

Heritage Trust Fund Program Information

Please read this document before completing an application for the Heritage Trust Fund grant program. If you have any questions about applying, please call the Kansas State Historic Preservation Office (SHPO) at 785-272-8681, ext. 240; or kshs.shpo@ks.gov.

General Information

The Heritage Trust Fund (HTF) was created in 1990 to assist with the preservation of historic properties in Kansas. It recognizes of the investment by individuals and organizations across the state to preserve these reminders of our shared history. The Heritage Trust Fund reimbursement grant has proven to be a very positive program. To date, \$31 million has been awarded to projects in communities across the state. Through the program, the Kansas Historical Society has been given the opportunity to help communities realize their preservation goals and increase interest in their historic resources. This document is meant to introduce you to the HTF program and its guidelines.

Eligible Properties

Properties listed in the National Register of Historic Places or the Register of Historic Kansas Places, or as a contributing property in a National or State Register-listed historic district are eligible to apply.

Often, non-historic properties (known as non-contributing properties) are located within registered historic districts. A property that is part of a National or State Register district, therefore, must be identified as a "contributing property" within the district. To confirm eligibility, contact the State Historic Preservation Office (SHPO) at 785-272-8681, ext. 240; or kshs.shpo@ks.gov.

Eligible Applicants

The grant applicant must own the property. If the property has more than one owner, the applicant must provide proof of agreement of all parties with the application.

The State of Kansas or the United States federal government may not own the property. Properties owned by for-profit corporations are only eligible for grant funds if the applicant can demonstrate that "the property's continued existence is threatened, or its rehabilitation is not economically feasible without grant assistance." This threat must come from forces not within the control of the corporation, such as severe structural deterioration or governmental action. Funds will not be provided simply to make the preservation of a property more profitable for a corporate applicant.

Eligible Activities

All work that is undertaken must conform to the **Secretary of the Interior's Standards for the Treatment of Historic Properties**. These are referred to as the Secretary of the Interior's *Standards* throughout this text. The *Standards* are a set of guidelines used to determine whether an activity will protect the historic quality of a structure. A copy may be obtained from the SHPO or online at <https://www.nps.gov/tps/standards/four-treatments.htm>.

The following types of preservation activities are eligible for funding through the grants program:

1. **Rehabilitation:** The act of making a property usable through repair, alterations, or additions while preserving those portions or features which convey its historical, cultural, or architectural values. Example: the upgrading of mechanical systems, kitchens and bathrooms.
2. **Restoration:** The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period. This may be accomplished by removing features from other periods of history or by reconstructing missing features from the chosen historic period. For all restoration projects, sufficient documentation must be provided to establish the form and detail of the property or features that existed at the time to which it is being restored. Example: restoration of a missing bell tower or decorative trim.
3. **Preservation:** Includes those activities necessary to sustain the existing form, integrity, and materials of a historic property. Preservation activities are intended to maintain and repair historic materials and features as they now exist, rather than replace them with new materials or extensive new construction. Preservation activities frequently are directed toward halting deterioration of a site or in maintaining existing materials. Example: repairing wooden windows or replacing a deteriorated roof.
4. **Non-construction activities:** Activities such as the preparation of reports or plans that will be employed for the rehabilitation, restoration, or preservation of historic properties are eligible through the Heritage Trust Fund. Example: the preparation of architectural plans and contract documents; engineering studies; maintenance plans; and historic structure reports.

Ineligible Activities

The following activities and expenses are ineligible for funding under this program. The list does not include all ineligible activities but indicates the types of activities and expenses that will not be considered for funding.

1. Acquisition of real or personal property.
2. Additions to a historic building or to the surrounding property.
3. Major reconstructions. For example, reconstruction of a whole building or addition from photographs with new materials on an existing foundation.
4. Archeological research projects, including archeological site excavations, unless directly related to the physical preservation of a site.
5. Grant administration expenses or other indirect costs.
6. Equipment purchases, except items that are directly related to the building operation and specifically approved by the KSHS.
7. Costs incurred before the project starting date or after the project completion date.
8. Costs over the approved project budget.
9. Costs for work not included in the scope of work established in the project agreement. (See the HTF Terms & Conditions section below).
10. Work not in compliance with the Secretary of the Interior's *Standards*.
11. Damage judgments arising from construction or equipping of a facility, whether determined by judicial process, arbitration, negotiation, or otherwise.
12. Fundraising, including grant application preparation.
13. Lobbying.

14. Costs for general maintenance or utilities.
15. Construction of auxiliary structures or site work not directly related to the preservation of the historic property.
16. Interpretive exhibits or displays.
17. Demolition unless necessary for repair or preservation of the historic property (i.e. removing roofing to inspect and repair underlayment). Costs for such necessary demolition must be rolled into the budget line item for that work item (i.e. replacement of the roof) and repair work must be complete before the costs are reimbursed through the grant.
18. Relocation of structures, buildings, or objects normally would not receive funding under this program. Relocation will be funded only if all the following criteria are met:
 - a. Relocation is necessary to preserve the historic resource; and
 - b. The relocation re-establishes the property's historic orientation, the immediate setting, and the general environment; and
 - c. The Kansas Historic Sites Board of Review determines that the property, as relocated, will continue to meet criteria for the National Register of Historic Places and/or the Register of Historic Kansas Places. **This determination must be made before application to the HTF program. Contact us early.**

General Funding Conditions

Once grant awards are approved, grantees are expected to pay all bills as they become due and payable then seek reimbursement from the Heritage Trust Fund for up to 80% of those costs. Grantees are expected to provide at least 20% of all allowable project costs. Grants involving properties owned by for-profit corporations will be matched dollar-for-dollar (50/50) for all eligible project costs. All match claimed must be in the form of cash. Donated and indirect costs will not be accepted as a matching share. **The cash match *must* be available and reserved for the project no later than the November application deadline.**

Ordinarily, no HTF reimbursement grant will exceed \$100,000 or fall below \$5,000. Exceptions to these limits may be granted if there are strong extenuating circumstances. The Kansas Historic Sites Board of Review and the Executive Director of the Kansas Historical Society will consider requests for a grant award outside of these limits on a case-by-case basis.

HTF Terms and Conditions

Applicants should be aware of the following general terms and conditions pertaining to a standard HTF reimbursement grant. Copies of the *Heritage Trust Fund Grant Manual*, which provides more comprehensive details concerning the requirements and procedures of the Heritage Trust Fund, are provided to grant recipients or upon request to grant applicants.

Project Agreement

All grant recipients must sign a Project Agreement (sometimes called a grant agreement), which defines the scope of work, schedule, reimbursement criteria (including approved budget line items), and other conditions of the grant award. The scope of work, schedule and budget are drawn from the information presented in the grant application. **No project work may begin until this project agreement is signed, and the project administrator has attended a grant orientation.**

All HTF grant recipients must inform HTF staff of any significant problems, delays, or adverse conditions which might alter the scope of work or schedule of the project. Monthly progress reports are a requirement.

Scope of Work / Construction Documents

It is a requirement of the Heritage Trust Fund program that all grant recipients provide a detailed scope of work / project description / construction documents to be reviewed and approved by HTF staff **before** contractors are hired.

Some projects require the assistance of a professional consultant, such as an architect or engineer, to produce these documents. These are generally major restorations or detailed preservation projects such as those involving structural issues. Other projects, such as simple replacement of deteriorated materials with new materials of the same kind, most likely will not require a consultant to assist with the scope of work.

Approval of such documents ensures that the work meets current preservation standards and sets the standards by which the completed work will be assessed by HTF staff. All work financed by the Heritage Trust Fund must comply with the Secretary of the Interior's [Standards for the Treatment of Historic Properties](#)

The Scope of Work / Construction Activity description (Section N) submitted with the application will be used to define the activities funded by the grant if awarded. If a grant is awarded, HTF staff may determine the scope of work needs further development before bids are solicited. Specifications would then be developed, based upon the activities described in Section N of the grant application. Drawings or sketches may be required to show planned work. It is the grant recipient's responsibility to work with HTF staff to create and develop the final approved Scope of Work and to ensure that the contractor follows the approach it describes. **Contact the SHPO for a sample scope of work.**

Consultants (i.e., Architects/Engineers)

Heritage Trust Fund projects may include costs for a consultant, such as an architect or engineer. Consultants will develop full plans and specifications based upon the scope of work description. The plans and specifications may require revision before HTF staff approves them for solicitation of contractors. The consultant may also provide technical assistance and construction administration throughout the course of the project. Grant recipients often prefer these responsibilities to be assumed by a professional though it is not necessary for all grant funded projects. The role of consultants increases in value for more complex projects.

- A consultant **is required** for projects that need thorough investigation of existing conditions and detailed designs for proper execution. Example: structural repairs or restoration of missing features.
- A consultant **is not required** for projects that do not involve major repair to the supporting structure. Example: standard roof repair (not involving structural supports) or the standard repointing of masonry walls.

If in doubt, applicants should consult with HTF staff before application is made to determine if a consultant would be required for funding.

Grants for non-construction activities also require consultant services. Planning grants are often requested for those projects that require extensive investigation of the property for the development of a preservation plan. Planning grants utilize consultant services alone.

Competitive Bidding

Whether seeking the assistance of a consultant or a qualified contractor, the procurement of professional and construction services must be carried out in a manner consistent with the HTF policies described in the project agreement to be signed by the grantee. All goods and services will be procured by written contract. Ideally, grant applicants will wait for notice of their grant award and seek approval of their preliminary scope of work by SHPO before putting a project out to bid, but it is acknowledged that some projects will be better served by upfront coordination with a consultant and/or contractor. Successful grant applicants must be able to demonstrate to SHPO staff upon request that consultants and/or contractors hired prior to the grant award were chosen through an open and fair competitive process.

Competitive Bidding Requirements	
Under \$5,000	No special procurement conditions
\$5,000 to \$24,999	Min. 3 days public posting
\$25,000 to \$49,999	Sealed bids, min. 3 days public posting
\$50,000 or more	Sealed bids, min. 10 days public posting

Reimbursement

The HTF grant program is a reimbursement grant. The grant recipient shall pay, in full, all costs of the project as they become due and payable. Progress payments or monthly billings for a percentage of the completed project are not reimbursable under this program. Due to processing costs, the minimum reimbursement request is \$5,000. This should be taken into consideration when calculating the cash flow for the project and itemizing the project budget.

To receive reimbursement:

- Line items identified in the Project Agreement (based on those identified in Section N of the grant application) shall be 100 percent complete
 - Completed physical work must be documented with photos;
 - **Reimbursements cannot be made for partial work or preliminary demolition** (i.e., removal of roofing materials in anticipation of a new roof. Reimbursement can only be made once the new roof is installed.)
- The work shall conform to Secretary of the Interior's *Standards for the Treatment of Historic Properties*;
- Completed work shall correspond to line items identified in the approved project scope of work, part of the approved budget (as listed in the Project Agreement), and must be covered by written contracts with consultants and/or contracts hired through a competitive bidding process;
- Requests shall be adequately documented with purchase orders, requisitions, bills, or other evidence of liability, as well as canceled checks or other evidence of expenditure.

Mobilization fees, travel, set-up, material purchase, etc., are not considered line items for reimbursement purposes and should be incorporated into applicable work items to be reimbursed once a line item is complete.

HTF staff reviews reimbursement requests and determines if completed work follows program requirements.

HTF will **withhold 10 percent (retainage)** of the grant award pending satisfactory completion of all work. The retainage will be reimbursed upon receipt of a completion report and supporting documentation.

Maintenance Agreement

All grant recipients must agree to maintain the grant-funded property for five years after the date of project completion. Additional work to the property must be approved by the SHPO during the five years to ensure that it does not damage the property or detract from the historic integrity of the property. Continued compliance with the Kansas Historic Preservation Statute (K.S.A. 75-2724) is also required. This provision is included in the Project Agreement.

Ownership Agreement

If ownership of the property is not maintained by the grant recipient (or a designated heir, in the case of the grant recipient's death) for one full year after the project is completed, the HTF grant funds must be *repaid in full*. For properties held between one and five years after the project is completed, the recapture amount is reduced by twenty percent per year. This provision is included in the Project Agreement.

Application Workshops

Applicants are encouraged to attend a grant application workshop. The times and locations of the workshops are announced each year. Times and dates are posted on our website kshs.org or you may contact the SHPO at 785-272-8681, ext. 240. Workshops are scheduled around the state to introduce the HTF program and grant application.

Application Deadline

Applications are due by November 1st by 11:59 PM CST.

The application is online and available through the [KSHS Website](#).

Please note - Applications are **ineligible** if they

- miss the deadline,
- are incomplete,
- do not have the required documentation,
- do not use the official grant application forms

Application Evaluation and Selection

Applications that meet the eligibility requirements are forwarded to an evaluation committee composed of members of the Kansas Historic Sites Board of Review (KHSBR) and possibly other volunteers. The committee reviews all qualified applications in the order received and discusses each project in relation to the competitive criteria identified below. Applicants are given an opportunity to address the committee at a public meeting following the application deadline. The committee will make recommendations for specific projects to be funded. These recommendations are reviewed at a regular meeting of the KHSBR, usually in February. If approved, the board's recommendations are forwarded to the Executive Director of

the Kansas Historical Society. The director employs the recommendations of the committee to make the final selection of funded projects.

The statute that created the Heritage Trust Fund requires that at least 50% of the grant amounts awarded annually be used for the preservation of eligible properties owned by county and local governments, county and local historical societies and by nonprofit organizations. The law further provides for consideration of geographic distribution in the evaluation of proposed grant projects. Applications are judged on merit per the evaluation criteria listed below. An application must meet all the qualifying criteria to be eligible for the program. Any application that fails to do so will not be considered for funding.

This is a competitive process. The KHSBR committee will make recommendations based on their review of the information submitted in each application and will compare or contrast applications against each other. Meeting all the program criteria does NOT guarantee a grant award. Funds available each year are usually much less than the funds requested, and the committee must work within the budget of the overall program.

Evaluating Factors

1. Level of historical significance of the property as it relates to local, Kansas, and United States history
2. Condition of the property and urgency of the preservation work proposed
3. Whether the property is endangered
4. The type of work proposed
5. A geographical distribution of assisted properties
6. Administrative ability of the applicant
7. Potential benefit to the community and the state
8. Community support for the project
9. Ineligibility of the project for other funds
10. Applicant's demonstrated need for funding

Unfunded Applicant Appeals Process

An unfunded applicant may appeal the decision, if the applicant believes that (1) the decision violated state law or administrative rules; (2) the decision was influenced by a conflict of interest; or (3) a change in the review and certification process was detrimental to the applicant. All appeals must be sent in writing to the State Historic Preservation Officer, Kansas Historical Society, 6425 SW 6th Street, Topeka, Kansas 66615-1099 within 10 working days of the announcement of the grant awards. The written appeal must describe the facts of the case, including an argument in favor of the appeal and the desired remedy. The State Historic Preservation Officer will make a written response to the petitioning party within 21 working days of receipt of a properly submitted appeal. The SHPO's decision is final and binding.

QUESTIONS?

Please contact the SHPO at 785-272-8681, ext. 240 or kshs.shpo@ks.gov.

Checklist for Competitive Selection of Consultant or Contractor

All goods and services must be procured by written contract or written agreement.

Value of goods or services is expected to be under \$5,000.

- No special procedures needed.
- Every effort should be made to make an advantageous agreement\
- Decisions may be made based on informal discussions with qualified persons or firms but should consider qualifications and availability of the vendor to perform the work.

Value of goods or services is expected to be \$5,000 to \$24,999 in a single purchase or in multiple purchases from the same vendor.

- Submit your draft RFP to the HTF Grants Staff for written approval.
 - Be sure to describe the selection process and objective standards you will use to make your hiring choice.
- Send your RFP directly to a minimum of three qualified vendors with whom to informally negotiate prior to selection and execution of a contract.
- Post your RFP publicly for a recommended 21 days prior to the date stated for receipt of bids, but no less than 3 days.
- Receive bids/proposals and evaluate them following the process outlined in the RFP.
- Submit documentation to SHPO showing that your selection process followed these steps.
 - Approval of this process by the SHPO is required prior to the awarding of a contract.
 - List of all consultants you contacted directly.
 - Documentation of the public posting.
 - Copies of all proposals received and correspondence from anyone declining to bid.
 - Explanation of your selection process and why you chose your preferred candidate.
- Receive **written approval** for the selection process and consultant from the HTF Grants Manager to proceed with the negotiation of a contract.

cont.

Value of goods or services is expected to be \$25,000 to \$49,999 in a single purchase or in multiple purchases from the same vendor.

- Submit your draft RFP to the HTF Grants Staff for written approval.
- Be sure to describe the selection process and objective standards you will use to make your hiring choice.
 - The award will be made to the responsive, qualified, and responsible vendor whose bid for the described work is the most advantageous to the project.
 - Minimum qualifications may be established for bidders prior to bidding, but they must be explained in the RFP.
 - RFP must request bidders to submit **sealed** bids. All bids must be sealed when received and will be opened in public at the hour stated in the notice.
- Post your RFP publicly for a recommended 21 days prior to the date stated for receipt of bids, but no less than 3 days.
- It is recommended, but not required, to send your RFP directly to a minimum of three qualified vendors requesting sealed bids.
- Receive **sealed** bids as indicated in the RFP. Evaluate them following the process outlined in the RFP.
- Submit documentation to SHPO showing that your selection process followed these steps.
 - Approval of this process by the SHPO is required prior to the awarding of a contract.
 - List of all consultants you contacted directly.
 - Documentation of the public posting.
 - Copies of all proposals received and correspondence from anyone declining to bid.
 - Explanation of your selection process and why you chose your preferred candidate.
- A letter or email indicating when and where the bids were opened along with a list of attendees at the opening.
- Receive **written approval** for the selection process and consultant from the HTF Grants Manager to proceed with the negotiation of a contract.

cont.

Value of goods and services is expected to be \$50,000 or more in a single purchase or in multiple purchases from the same vendor.

- Submit your draft RFP to the HTF Grants Staff for written approval.
 - Be sure to describe the selection process and objective standards you will use to make your hiring choice.
 - The award will be made to the responsive, qualified, and responsible vendor whose bid for the described work is the most advantageous to the project.
 - Minimum qualifications may be established for bidders prior to bidding, but they must be explained in the RFP.
 - RFP must request bidders to submit **sealed** bids. All bids must be sealed when received and will be opened in public at the hour stated in the notice.

- Post your RFP publicly for a recommended 21 days prior to the date stated for receipt of bids, but no less than 10 days.

- Send your RFP directly to a minimum of three qualified vendors requesting sealed bids.

- Receive **sealed** bids as indicated in the RFP. Evaluate them following the process outlined in the RFP.

- Submit documentation to SHPO showing that your selection process followed these steps.
 - Approval of this process by the SHPO is required prior to the awarding of a contract.
 - List of all consultants you contacted directly.
 - Documentation of the public posting.
 - Copies of all proposals received and correspondence from anyone declining to bid.
 - Explanation of your selection process and why you chose your preferred candidate.
 - A letter or email indicating when and where the bids were opened along with a list of attendees at the opening.

- Receive **written approval** for the selection process and consultant from the HTF Grants Manager to proceed with the negotiation of a contract.

cont.

After receiving written approval of consultant selection from the HTF Grants Staff, the following concludes the consultant selection process.

- Submit to HTF Grant Staff a **draft contract** between the property owner and consultant.
- Receive a **written approval** of the draft contract from the HTF Grants Manager before signing.
- Submit a signed copy of the approved contract back to the HTF Grants Manager within 30 days of it being signed by the consultant and property owner.

General Notes for Competitive Selection

- ❖ Contract awards will not be made to a former employee, contractor, or professional who has developed or has drafted bid specifications, requirements, a statement of work, an invitation for bids, and/or a request for proposals for a particular procurement.
- ❖ Contracts and written agreements must contain the following:
 - **A start date and completion date for services**
 - **Total fee for services**
 - **Description of services**
 - **Acknowledgement that the property is listed in the state and/or National Register of Historic Places**
 - **The phrase “All work must follow the Secretary of Interior’s *Standards for the Treatment of Historic Properties*”**
 - **Notification that all changes to the contract must be agreed to in writing.**
- ❖ Grantee must retain signed contracts on file for a period of five (5) years after acceptance by the SHPO of the final completion report.
- ❖ SHPO will not pay consultants or contractors directly nor will it mediate any disagreements between Grantee and contracted consultants or contractors. SHPO is not responsible for any damages or liabilities resulting from dissolution of a contract between Grantee and contracted consultants or contractors.