

2019-2020
Safe Routes to School
Competitive Infrastructure
Program
GUIDELINES FOR GRANTEES

January 2019



Safe Routes to School



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Disclaimer

These guidelines are intended as a general resource for Safe Routes to School Infrastructure grant fund recipients—they should not be considered legal advice. They do not cover all details in the agreement or all circumstances, nor do they replace the intergovernmental agreement (IGA) between the grantee and the Oregon Department of Transportation (ODOT). The IGA remains the binding legal document. The Safe Routes to School program is governed by Oregon Revised Statutes 184.740 and Oregon Administrative Rules Chapter 737, Division 25. As statutory changes are possible for Safe Routes to School funding cycles, this will be a living document as future changes are made.

Purpose

These guidelines will assist Safe Routes to School Infrastructure grant recipients in administering their awarded projects. While not all-inclusive, the guidelines touch on the most commonly-asked questions from grant recipients and should serve as a quick reference to ensure grant funds are spent according to the applicable policies and rules. Grantees are responsible to ensure expenditures are reasonable and necessary for their project.

Overview

A successful Safe Routes to School (SRTS) Program requires six components: education, encouragement, engineering, enforcement, evaluation, and equity. The Oregon Department of Transportation addresses these six components with an infrastructure program and a non-infrastructure program. This document addresses the Oregon Safe Routes to School Infrastructure Program (engineering) only. Please visit <http://www.oregon.gov/ODOT/Programs/Pages/SRTS.aspx> to learn more about Oregon's Non-infrastructure Program and upcoming funding opportunities.

The Safe Routes to School Infrastructure program provides grant funding for cities, counties, tribes, transit districts, and the state through a reimbursement process for investments that address barriers to students walking and biking to school. The Legislature authorized \$10M in gas tax revenue annually, increasing to \$15M annually in 2023, to the Safe Routes to School Infrastructure program.

The use of gas tax revenue comes with restrictions for Safe Routes to School Infrastructure grantees and their projects. Grantees must ensure any expenditures made with these funds are reasonable and directly related to the project and in the public road right-of-way so that these funding sources continue to be an eligible source of funds for future Safe Routes to School projects.



Roles

Throughout your project, you will have regular and frequent contact with your headquarters Safe Routes to School Program Team and some contact with regional ODOT staff.

The Safe Routes to School Infrastructure Program Team located at the headquarters office in Salem are your primary point of contact for monthly invoices, progress reports and to address questions. They are most often the best point of contact; the program team's contact information can be found on your notice to proceed.

ODOT regional staff, like a local agency liaison and active transportation liaison, may also act as a resource for questions and as a support to program staff to support grantees and perform the final project walk-through.

Safe Routes to School Fund

According to the rules guiding the Safe Routes to School Fund, all projects must be completed within five years of the date that the agreement is executed and grantees must submit their first invoice within two years of the executed agreement. These are key requirements listed in the agreement. The penalty for violating the agreement is that the Grantee shall pay back all of the funds to ODOT if Project is not completed or if funds are not used in accordance with the agreement.

Things to remember.

Send in your first invoice within two years of the executed agreement and complete your project not later than five years after the agreement is executed.

Gas Tax Revenue Financed Grants

All Safe Routes to School grants are financed through state highway funds gas tax revenue collected by the state and administered by ODOT. The grants and their use must comply with the requirements of Oregon law and regulations related to eligible capital projects and the proper use of gas tax proceeds¹.

¹ [ORS 366.505 Composition and Use of Highway Fund](#)



When grantees accept Safe Routes to School funds, they agree to adhere to applicable state and federal laws, regulations and rules and the additional requirements provided in the Safe Routes to School grant agreement; grant monies must only be used for purposes consistent with these requirements. Improper use of funds may result in the state recovering grant monies disbursed to the grantee.

Eligible Expenses

Generally, Safe Routes to School funds are to be used for capital expenditures, not working capital (i.e. operating expenses). Eligible project costs generally include the actual costs expended that are reasonable, necessary and directly related to the project and project delivery and are considered capitalized to an asset that is part of the project. They generally do not include indirect, administrative costs, working capital or operating costs.

Capital expenditures or capital costs generally means costs to acquire, construct, or improve property (land, buildings and equipment), or to adapt the property to a new or different use.

The list below provides some examples of eligible and ineligible expenditures.

Examples of Eligible Capital Expenditures
Land acquisition
Capital construction costs
Design and engineering professional services

Examples of Ineligible Expenditures
Ongoing operations, maintenance and repair costs
Personal services
Training and conferences
Lease payments
Maintenance agreements for copiers or computers
Disposable items or items that can be depleted
Moving costs
Aesthetic furnishings (pictures, coffee pots, etc.)
Office supplies
Travel expenses ² not directly related to the project
Equipment or materials that could be used for work beyond the project

² Travel expenses shall be reimbursed to grantee in accordance with the current State of Oregon Department of Administrative Services' rates found at: <https://www.oregon.gov/das/Financial/Acctng/Documents/40.10.00.pdf>



Things to remember.

Safe Routes to School grant recipients are responsible to ensure that expenditures are reasonable and necessary to deliver their project.

If you are unsure of whether a cost is eligible to be reimbursed, contact the ODOT Safe Routes to School program team with specific questions.

Matching Funds

The Safe Routes to School program requires that grantees provide a portion of their own moneys toward the project—we refer to this as “match,” “matching funds,” or “local cash match.”

Program	Required Match
Safe Routes to School 2019-2021	40% (may be reduced to 20% at the time of OTC approval)

The amount of local cash match is calculated as a percentage of the project total stated in your application not your requested grant amount.

There are a variety of sources that can contribute toward your match. Your match was already identified on your completed application, but may include project costs (the elements for the project to be implemented: design, land acquisition necessary for the development of the project, permits, engineering) incurred 24 months prior to application submittal date. These costs may count toward match, but are not eligible for reimbursement³. Funds from any private or government sources may be used for match.

³ Match may include previous expenditures toward the project which must be approved prior to execution of the agreement. In this case, you may be reimbursed for the total invoice.



Things to remember.

Non-cash donations toward a project may not be considered part of the match. These may include donated land, labor and equipment.

Reimbursements

Safe Routes to School is a reimbursement program; you may only request reimbursement after you have expended funds (paid bills) on eligible project activities. You must submit a [Reimbursement Request form](#), made out to ODOT, requesting reimbursement of expenses to your Safe Routes to School Program Team. Reimbursement requests can be submitted monthly, but not more frequently and must include both a summary and detailed breakdown of expenses. Request reimbursement as close to incurring costs as possible; don't wait until the end of the project to send in requests. A complete reimbursement request includes documentation for expenses such as receipts, timesheets, and proof of payment to vendors.

Your reimbursement request must include the following.

Invoice Requirements
Project name
Agreement number
Agreement execution date
Invoice date
Invoice period (start and end dates)
Reimbursement number (#1, 2, 3,...)
Total amount requested
Itemized breakdown of expenses paid and documentation
Safe Routes to School grant funds reimbursed to date
Safe Routes to School grant funds remaining to be disbursed

You must reimburse your consultants/contractors/vendors before seeking reimbursement from ODOT. Reimbursement requests should include supporting documentation and your proof of payments to your consultant/contractor/vendor. You do not need to include supporting



documentation for your contractors' payments to its subcontractors; however, ODOT may request those details should we have questions about expenditures.

Generally, ODOT will pay 60% of the total of your invoice, assuming the remaining 40% is coming from your match (see Matching Funds below) unless you received a lower 20% match requirement and/or were approved for use of local cash match prior to the start date of your grant.

Your reimbursement request should show this type of calculation to demonstrate the match requirement.

Example:

\$100.00	Requested Invoice Amount
<u>(\$40.00)</u>	Less Match (40%)
\$60.00	Amount Reimbursed

If complete information is provided on your reimbursement request, you can expect to receive payment within 45 days of ODOT's approval of the request.

Things to remember.

Grantees are responsible to ensure expenditures are reasonable and necessary for their project.

Services received or costs incurred before the grant was fully executed and notice of execution is given or after the grant expires are not eligible for reimbursement.

Keep good records—ODOT may request proof of payment and backup documentation supporting your invoices.

Evaluation

You will be responsible for participating the ODOT SRTS Program Case Study Evaluation, a baseline and after study to examine the impacts of ODOT SRTS infrastructure and non-infrastructure grants. This study will use qualitative and quantitative methods to analyze how your project:

- addressed barriers to walking and biking to school,
- affected mode shift,
- improved safety and perceptions of safety, and
- contributed to program sustainability and equity.



Your community's experience will be summarized in the form of an individual case study. ODOT will use the case studies to distill ODOT SRTS program-wide key takeaways. Your participation in this evaluation effort is critical to the long-term success of the Oregon SRTS Program. Your efforts give us—and your community—valuable information that will help us offer more effective SRTS programs in coming years.

Our technical service provider, Alta Planning + Design, will be leading the Case Study Evaluation process. They are responsible for data collection to minimize the burden on you, your staff, and your community. You are asked to provide existing data and collaborate with them to collect needed hand tallies, parent surveys, and other data. Alta Planning + Design will send an email with additional details about upcoming baseline data collection in the first few weeks after your agreement is signed.

Things to remember.

ODOT contractor will collaborate with you to collect data for a case study evaluation.



Public Works/Prevailing Wages

Since your project is funded with public funds, it is considered a public works project under Oregon Law (regardless of whether you are a public, private or non-profit entity). These projects are regulated by the Bureau of Labor and Industries (BOLI) and are subject to a contract fee paid to BOLI. These projects also require you to pay prevailing wages for work performed on the project and follow all prevailing wage laws.

Things to remember.

Contact BOLI if you have general questions about prevailing wage rate laws. Here's a link to their website:

<https://www.oregon.gov/boli/WHD/PWR/Pages/index.aspx>.

Change Orders

In your agreement you identified key milestone dates for your project. If you anticipate the your first milestone or the final completion milestone date will be delayed by more than 90 days, you'll need to inform the Safe Routes to School program team and submit a [Request for Change Order form](#) to the ODOT Safe Routes to School program mailbox at SRTSProgramMailbox@odot.state.or.us. In addition, any changes to project scope must be requested through this process.

Changes to the final completion date or project scope must be reviewed and approved by ODOT through a change order, then codified in an amendment to your agreement. ODOT will scrutinize any scope changes to ensure they remain within the original intent of the project selected for funding through the competitive process.



Things to remember.

The grant amount you have been awarded will not be increased. You will need to address any increases in project costs with another funding source.

Any changes to your first milestone or project completion milestone should be reasonable and realistic to deliver a completed project and require a change order.

You must maintain the commitment to start your project within two years and complete within five years if signing the agreement.

Quarterly Progress Report

You'll need to report on the progress of your project quarterly, due by the first Wednesday of March, June, September, and December. Your quarterly reports help us to determine whether your project is staying on track or whether there are issues that need to be addressed.

Your report should include any changes to anticipated milestone dates and provide an update on the status of your project. The status must include progress made in the previous quarter, efforts expected in the coming quarter, and any obstacles you are encountering in delivering your project.

Adjustments to all milestone dates must be noted in the quarterly reports.

Here's a link to the [Quarterly Progress Report form](#). Submit your report to the Safe Routes to School Program Team at SRTSProgramMailbox@odot.state.or.us.

Things to remember.

Please remember that you must be in compliance with the terms of your agreement to receive reimbursement of expenditures. Submitting quarterly reports is required as part of your agreement.

Milestone changes should be reasonable and realistic to deliver a completed project and be reported in the quarterly report.



Escalation Process

When a grantee is out of compliance with the terms of their agreement, it is critical to address each non-compliance event. Some examples of being out of compliance with their agreement may be

- your quarterly reports are late or not submitted, or they do not contain content that demonstrates progress or reports on activities
- you miss milestones or let milestones pass without initiating a Request for Change Order
- you do not deliver the project identified in the scope of work in your agreement

Staff will raise issues on an informal basis with the grantee before escalating to a more formal process.

Step 1	Informal	ODOT staff attempts to work with grantee to achieve compliance (verbal and email)
Step 2	Informal	ODOT staff escalates to Safe Routes to School Program Manager to determine whether the non-compliance merits escalation (verbal or email)
Step 3	Informal	ODOT staff sends email to grantee documenting the non-compliance concerns with a copy to SRTSProgramMailbox@odot.state.or.us
Step 3	Formal	Safe Routes to School Program Manager sends letter documenting non-compliance concerns, provides options and deadline to remedy, and potential consequences ⁴ .
Step 4	Formal	Safe Routes to School Program Manager sends decision letter with consequences.

Project Acceptances

When your project is complete, the ODOT Safe Routes to School Program Team or regional ODOT staff will conduct an on-site review with you to confirm the work completed matches the scope of work in your agreement.

The ODOT staff present at the on-site review will complete a [Project Acceptance form](#) documenting all on-site work is completed and the constructed project matches the project identified in the scope of work. The ODOT staff will seek your signature to recommend project

⁴ Safe Routes to School Program Manager may consult with the Safe Routes to School Advisory Committee to determine next course of action; provide notice to Division Administrator and Director.



acceptance. This action acknowledges all work on the project is complete. At this point, and with your final report complete, your final reimbursement may be released.

Other Provisions

Records Retention

Grant recipients and their contractors must keep project and financial record for six years after project completion and final report.

Americans with Disabilities Act (ADA)

Your project is subject to the requirements of the Americans with Disabilities Act. Any work on the state highway system must be completed according to ODOT's standards.

Photos

You must submit "before" and "after" photos of your project. "Before" photos must be submitted within 30 days after your agreement is fully executed; "after" photos within 30 days after project completion. Please send your photos to the Safe Routes to School program manager at SRTSProgramMailbox@odot.state.or.us.

Things to remember.

Project photos are a great way to demonstrate the benefits of the Safe Routes to School program. We may use your photos in future publications.

Contracting

When you hire a contractor to perform work on your project, you must follow ORS 279C if you are a public body. Although, private and non-profit entities are not subject to ORS 279C (with the exception of ORS 279C.800 through 279C.875), they should use a similar open and competitive process.

All contracts or agreements you have with consultants/contractors/vendors for materials or work on your Safe Routes to School project must be in writing.

Consultants/contractors/vendors must carry insurance at the limits listed in your agreement with ODOT.



Things to remember.

Make sure that any invoices you pay for materials or services have enough detail to demonstrate they are eligible for reimbursement with Safe Routes to School funds. These records may be requested by ODOT as needed.

Self-Performing Work

If you plan to self-perform any portion of the project, you must seek prior approval from your ODOT Safe Routes to School program team. Please note that in general, overhead, profit, administrative, project management, and construction management costs incurred directly by the grantee (and not through a contract) are not eligible for reimbursement. Some costs that may be permitted are construction labor, materials and equipment operating costs (rental, fuel, insurance).

Public contracting agencies who intend to self-perform work must comply with the cost analysis requirements of ORS 279C.305.



Resources

Below are a list of resources and forms you may use during the execution of your project:

Safe Routes to School website: <https://www.oregon.gov/ODOT/Programs/Pages/SRTS.aspx>
(Includes information about how to apply for future grants.)

Quarterly Progress Report form: <https://www.oregon.gov/ODOT/Forms/2ODOT/7373561.doc>

Request for Change Order: <https://www.oregon.gov/ODOT/Forms/2ODOT/7373559.doc>

Project Acceptance: <https://www.oregon.gov/ODOT/Forms/2ODOT/7373560.doc>

Reimbursement Request: <https://www.oregon.gov/ODOT/Forms/2ODOT/7373558.docx>

Oregon Revised Statute 184.740: <https://www.oregonlaws.org/ors/184.740>

Oregon Administrative Rule Chapter 731, Division 35:

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3453>

Title 26—Internal Revenue Code: <https://www.gpo.gov/fdsys/pkg/USCODE-2009-title26/pdf/USCODE-2009-title26-subtitleA-chap1-subchapB-partIV-subpartA-sec141.pdf>

Summary

The Safe Routes to School program funds critical infrastructure in the state that addresses barriers to students walking and biking to school. When accepting a Safe Routes to School grant, you are also accepting the responsibility to follow the laws and rules guiding the use of those funds. ODOT staff stand ready to answer questions and assist you to ensure a successful delivery of your project.

Please contact your ODOT Safe Routes to School program team LeeAnne Ferguson or Tami Weil for assistance. LeeAnne can be reached at leeanne.fergason@odot.state.or.us or 503-986-5805. Tami can be reached at tami.weil@odot.state.or.us or 503-986-3345.