CITY OF STOUGHTON, 207 S FORREST ST, STOUGHTON, WISCONSIN

RESOLUTION OF THE COMMON COUNCIL		
Authorize the Stoughton Fire Department to apply for a Wisconsin Department of Natural Resources (WDNR) grant for wildland/brush gear for budget year 2023		
Committee Action:	Finance Committee recommended 3-0 on 05/24/2022	
Fiscal Impact:	$14,450 expenditures, $7,225 grant revenue, net $7,225 (estimated)	
File Number:	R-127-2022	**Date 6/14/2022**

The City of Stoughton, Wisconsin, Common Council does proclaim as follows:

RECITALS:

WHEREAS, the Stoughton Fire Department has successfully submitted grants for budget years 2021 and 2022 to the Wisconsin Department of Natural Resources (WDNR) for personal protective equipment related to wildland and brush fires; and,

WHEREAS, the Stoughton Fire Department wishes to apply to the WDNR for budget year 2023 for grant funding at 50% for the following items:

(a) addition of a foam system to the 2020 brush truck ($1,100 estimated cost),
(b) purchase of ten (10) boots applicable for wildland gear ($3,350 estimated cost),
(c) replacement of skid unit for six wheel drive All-Terrain Vehicle (ATV) ($10,000 estimated cost); and

WHEREAS, the WDNR deadline for the grant application is July 1, 2022; and

WHEREAS, the Stoughton Fire Department anticipates including the City of Stoughton's 50% portion of total expenditures in their requested budget for 2023;

NOW THEREFORE BE IT RESOLVED, that the Stoughton Fire Department is authorized to submit for a Wisconsin Department of Natural Resources grant for purchase of wildland and brush fire equipment; and

BE IT FURTHER RESOLVED, that the City of Stoughton will comply with all federal and/or state rules for the grant program.

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Council Action: ☐ **Adopted** ☐ **Failed** **Vote** _____

Mayoral Action: ☐ **Accept** ☐ **Veto**

_____

Mayor Tim Swadley Date

Council Action: _____ ☐ **Override** **Vote** _____

Memorandum

TO: Tim Swadley, Mayor

Dave Ehlinger, Finance Director

FROM: Joshua Ripp, Fire Chief

DATE: May 18, 2022

SUBJECT: 2022-2023 Grant Request

Good Day, I'm requesting permission to make a grant application for the 2023 Fiscal year with the Wisconsin DNR. This is an annual grant program that helps provide Wisconsin fire departments to be better equipped to wildland/brush fires. Stoughton Fire Department has been successful in receiving grants for the past 2 years (2021 and 2022). Most of this was adding wildland brush gear to our personal protective gear package for our firefighters. This gear is flame resistant, but much lighter and creates less stress on our firefighters. This is a 50/50 matching grant (DNR provides 50% of the cost, Stoughton Fire Department provides 50% of the cost.

I need to make my application by July 1, 2022. We would then receive the notification on receiving or being denied the grant application by October 1 (historically) with us needing to provide a document accepting or turning down the grant by October 15. If we don't accept the grant at that point, we aren't penalized (such as if the budget request wasn't included in the budget at that point).

I would do as I have in the past, and submit the 50% cost for Stoughton Fire Department to pay, as part of my capital budget request. My requests this year will be:

Requests

Est. $1,100 - Addition of a Foam System to the 2020 Brush Truck: This wasn't ordered as part of the initial skid unit. This will get it to match our other brush/wildland vehicles using Foam, which helps us extinguish, and make sure those fires are out.

Est $3,350 – Purchase of 10 boots applicable for wildland gear: Footwear for wildland firefighting boots can be a different configuration. We will determine which boots we will go with later, but current pricing is looking to be putting us at $335 per pair, with us starting at 10 pairs of boots.

Est $10,000 – Replacement Skid unit for our 6-wheel drive ATV: We had this in 2022's budget, but weren't able to get delivery of the unit in time to meet the June 15th deadline. We will re-apply (the recommendation from the DNR) for next year for the unit, including an increase in price due to higher costs. I will be requesting carryover of our capital money at budget discussions as well.

I have included a number of documents that are comparable (or will be) in the grant paperwork for the 2023 WI Department of Natural Resources grant. Please contact me with any questions.

FOREST FIRE PROTECTION (FFP) GRANT AWARD CHECKLIST

This checklist is provided to help you conduct your fire organization's FFP project. Important dates are noted to keep your project on track. This checklist is not intended to replace the detailed procedural information found in the **"FFP Grant Procedures"** document. If you need a hard copy of information contained in this checklist, please contact the FFP Grant Manager. This document, as well as all documents referred to in the checklist, can be accessed at the **Forest Fire Protection Grant Website**: http://dnr.wi.gov/aid/forestfireprotection.html

DUE	DONE	Grant # FFP-21 _____ Project Dates: 10/01/2020 – 4/15/2021
		GRANT AWARD ACCEPTANCE
10/15/20	☐ ☐ ☐ ☐	Read the grant letter and agreement. Confirm the approved category award amount, total grant award amount, and note any ineligible item(s). It is possible to receive a "partial" award if you requested funds for mapping. Carefully review the grant agreement before accepting this award to fully understand your responsibilities as the grantee. Accept or decline the grant award. Immediately inform the FFP grant manager, in writing, if you decline the grant award.
	☐	Read the **"FFP Grant Procedures"** document for grant administration information. This document is available on the FFP grant program website.
	☐	**Sign both copies of the grant agreement**. Return the DNR COPY to the FFP Grant Manager.
	☐	Complete the **Payee Verification Form and, if necessary, a W-9**.
10/15/20	☐	**Submit –** DNR Copy of Grant Agreement, Payee Verification Form, and, if necessary, a W-9 to the FFP Grant Manager: (*NOTE-new mailing address) ▪ **Mail:** Department of Natural Resources – 3911 Fish Hatchery Road, Fitchburg, WI 53711 ▪ **Email:** DNRFFPGrantProgram@wisconsin.gov ▪ **Fax:** (608) 275-3338
	☐	Create and maintain a grant file for this FFP grant project. Accounts, documents, and records related to this project must be retained for a period of three (3) years and made available upon inspection.

****Once you sign and return these documents, proceed with your project****
You will receive no further confirmation from the DNR.

USE OF GRANT FUNDS		
	☐ ☐ ☐ ☐	**Competitive Procurement** Determine procurement method required for your project by reviewing grant agreement conditions: General Condition 8.e. "Bidding" and Special Conditions B.5.a – b. Another useful tool is the **"Procurement Guide for Local Governments Receiving DNR Grants"**. A complete version of this guide can be found on the FFP grant program website. Secure quotes (if not previously done)**.** Catalog pages, internet pages, and documented telephone contacts are acceptable. Solicit bids, if applicable. Keep a copy of all quotes and/or bid information in the fire organization's grant file for future inspection.
ASAP	☐	Order your equipment from vendor of your choice. **If you are ordering from the DNR's Forestry Equipment R& D Center at Tomahawk (formerly the LeMay Forestry Center), *Place your order as soon as possible to avoid backorders.*** ▪ **Website:** DNR Forestry Center FFP Grant Eligible Catalog
ASAP	☐	Arrange payment and delivery of all products and services on or before the **strictly enforced** project end date of 4/15/21. **There will be no extensions due to the Covid-19 Pandemic this year. It is your responsibility to place your orders early.**

****FFP Grant Projects END on APRIL 15, 2021****

REIMBURSEMENT MATERIALS MUST BE POSTMARKED BY APRIL 15, 2021 - ABSOLUTELY NO EXTENSIONS

All purchases must be received; all services must be rendered on or before this date. Any costs incurred after this date will not be eligible for reimbursement.

REIMBURSEMENT REQUESTS		
Upon FFP project completion BEFORE 4/15/21	☐ ☐ ☐	Complete, sign, and date: **Form 4300-120 (FFP Grant Program Reimbursement Request and Claim Worksheet**): A fillable, printable reimbursement form is available on the FFP Grant website. **Be sure to include check numbers and dates on this form.** Attach: **Proof of purchase.** For each purchase, a detailed invoice must be submitted**.** Quotes and estimates are not acceptable. **Proof of payment** (only if personal credit cards/checks are used). If additional payment documentation is needed, you will be contacted.
On or before 4/15/21	☐	**Submit** reimbursement request to the FFP Grant Manager: ▪ **Mail: Mail:** Department of Natural Resources – 3911 Fish Hatchery Road, Fitchburg, WI 53711 ▪ **Email:** DNRFFPGrantProgram@wisconsin.gov ▪ **Fax:** (608) 275-3338
	☐	Keep a copy of the reimbursement forms, purchase, and payment documentation in your fire organization's grant file to produce upon inspection.
PROJECT COMPLETION/CHECK RECEIPT		
	☐	Participate in an on-site field check conducted by the local DNR Forester/Ranger
CONTACT FOR QUESTIONS		
Sandy Chancellor, FFP Grant Manager Department of Natural Resources 3911 Fish Hatchery Road Fitchburg, WI 53711 Phone: 608-720-0122 Fax: 608-275-3338 E-mail: sandra.chancellor@wisconsin.gov		

FOREST FIRE PROTECTION (FFP) GRANT PROGRAM
GRANT PROCEDURES

GRANT REQUEST APPROVAL & GRANT AWARD ACCEPTANCE

- The Department of Natural Resources (DNR) approved the portion of the fire organization's grant request as listed in the grant agreement.
- Thoroughly read the grant award letter and agreement to fully understand your responsibilities as the grantee.
- Pay particular attention to the **"Grant Project Detail by Category"** section on page 1 of the grant agreement.
    - Do not assume you received everything requested in your original application. This page of the grant agreement defines:
        - the individual category award amount approved
        - the total grant award amount
        - any item(s) declared ineligible
    - It is also possible that a partial award is being offered based on the number of eligible applicants and funding availability.

By **October 15th,** the authorized representative for the grantee must sign and return all required documents listed below**.** If this deadline is not met, your organization risks having the offer of grant funding rescinded.

- **DNR copy** of the grant agreement. Sign both copies of the grant agreement and return the DNR copy. The grantee copy of the grant agreement is for your file.

- **W-9 Taxpayer Identification Number (TIN) Verification Form**
  This form is included in your award packet and must be completed to receive payment. The DNR is transitioning to a new financial software system; as such, a W-9 form is required for all grantees. Please follow the instructions for completion.

- **DUNS #**
  Follow the instructions on the form to enter a DUNS # for your organization or obtain one if you do not already have a DUNS #.

Submit the required documents to the FFP Grant Manager by **October 15th**:

- **Email (received by midnight):** DNRFFPGrantProgram@wi.gov
- **Fax (received by midnight):** (608) 275-3338
- **Mail (postmarked):** Department of Natural Resources – 3911 Fish Hatchery Road Fitchburg, WI 53711

PROCEED WITH YOUR PROJECT

Once you sign the grant agreement and submit the required materials to the DNR, there will be no further confirmation from the DNR.

DECLINING THE GRANT AWARD OFFER

Please provide the FFP Grant Manager written notification of your decision to decline the grant award offer by **October 15th**. There will be no penalty to your fire organization if the decision is made before this deadline.

FOREST FIRE PROTECTION (FFP) GRANT PROGRAM
GRANT PROCEDURES

USE OF GRANT FUNDS

1. Read the grant agreement carefully, especially noting the **"Grant Project Detail by Category"** section on page 1 of the grant agreement. This is important because it defines the individual category award amount approved, the total grant award amount, and any item(s) that were declared ineligible. If the grant agreement lists ineligible items, the FFP grant program will not reimburse those items.

2. After returning the required documents to the DNR, place orders with successful vendors following the competitive procurement process outlined below. Arrange for payment and delivery on or before **April 15th**. The grant period end date of **April 15th** will be strictly enforced. Begin your project immediately, and order early to avoid backorders. No extensions will be granted for backorders.

3. **Competitive Procurement** is essential. As a grantee, it is imperative you comply with state and federal law. FFP Grant Agreement General Condition A.8.e. and Special Conditions B.5.a.–d. address this issue. Procurement guidelines can be complex. If you have questions regarding the necessity for bids or how to conduct the bidding process, please consult your organization's or municipality's local attorney. A useful tool in determining the bidding method required for your project is the DNR's "**Procurement Guide for Local Governments Receiving DNR Grants**".

   Quotations (catalog pages, internet pages, and documented telephone contacts are acceptable) and bids should be kept as part of the grant file. You may be asked to provide bid documentation prior to reimbursement authorization. For fire organizations ordering from the DNR's Forestry Equipment R&D Center, it is not necessary to follow the bidding requirements since the State has already completed the bidding.

   If you plan to order equipment from the DNR's Forestry Equipment R&D Center in Tomahawk, Wisconsin, place your order as soon as possible to avoid backorders. As noted previously, it is not necessary to follow competitive procurement requirements when ordering through this facility. If you place an order, make sure you indicate you received an FFP grant so an invoice can be processed in a timely manner. To expedite your order, email or fax your request.
   - **Website:** http://dnr.wi.gov/topic/ForestFire/catalog.html
   - **Email:** DNRFRstockroom@wi.gov
   - **Phone:** (715) 453-1257
   - **Fax:** (715) 453-5998

4. The grantee is responsible for payment of the full invoice amount to the vendor from its own (fire organization) account; this may be separate from or part of a municipal account. Payments for grant purchases may be made from the grantee's account as follows:
   - Written check
   - Cashier's check or money order
   - Credit card, debit card, or online banking

   Note: Use of a personal credit card or check from a fire department member's account is discouraged; however, we recognize that there are situations that warrant its use. This payment method will require additional "proof of payment" documentation as outlined in the "Reimbursement Process" section.

CAUTION: Items for which payment has been or will be received from another federal or state financial assistance program are not eligible for reimbursement.

DEADLINE FOR FFP PROJECT COMPLETION IS APRIL 15th – NO EXTENSIONS.
The project end date of April 15th will be strictly enforced.

FOREST FIRE PROTECTION (FFP) GRANT PROGRAM
GRANT PROCEDURES

REIMBURSEMENT PROCESS

The DNR will process a single reimbursement check. The reimbursement request must be complete when it is submitted to the DNR. The DNR reimburses the grantee for fifty percent (50%) of the eligible project costs up to the maximum amount of the grant award as stated in the grant agreement. To be eligible for reimbursement: all eligible items must be purchased and received, and all services must be rendered within the grant period as stated in the grant agreement. To request reimbursement, submit the following to the FFP Grant Manager by **April 15th**:

- **Completed and signed Forest Fire Protection (FFP) Grant Program Reimbursement Request (Form 4300-120).** List the check date, check number, vendor(s), item(s) purchased, amount, and the total expenditure for the grant project. By signing, you indicate that all bills are paid and all items have been received within the grant period. Only record **actual** expenditures in the "Expenditures" column in the appropriate categories. The reimbursement request form is available at: http://dnr.wi.gov/aid/forestfireprotection.html

- **Proof of purchase.** For each purchase, a detailed invoice must be submitted**.** Quotes and estimates are not acceptable.

  Note: Proof of payment no longer needs to be submitted with the reimbursement request, with the **exception** noted below. All payment documentation must be kept in the fire orqanization's grant file to be produced upon inspection. If the FFP grant manager determines payment documentation is needed, you will be contacted directly.
  - **EXCEPTION:** If a purchase is made with a personal credit card or check from a fire department member's account, it is necessary to submit a copy of the fire organization check showing payment to that fire department member.

Submit FFP Reimbursement Requests to the FFP Grant Manager by **April 15th**:

- **Email (received by midnight):** DNRFFPGrantProgram@wi.gov
- **Fax (received by midnight):** (608) 275-3338
- **Mail (postmarked):** Department of Natural Resources – 3911 Fish Hatchery Road Fitchburg, WI 53711

After DNR staff completes its review of the reimbursement request and authorizes payment for all eligible costs, a check will be sent based on the information supplied on the Payee Verification Form or W-9.

AFTER CHECK ARRIVAL

- Participate in an on-site field check conducted by your local DNR Forester/Ranger. This is an important appointment and serves as an opportunity for you and DNR staff to review the grant award process and project.
- Affix inventory sticker, if provided by the local DNR Forester/Ranger, during the on-site field check.
- Assist in the planning of, and participate in, local public relations opportunities.
- Review information on recordkeeping, inventory, and disposal requirements contained in the grant agreement: General Condition A.8.f. and Special Conditions B.6., B.7., and B.8. If your organization received federal funds, grant agreement Conditions Applicable to Recipients of Federal Funds C.2. applies.

CONTACT FOR QUESTIONS

Sandy Chancellor, FFP Grant Manager
Phone: 608-720-0122
Email: sandra.chancellor@wisconsin.gov

FOREST FIRE PROTECTION (FFP) GRANT

This list is not all-inclusive. It is meant to give an idea of item eligibility for reimbursement based on current interpretation of state statutes and administrative rules for the Forest Fire Protection (FFP) Grant Program as administered by the Department of Natural Resources. Any eligibility questions should be directed to the grant program manager listed on the last page of this document.

PERSONAL PROTECTIVE EQUIPMENT (PPE)	
Eligible	**Ineligible**
NFPA 1977 Standard *(Must bear NFPA 1977 label)*	bunker pants and coats and other standard issue clothing for fighting structural fires
• brush pants, maximum $350 ea. ($175 grant funds)	clothing/PPE for HazMat/EMT/Search & Rescue ops
• jumpsuits/coveralls maximum $700 ea. ($350 grant funds)	first aid kits
• brush jackets, maximum $350 ea. ($175 grant funds)	flashlights: personal
• hard hats/helmets, maximum $100 ea. ($50 grant funds)	gloves: extrication, structural, non-leather
• wildland gloves, $50 maximum ($25 grant funds)	heat sensors/strips
• boots, maximum $200 per pair ($100 grant funds) 10 pair maximum	helmets and ATV/UTV helmets
(Note, boots can cost more than $200, but no more than $200 will be considered grant eligible)	items not specifically approved by the NFPA (e.g. bandanas and respirators)
chainsaw chaps	Personnel Accountability System-passport, tag or card systems
ear protection (plugs)	PASS Alarms
fire shelters	rehab misters
Firefighter Cleaning Wipes $200 max ($100 grant funds)	Self-Contained Breathing Apparatus (SCBA)
goggles/safety glasses & cases	Scene Lighting
helmet flashlights/headlamps, maximum $100 ea. ($50 grant funds)	vests: high visibility, ICS
hot shields and masks/wildland-approved dust mask and filters, maximum $100 ea. ($50 grant funds)	
Nomex hoods and shrouds, maximum $100 ea. ($50 grant funds)	
personal compasses	
personal safety strobes (strobe only, incapable of producing steady beam of light)$20 max ea/$10 grant funds	
radio chest packs	
web belts for fire shelters	

TRAINING	
Eligible	**Ineligible**
DVDs - wildland fire training	electronic equipment: cameras, computers, DVD players, home theater systems, printers
Wildland Fire Chainsaw Training $2000 max ($1000 grant funds)	(including camera/photo printers), projectors/screens, TV's, VCR's
forest fire and ICS certified training and tuition	LP gas simulator training
practice fire shelter	prescribed burn training
	speaker fees
	structural/non-wildland fire training

PREVENTION & WILDLAND URBAN INTERFACE	
Eligible	**Ineligible**
brochures: forest fire prevention, wildland-urban interfaces	fire safety trailer with WUI considerations (county/area associations only)
firewise materials	smoke detectors
handouts for wildland fire	structural fire prevention materials
posters: wildland fire themed	
signs: magnetic fire danger signs for vehicles	
Smokey Bear costume	
Smokey: fire danger signs, take Smokey home school project	
videos: forest fire prevention, wildland-urban interfaces	

TOOLS/EQUIPMENT	
Eligible	**Ineligible**
back can/backpack pump	axes: fire, pick
belt weather kit/handheld weather instrument	backpack sprayers (like those used for herbicide application)
bolt cutters	binoculars
chainsaw brackets	canteens
chainsaw:	chainsaw GREATER than 60 cc diplacement or 4.5 hp
●LESS than 60cc displacement or LESS than 4.5 engine hp (wildland fire use only)	chainsaw: sharpening kit, replacement chains
●Electric chainsaw, plus two batteries per saw	drones
DOT safety cans (Must be 5 gallon or less and DOT labeled)	dry hydrants: repair or maintenance of dry hydrants already in existence
● decals to label safety cans -fuel type	equipment for HazMat/EMT/Search & Rescue operations (includes skid unit EMS seating)
drip torch: hand-held	equipment for structural fire fighting large, trailer-type pumps
dry hydrant components and supplies for NEW installations only	● compressed air foam systems permanently mounted on structural fire engines
equipment for fire suppression used to outfit ATV, RTV, UTV	● high volume pumps primarily used for structural fires
● NOT including: light bars, lettering, paint, windshield, roof, etc.	● high pressure fire suppression pumping systems or high pressure hoses
foam and gels: application equipment and proportioners for use with USDA-approved Class A	● large, trailer-type pumps
foam and gels: USDA-approved Class A: no more than 50 gallons	● thermal imaging devices/cameras
● Approved Class A Foams List	fire line tape
foam systems permanently mounted on brush truck	flashlights: boxlight
foam: portable delivery equipment for Class A foam	flatbed assembly that attaches to vehicles/UTV/ATV/RTV
forestry flagging	floodlights
fusees	foam delivery system that is non-USDA approved
hose reels	foam: Class B, not USDA-approved Class A
hoses & appliances: Diameter of 1" or LESS (No high pressure hoses)	gear bags
leaf blower/mister	generators
nozzles: Diameter of 1" or LESS, maximum $200 per nozzle (grant funds $100)	hose tester or hose washer
Pumps:	hoses/nozzles/appliances: Diameter GREATER than 1"
● 21 hp or lower	hydrant wrench
● pressure not capable of exceeding 300 psi	hydrants for city water
●primary use must be initial-attack suppression	Jerry Cans
slip-on/skid pumping units for vehicles (NO part of any high pressure skid-unit will be funded)	ladders
● UTV/RTV/ATV slip-on pumping unit, maximum $8000 ($4000 grant funds)	laser thermometer/heat sensor guns
● Brush Truck slip-on pumping unit, maximum $14,000 ($7,000 grant funds)	laundry equipment
●Slip-on unit pumps requirements below:	maintenance or replacement equipment (e.g. replacement winch cables, replacement chainsaw chains)
● 21 hp or lower	oxygen
● pressure not capable of exceeding 300 psi	portable compressed air foam systems (CAFS)
●primary use must be initial-attack suppression/**NO SEATS ON SLIP ON UNIT**	resource locator tracking system
sprinkler kits	saw: ventilation (and parts, i.e. carbide tipped chains, depth gauge, power head), rescue
suction hoses to match pump	scope for spotting
tools: handtools used in wildland fire suppression	tanks: portable
tow straps	tool hauling trailer
wheel chocks	tracks: ATV, RTV, UTV
winches	traffic signage/cones
	trailers for hauling ATV, RTV, UTV
	underground water tank
	water thief

COMMUNICATION EQUIPMENT	
Eligible	**Ineligible**
cell phone boosters for fire department-owned vehicles	backup power systems for radio tower sites (including solar panels)
portable radio charger	battery replacements for radios and pagers
lapel microphones, Maximum $75 ea. ($37.50 grant funds)	existing repeater tower relocation
radio headsets - max $300 ($150 grant funds) - must be connected to portable radio	existing tower maintenance
radios: mobile, portable (including initial battery, warranty, installation and programming)	fax machines/copiers/scanners
● LIMITS: 2 mobile, 2 portable- max $2500 per radio ($1250 grant funds)	maintenance or replacement equipment (e.g. batteries)
● Must include county fire and appropriate mutual aid frequencies including Fireground Blue	mobile data terminals
● Must meet P25 conventional standard	mobile phones (and related charges)
radio reprogramming for DNR digital communication and monitoring:	pager reprogramming
●fire department radios, software, cable for radio reprogramming	paging system with encoder/decoder
● MAX $1,000 (grant funds $500)	repeaters: base station, vehicle
pagers and accessories max $400 ($200 grant funds) 5 pagers maximum	siren system for community emergency warning

DRY HYDRANT INSTALLATION	
Eligible	**Ineligible**
Installation costs: excavation, site preparation, engine pad, signage	dredging costs
● http://dnr.wi.gov/topic/waterways/construction/dry_hydrants.html	easement legal fees
● **NOTE:** If awarded a grant, reimbursement costs for dry hydrant installation will only	electric pump-driven dry hydrant
be authorized when appropriate documentation is submitted with the reimbursement	irrigation wells
request (exemption letter, permit approval, landowner letter)	roads for dry hydrant access
	underground water tanks
	wells

MAPPING	
Eligible	**Ineligible**
GPS and installation	GPS units with 2 way radios, cameras or other enhancements
maps: zone, high hazards wildland areas, water resources	numbering systems
plat books	other mapping equipment
	PDAs
	software, computers, tablets

OFF-ROAD VEHICLES	
Eligible	**Ineligible**
ATV, RTV, UTV: primary use is wildland fire suppression	light bars or sirens on initial-attack brush trucks or UTVs
Truck chassis	tenders (tankers) not equipped for off-road
tenders (tankers) w/tank capacity ≤ 1,000 gallons if equipped w/mounted pumps for off-road	tenders (tankers) w/tank capacity GREATER than 1,000 gallons
trucks: standard all-wheel drive, 1/2 to 5-ton capacity equipped to fight wildland fires	tires, vehicle maintenance, repair for existing trucks
vehicle wildland fire fighting preparations made immediately after acquisition	tracks: ATV, RTV, UTV
● paint	trailers: rehab, hauling ATV, RTV or UTV
● identification letters/numbers	trucks: standard w/OUT all-wheel drive (not off-road)
● truck brush guards	
● truck bumpers	
● truck compartments	

OTHER EXPENSES	
Eligible	**Ineligible**
expenses: ● incurred during the grant project period ● paid from Grantee or Taxpayer ID # (TIN) account quotes/bids publication notices shipping/freight	donations/in-kind labor expenses: ● incurred before or after the grant project period ● incurred under a contract that creates a real or apparent conflict of interest ● receive payment under other federal/state financial assistances programs ● paid from an account different from that of the Grantee or Taxpayer ID # (TIN) account sales tax

FFP Grant Manager
Sandy Chancellor
Phone: (608) 720-0122
Email: sandra.chancellor@wisconsin.gov

Cooperative Forest Fire Specialist
Ron Schneider
Phone: (608) 438-6528
Email: Ron.Schneider@wisconsin.gov

PROCUREMENT GUIDE FOR LOCAL GOVERNMENTS RECEIVING GRANTS (STATE OR FEDERAL) FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES

Issued by:
Bureau of Community Financial Assistance
Wisconsin Dept of Natural Resources
101 So. Webster Street
Madison, WI 53703
Contact Number: 608-266-7555

(Last Revised: February 2016 - DNR Bureau of Legal Services)

INTRODUCTION

DISCLAIMER. This document sets out bidding requirements that local units of government must meet to ensure that the Department of Natural Resources (DNR) can process grant reimbursement requests. The document is **not** a comprehensive review of all bidding law requirements. Consult your attorney with detailed questions about compliance with bidding laws.

DNR personnel are not qualified or authorized to provide legal advice to local units of government concerning bidding laws.

What follows is an explanation of what the DNR will be looking for prior to issuing reimbursements to grantees. Municipalities cannot generalize this guidance to other situations. Bidding laws are complicated, with different requirements for cities, towns, villages, and counties. Because of this complexity, local units of government are urged to work with their attorneys to ensure compliance with all bidding laws.

BACKGROUND. Since moneys collected from taxpayers are typically used to underwrite grant and loan programs, efforts to contain project costs are in the public's interest. There are several cost-containment strategies; the most common is known as "competitive bidding".

In general, state law requires local units of government to competitively bid for "public construction" when the estimated cost exceeds $25,000[1]. If the estimated cost is between $5,000 and $25,000[1], Wisconsin Statutes require that each municipality issue a Class 1 notice concerning the proposed project before a contract is executed. In addition to state law, some municipal ordinances may have competitive bidding requirements.

Recipients of DNR grants and loans must comply with applicable state bidding and contracting requirements; see Part 1 below. In addition, grants or loans funded with Federal money require specific bidding procedures; see Part 2 below. **The DNR strongly recommends grant recipients consult with their attorneys to ensure compliance with all bidding requirements and procedures.**

NOTE: Failure to comply with bidding requirements may result in your reimbursement being withheld.

CHANGES TO PREVAILING WAGE DETERMINATIONS. *2015 Wis. Act 55* repealed the requirement that local governments obtain a Prevailing Wage Rate Determination from the Department of Workforce Development before making a contract or soliciting bids for public works projects with cost estimates greater than $25,000, effective on January 1, 2017. See s. DWD 290.08, Wis. Admin. Code, for information about remaining prevailing wage rate determinations. This means that prevailing wage rate determinations will be needed for any project begun before January 1, 2017.

An application for wage rate determination is available on the DWD website (http://dwd.wisconsin.gov/er/prevailing_wage_rate/publication_erd_8731_p.htm) and may be printed or filed electronically. The DWD has 30 days from the date of application receipt to issue a determination. The prevailing wage "white sheet" provided by DWD should be included with the other bid documents when requesting bids for your project.

[1] This requirement varies depending on the specific local unit of government. The DNR strongly suggests that local units of government work with their attorney to ensure that the applicable state laws are complied with and satisfied.

PART 1

REQUIREMENTS WHEN GRANTS ARE FROM STATE SOURCES

DETERMINE BIDDING METHOD

When bidding for ***supplies, services, or construction,*** we suggest the methods listed in the following table to determine the appropriate bidding method. Construction projects cannot be divided into smaller contracts to avoid bidding. While some exceptions exist (see pp. 8-10), it is good business practice to obtain price quotes whenever possible. Grant recipients should consult with their attorneys when determining if the exceptions apply to your situation.

RECOMMENDED BIDDING METHODS		
VILLAGES:	Contracts less than $5,000[2]	Although not mandated by law, it is highly recommended that the grant applicant obtain quotes from several sources (preferably three vendors) to obtain the best price. Grant applicants should telephone vendors and ask them to submit a written estimate/quote for goods or services. Additionally, grant applicants should maintain a file with the names of vendors contacted, the written quotes obtained, and a written explanation of the vendor selected (if not low bidder).
	Contracts greater than $5,000 but less than $25,000	If the estimated cost of any public construction exceeds $5,000, but is not greater than $25,000, the village board shall give a Class 1 notice, under ch. 985, of the proposed construction before the contract for the construction is executed. (See Wis. Stat. § 62.15(1).)
	Contracts greater than $25,000	All contracts for public construction, in any such village, exceeding $25,000, shall be let by the village board to the lowest responsible bidder in accordance with s. 66.0901 insofar as said section may be applicable. (See Wis. Stat. § 62.15(1).)

[2] Although not mandated by statute or administrative code, it is strongly recommended that this action be taken by grant applicants to remain consistent with Wis. Adm. Code ADM 8.01, Wis. Stat. §§ 16.75(1)(c) and 16.75(2m)(c).

RECOMMENDED BIDDING METHODS		
CITIES:	Contracts less than $5,000[2]	Although not mandated by law, it is highly recommended that the grant applicant obtain quotes from several sources (preferably three vendors) to obtain the best price. Grant applicants should telephone vendors and ask them to submit a written estimate/quote for goods or services. Additionally, grant applicants should maintain a file with the names of vendors contacted, the written quotes obtained, and a written explanation of the vendor selected (if not low bidder).
	Contracts greater than $5,000 but less than $25,000[3]	If the estimated cost of any public construction exceeds $5,000 but is not greater than $25,000, the board of public works shall give a Class 1 notice, under ch. 985, of the proposed construction before the contract for the construction is executed. (See Wis. Stat. § 62.15(1).)
	Contracts greater than $25,000[3]	All public construction, the estimated cost of which exceeds $25,000, shall be let by contract to the lowest responsible bidder; all other public construction shall be let as the council may direct. (See Wis. Stat. § 62.15(1).)

[3] The council may also, by a vote of three−fourths of all the members−elect, provide by ordinance that any class of public construction or any part thereof may be done directly by the city without submitting the same for bids.

RECOMMENDED BIDDING METHODS		
TOWNS:	Contracts less than $5,000[2]	Although not mandated by law, it is highly recommended that the grant applicant obtain quotes from several sources (preferably three vendors) to obtain the best price. Grant applicants should telephone vendors and ask them to submit a written estimate/quote for goods or services. Additionally, grant applicants should maintain a file with the names of vendors contacted, the written quotes obtained, and a written explanation of the vendor selected (if not low bidder).
	Contracts greater than $5,000 but less than $25,000	No town may enter into a public contract with an estimated cost of more than $5,000 but not more than $25,000 unless the town board, or a town official or employee designated by the town board, gives a Class 1 notice under ch. 985 before execution of that public contract. (See Wis. Stat. § 60.47(2)(a).)
	Contracts greater than $25,000	No town may enter into a public contract with a value of more than $25,000 unless the town board, or a town official or employee designated by the town board, advertises for proposals to perform the terms of the public contract by publishing a Class 2 notice under ch. 985. The town board may provide for additional means of advertising for bids. (See Wis. Stat. § 60.47(2)(b).) The town board shall let a public contract for which advertising for proposals is required under the above section to the lowest responsible bidder.[4] (See Wis. Stat. § 60.47(3).)

[4] "Responsible bidder" means a person who, in the judgment of the town board, is financially responsible and has the capacity and competence to faithfully and responsibly comply with the terms of the public contract.

RECOMMENDED BIDDING METHODS		
COUNTIES:	Contracts less than $5,000[2]	Although not mandated by law, it is recommended that the grant applicant obtain quotes from several sources (preferably three vendors) to obtain the best price. Grant applicants should telephone vendors and ask them to submit a written estimate/quote for goods or services. Additionally, grant applicants should maintain a file with the names of vendors contacted, the written quotes obtained, and a written explanation of the vendor selected (if not low bidder).
	Contracts greater than $5,000 but less than $25,000[5]	If the estimated cost of any public work is between $5,000 and $25,000, the board shall give a Class 1 notice under ch. 985 before it contracts for the work or shall contract with a person qualified as a bidder under s. 66.0901. (See Wis. Stat. § 59.52(29)(a).)
	Contracts greater than $25,000[6]	All public work, including any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work will exceed $25,000 shall be let by contract to the lowest responsible bidder. (See Wis. Stat. § 59.52(29)(a).)
MUNICIPAL DISTRICTS	Contracts less than $5,000[2]	Although not mandated by law, it is recommended that the grant applicant obtain quotes from several sources (preferably three vendors) to obtain the best price. Grant applicants should telephone vendors and ask them to submit a written estimate/quote for goods or services. Additionally, grant applicants should maintain a file with the names of vendors contacted, the written quotes obtained, and a written explanation of the vendor selected (if not low bidder).
	Contracts greater than $5,000 but less than $25,000[7]	If the estimated cost of any public construction exceeds $5,000 but is not greater than $25,000, the municipal district shall give a Class 1 notice, under ch. 985, of the proposed construction before the contract for the construction is executed.
	Contracts greater than $25,000[7]	All public construction, the estimated cost of which exceeds $25,000, shall be let by contract to the lowest responsible bidder.

[5] Any public work, the estimated cost of which does not exceed $25,000, shall be let as the board may direct.
[6] A contract, the estimated cost of which exceeds $25,000, shall be let and entered into under s. 66.0901, except that the board may by a three−fourths vote of all the members entitled to a seat provide that any class of public work or any part thereof may be done directly by the county without submitting the same for bids.
[7] Although not mandated by statute or administrative code, it is strongly recommended that this action be taken by grant applicants to remain consistent with Wis. Stat. §§ 62.15(1), 60.47(2)(a & b), and 59.52(29)(a).

RECOMMENDED BIDDING METHODS

- Quotes: Although not mandated by law, it is **strongly recommended** that grant applicants perform the following procedures to ensure fiscal responsibility.
    1. Obtain and document quotes from several sources (preferably three vendors) to obtain the best price.
        a. Telephone vendors and ask them to submit a written estimate/quote for goods or services.
        b. Maintain a file with the names of vendors contacted, the written quotes obtained, and a written explanation of the vendor selected (if not low bidder).
    2. Purchases over $5,000 and less than $25,000 require the publication of a Class 1 notice. See section below about publishing notices.

- Bids: Obtain bids through the publication of a Class 2 notice.

WRITE AND PUBLISH NOTICES, IF REQUIRED

Solicitations should clearly set forth all requirements that the bidder should fulfill in order for the bid to be evaluated by you. As indicated in the table above, the following notices are required:

- Class 1 Notice — Publish a request for price quotes ***one*** time in the newspaper designated by the municipality's governing body as the "official newspaper of public record". (See **Attachment A** for an example of a Class 1 written notice.)

- Class 2 Notice — Publish a request for bids ***two*** times (once per week for two consecutive weeks, the last of which should be at least one week before the bids are to be opened) in the newspaper designated by the municipality's governing body as the "official newspaper of public record". (See **Attachment B** for an example of a Class 2 written notice.)

- Proof of Printing — To document compliance with the procurement guidelines, obtain proof of printing in the form of an *Affidavit of Publication* from the publisher and store this with the grant records.

SELECT VENDOR

- **The recipient should be alert to conflicts of interest.** Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of these parties, has a financial or other interest in the firm selected for a contract. No employee, officer, or agent should participate in the selection, award, or administration of a contract if a real or apparent conflict of interest would be involved.

- In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft bid specifications, requirements, statements of work, and invitations for bids and/or requests for proposals should be excluded from competing for such procurements.

- For quotes, awards should be made to the vendor whose quote is responsive to the solicitation and is most advantageous to the recipient, considering price, quality and other factors.

- For bids, the award should be made to the lowest responsible bidder.

BIDDING EXCEPTIONS

1. PURCHASES FROM OTHER UNITS OF GOVERNMENT. Any local governmental unit may make purchases from another unit of government, including the state or federal government, without bidding. (See s. 66.0131(2), Wis. Stats.)

2. MUNICIPALITIES MAY PERFORM THE WORK. A municipality can avoid the bidding process by performing the work itself. This exception allows municipal personnel to do the work, but it does not allow the municipality to serve as a general contractor and negotiate with subcontractors to do the work. (See *Elliott v. Morgan*, 214 Wis.2d 253, 571 N.W.2d 866 (Ct. App. 1997).)

3. CITIES AND VILLAGES ONLY BID FOR "PUBLIC CONSTRUCTION". Public construction consists of activities and public improvements which require the combination of materials, supplies, and labor. It is rare that mere maintenance and other public works which do not involve the actual combining of materials and labor with a definable end result would constitute public construction. (See Natkins, Smith & Van Swearingen, *Public Constructions in Wisconsin*, p. 50 (1985).)

4. EQUIPMENT; IN GENERAL. "Public contract" means any contract for the construction, execution, repair, remodeling, improvement of a public work, building or for the furnishing of supplies, material of any kind, proposals for which are required to be advertised by law. (See Sec. 66.0901(1)(c), Wis. Stats.) The definition of "public contract" has been previously interpreted by the Wisconsin Attorney General not to include <u>equipment</u>. Attorney General opinions have stated that farm machinery, a police car, and a heavy movable engine constitute equipment, are not supplies or material, and therefore are not subject to competitive bidding requirements. However, according to various court decisions, certain types of equipment that require contracted labor to install may be permanent fixtures, thus constituting improvement of a public work and requiring purchase by competitive bid. (See *State ex. rel. Gisholt Mach. Co. v. Norsman*, 168 Wis 442, 169 N.W. 429 (1919); *Wisconsin Dept of Revenue v. A. O. Smith Harvestore Products, Inc.*, 72 Wis.2d 60, 240 N.W.2d 357 (1976).)

5. EQUIPMENT; PLAYGROUND. Playground equipment may not fall under the equipment exception to the bidding statutes. Building a playground typically involves the combination of materials, supplies, and labor and may, therefore, meet the definition of "public construction". Most playground equipment is considered a fixture: the materials are placed on and secured into the ground, on real estate which has been devoted by a municipality to a playground, with the intention of making playground equipment a permanent fixture. Playground equipment, therefore, must be publicly bid if the estimated costs of the public construction exceeds the specified statutory amount. However, playground equipment for which the municipality performs the installation work itself, or for which the municipality contracts with another municipality for installation, is exempt from the bidding requirement.

6. DONATIONS. If <u>part</u> of the labor, materials, and/or cost of a public work project is donated, the project must still comply with bidding requirements, based on total project costs. However, the project does not have to comply with these requirements if <u>all</u> of the project's cost, labor, and materials are donated or the supplies and materials are donated and the municipality does the installation work itself or contracts with another municipality for the installation work.

7. CONTRACTS FOR SERVICES; IN GENERAL. Contracts which are for the performance of services requiring scientific knowledge and professional skill are not considered the performance of "public construction" or public work and so need not be competitively bid. The general test to be applied in determining whether the work is considered "services" and is exempt from bidding requirements in whether it is impossible or impractical to draw specifications for the tasks identified in the contract. (*Waste Management, Inc. v. Wisconsin Solid Waste Recycling Authority*, 84 Wis.2d 462, 267 N.W.2d 659 (1978); *Aqua-Tech, Inc. v. Como Lake Protection and Rehabilitation Dist.*, 71 Wis.2d 541, 239 N.W.2d 25 (1976).)

   Examples of "services" exempt from competitive bidding include architectural services (76 AOG 182) and professional engineering services. (*Aqua-Tech, Inc. v. Como Lake Protection and Rehabilitation Dist.*, 71 Wis.2d 541, 239 N.W.2d 25 (1976); *Flottum v. City of Cumberland*, 234 Wis. 654, 291 N.W. 777 (1940).)

8. CONTRACTS FOR SERVICES; FEDERALLY FUNDED PROJECTS AND CONTRACTS FOR SERVICES. If a project will be funded with federal funds, services are not automatically exempt from competitive bidding requirements. Depending on the dollar amount, compliance with federal bidding procedures may be required under 43 CFR 12.76.

   - If the contract is estimated to cost <u>less than $100,000</u>, the Federal "small purchase" procedures (See 43 CFR 12.76(d)(1)) should be used for contracts for services, supplies, or other property. Under this procedure, a municipality must simply obtain an adequate number of quotes from a qualified number of sources. Public noticing is not required.

- If the project is estimated to cost $100,000 or more, the "sealed bid" process (See 43 CFR 12.76(d)(2)) or the "competitive proposals" (See 43 CFR 12.76(d)(3)) procedure should be used for contracts for services.

  - Under the "sealed bid" process, bids are publicly solicited and the contract is awarded to the lowest responsible bidder. The sealed bid process is the preferred federal method for procuring construction, according to 43 CFR 12.76(d)(2).[8]

  - Under the "competitive proposals" procedure, a municipality must public notice the project (for services), and solicit an adequate number of bids. The bidders' qualifications are evaluated and the most qualified competitor is selected, subject to negotiations of a fair and reasonable prices. The "competitive proposals" procedure, where price is not used as a selection factor, may only be used in the procurement of architectural or engineering services.

[8] Rule specifies "sealed bid" process is preferred if the conditions outlined in 43 CFR 12.76(d)(2)(i) apply.

Attachment A - Example of a Class 1 Public Notice

Public Notice
[Show Project Name here]
[Show Village/City/Town/County/District Name here]

The [Village/City/Town/County/District Name] will be performing the following work:

_____

_____

_____

The [Village/City/Town/County/District Name] will receive quotes for this work at the office of [Name of Office] located at [Address] until [Time], [Date]. Quotes will be reviewed and contracts will be awarded to the vendors whose quotes are most responsive to the solicitation and are most advantageous to the [Village/City/Town/County/District Name], considering price, quality and other factors.

Owner reserves the right to reject any and all quotes.

Chief Elected Official Signature: _____

Print Chief Elected Official Name: _____

Date: _____

Attachment B — Example of a Class 2 Advertisement for Bids

Advertisement for Bids

[Show Project Name here]
[Show Village/City/Town/County/District Name here]

The [Village/City/Town/County/District Name] will receive sealed bids for [Project Name] at the office of [Name of Office] located at [Address] until [Time], [Date]. All bids will be publicly opened and read aloud at that time.

The work for which bids are asked includes the following:

_____
_____
_____

Bidding documents may be examined at [Name of Office] located at [Address]. Copies may be obtained from [Name of Office] upon deposit of $ [Deposit Amount] for each set. Any unsuccessful bidder, upon returning such within 10 days after bid opening and in good condition will be refunded his/her deposit.

Any proposals shall be submitted in an opaque envelope, on the forms provided, and marked with the name and address of the bidder and accompanied by the bid security. If the proposal is sent through the mail, or other delivery system, the sealed envelope shall be enclosed in a separate envelope marked with the notation "BID ENCLOSED" and addressed to [Name of Office and Address].

[For contracts involving construction, insert the following paragraph]

No proposal shall be accepted unless accompanied by a certified check or bid bond equal to at least 5% of the amount bid, payable to Owner as a guarantee that, if the bid is accepted, the bidder will execute and file the proper contract and bond within 15 days after the award of the contract. The certified check or bid bond will be returned to the bidder as soon as the contract is signed, and if after 15 days the bidder shall fail to do so, the certified check or bid bond shall be forfeited to the Owner as liquidated damages.

Attachment B — Example of a Class 2 Advertisement for Bids (continued)

[For contracts involving construction projects over $2000 paid partially or in full with federal funds, insert the following paragraph]

Minimum salaries and fringes to be paid on the project shall be in accordance with the prevailing wage rate scale established by the Federal Department of Labor (DOL). Attention is called to the fact that not less than the minimum salaries and fringes set forth in the Contract Documents must be paid on this project, and that the Contractor must ensure that employees and applications for employment are not discriminated against because of their race, color, religion, sex, national origin, or other protected class. Federal Labor standards program laws, including, but not limited to the Davis Bacon Act, the Copeland Anti Kickback Act, and the Contract Work Hours and Safety Standards Act will apply to all projects.

No bidder may withdraw his/her bid within 30 days after the actual day of the opening thereof.

Owner reserves the right to waive any informality or to reject all bids.

Chief Elected Official Signature: _____

Print Chief Elected Official Name: _____

Date: _____

PART 2

REQUIREMENTS WHEN FUNDS ARE FROM FEDERAL SOURCES

Grantees are required to comply with Federal guidelines when receiving grants funded with federal money. The federal guidelines are detailed in Office of Management and Budget (OMB) *Circulars* and the *Code of Federal Regulations*. To assist you, we have prepared the following explanations of some of the more complex requirements.

CASH MANAGEMENT

The DEPARTMENT must limit cash advances to you to the minimum amounts needed and the advances must be timed to be in accordance with your actual, immediate cash requirements in carrying out the project. The timing and amount of cash advances must be as close as is administratively feasible to the actual disbursements for direct project costs and the proportionate share of any allowable indirect costs.

You should keep advances in an interest-bearing account.

You are required to return interest earned on advances to DEPARTMENT at least quarterly. You may keep up to $100 per year for administrative purposes ($250 if the grantee is a non-profit entity). Rather than sending the DEPARTMENT a check each quarter, you may deduct an amount equal to the interest from a subsequent reimbursement request.

LABOR STANDARDS

⇒ THE DAVIS-BACON ACT. This Act requires that workers receive no less than the prevailing wages being paid for similar work in their locality. Prevailing wages are computed by the U.S. Department of Labor (USDOL) and are issued in the form of Federal wage decisions for each classification of work to be performed in the area.

Violation of the Davis-Bacon Act make the contractor liable for unpaid wages and may result in suspension of payments, contract termination, and suspension or debarment of the contractor from participation in federally funded projects.

The US Department of Labor's website, www.dol.gov/dol/esa/public/programs/dbralindex.html contains additional information.

Contracts and subcontracts must include the required prevailing wage rate clauses (see the bidding guidance example of an Advertisement for Bids).

⇒ THE COPELAND "ANTI-KICKBACK" ACT. This Act requires that workers be paid at least once a week, and without any deductions or rebates except permissible deductions. Permissible deductions include taxes, deductions the worker authorizes in writing, and those required by court processes. The Act also requires contractors to submit weekly payroll records and Statements of Compliance to the contracting agency. Regulations, Part 3, requires contractors and subcontractors

on construction projects covered by the Davis-Bacon Act to submit each week a "statement of compliance" certifying compliance with the Davis-Bacon Act requirements. This "statement of compliance" is usually referred to as the certified payroll. This Act applies to all contracts covered by the Davis-Bacon Act.

Violation of the Copeland Act is a felony and may result in termination of the contract or criminal prosecution by the U.S. Government, punishable by a fine of $5,000, 5 years in prison, or both.

⇒ THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (CWHSSA). This Act requires that workers receive "overtime" pay at a rate of one and one-half times their regular hourly pay after they have worked 40 hours in one week on the federally funded project. The CWHSSA does not apply to contracts of $100,000 or less, however; the Fair Labor Standards Act will apply and overtime provisions are applicable to all contracts covered by the Davis-Bacon Act.

Violation of the CWHSSA makes the contractor liable for unpaid wages, liquidated damages of $10 per employee per day of violation, and, in cases of intentional violation, a fine and imprisonment or both. Violations may also result in termination of the contract.

Applicability

Labor standards apply to all contracts, financed in whole or in part from federal funds or in accordance with guarantees of a federal agency, for construction, alteration, or repair of a public building or public work, except as noted below.

Exceptions

1. Public works constructed by your own employees, commonly called "force account" work. A letter stating that the work was performed with your own employees should be submitted with your grant reimbursement request. NOTE: There is no such thing as **private** "force account" work.
2. Residential rehabilitation in structures with less than eight (8) units.
3. Contracts that are part of a project of less than $2,000 value.
4. Construction activities assisted solely by means of loans guaranteed with interest-bearing collateral accounts, where 1) the interest rate is the usual and customary rate on demand accounts; 2) the account is subject only to the usual and customary terms and conditions for collateral accounts; and 3) there is no "substantial likelihood" that the guarantee will be used.
5. Economic development projects where federal funds are used only for nonconstruction activities such as acquisition; machinery and equipment purchase (not including installation); stock (equity) purchase; and operating capital loans where such funds cannot be used for construction.

MATCHING

All contributions, including cash and third party in-kind, shall be accepted as part of the recipient's cost sharing or matching when these contributions meet all of the following criteria.

- Are verifiable from the recipient's records.
- Are not included as contributions for any other federally-assisted project or program.
- Are necessary and reasonable for proper and efficient accomplishment of project or program objectives.
- Are allowable under the applicable cost principles.
- Are not paid by the Federal Government under another award.
- Are provided for in the approved budget when required by the Federal awarding agency.
- Conform to other provisions of *OMB Circular A-102* and *OMB Circular A-110* as applicable.

Matching may be in the form of allowable costs incurred or in-kind contributions, including third-part in-kind contributions. The following requirements pertain to the recipient's supporting records for in-kind contributions from third parties.

- Volunteer services shall be documented and, to the extent feasible, supported by the same methods used by the recipient for its own employees.
- The basis for determining the valuation for personal service, material, equipment, buildings and land shall be documented.

PROCUREMENT

See Part 1, “Requirements When Grants Are from State Sources” at the beginning of this document.

RECORDS RETENTION

Financial records, supporting documents, statistical records, and all other records pertinent to an award shall be retained for a period of ***three years*** from the date of submission of the final expenditure report or, for awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, as authorized by the Federal awarding agency. The only exceptions are the following.

1. If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.

2. Records for real property and equipment acquired with Federal funds shall be retained for 3 years after final disposition.

3. When records are transferred to or maintained by the Federal awarding agency, the 3-year retention requirement is not applicable to the recipient.

4. Indirect cost rate proposals, cost allocations plans, etc.

*****

Example
Class 1 Public Notice

PUBLIC NOTICE
WILDLAND FIRE SKID UNIT FOR AN ATV
NO NAME FIRE DEPARTMENT

The **No Name Fire Department** will receive quotes for a "completely equipped skid unit for an ATV" at the office of the **No Name Fire Department** or mailed to the **No Name Fire Department PO Box 111 Somewhere WI 53572** until **(date)**. Quotes will be reviewed and will be awarded to the Vendor whose quote is most responsive to the solicitation and are most advantageous to the **No Name Fire Department**, considering price, quality, and other factors.

No Name Fire Department reserves the right to reject any and all quotes.

NO NAME FIRE DEPARTMENT
FIRE CHIEF
Eileen Trainor

Note: Costs associated with publishing the notice are eligible for reimbursement.