

# **NATIONAL RECREATIONAL TRAILS PROGRAM SPONSOR GUIDELINES MANUAL**

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The Maryland State Highway Administration (SHA), on behalf of the Maryland Department of Transportation (MDOT), is pleased to present the *Sponsor Guidelines Manual* for the policies and procedures concerning projects funded through the Recreational Trails Program. SHA encourages non-profit organizations and government agencies to utilize this Program to fund trail related projects.

The US Congress first authorized the Recreational Trails Program in the Intermodal Surface Transportation Efficiency Act of 1991. It was reauthorized in 1998 under the Transportation Equity Act for the 21st Century (TEA-21). The Recreational Trails Program provides funds to states to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses. Examples of trail uses include hiking, bicycling, in-line skating, equestrian use, canoeing, kayaking, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles.

**How much is available?** Under TEA-21, Congress authorized the Recreational Trails Program \$30 million in 1998, \$40 million in 1999, and \$50 million annually for 2000, 2001, 2002, and 2003. Maryland gets an average of \$1000,000 per year.

Activities eligible for funding within this Program include:

- Maintenance and restoration of existing recreational trails.
- Development and rehabilitation of trailside and trailhead facilities and trail linkages.
- Purchase and lease of recreational trail construction equipment.
- Construction of new recreational trails (there are restrictions on new trails on Federal land).
- Acquisition of easements or property for recreational trails or recreational trail corridors.
- Operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails.

All States, must use a certain percentage of their funds in a fiscal year for diverse recreational trail uses, motorized recreation and non motorized recreation.

The following Overview will provide information about how SHA is administering this Program and selecting projects for funding awards.

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This Overview is intended to provide potential project sponsors with a quick reference to the parameters and processes of the Recreational Trails Program. This section will allow a potential sponsor to evaluate their project for Program funding suitability. Each topic outlined in the Overview is explained in greater detail throughout subsequent chapters of this guide.

Recreational Trails Program funds are made available for projects that fit into at least one of the six activities listed in the *Introduction*, on a reimbursement basis.

**Please note:** These funds are not administered as grants, but are awarded to sponsors on a reimbursement basis; therefore, the sponsor must provide documentation of incurred expenses and proof of payment for the funds to be reimbursed.

Recreational Trails projects must conform to all applicable federal and State requirements, metropolitan and statewide planning processes and public involvement activities, including, but not limited to:

- United States Code (USC)
- Code of Federal Regulations (CFR) Title 23
- Uniform Relocation Assistance
- Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended and provide for under 49 CFR Part 24, and 23 CFR Subchapter H Part 710
- National Environmental Policy Act
- National Historic Preservation Act-Section 106
- Department of Transportation Act-Section 4(f)
- Endangered Species Act-Section 7
- Metropolitan Planning Organizations (MPO)

SHA is responsible for managing the program and assuring that all appropriate regulations are followed. SHA is also responsible for screening all requests for funding and making funding awards.

## **PROGRAM POLICIES**

SHA requires that the maximum Federal share for each project from Recreational Trails Program funds is 80 percent. In other words, a maximum of 80 percent of the total project costs can be reimbursed by Recreational Trail Program funds; the remaining 20 percent will be covered by sponsor matching resources/funds. Matching resources/funds, such as cash, property value, design, construction, construction inspection, in-kind services and materials should be included as part of the total project costs.

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## **APPLICATION PROCESS**

Project sponsors must complete a Recreational Trail Application for each project. The required information includes scope of work, funds requested, and matching funds to be provided. A blank application form is provided in Appendix A or visit:

<http://www.marylandroads.com/oed/trails.htm>

Applications will be accepted throughout the year with an annual deadline of July 1, and will be received by:

Terry Maxwell

Project applications will be reviewed for eligibility and adherence to Program criteria. Applications that are incomplete, do not have reasonable cost estimates, or do not have sufficient design detail, will likely not be considered for funding. Approved projects will receive award letters.

**Please note:** No activity is to be undertaken until SHA gives written notification to sponsors that they may proceed in fulfilling project requirements. The letter of award does **not** serve this purpose. Any advertisement for construction contracts, purchase of materials, equipment or supplies, or any other activity approved for reimbursement conducted prior to receiving written approval from SHA will make part or the entire project ineligible for reimbursement.

## **PROJECT REQUIREMENTS**

**Memorandum of Understanding:** SHA and the sponsor will then execute a Memorandum of Understanding (MOU). The MOU defines the project, award amount, and roles of each party. Concurrently, the sponsor can proceed with the National Environmental Policy Act (NEPA) requirements.

**NEPA Requirements:** All federally funded Recreational Trails projects must conform to the laws that ensure the environment is both protected and enhanced. Laws ensuring environmental protection include, but are not limited to:

- National Environmental Policy Act
- National Historic Preservation Act-Section 106, and
- Department of Transportation Act-Section 4(f).

When the MOU is fully executed, and the NEPA requirements are fulfilled, SHA will issue a written notice to proceed (NTP). In addition to the above requirements, property acquisitions will require certified cost estimates and federal approval to acquire before an NTP is issued. Only then should the sponsor proceed to spend money anticipated for reimbursement by the Recreational Trails Program.

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## **PROCUREMENT AND REIMBURSEMENT**

There are two types of procurement methods for Recreational Trails projects:

- Projects with a Total Cost under \$25K would follow Small Procurement Procedures, and
- Projects with a Cost Above \$25K (a purchase, construction and/or maintenance).

### **Please Note:**

\*Recreational Trails Projects that will be incorporated into Transportation Enhancement (TE) Projects must follow the TE Program project requirements. Please contact the TE Coordinator, for more information.

\*Acquisition of Easements or Property for Recreational Trail Corridors must conform to governing state and federal laws. Please be sure to contact the Property Easement/Acquisition Coordinator, who will assist you.

\*All bridge construction activities should be coordinated with the Pedestrian Bridge Coordinator.

Please see Appendix C for contact information.

The Recreational Trails Program is federally funded and is administered on a reimbursement basis and is not to be considered a grant. Therefore, after the procurement is complete and paid for by the sponsors, invoicing for reimbursement can begin.

## **MONITORING AND INSPECTION**

The project sponsor will be responsible for the inspection of the project so that it meets all federal, state and local requirements. SHA will monitor the projects and inspections to assure that program funds are being spent in accordance with the MOU.

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# Project Requirements

This section explains the Program Policies established by the SHA for the Recreational Trails Program. General policies, activities reimbursable by Recreational Trails Program funds, sponsor matching obligations, and sponsor responsibilities will be examined.

## **GENERAL POLICIES**

A maximum of eighty percent of the total project cost can be reimbursed by Program funds, while sponsor-matching resources/funds will cover the remaining 20 percent.

SHA will make every effort to distribute the funds throughout the state in a variety of project categories. Preference will be given to projects that have broad-based community support, provide linkage to or complete existing trails, provide improvements to a trail in order to benefit or mitigate impacts to the natural environment. Preference will also be given to applications which demonstrate context sensitivity for all improvements, including signs, interpretive panels, parking lots, bridges, etc. Sponsors are encouraged to locate their improvements/enhancements or choose materials that allow a “careful fit” within the landscape. If desired, staff from SHA’s Office of Environmental Design (OED) will offer design concept guidance to potential project sponsors.

## **ACTIVITIES REIMBURSABLE BY NRT PROGRAM FUNDS**

SHA encourages sponsors to use Recreational Trails Program funds for construction or trail maintenance projects.

Activities eligible for funding within this Program include:

- Maintenance and restoration of existing recreational trails;
- Development and rehabilitation of trailside and trailhead facilities and trail linkages;
- Purchase and lease of recreational trail construction equipment;
- Construction of new recreational trails (there are restrictions on new trails on Federal lands);
- Acquisition of easements or property for recreational trails or recreational trail corridors; and
- Operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails.

All States must use 30 percent of their funds in a fiscal year for motorized trail uses, 30 percent for non-motorized trail uses, and 40 percent for diverse trail uses. Diverse motorized projects (such as motorboat and motorcycle) or diverse nonmotorized projects (such as pedestrian and equestrian) may satisfy two of these categories at the same time. States are encouraged to consider projects that benefit both motorized and nonmotorized users, such as common trailhead facilities. SHA will give extra credit in their selection criteria to projects that benefit multiple trail uses.

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# Project Requirements

## **SPONSOR MATCHING OBLIGATIONS**

Matching obligations consists of a minimum of 20 percent of the project cost. The purpose of requiring the sponsor to provide matching the funds is to use the funds available through the Program to leverage additional funds. Matching sources that the sponsor elects to secure shall be documented in detail within the application.

Match can be in the form of:

- Appraised value of donated rights-of-way;
- Past property acquisitions (more than two years prior to project application submission are not eligible). Property acquisitions undertaken as part of the current project (less than two years prior to, but not after the project application submission) may be used toward the match. After the submission, no further acquisition activities that depend upon Recreational Trail funds may occur until after the NTP;
- Design and direct project development activities that are not eligible for reimbursement, or are not funded, are eligible to be used as matching funds;
- Construction services;
- Construction inspection services;
- In-kind contributions (if you wish to use staff time and/or materials, please see Appendix D);
- Materials;
- Private cash;
- Funds from other federal or state agencies; and
- Work performed that is directly related to the project, provided it is accurately documented and a value can be established.

## **SPONSOR RESPONSIBILITIES**

All municipalities and governmental agencies are eligible candidates to sponsor Recreational Trail projects. These groups are encouraged to identify potential projects.

In general, a project sponsor shall be responsible for:

- Applying for Program funds; (a blank application is attached in Appendix A)
  - Signing an MOU with SHA stipulating that Program funds shall be spent in accordance with all applicable Program requirements, as well as state and federal laws; (a sample MOU is attached in Appendix B)
  - Providing a match value of a minimum of 50 percent of the project costs, as well as contributing any costs beyond the approved award amount necessary to complete the project;
  - Preparing construction documents and awarding the project on a competitive basis or preparing a Small Purchase Procurement Package for purchase of materials/or equipment;
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# Project Requirements

- Providing SHA with names of a point of contact and record keeper;
- Providing SHA with all necessary documentation when requesting Program funds for reimbursement of project expenses; and
- Taking ownership of the project upon construction completion and provide long-term maintenance.

There are many more funding requests submitted than there are Recreational Trails Program funds available. Therefore, SHA has established an application process to ensure that all projects are evaluated competitively by their merit. This section explains the Application process for Recreational Trails Program funds. For additional information, please phone the NRT Application contact(s) referenced in Appendix C.

## APPLICATION FORMS

Please see Appendix A or visit [www.marylandroads.com/oed/trails.htm](http://www.marylandroads.com/oed/trails.htm) for a blank application form. Every project application shall include the following:

- Project Description: Name, location, and limits, project map and what the project entails;
- Project Status: Describe project development done to date or give background on work efforts;
- Project Costs: Detailed breakdown of costs such as, real estate, planning, design, construction, utility adjustments, relocations and traffic related costs and total cost estimate;
- Project Sponsor's Contributions and Match: Cost sharing proposal - identify project sponsor's contributions and source of match to the project;
- Benefit to Intermodal Transportation: Describe how this project benefits any of the various alternate modes of transportation;
- Qualifications: Describe how this project fits one of the six qualified activities and provides a direct link to transportation, if that is the case;
- Community Support: Describe what community support this project has obtained and how the community has been informed about or has participated in the project;
- Other transportation plans/projects; and
- Consistency with MPO plans.

Applications will be accepted throughout the year and should be sent to:  
Recreational Trails Program

SHA's Office of Environmental Design (OED) will be available to assist sponsors with the identification of potential projects and completion of the application. OED staff can advise on prospective projects, suggest potential partnerships and co-sponsors, advise on design format, instruct on construction requirements, and evaluate the accuracy of the cost estimate.

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# Project Requirements

## **ADVISORY COMMITTEE REVIEW**

Eligible projects with applications that contain complete and concise information will be reviewed by the Recreational Trails Advisory Committee, which consists of representatives from the MDOT, SHA, Department of Natural Resources (DNR) as well as representatives of Motorized and Non-motorized trail-user organizations in Maryland.

Eligibility Criteria: SHA uses the following criteria to determine the eligibility of a project for funding:

- Project constructability,
- Complete project scope and application,
- Relationship and benefit to transportation,
- Benefit to environment and the quality of life within communities,
- Local support for the project,
- Ability to take ownership and responsibility for long-term maintenance of the project,
- Matching funds committed and documented.
- Must be located on property that has a permanent easement or owned by sponsor;
- If property acquisition is to be used as matching funds, the project sponsor should conduct a title search and supply current appraisals;
- Negotiations should be underway if property and/or easement purchases are needed; and
- The project should have the potential to improve the trail-user experience through direct benefits by filling a critical void or need such as facilities or interpretive elements where none are available.

Upon review, the Advisory Committee will forward its recommendations for funding to the Secretary of Transportation for concurrence.

## **NOTICE OF AWARD**

Sponsors of projects that are approved by the Advisory Committee for funding will receive a letter of award. Eligibility of project applications is not a commitment of funding.

After the Letter of Award is issued, SHA will contact the project sponsor to schedule a Project Kick-Off Meeting, which will involve a discussion of the program requirements and details. This exchange of information will provide both of the parties a detailed understanding of the project implementation process.

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# Project Requirements

**Please note:** Notice of Award is not a Notice to Proceed.

Because the Recreational Trails Program is federally funded, each project must meet certain state and federal requirements before authorization to spend allocated funds is permitted. This section is intended to help sponsors meet these requirements.

## MEMORANDUM OF UNDERSTANDING (MOU)

SHA will prepare an MOU for each project, outlining the responsibilities of both SHA and the project sponsor. It will cover a general project description, amount of funds awarded, activities for which funds will be reimbursed, matching obligations, SHA's and the project sponsor's responsibilities. Please see the sample MOU in Appendix B.

A draft MOU will be prepared and circulated to the project sponsor and within SHA for review prior to circulation for signatures and execution. Once the MOU has been signed and fully executed, the sponsor should submit its federal identification number to OED, to ensure efficient invoice processing. The MOU will contain a provision that will require project procurement to be underway within two years from the date of the signed MOU. If procurement has not occurred within two years of execution, funding may be withdrawn by the Administration to permit funding.

**Please note:** The MOU must be executed (signed by all parties) before any federal funds can be authorized for spending. Sponsors are encouraged to call the Program Coordinator with any questions or concerns pertaining to the MOU. The Program Coordinator's contact information, along with contact information for other points of contact, can be found in Appendix C.

## NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

All federally funded Recreational Trails projects must conform to the laws that ensure all natural, cultural and historical resources are both protected and enhanced. Sponsors must contact the SHA Environmental Requirements Coordinator to obtain a NEPA package. These laws ensure environmental protection:

- National Environmental Policy Act,
- National Historic Preservation Act-Section 106,
- Department of Transportation Act-Section 4(f),
- Endangered Species Act-Section 7, and
- Permits.

The Environmental Requirements Coordinator of the Office of Planning and Preliminary Engineering (OPPE) will provide technical assistance and guidance in meeting these requirements.

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# Project Requirements

**Please note:** Sponsors are encouraged to call the Environmental Requirements Coordinator (OPPE) with any questions or concerns pertaining to the NEPA requirements. The contact information can be found in Appendix C.

**National Environmental Policy Act (NEPA):** Although the Recreational Trails Program is administered by states, it is federally funded and as a result is subject to NEPA regulations. NEPA requires that every federal agency prepare a detailed report evaluating both environmental impacts and alternative designs prior to approving any plan or project which could significantly affect the environment. This report is circulated for comments among government agencies. Adverse effects must be addressed before the project can be approved.

**National Historic Preservation Act-Section 106:** Sponsors are required to consult with the Maryland Historical Trust (MHT) prior to commencing work on any proposed project which is likely to affect known historic properties, including architectural structures and archeological resources. Consultation early in the process will help ensure that historic resources receive appropriate consideration and treatment. In addition, they will be able to recommend measures to avoid, reduce, or mitigate any potential adverse effects on historic properties. The sponsor is responsible for identifying significant historic resources, which are defined as those listed on or eligible for listing on the National Register of Historic Places. The sponsor is also responsible for obtaining concurrence from MHT on the effect determination of the project with respect to significant historic properties, prior to advertising for construction services. Concurrence is sought by preparing and submitting a formal consultation letter to MHT, which includes a project description, identification of any significant historic properties within the vicinity of the project, and the effect determination. SHA will provide technical assistance and guidance in meeting these requirements.

**Department of Transportation Act-Section 4(f):** Section 4(f) is a federal land use law requiring all projects funded by the Federal Highway Administration, to avoid all use of parks, historic resources, recreational areas and wildlife refuges unless there is no prudent and feasible alternative. Many Recreational Trail projects by their very nature may involve lands protected by Section 4(f) but not in the same manner or degree as traditional highway projects, so that preparation of 4(f) documentation is not necessarily appropriate. Accordingly, FHWA has determined that Section 4(f) should only be applied under certain circumstances. Therefore, all projects affecting protected lands will be reviewed individually by SHA to determine if Section 4(f) documentation is required; most will probably be exempt.

**Endangered Species Act-Section 7:** Section 7 of the Endangered Species Act requires that federally-assisted actions do not jeopardize the continued existence of any threatened or endangered species or adversely modify the habitat of such species. Sponsors are to consult with the US Fish and Wildlife Service and the Maryland Department of Natural Resources (DNR), Wildlife and Heritage Service for information regarding the presence of any federally or state listed (or proposed) rare, threatened

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# Project Requirements

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and endangered species that may be present within the vicinity of the project area. Sponsors must additionally consult with the DNR, Environmental Review Unit for information regarding the presence of anadromous finfish and other fish species that may be present in drainages within the vicinity of the project area. If there are documented species present within the vicinity of the project area that are rare, threatened, endangered or of special concern, the sponsor may be required to conduct a habitat assessment and species survey. Avoidance or mitigation may also be required.

**Permits:** The sponsor is responsible for obtaining all required permits. The permits need to be included as part of any bid package and are therefore required prior to advertising the project for construction bids.

The permits include, but are not limited to:

- Wetland permit/waiver (Army Corps of Engineers), if impacts to wetlands or wetland buffers will occur;
- Floodplain permits;
- Waterway Construction Permits if the project involves a bridge (hydrology/hydraulic studies and a scour study are required for this);
- Coordination with the Federal Emergency Management Agency (FEMA), if the project involves a bridge in a FEMA flood plain; and
- Sediment and erosion control and stormwater management approvals.

**Please note:** Project Sponsors will not be reimbursed for any project activities undertaken prior to NEPA, section 106, and Section 4(f), or other necessary federal approvals. These approvals are also required before an advertising package, small purchase procurement or acquisition of property is reviewed and written approval from the Environmental Requirements Coordinator (OPPE) and the Office of Federal Aid and Programming is issued.

**Please note:** Design requirements for trail bridges shall be in accordance with the latest American Association of State Highway and Transportation Officials (AASHTO) Guide Specifications. Please contact:

AASHTO

444 N Capital Street, NW

Washington, DC 20001

(202) 625-5800

[www.aashto.org](http://www.aashto.org)

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# Procurement & Reimbursement

This section is intended to demonstrate how to develop Recreational Trails projects to ensure an Award is spent within all the required parameters of the Program. Property acquisition requirements, procurement, and invoicing for reimbursement will be reviewed.

## PROPERTY ACQUISITION REQUIREMENTS

When sponsors propose to acquire property or property easements for Recreational Trail projects, the acquisition of real property interests related to trail projects must conform to governing state and federal laws. No state or federal funds may be used to improve private property or property not dedicated to public use.

Acquisition of land or easements for Recreational Trail Projects is subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act). The Uniform Act provides for fair and equitable treatment of persons whose property will be acquired or who will be displaced because of programs or projects financed with Federal Funds.

**Please note:** the project sponsor must contact SHA's Office of Real Estate for guidelines regarding compliance certification and documentation regarding right-of-way and property acquisitions. Please see Appendix C for the contact information.

**Please note:** The sponsor shall be responsible for providing verifiable documentation evidencing compliance for any real property that may have previously been acquired for the project, which is to serve as the project match.

## PROCUREMENT

There are two types of procurement methods for Recreational Trails projects:

- Projects with a Total Cost under \$25K would follow Small Procurement Procedures, and
- Projects with a Cost Above \$25K (could be a purchase, construction and/or maintenance)

**1) Projects with a Total Cost under \$25K:** the Small Procurement Procedures method can be used when the project amount does not exceed \$25,000. This often includes projects such as the purchase of:

- Equipment/materials for maintenance of existing trail systems,
  - Interpretive outdoor sign exhibits,
  - Materials to construct new trail systems,
  - Trail markers and signs for trails, and
  - Trail user promotional/educational information.
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# Procurement & Reimbursement

The following outlines the requirements SHA has in place for Small Procurement Procedures:

**Step 1:** Prepare a detailed description with all applicable specifications of what exact services are to be provided by the perspective vendor and an estimate of the total anticipated cost.

**Step 2:** Solicit written bids, from at least three (3) potential vendors for work to be done or services to be provided. Documentation must be provided and shall include:

- a. List of vendors contacted, including name, address, and phone number. Identify as many qualified Minority Business Enterprise firms as reasonable, to afford ample opportunity to bid equally against other vendors.
- b. Posting the solicitation on a "Bid Board" or other publicly accessible bulletin board for a minimum of three (3) working days from the date of solicitation.
- c. Publicly open bids received (in front of a witness), prepare a list of responses as they are opened.

**Step 3:** Evaluate the bids to determine which vendor will receive the award. The award shall be made to the lowest responsive and responsible bid. Submit to SHA's Federal-Aid Programming Section (see appendix C for contact information) documentation of all bidders, bid costs and a recommendation of award. Award of the contract cannot be given to a prospective bidder until SHA has concurred with the recommendation and issues a **written notice to proceed**.

**Projects with a Cost Above \$25K:** the competitive bid procurement method can be used when the project amount exceeds \$25,000. These projects usually involve a large purchase, construction of new trail systems, rehabilitation and/or maintenance of existing trail systems.

The following outlines the requirements SHA has for Competitive Bid Procurements. These projects will be publicly advertised for the selection of a contractor and must be done in accordance with SHA's policies and procedures for preparing an Invitation for Bids Package. The package shall include, but not be limited to:

**Step 1:** Prepare and submit to the Program Coordinator proposed plans and specifications at 50 percent completion for review.

If a bridge is included in the project, additional submittals are required for type, size, location, foundation (including borings and scour analysis), and structure reviews (see below). Scour studies shall be done in accordance with AASHTO standards and will conform to SHA scour analysis procedures. Please contact SHA Office of Bridge Development for guidance.

**Step 2:** Prepare and submit to the SHA's Federal-Aid Programming Section for review and approval, construction bidding documents for the selection of a contractor. The

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# Procurement & Reimbursement

documents must be publicly advertised in conformance with all applicable state and federal laws and regulations.

Step 3: Provide the SHA's Federal-Aid Programming Section certification that all appropriate laws and regulations regarding selection of the contractor have been followed. Please contact Streetscapes, Inc. for assistance with this step.

Step 4: Prepare documents for the advertisement for construction bids, once SHA's Federal-Aid Programming Section issues a **Written Notice to Advertise**. Any advertisement for construction conducted prior to receiving written approval, shall make the project ineligible for reimbursement.

Step 5: Publicly open bids received, in front of a witness; and prepare a list of each and every bid as they are opened.

Step 6: Evaluate the bids to determine which bidder will receive the award. The award shall be made to the lowest responsive and responsible bidder. Submit to the SHA's Federal-Aid Programming Section documentation of all bidders, bid costs and a recommendation of award. Award of the contract cannot be given to a bidder until the SHA's Federal-Aid Programming Section has concurred with the recommendation and issues a **Written Notice to Proceed (NTP)**.

Step 7: Once the NTP is given by SHA, the sponsor may award the contract. The sponsor should review and approve all shop drawings.

**Please Note:**

\*Recreational Trails Projects that will be incorporated into Transportation Enhancement (TE) Projects must follow the TE Program project requirements. Please contact the TE Coordinator (RIPD), for more information.

\*All bridge construction activities should be coordinated with the Pedestrian Bridge Coordinator (OBD).

Please see Appendix C for contact information.

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# Procurement & Reimbursement

## INVOICING FOR REIMBURSEMENT/PROJECT CLOSE-OUT

The following procedure shall be used for reimbursement to the sponsor:

- An invoice submitted by the contractor and/or vendor to the sponsor shall be paid by the sponsor.
- The sponsor shall submit to the Program Coordinator (OED) a copy of the invoice along with a copy of the check in which payment was made. Please follow format shown in Appendix E. The invoice shall include:
  - Project Title,
  - Project Description,
  - Sponsor,
  - OED Project Number,
  - Federal ID Number,
  - Amount of Funds Awarded,
  - Amount Requested,
  - Status of Project., and
  - Documentation that will satisfy the match requirement.
- Final invoice for reimbursement will include a certification signed by the project sponsor:

*I/We certify that the subject project was completed in reasonable conformance to the advertised plans and specifications, using materials of equal or greater quality specified in the advertised documents. I/we also certify to the workmanship of the project and that all advertised activities have been accomplished, unless written approval for modifications have been requested of and received from SHA. As of the date of this certification, any additional work and or maintenance on this project will be the sole responsibility of the project sponsor, or other entity as specified in the Memorandum of Understanding.*
- The Program Coordinator (OED) will process the final payment.
- The Program Coordinator (OED) will visit project site for inspection to certify project completion.
- PROJECT IS CLOSED – NO FURTHER SHA INPUT OR REIMBURSEMENT
- This procedure shall be followed for all reimbursements, or as defined in the MOU.

**Please note:** When there are multiple expenditures shown on an invoice, please highlight those expenditures that pertain to the present amount requested for reimbursement. Also, be sure to document and highlight line items concerning the match.

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This section explains the requirements for monitoring the progress and inspection of projects funded with Recreational Trails funds. Guidelines for the monitoring and inspection of construction activities for each method of procurement will be covered.

### **PROJECTS WITH A TOTAL COST UNDER \$25K**

In most cases, these projects do not involve construction, hence inspection services are not applicable. However, once all the SHA requirements have been satisfied and approval is given to purchase equipment or materials by the Office of Federal Aid Programming, the Sponsor shall submit to the Program Coordinator (OED), documentation of equipment purchased. Also, the purchase of equipment or materials must be in accordance with the submitted application. OED will reserve the right to verify such purchases through a field inspection. If the project involves construction, the method(s) below should be followed.

### **PROJECTS WITH A COST OVER \$25K**

Project sponsors and/or their appointed representative will provide inspection services of proposed Trail Projects under this category. All proposed construction shall be in accordance with approved plans, shop drawings and contract documents. OED will provide monitoring services to ensure that the program requirements have been satisfied. After the sponsor has submitted its first invoice, a field visit will be made to verify that construction has commenced. After the project certification of completion has occurred, the Program Coordinator (OED) will visit the site to verify that the project has been completed in accordance with the contract documents.

### **RECREATIONAL TRAIL PROJECTS INCORPORATED INTO TRANSPORTATION ENHANCEMENT PROJECTS**

These projects have the same requirements as the Transportation Enhancement Program. The inspection will be provided by the sponsor/representative or by SHA (District Representative) if requested. The sponsor shall cover the funding to have SHA personnel provide inspection services. If the project is inspected by the sponsor, the only requirement needed would be to have an SHA (District Representative) schedule a field visit upon completion of the project to verify construction.

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**Architectural Accessibility Board** - The State agency responsible for insuring that State owned, leased, and financed facilities are safely accessible to, and usable by, persons with physical disabilities.

**Categorical Exclusion (CE)** - Actions (projects) that do not individually or cumulatively result in significant environmental effects and are therefore excluded from the requirement to prepare an environmental document - either an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

**Consultant Selection Process** - A competitive process governed by State code and the federal Brooks Act in which a design or engineering consultant is chosen on the basis of qualification as opposed to cost.

**Criteria of Effect and Adverse Effect** - A listing of consequences or outcomes to historic sites that may occur as the result of a project or action. Items in this list will be evaluated to determine whether a project or action may alter the characteristics of the historic property which qualify it for inclusion in the National Register of Historic Places. For the purpose of determining effect, alterations to features of the property such as its location, setting, use, design, materials, workmanship, feeling or association may be considered. A project can result in "no effect," "no adverse effect" or "adverse effect" findings.

**Davis-Bacon Act and State Wage Rates** - The Davis-Bacon Act establishes federal minimum prevailing wage rates for various classifications of work.

**DNR** - Department of Natural Resources.

**Historical Significance (sometimes referred to as "level of significance")** - Refers to whether a property possesses any of the characteristics (or meets the criteria), which makes it eligible for the National Register of Historic Places.

**FEMA** - The Federal Emergency Management Agency

**FHWA** - Federal Highway Administration.

**ISTEA** - Intermodal Surface Transportation Efficiency Act of 1991.

**Matching Funds** - Funds provided by the sponsor consisting of at least 50 percent of the total project cost.

**MDOT** - Maryland Department of Transportation.

**MOU** - Memorandum of Understanding.

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**MPO** - Metropolitan Planning Organizations.

**National Environmental Policy Act (NEPA)** - A federal law, which requires that federal agencies consider natural and socio-economic factors using a systematic interdisciplinary approach before committing to a project.

**National Historic Preservation Act** - A federal law that provides for the protection, rehabilitation, restoration and reconstruction of historic sites and objects significant in American architecture, archeology and culture. It also established the Advisory Council on Historic Preservation and established procedures to be followed if a federal action impacts significant historic sites.

**Notice to Proceed (NTP)** - A formal written notice from SHA that the sponsor may instruct contractor's work to begin.

**OBD** – Office of Bridge Development.

**OED** – Office of Environmental Design.

**OEO** – Office of Equal Opportunity.

**OPPE** –Office of Planning and Preliminary Engineering.

**ORE** –Office of Real Estate.

**PCE** – Programmatic Categorical Exclusion.

**RIPD** –Regional and Intermodal Planning Division.

**Sponsor** - The agency or organization responsible for managing project development and providing matching funds for the proposed project. This is usually, but not necessarily, the same agency that proposed the project, will manage the project and will be responsible for maintenance when complete. The project sponsor must be a public agency. If a private organization is interested in applying for funds, there must be co-sponsors, i.e. the private organization and an appropriate public agency must be partners in applying for funds.

**SHA** - State Highway Administration.

**TEP** - Transportation Enhancement Program.

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**Uniform Relocation Assistance and Real Property Acquisition Policies Act**  
**("Uniform Act")** - State and federal legislation governing the acquisition of real property interests for the purpose of protecting the rights of property owners.

*Greenridge SF Trail Construction*



*Granville Gude Park Trail Construction*

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## NATIONAL RECREATIONAL TRAILS FUNDING APPLICATION

# \_\_\_\_\_  
(DOT/SHA USE ONLY)

**Project Sponsor (Applicant):**

**Name and title of designated representative:**

**Address:**

**Phone:**

**Fax:**

**E-mail: \_**

**Project name:**

**Project location** (Describe the limits of the project, including City and County; may include location map):

**Project description:**

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**Project property ownership** (project must be constructed on property owned by and/or on permanent easements held by the Project Sponsor):

**Project length** (linear feet of trail, each new and reconstructed; proposed surface material of trail):

**Project total cost:**

**Federal funds requested and specific use:**

**Matching funds to be provided by sponsor:**

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**MEMORANDUM OF UNDERSTANDING  
FOR  
NATIONAL RECREATIONAL TRAILS PROGRAM  
«Project\_Title» Project**

**THIS MEMORANDUM OF UNDERSTANDING (MOU)** executed in duplicate, effective this \_\_\_\_\_ day, in the month of \_\_\_\_\_ of the year \_\_\_\_\_, by and between the State Highway Administration of the Maryland Department of Transportation, acting for and on behalf of the State of Maryland, hereinafter called the “**ADMINISTRATION**”, and the «Project\_Sponsor», located in «County», «State», hereinafter called the “**PROJECT SPONSOR**”.

**WHEREAS**, certain funds have been set aside in the National Recreational Trails Program, under the Transportation Equity Act for the 21<sup>st</sup> Century (TEA 21), for the purpose of providing funding for the development and maintenance of recreational trails and trail related projects, hereinafter called “**NRT FUNDING**”; and

**WHEREAS**, the ADMINISTRATION, pursuant to TEA 21, is authorized to distribute NRT FUNDING to agencies or organizations within the state of Maryland, hereinafter called the “**AWARD**”, provided the PROJECT is constructed on property owned by and/or on permanent easements held by the PROJECT SPONSOR; NRT FUNDING is used to reimburse a PROJECT SPONSOR for expenses they have paid relating to the PROJECT; and the PROJECT SPONSOR is partially responsible for expenses relating to the PROJECT; and

**WHEREAS**, the ADMINISTRATION has authorized a disbursement of NRT FUNDING to the PROJECT SPONSOR up to the maximum amount of «Award\_Amount», to be used for the «Project\_Title» located in «Project\_City», which includes «Project\_Description», hereinafter called the “**PROJECT**” as further described in *Exhibit “A”*, the PROJECT SPONSOR’s National Recreational Trails Funding Application, attached hereto and made a part hereof; and

**WHEREAS**, the PROJECT SPONSOR has agreed to co-finance the PROJECT in an amount equal to or more than the AWARD, said amount hereinafter called the MATCH (which cannot be from other TEA 21 program funds) ; and

**WHEREAS**, the ADMINISTRATION and the PROJECT SPONSOR hereby agree that the PROJECT will be a benefit to all parties of this MOU and would promote the safety, health and general welfare of the citizens of the State.

**NOW, THEREFORE**, in consideration of the mutual promises between the ADMINISTRATION and the PROJECT SPONSOR, as set forth herein, the adequacy of which is hereby acknowledged, the parties hereby agree to the following:

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## I. PROJECT DESCRIPTION

The PROJECT shall include «Project\_Description» in «Project\_City», «State».

## II. THE PROJECT SPONSOR SHALL:

- A. Procure all services and materials for which NRT FUNDING is being used to reimburse the PROJECT SPONSOR in accordance with State procurement laws and regulations, which include but are not limited to:
1. Prepare a detailed description with all applicable specifications of what exact services are to be provided by the perspective vendor and an estimate of the total cost anticipated.
  2. Solicit written bids, from at least three (3) potential vendors for work to be done or services to be provided. Documentation must be provided and shall include:
    - a. List of vendors contacted, name, address, and phone number. Identify, as many qualified Minority Business Enterprise firms as reasonable, to afford ample opportunity to bid equally against other vendors.
    - b. Posting the solicitation on a “Bid Board” or other publicly accessible bulletin board for a minimum of three (3) working days from the date of solicitation.
    - c. Publicly open bids received, (in front of a witness), prepare a list of responses as they are opened.
  3. Evaluate the bids to determine which vendor will receive the award. The award shall be made to the lowest responsive and responsible bid. Submit to the ADMINISTRATION documentation of all bidders, bid costs and a recommendation of award. Award of the contract cannot be given to a prospective bidder until the ADMINISTRATION has concurred with the recommendation and issues a **written notice to proceed**.

OR

1. Prepare an Invitation for Bids package, to be publicly advertised for the selection of a contractor, in accordance with all the ADMINISTRATION’S applicable laws, and regulations. This package shall include, but not limited to:
    - a. Preparation and submittal to the ADMINISTRATION for technical review and approval, all construction plans, specifications and cost estimates. The SPONSOR shall establish a schedule for the proposed design activities including review submittal dates. At a minimum, a Preliminary and Final Review will be required.
    - b. Preparation and submittal to the ADMINISTRATION for review and approval, construction bidding documents for the selection of a contractor. The documents shall be publicly advertised in conformance with all applicable State and Federal laws and regulations.
    - c. Provide the ADMINISTRATION certification that all appropriate laws and regulations regarding selection of the contractor have been followed.
  2. Advertise for construction bids, once the ADMINISTRATION issues a **Written Notice of Approval**. Any advertisement for construction conducted prior to receiving written approval, shall make the project ineligible for reimbursement.
  3. Publicly open bids received, (in front of a witness), prepare a list of responses as they are opened.
  4. Evaluate the bids to determine which bidder will receive the award. The award shall be made to the lowest responsive and responsible bidder. Submit to the ADMINISTRATION documentation of all bidders, bid costs and a recommendation
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of award. Award of the contract cannot be given to a prospective bidder until the ADMINISTRATION has concurred with the recommendation and issues a **Written Notice To Proceed**.

- B. Coordinate and conduct any required public hearings or requests for public input.
- C. Construct all projects using NRT FUNDING, in accordance with applicable design standards including but not limited to:
  - 1. National Environmental Policy Act - Prior to the commencement of PROJECT work, prepare and submit to the ADMINISTRATION environmental studies and environmental documentation required for the PROJECT under applicable state and/or federal law including, but not limited to, those required to obtain National Environmental Policy Act (NEPA) approval.
  - 2. Americans with Disabilities Act – Construct the PROJECT to be reasonably accessible to individuals with physical disabilities in accordance with federal and state requirements; the PROJECT design shall not include features that would make it more difficult for people with disabilities to use the trail.
  - 3. Environmental Permits - Prior to the commencement of PROJECT work, apply for and obtain all permits required by federal, state or local authorities, including but not limited to, Erosion and Sediment Control, Stormwater Management, Critical Areas, and Wetlands.
  - 4. Construction Permits - Prior to the commencement of PROJECT work, coordinate with and resolve any conflicts with all utility companies within the PROJECT limits; purchase or obtain permanent easements to all properties within the PROJECT limits; and coordinate with any state or local agencies for the required traffic control plan approvals.
  - 5. Liability Insurance - Provide the ADMINISTRATION with evidence of adequate liability insurance to cover third party claims arising from the construction phase of the PROJECT, protecting both the PROJECT SPONSOR and the ADMINISTRATION.
- D. Invoice the ADMINISTRATION on a monthly basis for actual costs incurred and paid by the PROJECT SPONSOR in accomplishing the PROJECT as described herein, and further described in Exhibit A, up to the maximum AWARD amount of **«Award\_Amount»**.

For projects with an award of \$10,000 or less, if actual costs incurred by the PROJECT SPONSOR during any one month do not amount to at least One Thousand Dollars (\$1,000.00), the PROJECT SPONSOR shall withhold its claim for payment until \$1,000.00 or more of actual incurred costs can be invoiced (with the exception of the final invoice). However, for projects with an award of more than \$10,000, if actual costs incurred by the PROJECT SPONSOR during any one month do not amount to at least Five Thousand Dollars (\$5,000.00), the PROJECT SPONSOR shall withhold its claim for payment until \$5,000.00 or more of actual incurred costs can be invoiced (with the exception of the final invoice). Each invoice shall be accompanied by sufficient documentation, in the ADMINISTRATION's sole discretion, to evidence actual costs incurred.

The final invoice for reimbursement shall include a certification signed by the project sponsor indicating that the project was completed in reasonable conformance to the advertised plans and specifications and that all advertised activities have been accomplished.

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- E. Prior to the PROJECT SPONSOR submitting their final invoice to SHA for payment of the AWARD, the PROJECT SPONSOR shall certify in writing that the MATCH has been satisfied. Value of MATCH shall be in the form of «Match\_Documentation».
  - F. Maintain the PROJECT both during and after completion of the PROJECT work.

### **III. THE ADMINISTRATION SHALL:**

- A. Provide timely review and comment of the PROJECT design plans, specifications and estimates submitted by the PROJECT SPONSOR.
- B. Following receipt of the required PROJECT documents from the PROJECT SPONSOR, provide PROJECT certification of acceptance in accordance with United States Code, Title 23 federal requirements.
- C. Provide oversight inspection and review of the PROJECT to assure all obligations are being met.
- D. Coordinate monetary reimbursements to the PROJECT SPONSOR associated with the terms of this MOU.
- E. Reimburse the PROJECT SPONSOR within sixty (60) days following the ADMINISTRATION's receipt of each PROJECT invoice. Invoices will not be reimbursed unless, and until, all three of the following circumstances are met:
  - 1. Request for reimbursement contains all necessary information for processing, including documentation that the PROJECT SPONSOR has met or exceeded their MATCH requirement for the invoice; and
  - 2. No charges are disputed by the ADMINISTRATION; and
  - 3. The invoice does not cause the maximum AWARD amount of «Award\_Amount» to be exceeded.

### **IV. GENERAL**

- A. The AWARD for the PROJECT shall be used only for «Project\_Description», the stated purpose of this MOU. The AWARD shall not be redirected by the PROJECT SPONSOR for any other purpose.
  - B. Any excess AWARD not needed for the PROJECT shall revert to the ADMINISTRATION for redistribution to other programmed projects at the ADMINISTRATION's sole discretion. In addition, the funds for this PROJECT shall revert to the ADMINISTRATION if the PROJECT does not move forward within two years of the date of this MOU.
  - C. The parties hereto agree to cooperate with each other to accomplish the terms and conditions of this MOU.
  - D. This MOU shall inure to and be binding upon the parties hereto, their agents, successors, and assigns. However, the PROJECT SPONSOR shall not assign its interests in this MOU without prior written consent of the ADMINISTRATION, which may be reasonably withheld.
  - E. This MOU and the rights and liabilities of the parties hereto shall be governed in accordance with Maryland law.
  - F. The PROJECT SPONSOR shall document and certify to the ADMINISTRATION that all PROJECT activities associated with the AWARD have been accomplished in accordance with Federal law.
  - G. All PROJECT documents and records are subject to audit and shall be retained by the ADMINISTRATION and PROJECT SPONSOR for a minimum of three (3) years after final acceptance of the PROJECT by the ADMINISTRATION.
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**IN WITNESS WHEREOF**, the parties hereto have caused this Memorandum of Understanding to be executed by their respective duly authorized officers.

**MARYLAND STATE HIGHWAY  
ADMINISTRATION**

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Assistant Attorney General

\_\_\_\_\_  
Deputy Administrator for Planning and Engineering

\_\_\_\_\_  
Director of Finance

\_\_\_\_\_  
Director of Environmental Design

**«Project\_Sponsor»**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_(Seal)  
Name \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_



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The following is a list of contacts for individual program requirements.

Program Coordinator	Terry Maxwell (SHA) (OED) 410-545-8637 <a href="mailto:tmaxwell@sha.state.md.us">tmaxwell@sha.state.md.us</a> SHA Website: <a href="http://www.marylandroads.com/oed/trails.htm">www.marylandroads.com/oed/trails.htm</a>
Application Information	Terry Maxwell (SHA) (OED) 410-545-8637
Environmental Requirements 8556 (NEPA)	Adriene Stiffler (SHA) (OPPE) 410-545- <a href="mailto:astiffler@sha.state.md.us">astiffler@sha.state.md.us</a>
Construction Document Preparation	Al Califano (Streetscapes, Inc.) 410-827-6316 <a href="mailto:streetscapes@worldnet.att.net">streetscapes@worldnet.att.net</a>
Other Approvals	Steve Pearce (SHA) (Federal Aid) 410-545-5776 <a href="mailto:spearce@sha.state.md.us">spearce@sha.state.md.us</a>
Small Purchase Procurement Procedures Approvals	Al Califano (Streetscapes, Inc.) 410-827-6316 Steve Pearce (SHA) (Federal Aid) 410-545-5776
Pedestrian Bridge Requirements	Paul Matys (SHA) (OBD) 410-545-8313 <a href="mailto:pmatys@sha.state.md.us">pmatys@sha.state.md.us</a>
Property/Easement Acquisition	Geoffrey Graff (SHA) (ORE) 410-545-0353 <a href="mailto:ggraff@sha.state.md.us">ggraff@sha.state.md.us</a>
Invoicing/Reimbursement Procedures	Terry Maxwell (SHA) (OED) 410-545-8637
Transportation Enhancement (TE) Project Information	Mary Keller (SHA) (RIPD) 410-545-5675 <a href="mailto:mkeller@sha.state.md.us">mkeller@sha.state.md.us</a>
Inspection/Monitoring	Terry Maxwell (SHA) (OED) 410-545-8637 Al Califano (Streetscapes, Inc.) 410-827-6316
Dept. of Natural Resources (DNR) Project Information	Martha Anderson (DNR) 410-260-8149 <a href="mailto:manderson@dnr.state.md.us">manderson@dnr.state.md.us</a>

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**Mailing Addresses:**

**Maryland State Highway Administration  
707 North Calvert Street  
Baltimore, Maryland 21202**

**Maryland Department of Natural Resources  
Tawes State Office Building  
580 Taylor Avenue  
Annapolis, Maryland 21401**

**Streetscapes, Inc.  
212 Canal Street  
Grasonville, Maryland 21638**

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## Value of Matching Staff Time and Materials

Project Name \_\_\_\_\_

Agency/Office \_\_\_\_\_

Name of Staff Person Contributing Donated Time \_\_\_\_\_

Title \_\_\_\_\_

DATE	TASK	TOTAL WORK HOURS	HOURLY RATE	VALUE (DONATED HOURS X RATE)
<b>TOTAL VALUE OF DONATION:</b>				

**MILEAGE AND TOLLS:**

TOTAL MILES \_\_\_\_\_ X MILEAGE RATE \$ \_\_\_\_\_ = VALUE \$ \_\_\_\_\_

TOLLS: (attach receipts) \_\_\_\_\_ = VALUE \$ \_\_\_\_\_

**DONOR CERTIFICATION:**

I swear and affirm that the above reported hours, mileage, and tolls have been donated towards the grant project goals and objectives outlined in the Memorandum of Understanding between the \_\_\_\_\_ and the Maryland State Highway Administration.

\_\_\_\_\_  
Signature of Staff Person Donating Time

\_\_\_\_\_  
Date

\_\_\_\_\_  
Officer's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Verifying Fiscal

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Sponsor's Letterhead

January 1 2002

Mr. Terry Maxwell  
Office of Environmental Design  
Maryland State Highway Administration  
707 N. Calvert Street  
Baltimore, Maryland 21202

RE: Name of Project  
National Recreational Trails Program  
State Highway Project Number: RT- - - -

Dear Mr. Maxwell:

This is to inform you that the (Name of Project) using (\$ Awarded) in Recreational Trails Funds has completed this percent of the work. (Sponsor) respectfully requests reimbursement in the amount of (\$) from the State Highway Administration for this project activity. Documentation required to support this request is attached on letterhead paper and consists of the following:

- Project title
- Project sponsor
- Federal ID number
- Total cost of project \$
- Recreational Trail Program Funds Awarded \$
- Recreational Trail Program Funds Requesting \$
- Sponsor match obligation \$
- Match documentation (cash contributions, in-kind services, property value, etc. highlighted)  
Note: In kind services documentation must include names, dates, hourly rate, and hours
- Copy of invoice from contractor/vendor to sponsor (with highlighted items referring to this invoice)
- Copy of cancelled check paid to contractor/vendor
- Sub Contractors invoice, if applicable

Should you have any questions or need additional information, please contact me at (phone number).

Sincerely yours,

(Name)  
(Title)

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