



ARKANSAS
HISTORIC
PRESERVATION
PROGRAM

March 18, 1988

The Honorable W. J. McCuen
Secretary of State
State Capitol
Little Rock, AR 72201-1094

Dear Bill:

I am enclosing two copies of the procedures for the application of state grants awarded by the Arkansas Historic Preservation Program.

Please contact Betty Compton, 371-2763, if you have any questions concerning these new procedures.

Sincerely,

Cathy Buford
State Historic Preservation Program

CB/BC/bjm

Enclosure





W. J. "Bill" McCuen
SECRETARY OF STATE

State of Arkansas
SECRETARY OF STATE

State Capitol
Little Rock, Arkansas 72201-1094

RECEIVED

MAR 24 1988

ANPP

March 23, 1988

Cathy Buford
State Historic Preservation Program
Arkansas Department of Heritage
Suite 200
Heritage Center
225 East Markham
Little Rock, AR 72201

Dear Ms. Buford:

We are in receipt of your procedures manual for application of state grants. However, we are returning them for signature of authorized officer on the transmittal sheet.

Thank you for your cooperation in this matter. If we may be of further assistance, please feel free to call on us at 371-8028.

Sincerely,

A handwritten signature in cursive script that reads "Tonya D. Springer".

Tonya D. Springer
Arkansas Register Division

/tds

Enclosure

ARKANSAS REGISTER



25 11 01 AM 1988
WILLIE MC CUEEN
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS

Transmittal Sheet

W.J. "Bill" McCuen
Secretary of State
State Capitol
Little Rock, Arkansas 72201-1094

For Office
Use Only:

Effective Date 4-15-88 Code Number 012.0288--001

Name of Agency ARKANSAS HISTORIC PRESERVATION PROGRAM

Department DEPARTMENT OF ARKANSAS HERITAGE

Contact Person Betty Compton Telephone 371-2763

Statutory Authority for Promulgating Rules Act 434 of 1967

Intended
Effective Date

Date

☐ Emergency

Legal Notice Published

3-6-88

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After Filing

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4-5-88

☐ Other

Filed With Legislative Council

3-18-88

Reviewed by Legislative Council

Adopted by State Agency

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance With Act 434 of 1967 As Amended.

Cathryn A. Byford
SIGNATURE

Director, AHPP; S.H. PO
TITLE

March 18, 1988
DATE

ARKANSAS HISTORIC PRESERVATION PROGRAM

Department of Arkansas Heritage

GRANTS MANUAL

1988

MAR 25 11 02 AM '88
J. "BILLY" McCUEN
SECRETARY OF STATE
ARKANSAS

I. INTRODUCTION

Grants awarded by the Arkansas Historic Preservation Program are funded by the General Revenues of the State of Arkansas and Special Revenues under the Real Estate Transfer Tax passed as Act 729 and 818 of 1987, or by the National Park Service, United States Department of the Interior. The policies and procedures of the Arkansas Historic Preservation Program as well as regulations governing the expenditure of all state or federal funds, must be followed by all grant recipients. The Arkansas Historic Preservation Program periodically will send representatives to make on-site inspections on project renovation work; project records are audited annually. The regulations set forth in this manual must be strictly adhered to by both the Arkansas Historic Preservation program and by all grant recipients.

To acquaint grant recipients with grant requirements and to expedite the grant process, the Arkansas Historic Preservation Program has developed this manual as a guide to grantees. All grant recipients are subject to and bound by the provisions of this manual, therefore, ALL GRANT RECIPIENTS and ALL PROJECT SUPERVISORS should thoroughly familiarize themselves with the material in this manual BEFORE initiating their projects. This manual is organized by topics so that grantees can easily locate information on each step in the grant process. The term "grantee," unless stated otherwise, will be used to designate an individual or organization which has accepted a grant award, and the term "grantor" will be used to designate the Arkansas Historic Preservation Program. Each project may have special problems which are not addressed in this manual. Grantees are encouraged to contact the Arkansas Historic Preservation Program with questions at any time during the grant process.

GRANT PROGRAMS

Arkansas Historic Preservation Program grants are funded through the following programs:

- * Architectural Survey Grants Program
- * Certified Local Government Grants Program
- * Preservation Education and Promotion Grant Program
- * Rehabilitation and Restoration Grants Program

A description of these grant programs and their specific procedures and requirements is contained in attachments A - D.

II. ELIGIBILITY

All applicants must meet the following requirements to maintain eligibility for funding:

(1) TAX EXEMPT STATUS: Organizations applying for grants must be tax-exempt under the following criteria:

- (a) No part of net earnings may benefit a stockholder or individual.
- (b) Donations to the organization must be allowable as charitable contributions under Section 170(c) of the IRS code of 1954, as amended.

Most organizations that meet these two criteria are tax-exempt under Section 501(c)(3).

Organizations lacking tax-exempt status may form an agreement with a tax-exempt institution to act as fiscal agent.

(2) EDUCATIONAL INSTITUTION'S ELIGIBILITY REQUIREMENTS: Universities, colleges and other educational institutions are eligible to apply for grant support when:

- (a) Products and services will benefit general public, not just student and faculty.
- (b) Products and services are supplementary or fundamental to the regular curriculum.

(3) INDIVIDUAL CONTRACTORS

- (a) Private contractors must assure and certify that the grantee will comply with the regulations, policies, guidelines and requirements as they relate to the application for the acceptance and use of funds as stated in the contract.

III. REVIEW CRITERIA

When reviewing grant applications the Arkansas Historic Preservation Program staff will utilize the following funding criteria:

- (1) Project addresses stated funding priorities.
- (2) Evidence that the objectives of the project can be achieved within the framework set forth by the applicant.
- (3) Qualifications and experience of the applicant and others participating in the project.
- (4) Interest of the applicant in undertaking the project and acquired benefits to the applicant and to the general goals of AHPP.
- (5) Appropriateness of the budget and evidenced support for matching funds.
- (6) Timeliness and the need and significance of project.
- (7) Evidenced ability of applicant to administer project (reporting history, compliance, etc.) in accordance to grant agreement.
- (8) Adequacy of facilities, equipment, and personnel.
- (9) Completeness of application.

After selection of the grant recipients has been made, the Director of the Arkansas Historic Preservation Program will notify the grantees by letter

within 10 working days. Upon receipt of the award letter, the grantee will have seven (7) days to sign and return the contract which will accompany the letter. Failure to return this signed agreement within the allotted time will result in withdrawal of the award.

IV. LEGAL, FINANCIAL AND REPORTING REQUIREMENTS

A. Management and Budget Guidelines

The grantee must assure and certify that he/she will comply with the regulations, policies, guidelines, and requirements as they relate to the application, acceptance and use of federal or state funds for this project.

Also the grantee assures and certifies that:

1. The grantee will comply with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act. No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied that benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant received federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If you believe that you have been discriminated against in any program, activity or facility, or if you desire further information, contact U.S. Department of the Interior, Office of the Secretary, Washington, D.C., 20240.
2. In all hiring or employment made possible by or resulting from grant awards, the employer (1) will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age or national origin, and (2) will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age or national origin. This requirement applies to, but is not limited to, the following: employment, promotion, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
3. The grantee will give the Arkansas Historic Preservation Program the access to and the right to examine all records, books, papers, or documents related to the grant.

B. Financial Information

Contracts

After award decisions are made, award letters, contracts, budget forms, and invoices are mailed to recipients. The contract should be read carefully, budget forms filled out, and all documents signed and returned by the requested date. Once the terms of the grant are finalized, no changes may be made in the program unless a grant modification is submitted and approved in advance. The grant contract is a legal document. The grant recipient's failure to abide by the terms of the grant contract will result in immediate suspension of outstanding payments and recall of allocated funds.

Grant Payments

Since grants are based on anticipated federal funds or state revenues and not on existing funds, grant amounts could be reduced at any time during the grant period. Grant payments will depend upon the nature of the project. Methods of payment will be:

- 1) advance payment
- 2) payment upon completion of a percentage of the project, agreed upon when initiating the project, or
- 3) payment upon completion of the total project.

Method of payment will be included in the grant award contract.

Donated Labor and Materials

Labor and/or materials which are donated to the project may be used as a match for state funds. However, the donated labor and/or materials used as a match for state funds may not exceed cash expenditures by the grantee.

The grantee should keep time sheets for all donated labor, identifying the work, dates and hours worked, and the value of the work performed. Rates used must be consistent with those paid for similar work in the labor market in

which the grantee competes for the kind of services involved. If a volunteer performs services outside his or her profession or trade, this volunteer time must be valued at the federal minimum wage rates. Time sheets for donated labor should be submitted to the Arkansas Historic Preservation Program on a monthly basis. (Copies of the forms can be obtained from the Arkansas Historic Preservation Program office.)

A statement of donated materials should be submitted to the Arkansas Historic Preservation Program when such materials are to be used as part of the grantee's match. The written statement should include a description of the materials, their value, and the name and signature of the donor. Information on donated materials must be filed with the Arkansas Historic Preservation Program before the costs can be reimbursed.

Allowable Costs

The Arkansas Historic Preservation program has established guidelines for determining allowable and unallowable costs for grant projects. A list of some of the most frequently used allowable costs for grant-in-aid follows. To be considered allowable all costs must appear in the approved work-cost breakdown.

ALLOWABLE COSTS

1. Historical, architectural, or archeological research necessary to implement and carry out project work.
2. Salaries and wages of project personnel.
3. Architectural, engineering, or legal fees necessary to implement and carry out project work.
4. Expendable supplies and materials.
5. Rental or lease of project equipment.

6. Travel directly related to the project:

Travel Costs must adhere to state regulations:

- (a) \$0.21 per mile by car
- (b) Economy airfare
- (c) Reasonable lodging and meals not to exceed \$50.00 per day.

7. Exterior restoration.

8. Interior restoration.

9. Structural repairs.

10. Improvement or replacement of mechanical, electrical, and plumbing systems.

11. Fire and burglary protection and alarm systems.

12. Landscaping to restore documented historical features or to provide safety and protection for the historic structure.

13. Job sign.

Unallowable Costs

A list of items that represent costs that are not allowable for grants-in-aid follows. Any item that does not appear in the approved work-cost breakdown will be considered an unallowable cost.

UNALLOWABLE COSTS

- 1. Any item not listed in the approved work-cost breakdown.
- 2. Deficits.
- 3. Contingency funds.
- 4. Contributions or donations to other organizations or individuals.
- 5. Capitol expenditures defined as tangible property costing \$100 or more and having a life span of two or more years.
- 6. Entertainment expenses, including refreshments, flowers, reception costs, etc.
- 7. Interest and other financial costs.
- 8. Lobbying expenses.
- 9. New construction.
- 10. Interpretive expenses.

11. Pavement of parking lots, roads or walkways.
12. Non-original landscaping.
13. Furnishings, draperies or carpeting.

Required Financial Documentation

The grantee is required to maintain accurate records of all expenditures related to the project and provide all financial records for audit by the Arkansas Legislative Audit.

Requests for reimbursement must include the following documentation of expenditures.

For goods and equipment:

One copy of each canceled check and invoice marked with (1) date of payment (2) check number and (3) initials of bookkeeper.

For personal services:

One copy of all canceled checks (both sides) substantiated with references to hours worked and pay period.

For donated services and materials:

Time and attendance records for donated services or a statement of justification of value of materials, and a significant statement from the donor verifying the donation.

For overhead costs:

Specification of location and justification of costs based upon a standard negotiated cost form or a statement establishing reasonable rate for overhead.

C. Reporting & Public Information

Grant recipients are required to submit reports during the grant period according to the grant agreement.

- (a) For all grants, a quarterly financial summary and activity report will be required.
- (b) For all grants, a project completion report submitted to

Arkansas Historic Preservation Program is required within 30 calendar days after the completion of the project. This will include certification of cash match, in-kind contributions and total project costs.

Publications

An acknowledgement of the Arkansas Historic Preservation Program support must be made in connection with the publication of any material based on, or developed under, any activity supported by federal Historic Preservation Fund grant monies or revenues from the State of Arkansas. Statements should be worded substantially as follows:

This (type of publication) has been financed (in part/entirely) with (Federal funds from the National Park Service, Department of the Interior/Tax Funds from the State of Arkansas). However, the contents and opinions do not necessarily reflect the views or policies of the (Department of Interior/Arkansas Historic Preservation Program) nor does the mention of trade names or commercial products constitute endorsement or recommendation by the (Department of Interior/Arkansas Historic Preservation Program).

Upon publication, a minimum number of copies of the publication will be furnished by the grantee to the Arkansas Historic Preservation Program, according to the type of grant project publications.

Project Publicity

Press releases, publications, and other public dissemination of information generated by a grant supported activity shall acknowledge the State of Arkansas and Arkansas Historic Preservation Program, or National Park Service grant support as applicable for the source of funding.

Job Sign

A sign acknowledging the role of the Arkansas Historic Preservation Program in the project must be posted at the project site. A specific description of the requirements for the sign will be provided to each applicant as part of the grant application guidelines. No grant payments will be made until the job sign is in place.

V. APPLICATION PROCEDURES AND REVIEW PROCESS

A. Application Procedures

- 1) Application instructions should be carefully read and all information re-checked and complete forms submitted. The application must be submitted by the request date.
- 2) The application will be reviewed by the Arkansas Historic Preservation Program staff for completeness and accuracy and will be returned to applicant if needed for resubmission by a specific date.
- 3) The Director of the Arkansas Historic Preservation Program, the Chairman of the Arkansas Historic Preservation Program State Review Board and a designated constituent at large will determine the projects to be awarded. If the proposal is approved, all forms to implement the grant will be prepared and forwarded to the applicant within a specified time frame.

B. Award of Grant

After the selection of grant recipients has been made the Director of the Arkansas Historic Preservation Program will notify each grantee of the award. Upon receipt of the award letter, the grantee will have 30 days to sign and return the written statement of acceptance which accompanies the award letter. Failure to return this signed acceptance within the allotted time will result in loss of the grant.

With the return of the statement of acceptance the grantee must also attach a certified proof of matching funds available (i.e. letter from bank verifying cash, loan, etc.). Failure to return this signed certification within the allotted time will result in loss of the grant.

ATTACHMENT A

SURVEY GRANTS

The purpose of the Arkansas Historic Survey and Grants Program is to promote the identification and protection of Arkansas' historic resources. Funding will be based on the contribution of the project toward the fulfillment of the Arkansas Historic Preservation Program's Comprehensive Preservation Plan goals and objectives. The attached Survey Grant Procedures details the procedures and requirements for funding through this grant program. These procedures and requirements include those outlined in the Arkansas Historic Preservation Program Grants Manual.

This agreement is entered into between the _____
(name)

(street address) (city) (state)

hereinafter referred to as _____ and the Arkansas Historic Preservation Program, Suite 200, 225 East Markham, Little Rock, Arkansas, hereinafter referred to as AHPP on the _____ day of _____, 1985.

The AHPP agrees to provide a survey and planning grant in the amount of _____ to the _____ to be matched by a sum in the amount of _____ provided by _____ for the purpose of completing a comprehensive survey and the recording of the survey findings of the defined geographic area _____.

This survey is to include all historic resources fifty (50) years old and older.

All material and instructions included in the Survey Grant Manual - Summer 1985 are incorporated into this agreement.

THIS GRANT IS FOR THE ACCOMPLISHMENT OF THE PURPOSE, OBJECTIVE AND SCOPE OF WORK HEREIN DEFINED.

I. SCOPE OF WORK

A. To comprehensively survey the defined geographic area

_____ for all historic resources fifty (50) years old and older. All man-made resources including dwellings and their associated outbuildings, commercial buildings, manufacturing facilities, bridges, water towers, dams, levees, battlefields, etc. are to be surveyed. All roads, paved and unpaved are covered in search of these historic resources.

1. The location of each resource in a county or rural area will be recorded and marked on the appropriate United States Geological Survey (USGS) map. Resources located within the incorporated limits of a town are to be recorded on a city map.
2. Once located, the resources are recorded on standardized forms provided by the AHPP. Completeness of forms is a must, as these forms are the most important product of the survey. How the resource fits into the overall development of the area as well as pertinent historical data should be addressed on the form.
3. Data on each resource will be typed on the appropriate AHPP form provided. These completed forms are to become a permanent part of the AHPP Historic Sites Files. The AHPP will provide complete instructions and training detailing completion of Survey Forms. No other format is to be used in this survey to record data.
4. Photographs - Any resource recorded is to be photographed with black and white print film and color slide film.
5. Maps - The location of each recorded resource in a county or rural area is to be marked on the appropriate United States Geological Survey (USGS) map. Structures on these maps are to be indicated by closed and open black squares. Each resource is to be circled and numbered consecutively, 1, 2, 3, ... Resources located within the incorporation limits of a town are recorded on a city map. Structures in these areas are not all identified. The non-identified resources are to be drawn as squares or rectangles in the relative sizes and locations and numbered as above.

B. Overview and bibliography - An historical and developmental overview with bibliography is to be compiled for the survey area.

The overview will include a physical description, major or important developmental factors and trends and disbursement of the architecture of the survey area throughout its history. The overview will include specifics as well as generalities.

C. The historic overview, all completed survey forms, maps, negatives, slides, and original photographic prints will become the property of the AHPP.

II. BUDGET

III. SCHEDULE OF PAYMENTS

One-third of the grant amount () shall be paid to the grantee upon commencement of the survey project and a request for payment stating the above.

One-third of the grant amount () shall be paid to the grantee following submission to and acceptance by the AHPP of a request for payment and a report outlining the progress of the project to date. The report should be made at the mid-point of the grant period and should be reflective of half of the proposed work.

Final payment of the grant amount () shall be made to the grantee following submission of the remaining completed survey forms, negatives, maps, slides and other materials generated by this project as well as a slide presentation on the results of this project to AHPP staff, and a request for payment.

IV. AHPP RESPONSIBILITIES

The AHPP agrees to arrange a meeting with the project director for orientation. At this meeting a schedule of workshops will be announced. These workshops, which will be directed by members of the AHPP staff, will be used to train the students or participants in survey methods. The AHPP staff will make periodic site visits to the project area and to review practices and products. The AHPP reserves the right to enforce the procedures as outlined in this contract and explained in the workshops. The AHPP agrees to make available advice and counsel necessary to accomplish the objectives and to render compensation upon invoice within a reasonable time frame.

V. COMPLIANCE

All policies and procedures of the Department of Interior, the National Park Service as well as federal regulations governing expenditures of all Federal Funds must be followed by the AHPP and all subgrant recipients. All grant projects will be administered by the AHPP in accordance with the National Register Programs Guideline (NPS-49). Separate financial records for each project will be maintained by the AHPP following Office of Management and Budget Guidelines. The grantee must maintain efficient and effective accountability and control of all funds received and expended under a sub-grant from the AHPP.

Management and Budget Guidelines

The grantee must assure and certify that he will comply with the regulations, policies, guidelines and requirements as they relate to the application, acceptance and use of federal funds for this federally-assisted project, as contained in attachment G of OMB circular A-102. Also the grantee assures and certifies that:

1. he will comply with and administer the project in conformance with the Civil Rights Act of 1964 (Public Law 88-352), as amended; as well as 43 CFR 17 and Part 506 of the Department Manual issued by the Department of the Interior; and Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against the handicapped. Title VI of the Civil Rights Act of 1964 stated that no person will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant received Federal financial assistance and will immediately take any measures necessary to effectuate this agreement;
2. in all hiring or employment made possible by or resulting from grant awards, he (1) will not discriminate against any employee or applicant from employment because of race, color, religion, sex, age, or national origin, and (2) will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, or national origin. This requirement

applies to, but is not limited to, the following: employment promotion, demotion, or transfer; recruitment or other recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The grantee and his subgrantees will comply with all applicable statutes and Executive orders on equal employment opportunity and grant awards will be governed by the provisions, as implemented by, but not limited to, Department of the Interior policies, published in 43 CFR 17;

3. he will give the AHPP and the National Park Service or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant;
4. he will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements;
5. he will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of state and local governments.
6. Upon completion of the project, the Secretary of the Interior, the Comptroller General of the United States, the AHPP, and/or any of their duly authorized representatives shall have access for the purpose of financial or programmatic audit and examination any books, documents, papers and records of the grantee that are pertinent to the grant at all reasonable times during the period of retention provided in OMB Circular A-102, attachment C, for at least three (3) years or until all claims or audit findings have been resolved.
7. Lobbying with appropriated funds. Historic Preservation Fund grants must conform to provisions of 18 USC 1913: "No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal services, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended to be designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or its Department or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business." Thus, costs associated with activities to influence legislation pending before the Congress, commonly referred to as "lobbying," are unallowable as charges to National Park Service assisted grants.

VI. PUBLICATIONS AND PUBLIC INFORMATION

An acknowledgement of National Park Service and AHPP support must be made in connection with the publication of any material based on, or developed under, any activity supported by Historic Preservation Fund grant funds. This acknowledgement shall be in the form of a statement as follows:

The activity which is the subject of this (type of publication) has been financed (in part/entirely) with federal funds from the National Park Service, Department of the Interior, administered through the AHPP. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior or the AHPP. Press releases, publications, and other public dissemination of information by a grantee made possible by a grant shall acknowledge

Department of the Interior, National Park Service and AHPP grant support. A minimum of eight (8) copies of any publication will be furnished by the grantee to the AHPP. The AHPP will transmit three (3) copies to the Department of the Interior Library, one (1) copy to the National Park Service, Divisions of Personnel and Management, and one (1) copy to the Office of Communications. The remainder will be placed in the AHPP files.

VII. LIMITATION OF LIABILITY

The AHPP assumes no responsibility with respect to accidents, illness or claims arising out of any work performed under a sub-grant supported project. The sub-grantee is expected to take necessary steps to insure itself and its personnel and students and to comply with the applicable local, State, or Federal safety standards, including those issued pursuant to the National Occupational Safety and Health Act of 1970 (see 20 SFR 1910).

VIII. AMENDMENTS

This agreement may be amended upon written request and approval by both parties.

IX. TIME FRAME OF AGREEMENT

This agreement will begin on _____ of _____,
19__ and shall extend until _____ of _____,
19__.

X. DESIGNATED REPRESENTATIVE OF _____
(sub-grantee)

(name) (title)

XI. APPROVAL OF AHPP

The _____ is aware that this grant is contingent upon approval of the AHPP and the availability of funds; and agrees that no work will begin on the project until written approval from the AHPP is received.

The grantee acknowledges through this document to have read the Survey Grants Manual - Summer 1985 and agrees to carry out the project according to the instructions contained therein.

SIGNATURES

Arkansas Historic Preservation
Officer, Cathryn H. Buford

Representative of _____

Date

Date

ATTACHMENT B

CERTIFIED LOCAL GOVERNMENT GRANTS

The Certified Local Government Grant Program is designed to promote the preservation of Arkansas' prehistoric and historic sites, structures, objects, buildings, and historic districts by establishing a partnership between local governments and the Arkansas Historic Preservation Program. The attached "Arkansas Certified Local Government Procedures" details the procedures and requirements for funding through this grant program. These procedures and requirements include those outlined in the Arkansas Historic Preservation Program Manual.

ARKANSAS
CERTIFIED LOCAL GOVERNMENT PROCEDURES

Prepared by:

Arkansas Historic Preservation Program
Suite 200, Heritage Center
225 E. Markham
Little Rock, AR 72201
(371-2763)

ARKANSAS

CERTIFIED LOCAL GOVERNMENT PROCEDURES

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I. INTRODUCTION

A. Description

The Historic Preservation Act of 1966 established a federal-state partnership for the identification, evaluation and protection of historic resources. In Arkansas these functions are performed by the Arkansas Historic Preservation Program (AHPP). The success of the working relationship between the federal government and the states prompted Congress to expand the partnership to provide for participation by local governments.

By participating in the identification, evaluation, registration, and protection of historic resources within their community Certified Local Governments (CLG):

- * Assume a leadership role in the preservation of the community's prehistoric and historic resources.
- * Have a formal role in the National Register nomination review process.
- * Participate in the establishment of regional and state historic preservation objectives.
- * Are eligible to apply for subgrants from a designated CLG fund established annually by the AHPP.

The National Historic Preservation Amendments Act of 1980 (P.L. 96-515) contains the legal basis for the new federal-state-local partnership. The federal law directs the State Historic Preservation Officer (SHPO) and the Secretary of the Interior to certify local governments to participate in this partnership and specifies several requirements which the local government must meet. The purpose of this document is to outline how this partnership will be implemented in Arkansas.

B. Purpose

The Certified Local Government Program is designed to promote the preservation of prehistoric and historic sites, structures, objects, buildings and historic districts by establishing a partnership between the local government and the Arkansas Historic Preservation Program. Such partnerships will expand local participation in preservation issues and help to assure that:

- * Historic preservation issues are understood and addressed at the local level and are integrated into the local planning and decision making processes at the earliest possible opportunity.
- * Local interests and concerns are integrated into the identification, evaluation, registration, and protection processes of the Arkansas Historic Preservation Program.

- * Information concerning local historic preservation issues is provided to the Arkansas Historic Preservation Program and to the public.
- * Historic preservation commissions are established in more cities and are updated, if necessary, where they already exist.

C. Definitions

Terms as used in these guidelines are defined as follows:

- * Local Government - a city, county, township, municipality, or any other general purpose political subdivision of the state. Note: Because a Regional Planning Commission or a Council of Government is not a general purpose political subdivision it does not qualify to be a direct recipient of pass-through funds. However, it is permissible for CLGs to use awarded funds to contract with a Regional Planning Commission or a Council of Governments for a project or service.
- * Chief Elected Local Official - the elected head of a local government.
- * Historic Preservation Review Commission - a board, council, commission or other similar body which is established by state or local legislation. In the case of a certified local government the duties of the commission would include, at a minimum, acting in a leadership role regarding local preservation issues and reviewing local National Register Nominations for properties within the CLG's jurisdiction. In the case of a Local Ordinance Historic District the duties of the commission will include, at a minimum, the review of all proposed projects involving construction or alteration to structures or their sites to determine if the project is appropriate to the character of the historic district.
- * Certified Local Government (CLG) - a local government that has been certified as meeting the requirements set forth in this document.
- * National Register of Historic Places (NR) - a national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture maintained by the Secretary of the Interior.

- * National Park Service (NPS) - the bureau of the Department of the Interior to which the Secretary of the Interior has delegated the authority and responsibility for administering the National Historic Preservation Program.
- * Preservation-related Professional - a professional from the disciplines of architecture, history, architectural history, planning, landscape architecture, archeology, or other historic preservation related disciplines, such as urban planning, American civilization, cultural geography, or cultural anthropology.
- * Secretary - the Secretary of the Interior.
- * Secretary of the Interior's Standards for Rehabilitation Projects - guidelines used to determine if rehabilitation work is consistent with the historic character of a structure and, where applicable, the district in which it is located. A copy of the "Standards" may be obtained from the AHPP.
- * State Historic Preservation Officer (SHPO) - the official within each state who has been designated and appointed by the Governor to administer the State Historic Preservation Program. In Arkansas the SHPO is appointed pursuant to Ark. Stat. Ann. 8-904 et. seq.
- * Arkansas Historic Preservation Program (AHPP) - the Arkansas State agency responsible for developing and implementing a statewide program of historic preservation pursuant to Ark. Stat. Ann. 8-904 et. seq.
- * Subgrantee - the agency, institution, organization or individual to which a subgrant is made by the State and which is accountable to the State for use of the funds provided.
- * The National Register Programs Manual - the manual that sets forth NPS administrative procedures and guidelines for activities concerning the federally related historic preservation programs of the National Trust for Historic Preservation, the states, and local governments. This manual includes guidelines and procedures for the administration of the historic preservation grants-in-aid program.
- * Historic Preservation Fund (HPF) - the source from which monies are appropriated to the program of matching grants-in-aid to the states from historic preservation programs as authorized by section 101(d)(1) of the National .pa Historic Preservation Act as amended.

II. ELIGIBILITY FOR PARTICIPATION IN THE CERTIFIED LOCAL GOVERNMENT PROGRAM

A. General Eligibility

1. Any general purpose political subdivision of the state such as a city or county which meets the criteria set forth in this document is eligible to apply for certification.
2. The National Historic Preservation Amendments Act of 1980 contains five broad standards which must be met by a local government seeking certification. These standards require the local government to:
 - a. Enforce appropriate state of local legislation for the designation and protection of historic properties.
 - b. Establish an adequate and qualified historic preservation review commission by appropriate state or local legislation.
 - c. Maintain a system for the survey and inventory of historic properties.
 - d. Provide for adequate public participation in the local historic preservation program, including the process of recommending properties to the National Register.
 - e. Satisfactorily perform the responsibilities delegated to it under the Act.

B. Local Ordinance

1. A local ordinance must be enacted by the local government and contain at a minimum the following:
 - a. Statement of purpose substantially similar to the language in the purpose clause of the state enabling legislation, Ark. Stat. Ann. 19-5001 et. seq.
 - b. A clear delineation of designated district boundaries.
 - c. Definitions of appropriate terms used in the ordinance, i.e., alteration, area of influence, ordinary maintenance, etc.
 - d. Specific membership and duties of historic district commission.
 - e. Mandatory review of alterations, demolitions, or new construction within the established district.

- f. Specific guidelines, substantially similar to the Secretary of the Interior's Standards for Rehabilitation to be used by the Commission in reviewing applications for certificates of appropriateness.
- g. Provision for procedural due process including public hearings and public notification.
- h. Specific time frames for reviews and consideration of alternatives.
- i. Provisions for noncompliance.

C. Local Historic Preservation Review Commission

- 1. Local governments must establish a local preservation commission with the following minimum requirements:
 - a. The commission shall have at least five members, all of whom have demonstrated interest, competence, or knowledge in historic preservation.
 - b. All members of the commission should be preservation related professions, to the extent available in the community. If this requirement is not met the local government must demonstrate that it has made a reasonable effort to fill these positions with a preservation-related professional. When the commission is reviewing a matter in a discipline not represented on the commission they shall consult with a professional who has expertise in that discipline (i.e. if there isn't an archeologist on the commission, the Arkansas State Archeologist could be contacted when reviewing National Register Nominations which involve archeological sites).
 - c. Members of the commission must be residents of the county or municipality for which they serve.
 - d. Terms of office shall be at least three years and staggered (except as provided in the initiation of a commission).
 - e. The local appointing authority shall act within sixty (60) days to fill a vacancy, including expired terms, unless extenuating circumstances require an extension. An extension may be given in writing by the AHPP upon petition of the local government.

- f. The professional standards for local commissions will be no more stringent than those for the State National Register Review Board.
 - g. At least four meetings will be held per year at regular intervals, in a public place, advertised in advance and open to the public.
2. Duties of local review commissions shall include at a minimum:
- a. Conducting or causing to be conducted a continuing survey of cultural resources in the community according to guidelines established by the AHPP.
 - b. Establishing and using written guidelines for the conservation of structures within historic districts in decisions on requests for permits for alterations, demolition or new construction within the historic district (Design review guidelines shall be substantially similar to the Secretary of the Interior's Standards for Rehabilitation Projects).
 - c. Acting in an advisory role to other officials and departments of local government regarding the protection of local cultural resources.
 - d. Acting as liaison on behalf of the local government to individuals and organizations concerned with historic preservation.
 - e. Working toward the continuing education of citizens within the CLGs jurisdiction regarding historic preservation issues and concerns.
 - f. Reviewing all proposed National Register nominations for properties within the boundaries of the CLGs jurisdiction. When a commission reviews a nomination or other action that will impact properties which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the commission, the commission must seek expertise in that discipline before rendering its decision. The may be accomplished through consultation.

- g. The State Historic Preservation Officer may delegate further mutually agreed upon responsibilities to the CLG through written agreement. All delegated responsibilities must be complementary to and carried out in coordination with those of the State Historic Preservation Office as outlined in 36 CFR 61.3(b).

3. The Arkansas Historic Preservation Program will make orientation materials and training available to all commissions.

D. Survey of Historic Resources

1. The CLG shall begin or continue to maintain an Arkansas Historic Preservation Program approved process to identify historic properties within its jurisdiction.
2. A detailed inventory of the survey shall be maintained and periodically updated.
3. Inventory material shall be compatible with the AHPP survey inventory for the purposes of being integrated into the statewide comprehensive historic preservation planning process.
 - a. Inventory information will be recorded on forms provided by the AHPP in accordance with established survey standards as outlined in the AHPP's Survey Manual and the Arkansas Cultural Resources form Handbook.
 - b. Originals of all survey reports and inventory forms must be provided to the AHPP.
4. Inventory must be accessible to the public at the discretion of the AHPP.

E. Public Participation

1. All meetings of the historic preservation review commission must be publicly announced, be open to the public and have a previously available agenda.
2. Public notice must be provided prior to any special meetings.
3. Rules of procedure shall be available for public inspection.
4. Minutes of all decisions and action of the commission, including the reasons for making these decisions, must be kept on file and available for public inspection.

III. PROCESS FOR CERTIFICATION OF LOCAL GOVERNMENTS

- A. The chief elected official of the appropriate local government shall request certification from the Arkansas State Historic Preservation Officer. The request shall include:
1. A written assurance that the local government will fulfill all requirements outlined above.
 2. A copy of the local historic preservation ordinance.
 3. A list and accompanying maps of the area designated an historic district.
 4. Resumes for each of the members of the historic preservation commission.
 5. Resumes of staff, if petitioning for additional responsibilities under section II-C of these guidelines. If requested, the AHPP will consider professional staff in conjunction with the credentials for review commission members in determining whether the local preservation review commission meets section II-C.
- B. Application for certification may be made at any time throughout the year and is separate from application for funding from the Historic Preservation Fund (see section VI for information on funding).
- C. The AHPP will respond to the chief elected official within sixty (60) days of receipt of an adequately documented request for certification.
- D. The AHPP will notify the Secretary of the Interior of its intent to certify the local government. This information will include a copy of the local government's application as well as a copy of the agreement between the local government and the AHPP. The Secretary has 15 working days to make any comments after receipt of this information. If no comment is received by the AHPP from the Secretary the local government will be considered certified, and the AHPP and the local government will enter into a written agreement covering the five minimum CLG responsibilities and any other responsibilities delegated by the AHPP. If the Secretary states any objections to the certification, the AHPP will work with the local government to address the Secretary's concerns.
- E. Once a local government is certified it remains certified without further action unless, after substantive review, the AHPP recommends and proceeds with decertification or the local government requests it no longer wishes to be certified.

IV. PROCESS FOR MONITORING CERTIFIED LOCAL GOVERNMENTS

A. Assessment of Performance

1. The CLG shall submit to the AHPP an annual report of the activities of the commission. Such reports shall include, but are not limited to:
 - a. Number and type of cases reviewed and their disposition.
 - b. Revised resumes of commission members.
 - c. Appointments to the commission.
 - d. Attendance records.
 - e. All minutes related to National Register nominations.
 - f. Progress on survey activities.
2. The annual report shall be accompanied by a report on the expenditures of any grants received from the AHPP during that year and shall follow U. S. Department of the Interior regulations for fiscal accountability.
3. The AHPP will conduct periodic reviews and monitoring of CLGs to assure that required standards are being met and that any potential problem area can be addressed prior to the annual project review. These periodic reviews will also be used to insure that the CLG's performance is consistent and is coordinated with the identification, evaluation, and preservation priorities of the comprehensive State historic preservation planning process.

B. Decertification

1. If the AHPP finds the CLGs performance in carrying out its historic preservation responsibilities inadequate at any time the AHPP shall document that assessment and provide written recommendations to the CLG to improve performance.
2. The CLG shall have a period of not less than 30 days or more than 180 days, depending on the corrective measures required, to implement improvements.
3. If the AHPP finds sufficient improvement has not been made after the specified time period, the AHPP will request decertification of the local government from the Secretary, citing specific reasons for the request. The Secretary then has 30 working days to comment on this request.
4. If the Local Government is decertified, the AHPP will terminate any financial assistance and will conduct a closeout review of any funds received. This closeout review will follow procedures specified in the National Register Programs Manual.

V. CERTIFIED LOCAL GOVERNMENT PARTICIPATION
IN THE NATIONAL REGISTER NOMINATION PROCESS

- A. CLGs shall submit a report (available for public inspection) to the AHPP regarding the eligibility of each property or district within its jurisdiction proposed for nomination to the National Register.
1. The report shall include recommendations of the local preservation review commission and the chief elected official.
 2. The report should concentrate on the property's eligibility under the National Register criteria.
 3. Failure to submit reports on the eligibility of properties nominated within the jurisdiction of the CLG after the AHPP has informed the CLG of a pending nomination will be considered during the annual performance evaluation.
- B. CLG involvement in the National Register process
1. Within 60 days of receipt of the nomination, the CLG shall inform the AHPP by submission of a report (see section V-A) as to its opinion regarding the eligibility of the property. The CLG shall also inform the property owner(s) as to its opinion regarding the eligibility of the property.
 2. In the event a nomination is received by the AHPP before submission to the CLG, the AHPP will forward a copy of the completed nomination to the CLG within 30 days of receipt.
 3. If both the commission and chief elected official recommend that a property not be nominated the CLG will so inform the property owner(s) and the State Historic Preservation Officer, the property will then not be nominated unless an appeal is filed with the SHPO in accordance with appeal procedures outlined in the National Historic Preservation Amendments Act of 1980.
 4. If the commission or the chief elected official of the CLG recommend that a property should be nominated, the nomination will be scheduled for submission to the Arkansas State Review Board. Scheduling will be in accordance with notification time constraints as set forth in 36 CFR Part 60.
 5. The Arkansas State Review Board, after considering all opinions, including those of the commission and the chief elected official of the CLG, shall make its recommendation to the State Historic Preservation Officer. Either the local preservation review commission or the chief elected official may appeal the SHPO's final decision.
 6. When a National Register nomination, that has been reviewed by a commission, is submitted to the National Park Service for review and listing, all reports or comments from the local officials will be submitted along with the nomination.

7. The AHPP and the CLG will work together to provide ample opportunity for public participation in the nomination of properties to the National Register. All reports submitted by the CLG to the AHPP regarding the eligibility of properties shall include assurances of public input. The CLG shall retain a list of all persons contacted during the evaluation period and note comments which were received. If a public meeting was held, a list of those attending shall be included in the report.

VI. TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS

A. General Information

1. At least ten percent of the AHPP's annual allocation from the Historic Preservation Fund (HPF) will be available to CLGs on a 50-50 matching basis.
2. Any year the Historic Preservation Fund grant appropriation exceeds \$65 million, one half of the excess shall also be transferred to CLGs according to procedures to be provided by the Secretary.
3. All CLGs are eligible to apply for funds but will not automatically receive funds.
4. CLGs may participate in the review and approval of National Register nominations whether or not they receive pass-through funds.
5. The intent is to use HPF assistance to augment rather than replace existing local commitment to historic preservation activities.
6. CLGs receiving HPF grants will be considered subgrantees of the State, transferred monies shall not be applied as matching share for any other Federal grant, except as specified in the National Register Programs Manual, chapter 14, section M.2., CLG requirements shall be included in the State's written grant agreement with the local government, any State directed uses of funds are to be consistent with the State comprehensive historic preservation planning process, information on the rationale for grant awards and amounts shall be made available to the public upon request.
7. The state is responsible, through audit, for proper accounting of HPF monies in accordance with OMB Circular A-102, Attachment P, "Audit Requirements."

B. Certified Local Government Eligibility Requirements

1. To be eligible to receive a portion of the local share of the HPF allocation for Arkansas each local government:
 - a. Shall be certified according to the above stated procedures (unless applying for 1983 or 1984 funds).
 - b. Shall have an adequate financial management system which:
 - (1) meets federal standards of the Office of Management and Budget Circular A-102, Attachment G;
 - (2) is auditable in accordance with federal Accounting Office Standards; and

(3) is periodically evaluated by the SHPO.

- c. Shall adhere to all requirements of the National Register Programs Manual
 - d. Shall adhere to any requirements mandated by Congress pertaining to the HPF.
 - e. Indirect costs may be charged as a part of a CLG grant only if the CLG meets the requirements of the National Register Programs Manual. In addition, only direct costs may be charged by a CLG unless its indirect cost rate has been approved by the cognizant Federal agency.
2. The AHPP will assist all CLGs in developing and implementing financial management systems which address the above requirements.

C. Project Eligibility Requirements

- 1. In general, eligible activities will include any project which:
 - a. Furthers the goals of identification, evaluation, nomination and protection of the community's cultural resources.
 - b. Increases the community's awareness and understanding of historic preservation values.
 - c. Increases the capability and effectiveness of the local government in addressing local historic preservation issues and needs.
- 2. Eligible activities include, but are not limited to, survey of historic properties, nomination of properties to the National Register of Historic Places, public education programs and planning studies.
- 3. All projects must be eligible for assistance in accordance with the National Register Programs Manual.

D. Funding Priority

- 1. Priority will be given to projects which:
 - a. Assist in the establishment of a process for the incorporation of the consideration of historic preservation goals and objectives into the community's planning process.
 - b. Increase the community's awareness and understanding of historic preservation values.

- c. Increase the capability and effectiveness of the local government in addressing local preservation needs.
2. The AHPP will make every effort in distributing the funds set aside for CLGs to seek a balance between urban and rural areas of the State, to the extent such distribution is consistent with 36 CFR 61.6(f)(1) which states that the amount awarded to any applicant must be sufficient to produce a specific impact. No one CLG will receive a disproportionate share of a years allocation. The requirement to provide sufficient funds to produce a measurable result cannot be waived regardless of the number of eligible CLGs.

E. Application Procedures

1. Application forms will be provided by the AHPP.
2. The applicant should submit three (3) copies of the completed application form to the AHPP and one (1) copy to the State Clearinghouse.
3. Within 60 days after the deadline for submission of applications a selection for funding will be made by the SHPO.
4. Project schedules and deadlines may vary from year to year and are dependent upon the time frames in which the Secretary notifies the AHPP of its apportionment from the annual HPF.

CERTIFIED LOCAL GOVERNMENT GRANT APPLICATION

Fiscal Year 1988 Funds

1. Project Title: _____

2. Community/Region Benefiting from Project: _____
3. Applicant Organization: _____
Address: _____
Telephone: _____
4. Project Coordinator: _____
Address: _____
Telephone: _____
5. Amount of Funding Request: \$ _____
Total Project Cost: \$ _____
6. Attachments: Survey Status Report _____ Personnel Documentation _____
Work Program _____ Letters of Support _____
Budget _____
7. Authorized Applicant Signature _____
Name _____
Title _____
Date _____

APPLICATION FORM

1. Project Title _____

2. Project Summary/Overview

3. Project Need

4. Project Objectives

5. Project Elements and Methodology
6. What will be the final product(s)?
7. How does the project address the selection criteria?
8. Please prioritize each element of your project. Arrange in a list which places those elements which are essential to project completion at the top and those which add to the project but are not absolutely necessary at the bottom.

MATCHING SHARE INFORMATION

1. Cash

Donor: _____
Source: _____
Amount: \$ _____

2. In-Kind Services

Donor: _____
Source: _____
Amount: \$ _____

3. Volunteer Services

Donor: _____
Source: _____
Amount: \$ _____

I certify that the matching share identified above is or will be available during the project period and will be allocated to the survey and planning project called

Signature

Title

Date

ATTACHMENT C

PRESERVATION EDUCATION AND PROMOTION GRANTS

The purpose of the Arkansas Historic Preservation Program's Preservation Education and Promotion Grants Program is to provide assistance to further public awareness of the importance of Arkansas' historic resources. Examples of projects which meet this priority are:

- * Preparation and production of promotional exhibits and brochures concerning historic resources, such as tour guides.
- * Sponsorship of special events that educate the public about state or local history, historic resources, and preservation issues and the value these have to the quality of life in Arkansas.

ARKANSAS HISTORIC PRESERVATION PROGRAM, 225 E. Markham, Little Rock, AR 72201

5. Project Elements and Methodology
6. What will be the final product(s)?
7. How does the project address the selection criteria?
8. Please prioritize each element of your project. Arrange in a list which places those elements which are essential to project completion at the top and those which add to the project but are not absolutely necessary at the bottom.

MATCHING SHARE INFORMATION

1. Cash

Donor: _____
Source: _____
Amount: \$ _____

2. In-Kind Services

Donor: _____
Source: _____
Amount: \$ _____

3. Volunteer Services

Donor: _____
Source: _____
Amount: \$ _____

I certify that the matching share identified above is or will be available during the project period and will be allocated to the survey and planning project called

Signature

Title

Date

ATTACHMENT D

REHABILITATION AND RESTORATION GRANTS

The purpose of the Rehabilitation and Restoration Grants Program is to provide assistance to National Register properties on which the Arkansas Historic Preservation Program holds a Deed of Conservation Easement.

The following are grant procedures and requirements for Arkansas Historic Preservation Program Rehabilitation and Restoration Grants. These procedures and requirements are in addition to those outlined in the Arkansas Historic Preservation Program Grants Manual.

REHABILITATION AND RESTORATION GRANT PROCEDURES AND REQUIREMENTS

Time Limits

The Arkansas Historic Preservation Program has established deadlines for the submission of project documentation and the completion of project work.

Within four months from the date of the grant award the grantee is required to prepare the following:

1. A plan for continued maintenance of the project, including proposed means for financing the maintenance.
2. Plans and specification for the project.
3. A work/cost breakdown for the project.

A grantee who is unable to meet a project deadline is required to submit a written request for an extension of time at least 14 days prior to the deadline. This request will be reviewed by the Arkansas Historic Preservation Program, and the grantee will be notified as soon as possible of the action taken. If the grantee does not meet an established deadline and does not submit a request for an extension, it may be necessary to reassign funds awarded to the project. A grantee who encounters serious financial problems after accepting a grant, or who is for some other reason unable to proceed with the project, should immediately so inform the Arkansas Historic Preservation Program. These funds will then be reassigned.

Grant Flow Chart

Grant Awarded

Grant Accepted - Match Certified

Contact 3 Architects, Select 1

Maintenance Plan Submitted

Plans and Specifications Submitted

Work/Cost Breakdown Submitted

Arkansas Historic Preservation Program Project Approval

Project Initiating Letter from Arkansas Historic Preservation Program

Attach Conservation Easement to Deed

Bid Project

Send Copy of Signed Contract to Arkansas Historic Preservation Program

Notify Arkansas Historic Preservation Program Work Start Date

Document Project Sign in Place

Submit Periodic Pay Requests

Project Completed

Submit Project Completion Report

Receive Final Reimbursement

Changes in Approved Project Work

No changes in the work plan may be made after the project has been approved unless such changes are submitted in writing to and approved by the Arkansas Historic Preservation Program. It is most important that the grantee contact the Arkansas Historic Preservation Program staff before any change in plans is made. It is possible that the work may not be approved and could thus jeopardize funding for the completion of the project. The Arkansas Historic Preservation Program staff will work to find a solution satisfactory to both the grantee and Arkansas Historic Preservation Program for any necessary changes.

Architectural Contracts

The Arkansas Historic Preservation Program requires documentation that, at a minimum, three (3) architects were contacted concerning the preparation of plans and specifications for a project that is funded with grant-in-aid funds.

If an architect does not want to bid on the project, which might be the case, a letter signed by that architect documenting this fact will be sufficient.

The grantee is required to contact at least three (3) architects before selecting one. The selection of the architect must be justified in writing.

The Arkansas Historic Preservation Program will not participate in the selection of the project architect. However, documentation of the selection and the three (3) contacts must be on file in the Program offices prior to payment of any project funds.

Project Preparation/Plans and Specification

All grant projects must be in accordance with the guidelines listed in the Secretary of the Interior's Standards for Historic Preservation Projects.

Grant projects including interior work shall be made accessible to the handicapped according to Section 504 of the Rehabilitation Act of 1973. Design of access features also must comply, to every extent possible, with the Secretary of the Interior's Standards for Historic Preservation Projects.

A grantee with a total project cost of \$10,000.00 or more is required to engage the services of a licensed architect. The architect will prepare plans, specifications, a work-cost breakdown, and other required contract

documents for submission to the Arkansas Historic Preservation Program and will supervise the project work. The architect selected by the grantee should arrange to meet with the Arkansas Historic Preservation Program architectural staff to discuss the project in detail.

If total project cost is less than \$10,000.00, the plans, specifications, work-cost breakdown, and other contract documents shall be provided by the grantee. Though an architect's services are not required for projects of less than \$10,000.00, grantees are strongly encouraged to retain such services. Architectural fees can be included as fundable expenses.

Project plans, specifications, and work-cost breakdown will be reviewed by the Arkansas Historic Preservation Program staff. If clarification or additional information is required, the grantee will be contacted.

Specifications shall contain the following statement:

"The Contractor is cautioned that this project involves largely RESTORATION WORK and the maintaining of the building in its present form is of utmost importance. The Contractor shall use construction procedures calculated to protect the building. Any damage shall be repaired or replaced to present condition or better at no cost to the Owner. This project involves state funds and carries with it the resultant obligations and restrictions."

The Arkansas Historic Preservation Program will notify the grantee in writing when the project is approved and work may begin. No work may begin until the grantee receives this written notice of project initiation from the Arkansas Historic Preservation Program. The grantee may contract for professional services (architectural, engineering and/or archeological) approved in advance

by the Arkansas Historic Preservation Program. Any changes made to the project after the project plans are approved must be reviewed and approved in writing by the Arkansas Historic Preservation Program.

Designated staff of the Arkansas Historic Preservation Program will inspect the project before, during, and after completion of work. The grantee and the project architect are encouraged to contact the Arkansas Historic Preservation Program with questions at any time before or during work on the project. Grantees are encouraged to take advantage of the expertise available from the Arkansas Historic Preservation Program staff before beginning work on a questionable item. Unsatisfactory work will have to be removed and redone. All project work that does not appear in the approved work-cost breakdown or that does not comply with the Secretary of the Interior's Standards for Historic Preservation Projects will be construed to be unsatisfactory.

Project Initiation

The Arkansas Historic Preservation Program will review each grant project, and mail a written notice to the grantee that work may begin on the project. Work may not begin on the project until the Arkansas Historic Preservation Program sends the grantee this project initiation letter. The grantee must notify the Arkansas Historic Preservation Program of the date on which work will begin.

Selecting a Contractor

The Arkansas Historic Preservation Program requires that a grantee with total project costs of \$10,000.00 or above retain the services of a licensed contractor. Contractors employed by grantees shall be licensed by the

Arkansas Contractors Licensing Board. Contractors shall indicate on the bid their current license number as issued by the board.

The Arkansas Historic Preservation Program requires that such a contractor be selected through competitive bidding. The grantee must seek bids by advertising twice in a newspaper which has statewide circulation. The final advertisement must appear at least five (5) days prior to the bid date. All bidders must be notified that the project involves the use of state funds, and that the project complies with all regulations, restrictions and applicable laws.

To comply fully with this requirement the grantee must supply to the Arkansas Historic Preservation Program the following documents:

1. Dated copies of all advertisements published.
2. Dated copies of all bids received.
3. Documentation of any negotiation involved in the bidding process.
4. Documentation of the reasons why the lowest bid was not accepted, if such is the case.

Project architects will follow standard bidding procedures. Directors of projects totaling less than \$2,000.00 must contact the Arkansas Historic Preservation Program staff for bidding regulations.

In the selection of a contractor the grantee shall take affirmative steps to assure that small and minority owned businesses are utilized when possible as sources of supplies, equipment, contraction and services. Affirmative steps shall include the following:

1. Qualified small and minority owned businesses on solicitation lists.
2. Assure that small and minority owned businesses are solicited whenever they are potential sources of goods or services.
3. When economically feasible, divide total requirements into small tasks or quantities so as to permit maximum small and minority owned business participation.
4. Where the requirements permit, establish delivery schedules which will encourage participation by small and minority owned businesses.
5. Use the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the Department of Commerce and the Community Services Administration as required.

Bidding Procedures

The specific bidding procedures required by the Arkansas Historic Preservation Program are as follows:

- Equal Employment Opportunity: All construction contracts must meet the requirements established by the Office of Equal Opportunity, Department of the Interior. These requirements may be obtained from the Director, Office of Equal Opportunity, U. S. Department of the Interior, Washington, D. C. 20240.
- Bids and Awards: Competitive sealed bidding is required for purchase of any goods or services, or group of goods or services, which will cost \$5,000.00 or more. The award shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the grantee, price and other factors considered. (Factors such as discounts, transportation costs, taxes, and donations may be considered in determining the lowest bid.) Justification for acceptance of a non-bid contract or awarding of contracts to other than the lowest bidder must be submitted in writing for review by the National Park Service or Arkansas Historic Preservation Program.
- Bonding and Insurance: Except for situations describe below, bonding and insurance requirements, including fidelity bonds, over and above those normally required by the State or your local government will not be imposed.

A state or local unit of government receiving a grant from the National Park Service or Arkansas Historic Preservation Program which requires contracting for construction or facility improvement shall follow its own requirements

relating to bid guarantees, performance bonds, and payment bonds except for contracts exceeding \$25,000. For contracts exceeding \$25,000, the minimum requirement may be obtained by contacting the Arkansas Historic Preservation Program at (501) 682-2763.

-- Contract Provisions: The grantee shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts:

- (A) Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.
- (B) All contracts, amounts for which are in excess of \$5,000.00 shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement.

In addition, such contractors shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

- (C) All contracts in excess of \$2,000.00 shall include provisions for compliance with Executive Order 11246, as outlined in the Federal Procurement Regulations, Part 1-12.8 (Standard Federal Equal Employment Opportunity Construction Contract Specifications). The grantee shall establish procedures to assure that suspected or reported violations are promptly investigated.
- (D) All contracts for construction or related work, that are in excess of \$2,000 must follow formal bid requirements as mentioned in preceding paragraphs.
- (E) All contracts for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 814) as supplemented in Department of Labor regulations (29 CFR, Part 3). This Act provides that each contractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The State shall report all suspected or reported violations to the National Park Service.
- (F) All negotiated contracts (\$2,000) awarded by the grantee shall include a provision to the effect that the grantee, the Department of Arkansas Heritage, Arkansas Historic Preservation Program, the Comptroller General of the United States, or any of their duly authorized

representatives, shall have access to any books, documents, papers, and records of the contractor for the purpose of making audit, examination, excerpts, and transcriptions.

- (G) Contracts of amounts in excess of \$100,000.00 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to the National Park Service and the Regional Office of the Environmental Protection Agency.
- (H) All procurement of products and services between \$500.00 and \$5,000.00 shall be done by way of three (3) quote bids. This shall be done by soliciting quotes by phone or in writing from three (3) qualified vendors. Specifications may not vary between these vendors and awards must be made to the lowest price that meets bid requirements.
- (I) Procurement of Construction related services between \$300.00 and \$2,000.00 must be procured by way of quote bids taken from three (3) or more qualified vendors.
- (J) All quote bids are to be recorded on bid forms to include a complete specification description, vendor name, address, phone number, and contract, as well as the price quoted for the delivery of said products or services.

- Change Orders: The grantee shall issue written change orders to the construction contract for all necessary changes to the facility. All change orders shall be filed and retained for a period of three years after final reimbursement on the project. Change orders should be made a part of the project file and kept available for audit.
- Information to be Given Bidders Concerning Federal Funds: The grantee shall inform bidders that Federal Government Funds are being used to assist in construction, and that relevant Federal requirements apply when applicable. This information should be included in the bid invitation and the construction contract.

Grantees which have not developed their own bid regulations must follow the above listed requirements with the following provisions.

- All contracts for the purchase of goods or services in which the value exceed a cost of five thousand dollars (\$5,000.00) shall be awarded on the basis of sealed competitive bids (\$2,000.00 construction or labor related).
- Notice inviting bids shall be given not less than five (5) calendar days nor more than thirty (30) calendar days preceding the date for the opening of bids by publishing such notice, at least five consecutive days in a publication having general circulation in the State but in all instances adequate notice shall be given. The notice shall include a general description

of the goods or services to be procured; shall state where bid documents may be obtained; shall state the date, time, and place of bid opening; and shall inform the bidders that Federal Government Funds or state funds are being used, and that relevant Federal requirements apply.

- If, having advertised for bids, no bids are received by the date of the bid opening, the grantee must advertise for the goods and/or services to be procured a second time, with a second bid opening date established in accordance with these regulations.
- Bids shall be opened at the time and place designated in the public notices and the invitation for bid. When practical, the names of the bidders and amounts of their bids may be read aloud. Except where it may be deemed impractical, due to the nature or complexity of any invitation for bids, an abstract of bids which contains the amount of each bid and the name of the bidder shall be prepared for each invitation for bids. An abstract of bids shall be retained in the bid file and shall be available for public inspection. A copy of the abstract must be submitted to the Arkansas Historic Preservation Program.
- An award may be made to the lowest aggregate bidder for all items, group of items, or on an individual item basis, whichever is deemed to be in the best interest of the project.
- The right to reject any and all bids and to waive technicalities and minor irregularities in bids shall be allowed.
- After a reasonable evaluation period, the contract shall be awarded to the responsive and responsible bidder who submitted the lowest bid that meets the requirements and criteria set forth in the Invitation for Bids. If after evaluation of the bids, including consideration of any clarifying or explanatory information submitted by the bidders, it is determined that no satisfactory bid has been received, all bids may be rejected. If all bids are rejected, the grantee must readvertise for the goods and/or services to be provided in accordance with these regulations.

Competitive Negotiation

In competitive negotiation, proposals are requested from a number of sources and the "Request for Proposal" is publicized, negotiations are normally conducted with more than one of the sources submitted offers, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate.

Competitive negotiation may be used if conditions are not appropriate for the

use of formal advertising. If competitive negotiation is used for a procurement under a grant, the following requirements shall apply:

1. Proposals shall be solicited from a adequate number of qualified sources to permit reasonable competition consistent with the nature and requirement of the procurement. The "Request for Proposals" shall be advertised a minimum of five days statewide, and reasonable requests by other sources to compete shall be honored to the maximum extent practicable.
2. The "Request for Proposals" shall identify all significant evaluation factors. This identification must include the price or cost, where required, and the relative importance attached to price or cost.
3. The grantee shall provide mechanisms for technical evaluation of the proposals received, determinations of responsible offerors for the purpose of written or oral discussions, and selection for contract award.
4. Award may be made to the responsible offeror whose proposal will be most advantageous to the procuring party, price and other factors considered. Unsuccessful offerors should be notified promptly.
5. Grantees may utilize competitive negotiation procedures for procurement of Architectural/Engineering/Archeological professional services, whereby competitor's qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation.

Noncompetitive Negotiation

Noncompetitive negotiation is procurement by soliciting a proposal from only one source, or after soliciting a number of sources, it becomes apparent that competition is not adequate. Noncompetitive negotiation may be used when the award of a contract is infeasible under competitive bidding (formal advertising) or competitive negotiation procedures. Circumstances under which a contract may be awarded by noncompetitive negotiation are limited to the following:

1. The item is available only from a single source.

2. Public exigency or emergency when the urgency for the requirement will not permit a delay incident to competitive solicitation.
3. After solicitation of a number of sources, competition is determined inadequate.

Bid Bond, Performance Bond, and Labor and Material Payment Bond

The bidding contractors must furnish a 5% bid bond. The grantee will require that the selected contractor furnish bond of 100% of the amount of the contract price, covering faithful performance of the contract and the payment of all obligations arising thereunder. The bond shall be in such a form as the grantee may prescribe and with such securities as the grantee may approve. the bond guaranteeing the performance of this contract shall be given in compliance with the laws of the State of Arkansas. The contractor shall furnish a bond with an approved surety company authorized to do business in the State of Arkansas. Bonds are required on contracts exceeding \$25,000.00 or as requested by the Arkansas Historic Preservation Program.

The bond shall be written in favor of the grantee. After approval by the architect-engineer, the contractor shall file the bond with the Circuit Clerk and Recorder of the county in which the work to be performed is located. Contractor shall obtain from the Circuit Clerk certificates as evidence that the bond has been approved and filed with the Clerk and said certificates shall be filed with the architect-engineer. The premium for the required bond shall be filed with the contractor. The bond must be obtained by the contractor before the contract between the owner and the contractor can be put into effect.

Easements

The owner of a property receiving a grant through the Arkansas Historic Preservation Program is required to convey a Deed of Conservation Easement that is filed with the property deed. Conservation Easements are to protect the property after project completion and insure its continuing public benefit in perpetuity. The easement applies only to the exterior of the building when grant work is limited to the exterior. The easement applies to both exterior and interior when grant funds are expended on acquisition or on interior restoration.

The easement must be legally enforceable, witnessed by a Notary Public, and recorded in the deed book of the Circuit Clerk of the county in which the property is located. The file marked original Deed of Conservation Easement (along with original photographs) must be filed with the Arkansas Historic Preservation Program before any funds can be released to the grantee. A sample Deed of Conservation Easement is attached.

Maintenance and Administration

The owners of properties assisted with Arkansas Historic Preservation Grant-in-Aid funds must also assume the cost of repairs and agree that no visual or structural alterations will be made to the property without prior written permission of the grantor. Additionally, the grantee must agree to give the grantor the right to inspect the property at all reasonable times in order to ascertain whether or not the covenants are being observed.

Notification of Transfer of Title:

The owner must agree to notify the Arkansas Historic Preservation Program within ninety (90) days of a transfer of title.

Maintenance Plan

A property owner receiving a grant of \$10,000.00 or more from the Arkansas Historic Preservation Program is required to prepare a plan for the continued maintenance of the property. This plan will include schedules for building inspection and routine maintenance, personnel responsibilities and proposed means of financing maintenance. It is recommended that before preparing the maintenance plan the grantee consult Cyclical Maintenance for Historic Buildings (stock # 024-0005-00637-1), an excellent booklet on maintenance. A copy of this booklet is available for reference in the Arkansas Historic Preservation Program office, or it can be obtained from the U. S. Government Printing Office. To order a copy write:

Superintendent of Documents
U. S. Government Printing Office
Washington, D. C. 20240

Sub-Contracting:

If any subcontracts are to be let, the prime contractor shall take affirmative steps to assure that small and minority owner businesses are utilized when possible as sources of supplies, equipment, construction and services.

Affirmative steps include the following:

1. Qualified small and minority owned businesses on solicitation lists.
2. Assuring that small and minority owned businesses are solicited whenever they are potential sources.
3. When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum small and minority owned business participation.
4. Where the requirement permits, establishing delivery schedules which will encourage participation by small and minority business.
5. Using the services and assistance of the Small Business

Administration, the Office of Minority Business Enterprise of the Department of Commerce and the Community Services Administration required.

Site Visits

As work on the project progresses, the Arkansas Historic Preservation Program staff will make periodic site visits to inspect the work. Once work has begun on the project, the site visits will be made without notification to the grantee. The Arkansas Historic Preservation program photographer will make at least one site visit to photograph the project work.

ARKANSAS HISTORIC PRESERVATION PROGRAM
PRESERVATION/RESTORATION GRANT APPLICATION

1 Project Identification	Project Name _____ Historic District _____ Street _____ City/Town _____ Zip Code _____ Date Listed in National Register _____																
Applicant	<table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Name _____</td><td>Daytime phone _____</td></tr> <tr> <td>Street _____</td><td>Owner's Representative _____</td></tr> <tr> <td>City/Town _____</td><td>_____</td></tr> <tr> <td>Zip Code _____</td><td>Phone _____</td></tr> </table>	Name _____	Daytime phone _____	Street _____	Owner's Representative _____	City/Town _____	_____	Zip Code _____	Phone _____								
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3 Project Summary

	Existing Conditions	Proposed Work
Sitework and Grading		
Foundation		
Structural System		
Exterior Covering		
Trim and Ornament		
Doors and Windows		
Roof		

	Existing Conditions	Proposed Work
Paint and Finishes		
Insulation		
Plumbing		
Electrical		
Heating		
Interior		
New Construction		

(SAMPLE)

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT made this _____ day of _____,
by and between _____, Grantor, and the Arkansas Historic
Preservation Program, a Division of the Department of Arkansas Heritage, Grantee,
W-I-T-N-E-S-S-E-T-H:

WHEREAS, one of the purposes of the Arkansas Historic Preservation Program
as established by Act 480 of 1977 is to engage in a comprehensive program of
historic preservation to promote the use and preservation of such property for
the public interest and the education, inspiration, pleasure, and enrichment of the
citizens of this state, and

WHEREAS, one method to encourage such preservation is to accept conservation
easements as authorized by Act 663 of 1983, and Act 567 of 1983; and

WHEREAS, the Grantor is the owner in fee simple of improved real property
located in _____, Arkansas, which property hereinafter
referred to as "premises" is more particularly described below; and

WHEREAS, the Arkansas Historic Preservation Program has deemed that the
interest created in this Deed of Conservation Easement will aid greatly in preserving
and maintaining the premises consistent with the interests and purposes of the
Arkansas Historic Preservation Program; and

WHEREAS, to this end, Grantor desires to grant to Grantee, and Grantee
desires to accept, a Conservation Easement on the premises.

NOW, THEREFORE, in consideration of _____ and other good
and valuable consideration, the receipt of which is hereby acknowledged, the Grantor
does hereby grant and convey unto the Grantee an easement in gross in perpetuity
in and to that certain real property and the exterior surfaces of improvements
located thereon known as (Historic name, street address, city, county) all owned
by the Grantor, and more particularly described as

(legal description)

The easement herein granted and conveyed to constitute a binding servitude
upon said premises of the Grantor, and to that end Grantor covenants on behalf
of himself, his agents, personal representative, heirs and assigns, and all other
successors to him in interest, with Grantee, such covenants being deemed to run
as a servitude, in perpetuity, with the land, to do and refrain from doing upon
the premises each of the following stipulations which contribute to the public purpose
in that they aid significantly in the preservation of the historic site in question:

(1) Without the written permission of the Arkansas Historic Preservation Program, duly signed by its Director or his designee, no construction, alterations, or remodeling shall be undertaken or permitted which would materially affect either the lot herein described or the exterior (including the roof) of the building or other improvement located thereon as depicted in the description attached hereto and expressly incorporated by reference herein, and marked as "Exhibit A", and in the photographs attached hereto and expressly incorporated by reference herein as "Exhibits B, C, D, E, and F" except the reconstruction, repair, repainting, or refinishing of presently existing parts or elements of lot and house, damage to which has resulted from casualty loss, deterioration, or wear and tear, provided that such reconstruction, repair, repainting, or refinishing may not be performed in a manner which would alter the appearance of the building as depicted in said photographs or the appearance of the lot as of this date.

(2) The Grantor agrees at all times to maintain the subject property in a good state of repair so that no deterioration in its exterior appearance or structural soundness shall take place.

(3) The property shall be used only for _____ purposes and shall not be used for _____ purposes. (optional)

(4) The property shall not be subdivided, nor shall it ever be devised or conveyed except as a unit; (optional)

(5) No dumping of ashes, sawdust, bark, trash, rubbish or any other unsightly or offensive materials which are visible from public roads or streets shall be permitted on the property.

(6) No topographical changes, including but not limited to excavation and the cutting of trees greater than eight inches in diameter (except when dead or dangerously decayed), shall occur upon the property. (optional)

(7) Grantor hereby agrees that representatives of Grantee, its successors or assigns, shall be permitted at all reasonable times to inspect the property. Inspections will normally take place from the street; however, Grantor agrees that representatives of Grantee, its successors or assigns, shall be permitted to enter and inspect the interior of the improvements on the premises to insure maintenance of structural soundness; inspection of the interior will not, in the absence of evidence of deterioration, take place more often than annually. Inspection of the interior will be made at a time mutually agreed upon by Grantor and Grantee, its successors or assigns, and Grantor covenants not to withhold unreasonably his consent in determining a date and time for such inspection.

(8) In the event a violation of these regulations is found to exist, the Arkansas Historic Preservation Program may, following reasonable notice to the Grantor, institute a suit to enjoin by ex parte, temporary and/or permanent injunction such violations, to require the restoration of the premises to its prior condition.

(9) The Grantor agrees that these restrictions will be inserted by him in any subsequent deed, mortgage, deed of trust lease, or other legal instrument, by which he divests himself of either the fee simple title to or his possessory interest in the premises. The Grantor agrees that he will provide any purchaser or assignee with the photographs referred to in paragraph (1) above.

TO HAVE TO HOLD unto Arkansas Historic Preservation Program, forever. The covenants agreed to and the restrictions imposed, as aforesaid, shall not only be binding upon the Grantor but also upon his agents, personal representatives, heirs and assigns, and all other successors to him in interest and shall continue as a servitude running in perpetuity with the above-described land and shall survive any termination of Grantee's existence. All rights reserved herein to Grantee may be exercised, modified, or released by its successors or assigns or by its designee duly authorized in a deed or appointment executed by the Arkansas Historic Preservation Program.

IN WITNESS WHEREOF, Grantor has executed, sealed, and delivered this Deed of Conservation Easement; and Grantee has caused these presents to be accepted and signed in its corporate name by Cathryn H. Buford, the Director of the Arkansas Historic Preservation Program and State Historic Preservation Officer.

By _____
(Owner's Name)

STATE OF _____

COUNTY OF _____

On this _____ day of _____, 198_, before me, a Notary Public, duly commissioned, qualified and acting within and for the said county and state appeared in person, _____ (Owner's Name), to me personally well known as the grantor in the foregoing Deed of Conservation Easement who stated that he had executed the same for the consideration, uses, and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 198_.

My Commission Expires:

Notary Public

I, CATHRYN H. BUFORD, Director of the Arkansas Historic Preservation Program, Grantee, hereby acknowledge that the Arkansas Historic Preservation Program accepts the foregoing conservation easement.

By _____
Cathryn H. Buford, Director
Arkansas Historic Preservation Program
State Historic Preservation Officer

STATE OF ARKANSAS
COUNTY OF PULASKI

On this ____ day of _____, 198_, before me, a Notary Public, duly commissioned, qualified and acting within and for the said County and State appeared in person, CATHRYN H. BUFORD, to me personally well known, who stated that he had executed the above and foregoing document in his duly authorized capacities as Director of the Arkansas Historic Preservation Program for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____ day of _____, 198_.

My Commission Expires:

Notary Public
