



# STATE HISTORICAL SOCIETY OF NORTH DAKOTA

---

## Historic Preservation Fund Development Grant Program

### Application Guidelines

# 2011

# Historic Preservation Fund Development Grant Program Application Guidelines

---

Annually, the State Historical Society of North Dakota (SHSND) receives federal funds for the identification, evaluation, and preservation of cultural resources. As part of this annual appropriation of federal funds, the Society is obligating \$55,000 toward preservation, restoration and rehabilitation of projects for the National Register listed properties.

Interested owners of National Register listed properties that have a project they wish to be considered for an award should thoroughly read the guidelines and submit an application to the SHSND before July 29, 2011. The completed application must be accepted (not postmarked) at the SHSND by 5 pm on Friday, July 29, 2011.

**Only properties listed in the National Register of Historic Places are eligible for a Historic Preservation Fund Grant. The property must have maintained its historic integrity to be considered for these funds.**

To view a list of North Dakota properties listed on the National Register of Historic Places, visit the National Parks' National Register Information System at: [www.nps.gov/nr/](http://www.nps.gov/nr/). The names of listed historic districts can be found here, but the list does not include contributing properties within a National Register listed historic district, which are also eligible for grant funding. To confirm a properties status within a listed historic district, please contact the State Historical Society's Historic Preservation Division at 328-2089.

## **AMOUNT OF AWARDS**

Qualified persons may apply for a grant of any amount up to and including \$15,000.

A non federal cash match of at least 50% is required. Grant fund can only be used for a maximum of 50% of the total project cost, 15% on a tax credit eligible project (see Who Qualifies section for more information). The total project cost includes the grant funds and the cash match.

## **WHO QUALIFIES**

Owners\* of property in North Dakota that is listed on the National Register of Historic Places.

This includes:

- Private citizens
- Non Profit organizations
- Educational institutions
- Federally recognized Indian Tribes
- For-profit firms and organizations
  - Applications from for profit firms will be accepted for HPF grants on projects with a total budget no greater than \$100,000 and may only apply for up to 15% of the total project cost. Those with total budgets greater than \$100,000 will be referred to the Federal Historic Preservation Tax Incentive Program.
- Governmental entities
- Owners of land containing a National Register archeological site
- Owners of a contributing property within a National Register Listed District

## **WHO DOES NOT QUALIFY**

- Owners of religious property
  - Property currently owned by and used for religious organizations may qualify for pre-development funds which include funding for pre-construction planning and drawings.
- For-profit firms and organizations
  - Applications from for profit firms will be accepted for HPF grants on projects with a total budget no greater than \$100,000 and may only apply for up to 15% of the total project cost. Those with total budgets greater than \$100,000 will be referred to the Federal Historic Preservation Tax Incentive Program.
- Owners who objected to the National Register listing of the property
- Owners whose mortgage holders will not agree to sign the contract and covenant
- Owners of National Register listed property only but not the land the property is on, unless the land owner agrees to sign the contract as well
- Owners of property that is at risk of being moved
- Owners of property that has lost enough historical integrity to make it no longer eligible for listing
- Projects that have been started or completed prior to the awarding of the grant

## WHAT QUALIFIES

The following types of development projects are eligible for grant funding:

**Preservation and restoration** includes process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property, including preliminary measures to protect and stabilize the property. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make the property functional is appropriate within a preservation project. This category also includes the restoration of a property to a specific, significant point in its history.

**Rehabilitation** is the process of repairing or altering a property to make efficient contemporary use of it while sensitively preserving the features of the property, which are significant to its historical, architectural, and cultural values.

**Pre-development** projects provide the historical, architectural, and archeological research necessary to properly and adequately document both the historic significance and the existing physical condition of the materials and features of a property or site. Pre-development work must be performed to insure projects are historically appropriate.

Routine maintenance is not an allowable expense as a standalone project. Routine maintenance includes painting, refinishing and cleaning.

All work must be approved in advance by the SHSND and must comply with the statutes regarding construction, local building codes, and the Secretary of Interior's Standards for Treatment of Historic Properties as well as federal safety regulations. Attachment 3 of the guidelines provides a brief explanation of the Secretary's standards and Attachment 8 provides a list of past projects. For further information or project specific standards please contact the SHSND or the following web links:

**Secretary of the Interior's Standards for the Treatment of Historic Properties**

[www.nps.gov/history/hps/tps/standguide/](http://www.nps.gov/history/hps/tps/standguide/)

**Preservation Briefs** provide guidance on preserving, rehabilitating and restoring historic buildings. Hard copies of the Briefs are available upon request from the SHSND.

[www.nps.gov/history/hps/tps/briefs/presbhom.htm](http://www.nps.gov/history/hps/tps/briefs/presbhom.htm)

## MATCH

Historic Preservation Fund Grants require a minimum 50/50 cash match. The match cannot be from another source of federal funds. Exceptions to this are Community Development Block Grants; however, other restrictions may apply. Please check with the Grants & Contracts Officer if match will be from a federal source.

## HOW TO APPLY

Submit six (6) copies of the application, including photos to the SHSND by 5 pm on Friday, July 29, 2011. Applications cannot be submitted electronically. Incomplete or late applications will not be considered. Applications, including photos will not be returned to the applicant.

A complete application will have the following 6 sections:

1. **Application form** (Attachment 2) must be completed and attached to the cover of the application. Do not use a cover sheet over the application form.

2. The **narrative** should include 3 clear and concise sections:

**Section One:** Detail the existing physical conditions of the property. Describe the work needed and why it is needed. Include how the property is currently used or proposed uses once the work is complete. We need to know why the project is important. Detail what historic materials will be altered by the proposed work and any replacement materials that will be used. If this is a phase of a larger project, please provide the master plan for the project.

**Section Two:** Describe the treatment chosen for the project and the reasoning behind the choice. Treatment choices include preservation, restoration, rehabilitation or pre-development. If pursuing a restoration project, the historic written and photographic documentation on which the project is based should be provided.

**Section Three:** Detail the work to be done on the building or site. Include materials to be used in the project, who will be doing the work (professional, contractor, property owner or volunteers). If the work is to be completed by non professionals, include their qualifications. If products other than the building work will be produced (histories, architectural plans or drawings), please list them. If lead-based paint or asbestos is known to be present or suspected of being present, and the project may disturb the hazardous materials, please note where they exist, by what means their presence will be further identified, and plans to avoid, mitigate, or remove the hazard. The FURTHER INFORMATION section provides more information on these hazards.

3. Current **photographs** of the property must be included with the application. Clear, good quality photo of the entire building from foundation to chimney on all four sides must be included. Detailed close up photos of the project area must also be submitted. Digital photos need to be printed on photo quality paper and show details clearly. Do not send photos on disk, they will not be accepted and the application will be considered incomplete.

Copies of historic photos must be included for a restoration project.

4. The **budget** must include details on each line item and needs to include all major work elements. The line items should equal the total project cost (the federal grant and the cash match). The basis for the estimated cost of work must be explained. Copies of professional estimates need to be provided to verify budget figures. The sources of the cash match needs to be provided (city funds, personal funds, grants, etc.). The following items may be included in the budget:
  - a. The required acknowledgement sign which must be a minimum of 16 square feet. The sign must be posted prior to work beginning and visible throughout the construction project. The exact phrasing will be included in the contract.
  - b. Photos of the finished project. Post project photos are required to be submitted with the final report.
  - c. Architectural or engineering plans
  - d. Cost of a lead-based paint and/or asbestos risk assessment or inspection.

Miscellaneous or contingency budget categories are not acceptable.

5. A **time line** detailing expected completion dates for each phase of the project is required. Applications selected for funding will be contracted by early September 2011. The grant year runs from September 1, 2011 through September 30, 2012. Work completed after the September 30, 2012 deadline will not be eligible for grant funds. Work may not begin on a project until the contract has been signed with the SHSND
6. The two **certifications** (Attachment 5 and 6) must be completed, signed and returned with the application.

## **DEADLINES**

All applications must be received at the State Historical Society of North Dakota Office in Bismarck before 5:00 pm on Friday, July 29, 2011.

## **SELECTION CRITERIA**

The applications will be reviewed and rated based on four major categories:

- Quality of the application
- Need for the work, preference is given to public buildings
- Impact on the historic preservation program
- Compliance with the Secretary of the Interior's Standards

## **ADDITIONAL INFORMATION**

Applications selected for grant funding will be required to sign a contract with the SHSND. The contract will include the budget, time line, scope of work and other specific requirements to the project.

Detailed drawings or plans of proposed work must be submitted to the SHSND for approval prior to contract signing.

All work must be approved in advance by the SHSND. A site inspection of work will be made by SHSND staff to assure compliance with the contract. The owner will be required to make any changes the SHSND requires prior to payment of grant funds.

If awarded funds, federal and state procurement regulations must be followed to obtain materials or services. See Attachment 7 for details of regulations.

A lead based paint and/or asbestos inspection or risk assessment may be required by law for the project. A list of qualified inspectors and basic information can be found in Attachment 4. To determine if the project will need a lead paint or asbestos inspection and the cost, call one of the inspectors listed. More information can be found at the ND Department of Health's Air Quality website, [www.ndhealth.gov/AQ/](http://www.ndhealth.gov/AQ/) or call 701-328-5188.

Technical assistance will be provided free of charge by the SHSND staff. The SHSND does not provide professional architectural, archaeological or engineering services, but will provide assistance in contacting a professional for services, if needed.

Upon completion of the project and before payment of grant funds, a historic preservation covenant must be signed by the property owner and the SHSND. The covenant will require the property owner to assume the cost of continued maintenance and repair to preserve the integrity of the property for a minimum of ten years. A sample of the covenant is provided with the application guidelines (see Attachment 9).

Payment of grant fund is done by reimbursement. Payment will not be made until the project work is completed and approved by the SHSND. Receipts and other appropriate documentation must be submitted with the reimbursement request.

Completed work must generally be available for public viewing. If the project involves exterior work that cannot be viewed from a public right of way or the project work was on the interior of the structure, the property must be made available for viewing at least 12 days a year on an equally spaced basis and must publish a notice in the local newspaper announcing days and times for the public viewing. If the project involves only exterior work and is clearly visible from a public right of way, public access to the property is not required. If the project involves interior work on structural or mechanical systems only, not public access is required.

The SHSND reserves the right to reject any and all applications.

Submit application to:

Amy Munson  
Grants & Contracts Officer  
State Historical Society of North Dakota  
Historic Preservation Division  
612 East Boulevard Avenue  
Bismarck, ND 58505

Phone: 701-328-3573

Fax: 701-328-3710

E-mail: [amunson@nd.gov](mailto:amunson@nd.gov)

- |                     |   |
|---------------------|---|
| <b>Attachment 1</b> | Application Checklist                           |
| <b>Attachment 2</b> | Application Form                                |
| <b>Attachment 3</b> | Historic Preservation Treatment                 |
| <b>Attachment 4</b> | Approved Lead-based paint firms in North Dakota |
| <b>Attachment 5</b> | Assurances Construction Programs                |
| <b>Attachment 6</b> | Certifications                                  |
| <b>Attachment 7</b> | Federal Procurement Standards                   |
| <b>Attachment 8</b> | Past Historic Preservation Grant projects       |
| <b>Attachment 9</b> | Sample covenant                                 |

This program receives Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in departmental Federally Assisted Programs on the basis of race, color, national origin, age or disability. Any person who believes she or he has been discriminated against in any program, activity, or facility operated by a recipient of Federal assistance should write to: Director, Equal Opportunity Program, U. S. Department of the Interior, National Park Service, P. O. Box 37127, Washington, D.C. 20013-7127.



# APPLICATION CHECKLIST

---

Six complete copies of the application, including photos, must be submitted and arranged in the following order:

- Application Form**, completed and signed (Attachment 2)
- Narrative** Detailing existing physical condition, historic preservation treatment, and information on the work to be done
- Budget**, detailed line item budget with justification
- Time Line**, include beginning and ending dates, with checkpoints in between
- Assurances for Construction Programs**, completed and signed (Attachment 5)
- Certifications**, completed and signed (Attachment 6)
- Photographs** of all four sides of the building, plus details of the project area. Photos should be sleeved or attached to each application packet.
- Historic drawings, photos, or research** should be included for restoration projects

**Six complete copies of the application must be submitted,**

**Including 6 copies of all photos**

**One copy must have original signatures**

**Do not individually sleeve pages**

**Copies must be collated**

**APPLICATIONS MUST BE RECEIVED  
BY THE STATE HISTORICAL SOCIETY  
BY 5 PM Friday, July 29, 2011.**

## HISTORIC PRESERVATION FUND GRANT APPLICATION FORM

CONTACT PERSON: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

NAME & LOCATION OF NATIONAL REGISTER PROJECT SITE:  
\_\_\_\_\_

OWNER'S NAME: \_\_\_\_\_

IS THIS PROPERTY MORTGAGED? \_\_\_\_\_

PROJECT PERIOD: Beginning Date: \_\_\_\_\_ Completion Date: \_\_\_\_\_

FEDERAL FUNDS REQUESTED \_\_\_\_\_

CASH MATCH \_\_\_\_\_

TOTAL PROJECT COST: \_\_\_\_\_

SOURCES OF MATCH: \_\_\_\_\_

I certify that I have read the Society's Historic Preservation Fund Development Grant Guidelines and do understand the terms and conditions relating to the use of HPF grant funds. I understand that I may not proceed with any project work for which reimbursement is expected until I sign a contract with the State Historical Society of North Dakota and receive written notification from the State Historical Society of North Dakota to begin. I also certify that I, or the organization I represent, have sufficient resources to satisfy the proposed matching share.

\_\_\_\_\_  
Applicant Signature Title Date

Return Applications to: Grants & Contracts Officer  
Division of Archeology and Historic Preservation  
State Historical Society of North Dakota  
612 East Boulevard Avenue  
Bismarck, ND 58505-0830

Adapted from:

Historic Preservation Treatment

## Toward a Common Language

Kay D. Weeks

*"Historic Preservation Treatments: Toward a Common Language" originally appeared as a printed article in CRM, Volume 19, No. 1 (1996). Although it has been re-designed as a web product, the content remains the same. Photos: NPS files.*

As accessed online at: [www.cr.nps.gov/hps/tps/common\\_language\\_article.htm](http://www.cr.nps.gov/hps/tps/common_language_article.htm) (May 2, 2006)

Knowing what the consequences of work will be in the planning phase provides the basis for more informed judgments about the irreplaceable material record. What we choose to repair, replace, or demolish ultimately determines how the property is understood by today's and tomorrow's viewers. Signs fall down and interpreters aren't always there. So essentially, the work itself is the explanation.

The four treatment options constitute a clear hierarchical framework.

Thus, the first treatment, **Preservation**, places a high premium on the retention of all historic fabric through conservation, maintenance and repair. It reflects a property's continuum over time, through successive occupancies, and the respectful changes and alterations that are made.

**Rehabilitation**, the second treatment, emphasizes the retention and repair of historic materials, but more latitude is provided for replacement because it is assumed the property is more deteriorated prior to work. (Both Preservation and Rehabilitation standards focus attention on the preservation of those materials, features, finishes, spaces, and spatial relationships that, together, give a property its historic character.)

**Restoration**, the third treatment, focuses on the retention of materials from the most significant time in a property's history, while permitting the removal of materials from other periods.

**Reconstruction**, the fourth treatment, establishes limited opportunities to re-create a non-surviving site, landscape, building, structure, or object in all new materials. [NOTE: RECONSTRUCTION IS NOT AN ELIGIBLE GRANT EXPENSE]

# Key Ideas in the Standards

The following central ideas in the 1995 Standards (36 CFR 68) are shown in juxtaposition, to emphasize the relationship and differences among the four philosophical constructs:

## Standards for Preservation

1. Use the property as it was used historically or find a new use that maximizes retention of distinctive features.
2. Preserve the historic character (continuum of property's history).
3. Stabilize, consolidate, and conserve existing historic materials.
4. Replace minimum amount of fabric necessary and in kind (match materials).

## Standards for Rehabilitation

1. Use the property as it was used historically or find a new use that requires minimal change to distinctive features.
2. Preserve the historic character (continuum of property's history).
3. Do not make changes that falsify the historical development.
4. Repair deteriorated historic materials and features. Replace a severely deteriorated feature, using to the greatest extent possible, matching new materials.
5. New additions and alterations should not destroy historic materials or character. New work should be visually compatible from the old, yet be differentiated from it, e.g., the form, features, and detailing of the historic building should not be replicated in the new work.

## Standards for Restoration

1. Use the property as it was historically or find a new use that reflects the property's restoration period.
2. Remove features from other periods, but document them first.
3. Stabilize, consolidate, and conserve features from the restoration period.
4. Replace a severely deteriorated feature from the restoration period with a matching feature (limited substitute materials may be used).
5. Replace missing features from the restoration period based on documentation and physical evidence. Do not make changes that mix periods and falsify history to create a "hybrid" building. Do not execute a design that was never built.

## North Dakota Lead-based Paint Licensed Abatement Firms

(updated April 2011)

<http://www.ndhealth.gov/AQ/IAQ/LBP/>

Firms Name	Contact Person	City	State	Phone	Design	Inspector	Removal	Risk Assessor
Community Action Agency	Brenda Christensen	Bismarck	ND	701-258-2240				x
Badlands Environmental Consultants, Inc.	James McGurren	Bismarck	ND	701-223-7335		x		x
Total Control, Inc.	Todd Tooz	Dickinson	ND	701-225-4431			x	
Environmental Abatement Service of ND, Inc.	Dave Anklam	Bismarck	ND	701-258-4444			x	
Innovated Environmental Services, Inc.	RayAnn Kilen	Dickinson	ND	701-483-0123			x	x
SE Comm. Action Serv.	Anise Lean	Fargo	ND	701-232-2452				x
City of Fargo	Robert Miller	Fargo	ND	701-241-1478				x
Legend Technical Serv. Inc.	Mark Waltz	Fargo	ND	701-271-6779			x	x
Spirit Lake Tribe EPA	Connie Baker	Fort Totten	ND	701-766-1259				x
Ye ol' Painters, LTD	Gary Kokron	Grand Forks	ND	701-746-1717			x	x
Red River Valley Comm. Act.	Kent Keys	Grand Forks	ND	701-746-5431				x
City of Grand Forks Urban Development	Terry Hanson	Grand Forks	ND	701-746-2545		x		x
A&L Siding & Home Improvement	Laurie Hanson	Grand Forks	ND	701-775-0980			x	
Community Action Reg. VI - Jamestown	Rory Hoffman	Jamestown	ND	701-252-1821				x
Community Action - Minot	Denise Norsby	Minot	ND	701-839-7221				x
Minot Air Force base - Rivet Mile Group	Robert K. Lowe	Minot AFB	ND	701-723-6296			x	
Trio Environmental Consulting., Inc.	Scott Seamands	West Fargo	ND	701-492-9224				x
Gary Snow & Associates	Gary Snow	Pierre	SD	605-224-1964				x
Enviro Tech Remediation Services, Inc	David Sobaski	Blaine	MN	763-746-0670			x	
D.R. Hilde Drywall	Dale Hilde	East Grand Forks	MN	701-780-8450			x	
Peer Engineering, Inc.	Jason Gelling	Moorhead	MN	952-831-3341				x
Scarcely Limited, Inc.	Mike Swalboski	Marshall	MN	507-929-9870				x
Rick Halvorson Constr., Inc.	Brian Halvorson	Moorhead	MN	218-236-5622			x	
Remodeling by Foss, Inc.	Jay Stererson	Moorhead	MN	218-236-9310			x	
Horsley Specialties, Inc.	Gary Chalk	Moorhead	MN	605-342-5634			x	
Home Improvement by Stenersons, Inc.	David Halvorson	Moorhead	MN	218-233-3152			x	
Environmental Plant Services, Inc.	Micky Davidson	St. Paul	MN	651-644-4441			x	
Industrial Hygiene Resources, LTD.	Steve Mabe	Boise	ID	208-323-8287		x		

**ASSURANCES - CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;

(i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

- 11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
- 12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- 13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction sub agreements.
- 14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- 15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the

- 16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- 17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
- 18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
- 19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE

**U.S. Department of the Interior  
Certifications Regarding Debarment, Suspension and  
Other Responsibility Matters, Drug-Free Workplace  
Requirements and Lobbying**

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - **The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.** See below for language to be used or use this form for certification and sign. (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

---

**PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters -  
Primary Covered Transactions**

---

CHECK \_\_\_ IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

---

**PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -  
Lower Tier Covered Transactions**

---

CHECK \_\_\_ IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

- (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 prospective participant shall attach an explanation to this proposal.



---

**PART C: Certification Regarding Drug-Free Workplace Requirements**

---

CHECK \_\_\_ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such probation;
- (b) Establishing an ongoing drug-free awareness program to inform employees about-
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification numbers(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted -
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f),

B. The grantee may insert in the space provided below the site(s ) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

\_\_\_\_\_  
\_\_\_\_\_

Check \_\_\_\_\_ if there are workplaces on file that are not identified here.

---

**PART D Certification Regarding Drug-Free Workplace Requirements**

---

CHECK \_\_\_ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL.

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

---

**PART E: Certification Regarding Lobbying**

**Certification for Contracts, Grants, Loans, and Cooperative Agreements**

---

CHECK \_\_\_ IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT; SUBCONTRACT OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK \_\_\_ IF CERTIFICATION IS FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

---

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

---

TYPED NAME AND TITLE

---

DATE

## FEDERAL PROCUREMENT STANDARDS

This is a brief overview of the required Federal procurement standards.

### Selection Procedures

All procurement transactions, without regard to the method of procurement or dollar value, shall be conducted in a manner that provides maximum open and free competition. Procurement procedures shall not restrict or eliminate competition.

Solicitations of offers, whether by sealed bid or small purchase method, shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not contain features which unduly restrict competition. Solicitations must also set forth all requirements which offer or must fulfill and all other factors in evaluating bids or proposals, such as a deadline for completion of project work.

Awards shall be made only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

Contract awards shall not be made to a contractor who has developed or has drafted bid specifications, requirements, and a statement of work or an invitation for bids.

### METHOD OF PROCUREMENT

Procurement shall be made by small purchase procedures and competitive sealed bids.

#### Small Purchased Procedures

Small purchases are simple, informal methods used for the procurement of services, supplies, or other material costing in the aggregate of not more than \$100,000. An adequate number (usually 3) of price or rate quotations shall be obtained from qualified sources to assure competition.

#### Competitive Sealed Bids (formal advertising)

Sealed bids are publicly solicited. A firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price and most advantageous to the grantee considering price, discounts, transportation costs, taxes, and the Contractor's ability to fulfill the contract.

Procurement through competitive sealed bids shall satisfy all of the following:

1. Invitations for bid shall be publicly advertised 20-30 calendar days prior to the date set for opening of bids.
2. The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation.
3. All bids shall be opened publicly at the time and place stated in the invitation for bids.
4. A firm fixed-price contract award shall be made to that responsible bidder whose bid, conforming to the invitation for bids, is lowest.
5. Any and all bids may be rejected when there are sound documented business reasons for doing so. If all bids are rejected as too costly and the scope of work is then substantially altered, the work must be readvertised.
6. The formal advertisement must state that Federal funds are involved and that compliance with all applicable Federal, State, and local laws, rules and regulations is required.

#### **CONTRACT PRICING PROHIBITIONS**

A cost-plus-a-percentage-of-cost method of contracting shall not be used when awarding contracts and sub agreements with HPF grant funds.

#### **PROCUREMENT RECORDS**

Whether formally advertised or negotiated, the grant recipient must provide documents to the Society supporting all procurements involving federal funds. This documentation must include, at a minimum, the names of the persons/firms bidding, the amount of the bids, the person/firm selected, and the reason for the selection.

## **Historic Preservation Fund Grant projects in North Dakota**

This list is intended to provide an idea of the types of projects eligible for grant funding. It is not comprehensive. If you are unsure that your project will qualify for grant funding, please call the State Historical Society for more information.

### **2009 Projects**

171 Reeves Drive, Grand Forks  
Re-shingle historic roof

Grand Forks Fairgrounds WPA Structures  
Upgrade electrical systems

Lemke House, Fargo  
Front entry masonry and tuckpointing

Devils Lake Masonic Temple  
Re roof

### **2010 Projects**

Hettinger County Historical Society, Regent  
Re roof the Dr. S. W. Hill Drug Store

Grand Forks County Fairgrounds, Grand Forks  
Rehabilitation of the Fair Administration Building

Leach Public Library, Wahpeton  
Rehabilitation of foundation and landscaping to improve drainage

Lisbon Opera House, Lisbon  
Roof Replacement

Lake Region Heritage Center, Devils Lake  
Roof Repairs to the US Post Office and Courthouse

World War Memorial Building, Devils Lake  
Roof Replacement

## SAMPLE COVENANT

This covenant is made the \_\_\_\_\_ day of \_\_\_\_\_, 2011 by \_\_\_\_\_, (hereafter referred to as the "OWNER") and in favor of the State acting through the State Historic Preservation Officer (hereafter referred to as the "SOCIETY") for the purpose of the restoration of a certain Property known as the \_\_\_\_\_, which is owned in fee-simple by the OWNER and is listed on the National Register of Historic Places.

The Property is comprised essentially of grounds, collateral, appurtenances, and improvements and is known as the [name and postal address.] The property is more particularly described as follows: [legal description].

In consideration of the sum of \_\_\_\_\_ received in grant-in-aid assistance through the SOCIETY from the National Park Service, United States Department of the Interior, the OWNER hereby agrees to the following for a period of ten years (10) years:

1. The OWNER agrees to assume the cost of the continued maintenance and repair of said Property so as to preserve the architectural, historical, or archeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places.
2. The OWNER agrees that no visual or structural alterations will be made to the property without prior written permission of the SOCIETY.
3. The OWNER agrees that the SOCIETY, its agents and designees shall have the right to inspect the property at all reasonable times in order to ascertain whether or not the conditions of this covenant are being observed.
4. The OWNER agrees to make any changes that are requested in the SOCIETY'S covenant inspection report.
5. The OWNER agrees that if said property is damaged by accidental or natural causes, by negligent or intentional acts of others, or by negligent acts of the OWNER during the covenant, the OWNER agrees to assume the cost and the responsibility of reverting the property to the condition said property was in immediately after the development work was done using Historic Preservation Funds.
6. The OWNER agrees to maintain adequate insurance on said property to allow for reimbursement to the SOCIETY should the property be damaged in the manner described above.
7. The OWNER agrees that when the property is not clearly visible from a public right-of-way or includes interior work assisted with Historic Preservation Fund grants, the property will be open to the public, for the purpose of viewing the grant-assisted work, no less than twelve (12) days a year on an equitably spaced basis and at other times by appointment. Nothing in this covenant will prohibit the OWNER from charging a reasonable, nondiscriminatory admission fee, comparable to

fees charged at similar facilities in the area.

8. The OWNER agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 (d)), the Americans with Disabilities Act, and with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). These laws prohibit discrimination on the basis of race, religion, national origin, or disability. In implementing public access, reasonable accommodation to qualified disabled persons shall be made in consultation with State Historical Society of North Dakota.
9. To comply with the Americans with Disabilities Act, and with Section 504 of the Rehabilitation Act, when interior public access is required at least twelve (12) days per year and at other times by appointment, it is not required that a recipient make every part of the property accessible to and useable by disabled persons by means of physical alterations. That is, for public access periods, videos, slide presentations, and/or other audio-visual material and devices should be used to depict otherwise inaccessible areas or features.
10. The OWNER further agrees that when the Property is not open to the public on a continuing basis, and when the improvements assisted with Historic Preservation Fund grants are not visible from the public way, notification will be published in newspapers of general circulation in the community area in which the Property is located giving dates and times when the Property will be open. Documentation of such notice will be furnished annually to the State Historic Preservation Officer of North Dakota during the term of the covenant.
11. This covenant shall be enforceable in specific performance by a court of competent jurisdiction.
12. SEVERABILITY CLAUSE

It is understood and agreed by the parties hereto that if any part, term, or provision of this agreement is held to be illegal by the courts, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular part, term, or provision held to be invalid.