall be made to the responsible bidder whose bid is most advantageous to the grant recipient, price and other factors considered. Invitations to bid shall clearly set forth all requirements which the bidder shall stipulate, mentioning Federal funds involvement and that compliance with applicable Federal, State, and local regulations is required, along with a time for project completion expressed either in calendar days or as a fixed date.

Necessary documentation includes a copy of the newspaper advertisement and an invoice showing dates published; copies of the bids with a tabulation summary noting the one chosen; a copy of the contract awarded with evidence of satisfactory completion. This may be a letter to the contractor concluding the project.

Competitive Negotiation may only be used if conditions are not appropriate for the use of formal bid advertising. In this method, proposals are publicized and requested from at least three sources; negotiations are conducted with more than one of the sources submitting offers and an appropriate fixed-price or cost-reimbursement type of contract is awarded. If no bids are received, negotiation may take place at the most advantageous price, but must have the same specifications as those advertised.

Noncompetitive Negotiation is from only one source and is used when an award of contract in non-feasible under all other methods above.

Property Management Standards

Any equipment purchased with project money must have prior written approval or be specified in the project budget, approved by the State SHPO. Unit price includes any attachments, accessories, or auxiliary apparatus necessary to make property usable for the acquired purpose. Installation and travel costs are not included in the acquisition cost.

Title to property acquired by Federal assistance vests in the South Dakota SHPO, but the recipient may use it in the project for which it was acquired. When no longer needed for its original purpose, the office will use it in connection with its other Federally sponsored activities.

Program Income

Gross income generated from projects or activities that are financed with Federal money during the grant period. It is income derived from the Federal moneys, such as charging a workshop fee to earn funds to complete another project, provided the workshop was financed with Federal funds. Program income is used to help defray the costs of the program; the SHPO will deduct program income from the CLG's Federal Share. The State Historic Preservation Office considers program income an unallowable activity.

Project Application

CLG Projects Funded with 10% Pass-Through Moneys. Ten percent of the state's annual appointment of Historic Preservation Fund is passed on to CLGs for local historic preservation programs. Only those preservation commissions that are certified are eligible to apply for CLG pass-through funds; however, the state does not have to award pass-through funds to all eligible certified local governments. Any project funded with CLG finds must be matched on a dollar-for-dollar basis. CLGs intending to conduct survey, planning or National Register nomination activities as part of their activities must be complete the survey/nomination questions or planning attachment with their application form in this packet.

Project Period

The window of time that allocation funds are spent and match is accumulated. For the project period, state the beginning and ending dates of these activities. Projects may not extend beyond June 30 of the second year. [Example: project begins May 1, 2024; and must end June 30, 2025] All project work must take place during the requested project period, and project costs cannot be incurred until the grant has been funded. The Federal Fiscal year runs from October 1 through September 30, while most local governments' fiscal year runs with the calendar. As part of a local government, the preservation commission should be operating their allocation on the same fiscal year as the local government. Schedule enough time to plan, conduct, and close out the proposed project. Amendments should be requested only for changes in scope of work and not for extensions of time.*

Because of these complicated schedules for expenditure of funds, it is best to use cash or in-kind match for CLG operating costs and use Federal share for project work. If the CLG is operating on the local government's calendar fiscal year, expenditures accumulate starting in January. But an allocation project does not begin until May, the time the Federal agreement begins. In such cases, the CLG allocation application period is May 1 through December 31 (or June 30). And if the operating expenditure is to be used as match, the application should request approval of those costs from January through April (called preagreement costs) to be used as match. Federal cash spent before the allocation project period even if allowable, does not have to be reimbursed since it is outside the project period.

*Calendar could change subject to the release of the state's annual apportionment of the HPF. SHPO will communicate the revised dates accordingly

Project Products

Tangible items resulting from project objectives, paid with project costs. Activities completed with Federal funds must meet *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation*.

When considering potential project products, please refer to the Standards for Allowability. If there are questions on project suitability, please contact the SHPO for consultation.

Project Summary

Should be as specific as possible concerning projects. Completeness is necessary, wordiness is not necessary. For answers to questions on project description, survey, planning, etc., please contact the SHPO CLG Coordinators. CLGs should include in this project summary undertakings that are supported with Federal funds and projects used to match those Federal funds.

Project Schedule

A tentative outline of major work items within the allocation's project period as defined above. This breakdown may be itemized by date, project, or program. Give estimated start and ending dates for each project.

Project Cost Estimates

Include Federal and matching costs that will be charged to projects as well as those that will be supported by an allocation recipient or third-party cash and in-kind contributions. Remember that project costs must be reasonable, necessary to accomplish project objectives, allowable in terms of federal guidelines, and incurred during the project period. Costs specified in the agreement budget constitute approval.

Make two columns in the budget section of the application; one is for Federal, the other for matching share. Columns should be total dollar for dollar of total project costs. Budget breakdowns may be by work items, or may be under the following general categories.

Salaries/Benefits should be specified hourly wage multiplied by the number of estimated hours for each project member. Benefits may be based on a percentage of salary for federal expense.

Travel rates are set by the State Board of Finance. These rates are used for travel reimbursement. Divide into per diem and mileage costs for each planned trip. Mileage charges are reimbursed up to $0.67 (67 cents) a mile.

Per diem is divided into meals and lodging. A meal may be charged if an employee travels more than thirty (30) miles from city residence. Full meal costs may be charged if the employee leaves before 5:30 a.m. and returns after 8:00 p.m. Reimbursements for in state travel are: Breakfast, $6.00; Lunch, $14.00; Dinner, $20.00 (unless other rates are approved by SHPO). Lodging costs are reimbursed at value or the receipt up to $110.00 plus tax. SHPO may approve an alternative rate. Copies of travel receipts must be attached to be reimbursed. For out of state travel rates of other questions, consult this link:

Compensation Information

Contractual Services include such things as professional consultants, subscriptions, telephone, printing, advertising, publishing, and equipment rentals. Itemize each service and break down its cost if possible.

Supplies include copying, office supplies, maps, gasoline, film, and processing costs. Check prices and itemize each with breakdown.

Assets are equipment purchases. If an item is not specified in budget, prior written approval is needed.

Memberships are required with the South Dakota State Historical Society.

Project Notification

Applications are reviewed by the state staff within thirty (30) days after deadline. Responses to the outcome of each application will be made in writing. Application will be notified of the reasons for disapproval or inability to act on the submitted application. Those projects that receive favorable ratings will be initiated with the National Park Service and State. Funding will be appropriated in late April or May.

Call the South Dakota State Historic Preservation Office at 605-773-3458 if you have any questions.

[Sample Budget Computation on the next page]

Sample Budget Computation

		Federal	Match	Total
Salaries/Benefits				
Commission Members – 250hrs x 25.52/hr		6380	6380	
Travel				
State CLG Meeting	500		500	
Contractual Services				
Walking Tour Brochures	1500		1500	
Memberships	100		100	
Supplies				
Office Miscellany	500		500	
Office Space @ $50/mtg.		600	600	
Workshop	2500		2500	
Totals		**$5,000**	**$7,080**	
$12,080				

Project Performance

The State will forward an allocation agreement called Award of Allocation to the CLG applicant for execution. The allocation award is the mechanism through which the work proposed is to be accomplished during the term of the allocation. The general terms and conditions of the agreement are given along with the amount, timeframe, budget, activities to be performed, policies and procedures needed to be followed, provisions for termination, and other applicable requirements. This allocation guide and the application proposal serve as addenda to the grant award document and become integral parts of the agreement.

Until this allocation award has been signed by both the grant recipient and the State Historic Preservation Officer, and is on file at the State Historic Preservation Office, the State of South Dakota cannot be held liable for payment of allocation funds for project activities.

Federal Identifier

The project's Federal allocation number is its identifier for the SD SHPO and needs to be placed on all correspondence, final products, survey reports, reimbursement requests, progress reports, planning documents, or such. Do not, however, place them on the final National Register nomination.

CLG Progress Reports

Grants are under direct supervision of the SHPO staff member responsible for the appropriate program area. Each grant will require at least three CLG Progress Reports.

CLG Progress Reports should indicate:

1. Projects CLG are overseeing with summary update
2. Total grant expended to date
3. Grant reimbursed to date
4. Projected grant spending in next three months
5. Projected completion date of projects CLG is overseeing

Restrictions or Special Conditions

If a certified local government or allocation recipient has a history of poor performance or a poor management system that does not meet standards, or has not met conditions of

previous allocation awards, more detailed reporting may be required. If special conditions are imposed on the allocation recipient, the SHPO will notify the subgrantee, in writing, of the nature of the restriction and the reason for imposing it. Corrective actions necessary before its removal and the time allowed for the corrective action will be indicated.

Penalties may be attached to Awards of Allocation, such as a deduction of unspent amounts from the following year's appropriation; or no appropriation following noncompliance with grant procedures in this manual. The SHPO wants as many certified local governments as possible to receive Federal financial assistance, but preservation commissions must show conformance to Federal guidelines.

Amendments

A change in the scope of project work, time period, or budget must have an approved amendment before that change can be initiated. The need for a project modification requires immediate attention since it is not possible to amend a project after its completion date. Email amendment requests to your SHPO CLG coordinators. State the problem and describe the suggested solution on the log. Time extensions usually indicate that additional work will be included in the project.

Minor budget changes to meet unanticipated requirements need no amendments; but failure to obtain prior approval of a major change to your project work may jeopardize reimbursement.

Any unspent balance at the end of a CLG allocation reverts to the National Park Service. If funds cannot be spent during the project period, it is possible to amend them to another commission's project if advance notice is received. This prevents loss of any funds for our State during the year. A June 30 date of the second year has been set as a final deadline for CLG grants. A project could begin May 1, 2024 and must end by June 30, 2025. This will give the SHPO several months to reallocate any unspent CLG funds to prevent them from reverting to the National Park Service.

Payment Procedure

Remember that the CLG Coordinators must approve drafts and finals of all products before payment is released. Payments are made on a cost reimbursement basis. Use the Certificate of Eligible Actual Costs form to request payment. Attach source documentation for the expenditures, matching and Federal shares, and copies of checks to indicate payment.

1. Source documentation consists of payrolls and/or donated time sheets (remember to update wage rate) and vendor invoices; and, where required, justify the

expenditures with the Procurement History, Consultant Contract, Declaration of Travel Costs, Equipment and Materials Use Recordation, or Project Management Inventory forms. These forms are found in the Appendix. An accounting record, whether completed by hand or by computer, should be included as part of the reimbursement request. This accounting record should itemize expenditures according to the work items in the allocation budget; it should show balances of budget categories, total costs incurred, and reimbursements received. Matching share should be recorded as part of the itemized expenditure.

2. Reimbursements may take as long as eight weeks, so plan carefully. The State will not pay interest charges on Federal project reimbursements.
3. Final reimbursement will not be made until the program area administrator has approved performance and administrative reports, plus any special conditions of the agreement. The financial documentation will be reviewed by the program fiscal office

APPENDIX

CLG Progress Report Form

COMMISSION:

PROJECT #:

GRANT AWARD AMOUNT ($):

REPORTING DATE:

GRANT EXPENDED TO DATE:

MATCH COMPILED TO DATE:

GRANT REIMBURSED TO DATE:

PROJECTED SPENDING NEXT 3 MONTHS:

PROJECTS WITH PROJECTED COMPLETION DATES

1.

2.

3.

4.

SUMMARY OF CLG ACTIVITY SINCE LAST REPORT:

_____ _____

Submitted by (please sign above) Date

CLG Annual Report Directives

An Annual Report must be provided to the SD SHPO at the completion of local government's fiscal year. The report must be typed and contain the following when relevant:

1. A statement of overall goals and objectives.
2. A list of funding sources and their obligations.
3. An outline of projects completed during the year; include and evaluation of each project.
4. A tentative list of projects and workshop or public meetings and their objectives for next year. Discuss how each will be completed.
5. Documentation for workshop or public meeting; include a copy of publicity, agenda, and any materials provided or generated at the event.
6. A copy of all commission meeting minutes.
7. A list of current commission members and resumes/CVs of any newly appointed commission members.
8. A list of 11.1 and 106 reviews and opinions rendered by the commission.
9. A list of ways in which the SHPO can assist CLGs better.

Donated Services Record

PROJECT NAME: _____ MONTH OF: _____
PROJECT NUMBER:_____

Date	Day	AM Begin	AM End	PM Begin	PM End	Daily Hours	Description of days work	Initial
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								

Total Monthly Hours _____ Per Hour _____Value of Donation
_____ Per Hour _____ Value of Donation

Total Donation: _____

I HEREBY CERTIFY that the hours of service indicated above are correct and that I have performed those services, without compensation of any kind, in the interest of the preservation of South Dakota's heritage in accordance with the agreement to which I am bound.

Donor's Signature: _____ Project Manager's Signature: _____

Historic Preservation Commission Meeting Time Sheet: Donated Service Record

If a commission member conducts any other service for the commission, it must be documented on a regular Donated Service Record Form.

Month:_____ Year:_____ Project No.:_____

Commission:_____

Name (Signature)	Hourly Rate	Number of Hours	Value of Donation

Total Value of Donation:_____

I, the Project Manager of this commission state that these members were here at the meeting on this date _____.

Project Manager Signature:_____ Date:_____

Transfer of NPS Funds Within Approved Budget

Project No. _____

Budget Line Item	Total Approved Budget	Total Expenditures to Date	Requested Increase/Decrease	Justification for Transfer

Sub-Recipient:_____ Date:_____

CLG Coordinator:_____ Date:_____

State Historic Preservation Officer:_____ Date:_____

Declaration of Travel Costs In State: SD SHPO

Name _____ Month of _____

Address _____ Project Number _____

MILEAGE **MEALS**

Auto License Number: _____

Day	Destination/Work Area	Odometer out	Odometer in	Total Miles	B 6.00	L 14.00	S 20.00	Total Meals
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								

Subtotals: Miles @.42/mi: Meals:

Attach other receipts: Lodging @ State rate $75.00 + Tax_____

Airline_____

Misc._____

Total Travel: _____

I hereby certify that the above information is accurate

Signature: _____ Date: _____

Declaration of Travel Costs Out of State: SD SHPO

Name _____ Month of _____

Address _____ Project Number _____

MILEAGE **MEALS**

Auto License Number: _____

Day	Destination/Work Area	Odometer out	Odometer in	Total Miles	B 6.00	L 14.00	S 20.00	Total Meals
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
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22								
23								
24								
25								
26								
27								
28								
29								
30								
31								

Subtotals: Miles @.42/mi: Meals:

Attach other receipts: Lodging @ State rate $175.00 + Tax_____

Airline_____,

Misc._____

Total Travel: _____

I hereby certify that the above information is accurate

Signature: _____ Date: _____

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion

Lower Tier Covered Transactions

This certification is required by the regulation implementing Executive Order 12549, Debarment and Suspension, 43 CFR- Part 12, Section 12.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations are included in the proposal package. For further assistance in obtaining a copy of the regulations, contact the U.S. Department of the Interior, Acquisition and Assistance Division, Office of Acquisition and Property Management, 18th and C Streets, N.W., Washington, D.C. 20240.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTION ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such as a prospective participant shall attach an explanation to this proposal.

_____

Name and Title of Authorized Representative

Signature Date

Instruction for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant unknowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntary excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contract the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions.” Without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntary excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The

knowledge and information of a participant is not required to exceed that which in normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transaction authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may purse available remedies, including suspension and/or debarment.