

A thick dark blue vertical bar is on the left side of the page. To its right, several thin, curved lines in shades of blue and grey sweep upwards and to the right, resembling blades of grass or reeds.

# *Indiana Land & Water Conservation Fund Handbook 5: Plan Review & Construction*

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The logo for the Indiana Department of Natural Resources, featuring the letters "DNR" in a large, bold, black, sans-serif font.

# **DNR**

Indiana Department  
of Natural Resources

# Handbook 5: LWCF Plan Reviews & Construction

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# Handbook 5: LWCF Plan Reviews & Construction

## Introduction

All design plans must be reviewed and approved by grant coordinators before construction or bid processes start. While most designs will follow ADA, ABA, and ASHTO guidelines and requirements, there are a few additional features requested for LWCF projects. These extras are primarily to ensure user safety and federal compliance.

One example is the need for a “Safety” or “Recovery” zone beside walking & multi-use trails. This is a 2-foot wide strip of grass or firm and stable gravel at no more than a 2% slope to allow disabled users an easy re-entry to the path if needed.

## Pre-Bid Checklist

**This section should be used as a checklist for Grantees and their consultants prior to awarding a bid for construction.**

### ADA Compliance and Accessibility

[The U.S. Access Board](#) is the main resource used for plan reviews for LWCF projects. Plans must be submitted to grants staff at 95% - 100% completion. Grantees should allow up to (4) weeks for ADA/ABA plan review and approval. High quality plan-sets for ADA/ABA review should have detail sheet(s) including, but not limited to, the following:

- Fixture and amenity mounting heights and dimensions (e.g., hi-low drinking fountain, toilets in restrooms, accessible parking upright signage)
- Bench companion areas and accessible picnic tables
- Callouts for playground structure accessible entry points and ground-level play components

If specific project components (e.g., water fountains, benches, playground equipment) have been selected dimensions, specifications, and/or product brochures should be submitted to the grant coordinator. *Note: these items may require competitive solicitation. See Handbook 6: Procurement, Billings, and Closeout.*

### Fire Prevention and Building Safety overview

Projects that include the development of a new building, or renovating an existing interior facility, must submit the plans and specifications to the Department of Homeland Security, Division of Fire and Building Safety (<https://www.in.gov/dhs/fire-and-building-safety/>). Plans should be submitted at least one month before the bid advertisement. Grantees should expect to pay a fee for the review.

### Water Pollution Review

Projects including the construction of, or alterations to, a sanitary sewer system must be submitted directly to the Indiana State Board of Health (<https://www.in.gov/health/eph/onsite-sewage-systems-program/>) for review and permitting. Grantees should expect to pay a fee for the review.

### Submit to the Grant Coordinator for Review

#### State and local permits

All State and local permits must be in hand and copies provided to the Grant Coordinator prior to starting construction.

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## LWCF deed encumbrance

Grantees must submit proof that the entire park property is encumbered under **federal LWCF Protection Language** before or with the first billing. This typically requires re-recording the property deed with the following information provided:

- Exhibit A: Statement of Encumbrance:
  - a. As stated in Section 6 of the Land and Water Conservation Fund Act (Public Law 88-578, as amended), property acquired or developed with Fund assistance shall be retained and used for public outdoor recreation in perpetuity. Section 6(f)(3) of the LWCF Act (now codified at 54 U.S.C. § 200305(f)(3)) and its implementing regulations at 36 C.F.R. Part 59 requires that no property acquired or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the Secretary of the Interior. Notification to the Indiana Department of Natural Resources, Division of State Parks, Community Grants and Trails and the approval of the National Park Service must be granted prior to any action taken.
- Exhibit B: Visual or narrative detail of encumbered land, either:
  - a. Map showing exact property lines, LWCF encumbrance exceptions (where applicable), and any easements present on the property, or
  - b. Meets and Bounds description of the property boundary.

## Bid advertisement

The bid advertisement and contract specifications must be reviewed and approved by a grant coordinator before publication. Grantees may need to consult with their local attorney in case of detailed questions. Please allow up to two (2) weeks for review and approval.

The following requirements apply.

### *Bid advertisement*

1. Specify the project is partially funded by the **federal Land and Water Conservation Fund** and that all relevant provisions will apply
2. Include Article XXI; Build America, Buy America Regulations

### *Contract specifications*

3. Itemized cost estimate must match NPS approved cost breakdown
4. Specify LWCF Projects are exempt from the *Davis Bacon Act*, unless other federal funds subject to the Davis Bacon Act are used as the local match
5. Specify the project must be built to ADA and ABA guidelines, including:
  - a. ADA Accessibility Guidelines (2010)
  - b. Public Rights-of-Way Accessibility Guidelines (PROWAG, 2023)
  - c. ABA Accessibility Standards (2013)
6. American Association of State Highway and Transportation Officials(AASHTO) trail design standards should be taken into consideration

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## Construction Guidelines

### Eligible costs

#### Construction costs

Costs within the approved project scope are all eligible. Costs included in a construction cost that are not within the scope must be identified and the billing adjusted accordingly. E.g., if a new sewer line must be built under the park to serve a nearby residential development, but not the park, LWCF funds cannot be used for the sewer line.

#### Permanent equipment

Equipment permanently installed as part of the site facilities are eligible costs (e.g., lifeguard chairs, basketball hoops, bicycle racks)

#### Construction equipment

Renting construction equipment for construction purposes is eligible. Purchasing construction equipment is subject to grant coordinator review and approval.

#### Supplies and materials

Required components for construction are eligible (e.g., crushed stone, trash bags, silt fencing).

#### Signage

In general signs and kiosks are eligible costs (e.g., for safety, wayfinding, park information, or interpretation).

### Miscellaneous ineligible costs

Public art installations, donor acknowledgement signs, memorial statues or plazas are not eligible costs. Additionally, interior public facilities not in support of outdoor recreation (e.g., a fire station or community center) are not eligible. Grantees should consult with the grant coordinator prior to purchasing questionable expenditures.

## Competitive Bidding

Detailed information is found in Handbook 6: Procurement, Billings, and Closeout.

The most common method of development is by contract. State law requires that all construction of \$150,000 or more is bid competitively. Note that the **total contract cost**, not the amount of federal assistance, will be used to decide if contracts or subcontracts equal \$150,000.

Copies of the bid tabulation sheet and summary of award must be submitted to Grants Staff within 30 days after award of the contract.

If the grantee selects a competitive contractor who did not provide the lowest bid, a letter of justification must be submitted. The grant coordinator must approve the selection prior to awarding the bid.

Change orders must be approved by Grants Staff before they are finalized with the contractor.

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### Non-contracted development

Detailed instructions for providing documentation for Force Account and Donations (time & materials) are in Handbook 1: Application and Handbook 6: Procurement, Billings, and Closeout

In accordance with State law, Force Account may not be used to circumvent the competitive bidding process. *If the cost to complete a task meets or exceeds \$150,000, it must be competitively bid.*

Non-contracted methods of development must be identified and approved in the application. Unexpected changes must be approved by the grant coordinator prior to changing.

### Project Amendments

Changes that require an increase or a decrease in the project scope, or a time extension, will require a grant agreement amendment.

#### Changes in project scope

State and/or federal approval is required for a project scope change. Most changes require federal approval; the change cannot occur prior to approvals. Required documentation for scope changes include:

- 1) Justification letter for change
- 2) Updated cost estimates
- 3) Updated construction drawings
- 4) Updated site plans
- 5) Donation documentation (if applicable)

Proposed changes must align with the original project intent. Coordinate early with the grant coordinator to ensure all clearances are obtained prior to construction.

- 1) Additional scope items may have to go through Section 106 and Environmental Review
- 2) Removing scope items should be a last resort
- 3) Time extensions may be permitted. Notify the grant coordinators a minimum of 90 days prior to the grant end date if project completion may extend past the grant deadline.

*Note: the grant amount approved by NPS is final. No additional funds will be awarded to cover increased project costs and/or allow for new development beyond the approved project scope.*

#### Amendment requirements

- 1) Copy of the revised cost breakdown showing
  - a. Finished vs. incomplete items with costs
  - b. Additional items to be added and/or removed
- 2) Copy of revised construction plans, and building plans (if applicable)
- 3) Revised site map, showing the facilities to be added &/or removed
- 4) Donation documentation, per the LWCF Application Handbook (if applicable)
- 5) Justification letter for the revisions on official grantee letterhead

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### Suggestions Regarding Design & Development

#### Parks for all

Project designers should consider the following suggestions.

- Are signs in multiple languages, corresponding to the local demographics?
- How far are the nearest bathrooms to your active-play areas (e.g., playgrounds or splash pads)?
- Is there wayfinding signage or a park information kiosk with a map?
- Are there semi-sheltered quiet areas separate from active play areas for users to rest?
- Are there trail mile-markers for user wayfinding and emergency response teams?

#### Keep maintenance in mind

Looking for ways to reduce your maintenance costs in your park(s)? Consider replacing portions of your manicured grassy areas, which require mowing and watering, with [native plant communities](#). Native plants do have a maintenance cost, especially in their early years, proper care may reduce your overall maintenance needs over time. Other benefits to utilizing native plant communities may include:

- Providing habitat to a variety of insects, birds, small mammals, pollinators
- Helping control water runoff and erosion (e.g., a rain garden)
- Offering parks staff a new programming opportunity (e.g., pollinator education, native plant scavenger hunt, foraging workshop)

#### User comfort in the summer

Shade is becoming a hot commodity in the summers. Trees and large shrubs can provide shade, natural rest areas, wildlife habitat, and birding opportunities. Shade sails and shelters can offer options for shade. Keep these suggestions in mind while designing your park facilities.

- Are the trees and shrubs utilized drought resistant?
- Are there adequate shaded areas adjacent to ADA accessible amenities and access routes?

User participation surveys (SCORP 2021-2025), show access to water is a common request. Consider these suggestions while reviewing community needs and park design:

- Are water fountains accessible (hi-low), and include a bottle filler? Are they located near high-activity areas?
- Is one restroom kept open year-round? Is it noted on a map?

#### Where provided

- Do rentable shelters include an accessible water spigot?
- Are splash-pads designed properly to minimize water waste?
- Are creek or river access points designated, mapped, and have posted safety signage?