GRANT MANUAL INDEX

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5. APPENDIX
1. PROGRAM RULES AND REGULATIONS

The Texas Historic Courthouse Preservation Program is an unprecedented effort by the state and county governments to preserve historic county courthouses. It has been widely recognized and received numerous national awards for its achievements. To date, more than 40 Texas courthouses have been restored through this program.

The THCPP, created in 1999, exists under the authority of the Texas Government Code, Section 442.0081, Historic Preservation Program Grants and Loans; 442.0082, Historic Courthouse Project Requirements; and 442.0083, Funding for Historic Courthouse Preservation Program, Historic Courthouse Preservation Fund Account.

The implementing regulations for the program are described in the Texas Administrative Code, Title 13 Cultural Resources, Part 2 Texas Historical Commission, Chapter 12 Texas Historic Courthouse Preservation Program, as amended. These regulations were developed by the Texas Historical Commission to implement this program.
2. STARTING THE PROJECT

Congratulations on receiving a Round VII grant award! Our staff looks forward to working with you toward the preservation of your historic county courthouse.

This section discusses the procedures and terms under which the grant must be administered, identifies the parties involved and describes in detail the important first steps in the process. The task of planning, contracting for and administering the actual construction activity will be described in a later section.

The preconstruction phase activities, including executing the program documents and contracts, relocation, etc. should provide ample time for establishing a dialogue, executing the agreements and reviewing the final plans. Our expectation is that all parties share a common vision for this courthouse project, specifically the work described in previously approved 95% construction documents and/or referenced in the grant application. Please become familiar with the scope commitment as the construction contract documents are finalized.

We find that the most successful projects are the result of good communication between the parties and a thorough understanding of the issues, the roles and responsibilities of each.
2A. GRANT ORIENTATION MEETING

Following notification of the grant award, a grant orientation meeting will be held to familiarize the participants with the grant program guidelines. All project participants, including county representatives who have a role in the project, professional consultants and interested members of the local community are invited to attend. The county judge, or designated county contact, and the project architect each will receive a copy of this grant manual. If needed, additional manuals can be provided upon request.

The county, as grant recipient, carries the primary responsibility for executing this project in accordance with all procedures stated in this grant manual, for executing contracts with the professional consultants and for paying all costs associated with the project. The county must also ensure that all necessary THC approvals are obtained, reporting information is submitted to THC and that meetings are properly coordinated with the THC.

The grant work includes administrative, legal, financial and construction components. It may be useful, therefore, to identify the county’s expertise in these areas and involve the appropriate participants at an early point in the process. Familiarize them with the procedures and call the THC should you need clarification on any issue.

In addition, the county officials should familiarize themselves and comply with the Uniform Grant Management Standards (UGM) produced and distributed by the Governor’s Office of Budget and Planning. Chapter 783 of the Texas Government Code states “It is the policy of the state to promote the efficient use of public funds in local government and in programs requiring cooperation among local, state and federal agencies.” The UGM Standards are found at http://www.governor.state.tx.us/divisions/stategrants/guidelines/.

The project architect and/or consultant(s) is the county’s professional representative to the THC for this project. A county should work with a preservation architect or architectural firm that has ample time and appropriate skills to execute the project in accordance with its needs and these procedures. The scope of the architect’s responsibilities is defined in your architectural services contract and should be expanded as necessary to address these procedural requirements (see “Construction Project” section). The sub-consultants, such as mechanical engineers, structural engineers, lighting designers and paint conservators also provide valuable input to ensure the project meets the county’s functional requirements as directed by your architectural consultant.

A construction contractor or manager is hired and compensated by the county to execute the work in accordance with the approved construction documents. The contractor must be a well-qualified professional and fully bonded. Please note that the county is responsible for enforcing the prevailing wage rate under Texas Government Code, Chapter 2258.

The THC will be your partner during the planning and execution of the grant-funded work. Our staff architect or preservation consultant assists you in achieving a quality preservation project and facilitates reimbursement of funds. This individual will work closely with you and the construction team throughout the project.
2B. FUNDING AGREEMENT

A Funding Agreement (Agreement), the body of which has been prepared for each project by the THC, states the obligations of the county and the THC with regard to the grant project (see front pocket for an original copy). By its execution, the county commits to carry out the project in conformance with the program requirements and the procedures of this manual.

Please review the Agreement language carefully and ensure that the terms and county’s responsibilities under the Agreement are well understood by all parties.

Supporting documents for the agreement include the following attachments to the agreement (see samples with Agreement located in front pocket).

- Attachment A: Source of Funds Statement and Verification
- Attachment B: Project Cost Estimate
- Attachment C: Scope of Work
- Attachment D: Project Schedule
- Attachment E: Resolution of Support.

The architect/consultant shall provide the Attachments B, C and D; the THC will provide Attachment A and the county will provide Attachment E. Then, the Agreement and all attachments are assembled, approved and signed by the county. The county shall prepare the statement concerning selection of the architect and transmit original copies of the signed documents to the THC for signature.

The Agreement must be signed by both parties prior to initiating grant funded work and preferably within 90 days of the date of the award. Undue delay in executing this Agreement may result in forfeiture of the grant funds.

Please note that it may be necessary to amend the Agreement to reflect any significant changes to the project cost, schedule or scope.

Attachment A: Source of Funds Statement and Verification (Funds Statement)

The grant awards were based on the requests stated in the county’s recent grant application. In an effort to extend the program to as many qualified applicants as possible, the projects received less than their full request. Emergency grant awards were generally based on a maximum 2/3 state share and 1/3 local share match requirement.

The Funds Statement prepared by the THC establishes the award amount provided by the state and the minimum match amount that the county will provide to accomplish the scope of work. The local share figure generally matches the “cash contribution” figure you provided in the project funding request section of your most recent grant application. The state share,
or THCPP grant award amount, is the amount requested in the application or the amount
determined by THC.

The verification commits the county to providing all remaining funds necessary to complete
the grant project. **Please note that the state’s award is based on the grant application’s
estimated project cost, yet the obligation to meet all final project costs is the county’s.**
The local funding share may be provided in ready cash, loans, certificates of obligation, or
other non-THC grant awards. State funds are distributed on a cost-reimbursement basis.

**Attachment B: Project Cost Estimate (Cost Estimate)**

The Cost Estimate or “opinion of probable construction cost” must be provided as an
attachment to the Agreement. Organize costs by CSI divisions or other standard format.
Ensure that the total amount of the eligible project costs matches or exceeds the “total grant
project cost” figure used in Attachment A.

Consult with the THC or refer to Section 3B of this manual to identify **any ineligible project
costs** in your estimate, such as non-preservation related expenses; these costs must be totaled
separately. All project costs that are not eligible for reimbursement from this grant program
are the sole responsibility of the county and should be budgeted as such.

Professional services fees are added to the eligible construction costs to establish the total
estimated project cost. Note that the **professional fees for a Round VII construction
project**, in excess of 4% of the eligible construction costs **for this phase of work** are ineligible
for reimbursement by THC unless the plans and specifications have not been previously
developed and approved. Professional services associated with ineligible project scope are
also ineligible for reimbursement by THC.

The Cost Estimate represents your consultant’s current opinion on the cost of the work based
on their professional experience and shall include reasonable allowance for contingency,
market fluctuations and unforeseen conditions. Upon receipt of bids and in considering a
contract amount, the county shall notify the THC of any changes to the cost of the work and a
bilateral amendment to the Agreement stating new project costs and cost shares may be
required before the project continues, (see Section 3B. Reimbursement, project cost changes).

**Attachment C: Scope of Work**

Work to be performed under the Agreement is described in the Scope of Work. This
document establishes all parties’ general expectations for the project and should clearly state
the treatment approach, i.e. restoration or rehabilitation, selected for this building and
reference a dated version of the 95% or 100% complete construction documents for the
specific details of the work to be performed. The full scope of work shall be met unless
specific written agreement is given by the THC.
Attachment D: Project Schedule

Following the general grant orientation meeting, the project architect will develop the county’s Project Schedule which lists major project milestones. It must take into consideration the work to prepare, execute and obtain approvals for the program documents and proposed final contract documents (see Section 3A). Consult with the THC on the proposed schedule prior to its final inclusion in the Agreement.

Attachment E: Resolution of Support

The county must execute a resolution of support for acceptance of the grant award and its terms. A suggested text is provided in the sample attachment. The resolution shall commit the county to compliance with the guidelines of program, adherence to the terms of the funding agreement and provide assurance that the county is committed to achieving the project as described in the project description/philosophy. The county must be aware that its financial commitment to the project may extend beyond the amount estimated as the county’s participation in the project due to unforeseen circumstances.

Please place a copy of the executed Funding Agreement in this manual for your future reference.
2C. GRANT OF EASEMENT

In its Round VII THCPP grant application, your county may have agreed to convey a Grant of Easement (Easement) in the property to the THC. Even if your county received a prior THCPP planning grant and a previous Easement was granted, the THC will generally require a new Easement to ensure that it reflects the appropriate current requirements and conditions of the building upon completion of this phase. An Easement reflecting the terms has been prepared (see front pocket).

The document states the “Grantor hereby grants and conveys to Grantee an interest and easement in the Property, for the preservation of historic, architectural, scenic and open space values.” The county agrees not to engage in any activity that will adversely affect the integrity of the courthouse. Further, the county agrees to maintain the property in a good state of repair. (See Section 4.C. Project Closeout, Courthouse Stewardship Program).

To finalize the Easement, the county must provide two attachments. The clerk must prepare a legal description of the property, including the courthouse, associated buildings and grounds, as Attachment A. The project architect must provide a scope of work for the current grant funded project as Attachment B. It will describe the planned improvements to the property as a result of the grant funded work. The scope of work prepared for the Funding Agreement, Attachment C, but relabeled, is appropriate.

- Attachment A: Legal Property Description
- Attachment B: Scope of Work

The Easement must be signed and notarized by the grantor (county) and grantee (THC). The original, signed copy will be duly filed by the county clerk. The county should then transmit a notarized copy of the easement with the filing stamp to the THC for its records.

The Easement remains in effect in perpetuity or as otherwise agreed.

You may wish to place a copy of the executed Easement in this manual for reference.
3. PROJECT EXECUTION

The THCPP grant awards generally fall into one of three types: construction, planning or a combination of both. A planning grant supports the development of architectural drawings, or plans, and specifications for the construction activity that follows at some later date. A construction grant takes those architectural plans and specifications and adds the necessary contractual information, places them out for bid and awards the construction project to a contractor who executes the work.

A typical multi-million dollar construction project is highly complex and requires considerable oversight to achieve the desired outcome. It is critical to determine how the various types of information will be transmitted, reviewed and approved at the earliest point in the process.

Please be aware that failure to communicate necessary information or obtain approvals from the THC can delay the project, cause reimbursements to be withheld and/or the contract to be terminated.

The THCPP-funded construction phase of the work will include the following important steps:

1. **Review/transmit architectural contract and selection statement to THC**
   - Ensure that the contract includes all services required under this manual

2. **Construction Document Review and Approval**
   - All parties meet at the site to examine architectural and historic issues
   - THC reviews proposed 100% plans and specifications and provides comments
   - Project architect and consultants responds to comments in writing
   - Parties reach consensus on contract document content
   - Project architect provides revised 100% contract documents to the THC
   - THC reviews final set and issues a Notice to Proceed to Bidding

3. **Bidding and Award of Construction Contract**
   - Advertise and receive bids from qualified general or prime contractors
   - Review bids with county and the THC
   - Negotiate, select construction contractor and award contract
   - Transmit construction contract to the THC
   - THC issues a Notice to Proceed to Construction

4. **Pre-Construction Conference**
   - Pre-construction conference held with THC, county, project architect and GC or CM
   - Provide schedule of values and subcontractor list to THC

5. **Construction Administration**
   - Construction work monitored by architect with regular reporting to the THC
   - Progress meetings conducted with all parties to review work and approve actions
   - Invoices and pay applications made to county; county pays for the cost of the work
   - County submits reimbursement requests to the THC
   - THC reimburses county for eligible costs

6. **Project Close-out (see Section 4)**
3A. PROJECT REVIEW

The preconstruction and construction phases of the project generally follow the standards of the industry; however, THC will provide architectural review of the work and play a role in the decision making process.

(1) Review and transmit selection statement and architect’s contract to THC

The county will negotiate a contractual arrangement with a licensed architect or architectural firm following the orientation meeting. The Contract between the Owner and Architect (usually AIA Document form B141) should specify the services that will be provided by the project architect for this grant funded project.

Essential elements of the architect’s contract are the scope of services, deliverables, fees and schedule. These are also the subjects of attachments to your funding agreement with the THC, so the architect should ensure that their professional services contract is consistent with their responsibilities under this Program.

For construction-only projects, services of the architect will include completion of the plans and specifications, bidding and negotiation phase services and construction contract administration. The architect’s contract should specify the number of site visits/progress meetings during construction. The THC recommends a minimum of two meetings a month on-site until the project is complete and all punch list items are resolved. In addition, the architect must provide a completion report as an additional service. We also strongly recommend a one year follow-up inspection with the entire team and that the project architect assist the county through the one-year warranty period.

While the consultants’ fees for the preconstruction and construction phase work may exceed 4 percent of the eligible construction cost for this phase (15 percent of the construction cost for services including design), the THC will not reimburse the county for professional services in excess of the respective limitations.

The county must provide a copy of its contract with the architect, any amendments, a statement of the architect’s qualifications and the resume of the project architect prior to submitting any requests for reimbursement.
(2) Construction Document Review and Approval

Proposed 100% complete plans, specifications, project manual and other documents (contract documents) must be submitted to the THC for final review and approval prior to awarding a construction contract or initiating any grant-funded construction activities. Details for all value engineering modifications must be submitted to THC staff for review and approval as well.

These documents will be reviewed by the THC to determine if they are consistent with the approved master plan and the applicable treatment within Secretary of the Interior’s Standards for the Treatment of Historic Properties, and the restoration date stated in the grant application. Note that restoration is defined as “the act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration. The limited and sensitive upgrading of mechanical/electrical/plumbing systems and other code required work to make the property functional is appropriate within a restoration project”. Rehabilitation, by contrast, does not involve the removal of historic features and no specific date is represented.

The “front end” of the contract documents must address all legal requirements the county must meet under the Texas Government Code and the relevant sections of the Uniform Grant Management Standards should be consulted for bidding requirements. The project manual should specify the general contractor’s or construction manager’s responsibilities as they pertain to the requirements of this program, i.e., project sign, progress photos, contractor’s meeting minutes, record drawings, and/or record photographs. It should also specify the minimum experience and qualifications of the general contractor and major subcontractors, see next subsection on “Bidding.”

THC staff will require approximately two to four weeks from the date of receipt for review of the proposed 100% complete contract documents. THC staff may request an on-site meeting to familiarize themselves with the project and discuss the status of the proposed plans. Selective demolition may be encouraged to verify hidden conditions and reduce the need for change orders during construction. The county should ensure that the project architect implements the THC-recommended revisions to the plans and completes the plans in a timely manner.

Note that previous approval of the documents does not preclude further comments from THC on any aspect of the current submittal. If conditions related to the project change, new information becomes available, or elements which are inconsistent with the approved master plan or the applicable scope become apparent, the plans should be revised appropriately. The THC and county review of the 100% documents will entail comprehensive evaluation based on current information and experience to ensure that the high standards set for this program are met.

Subsequent to an internal THC review, THC staff may request a meeting with the project architect and county to resolve substantive concerns regarding any aspect of the proposal. The THC will provide written comments to the project architect via the county. The project architect and consultants must then revise the documents to address the comments of the THC and submit the revised 100% documents prior to bidding. When this set is received and determined that it conforms to the THC comments, the THC will issue a Notice to Proceed to Bidding. The county may not
advertise the project for bid or incur any construction-related expenses prior to receiving the Notice to Proceed to Bidding.

(3) **Bidding and Award of Contract**

One copy of the final contract documents should be forwarded to the THC prior to bid advertisement. The package should contain the approved contract documents (drawings and specifications), as well as the project manual. Special bidding procedures that apply to state construction, such as HUB participation and good faith agreements are not required under this program. The county should comply with Uniform Grant Management Act, the State Purchasing Act and with its own procedures for bidding work. These procedures include solicitation for bid through public notice, public bid opening and contract award to the lowest and best bidder. The THC recommends that in determining the lowest and best bid, the county thoroughly consider the bidder’s abilities, capacity and demonstrated skill to perform this specialized work.

The project architect shall copy the THC on any addenda issued during the bidding phase. The addenda will be reviewed by the THC to determine its impact on the previous approval. Upon receipt of bids, the bidder’s list, advertisements and tally sheet should be forwarded to the THC by the county. Should the bids received exceed the estimated construction costs, the county will be held responsible for contributing the funds in excess of the estimated costs per Article 4.03 in the Funding Agreement (see Section 3B, project cost changes).

While the THC will consider all proposed costs savings, scope changes at odds with the master plan that affect the quality of the project or do not meet the applicable Secretary of the Interior’s Standards will not be permitted. For the success of the project, it may be necessary for the county to increase its share of the project budget to address the shortfall. In addition to any contingencies included in the contractor’s or construction manager’s contract, we recommend that the county budget and maintain a minimum 4 or 5% contingency to address unforeseen conditions.

Should the county receive base bids and alternates that total less than the total project cost stated in the Project Cost Estimate, state funds will be reduced by an amount that maintains the original percentage contribution of the state and county toward eligible project costs. The construction contract should be executed before the due date established for the project in the Project Schedule. If this schedule is not met, extension requests must be made at least 14 days prior to the scheduled deadline. All projects should begin construction within six months of award or risk forfeiting their grant funds.

Through negotiation, the county will enter into a contract with the selected bidder. A copy of the executed construction contract should be forwarded to the THC as soon as it is available. When the contract is received, the THC will issue a Notice to Proceed to Construction.
(4) Pre-Construction Activities

A Pre-construction Conference, intended to clarify the responsibilities and operating procedures, should be held shortly after the signing of the construction contract and before any construction work is started. The project architect should schedule this meeting and ensure that county representatives and THC staff representative(s) are included. The purpose of this meeting is to establish, delineate and clarify the specific authorities and responsibilities of each party. The THC staff representative(s) will describe the grant project procedures that will take place during construction.

The county is encouraged to appoint a representative to monitor the project and participate in all construction-related activities, including plan review, site visits by the architect and/or the THC, and progress meetings. The county should ensure that the project is executed in accordance with the plans approved by the THC and is completed by the end date specified by in the Funding Agreement. Liquidated damages reimbursing the county for its costs from the contractor’s failure to complete the project by the contracted date may need to be included in the agreement between the owner and contractor.

At the beginning of the project, the contractor, in consultation with the project architect, will provide a construction schedule, a schedule of values and a submittal schedule for the project showing all the contractor’s proposed submittals, shop drawings, change order procedures, testing reports and product reports. The THC will identify which submittals should be submitted to our office for review. The project architect should coordinate approval of these submittals with the THC.

A communication protocol and responsibility chart should be established to identify each party’s obligations for: regular production of meeting minutes and/or progress reports and progress photographs; routing of submittals, requests for information, change orders and other items requiring multiple approvals; development of meeting agendas and schedule; transmittal of consultants’ testing reports, such as mortar analysis; review of mock-ups, etc.

Note: If the project involves a courthouse designated as a State Archeological Landmark, THC staff will complete the permit application and forward it to the required parties for signature. Upon receipt of signatures, a permit will be issued that will satisfy the county’s obligation under the Antiquities Code of Texas, pending receipt of the Project Completion Report. This permit should be posted by the contractor at the job trailer.

A project sign shall be provided by the contractor promptly and placed on the job site (see end of this section). Other business advertising will not be permitted on the site.
(5) Construction Administration

As the construction progresses, the THC will meet on a regular basis with the county’s representative(s) and project architect to visit the site and observe the work. **Scheduled in coordination with THC staff, progress meetings with all parties should generally take place monthly.** The project architect is generally expected to visit the site at least twice a month and report to the commissioners court on a regular basis if requested by the county.

To fulfill the requirements for reimbursement, the project architect should prepare and submit the project meeting minutes and/or progress report and progress photographs to all parties at least monthly. The report, or minutes, should include: the percentage of work completed by trade; work progress as compared to schedule; work currently being accomplished; pending actions; and questions. The THC will use these reports to monitor the progress of the work. The project architect’s regular progress reports, photos and certification of the contractor’s payment requests will qualify the county to receive monthly reimbursement of construction expenses, see Section 3.B. Reimbursement.

As part of the architectural review, THC staff will review selected product submittals and proposals by the contractor. Please provide these for review electronically if possible. Mock-up reviews will be conducted by THC and the project architect. The project architect must inform the THC of any pending actions that affect the quality of scope or the project and request review and approval from THC.

If the project architect notes that the work is behind schedule to any significant extent, the THC should receive a separate notification calling attention to the schedule change. If it is evident that the project schedule for that quarter cannot be met, the county must request an extension for the project.

**Change orders that affect the project scope, architectural features or quality of the project will require prior THC approval.** We recommend that change requests are informally reviewed with THC staff. A signature line for the THC should be provided on the change order forms. Decisions that significantly change the total cost of the project or budget may require bilateral amendments to the Funding Agreement.

**Regular payment applications made by the contractor or construction manager and reviewed and approved by the project architect will not be reviewed by the THC prior to payment by the county.** An exception to this is release of retainage requests by the contractor. These should be discussed with THC prior to the project architect’s approval and submittal to the county. It is significant to note that the THC will hold 10% of its grant award until the project has met all standards for completion. The county should carefully consider release of its retainage as it relates to their contract with the general contractor.
3B. REIMBURSEMENT

The THC has maintained an excellent record in the administration of state and federal grant funds. We encourage the county treasurer or auditor to establish a separate account for this project and to maintain an up-to-date budget of anticipated project costs and a record of expenditures. A county’s expenditure of money received under this program is subject to audit by the State Auditor in accordance with Chapter 321 of the Texas Local Government Code.

The program distributes funding on a cost-reimbursement basis. The county shall be responsible for developing a method for paying all project-related expenses as they come due, then requesting reimbursements from the THC.

Documentation of eligible project costs

The Total Project Cost for this grant project includes the total construction cost plus related costs, such as professional fees, contractor’s overhead and profit, testing, permits, advertising for bids, etc. These costs are eligible for reimbursement under this program providing they have not been incurred prior to the grant award.

Your THC staff architect or preservation consultant should be consulted if you have questions regarding the eligibility of project costs. A list of possible eligible and ineligible costs follows:

Eligible Expenses are:

- Advertising for construction bids
- Civil engineering/property surveys
- Demolition of non-historic structures or features on the historic site
- Hazardous materials testing and abatement
- Building permit fees
- Builder’s risk insurance
- Contractor’s overhead and profit, not to exceed 15% of the allowable construction cost
- Total architectural, engineering and project management services (A/E/PM) shall not to exceed 15% of the final construction cost.
- Eligible costs of A/E/PM services shall not exceed 4% of the construction cost for that phase if construction plans are previously approved by THC
- Project contingencies that exceed 10% of the construction costs are not eligible budget items.
- Other services by audio, acoustical, security, consultants or metal or paint conservators are subject to the total professional services limits stated above (15% of total construction cost)
- Reimbursables such as travel and copies as defined by AIA’s Handbook of Professional Practice
- Reasonable costs associated with preparation of completion report
- Historic and reproduction historic furnishings in the courtrooms such as judge’s bench, railings, jury box, witness stand, attorney’s tables, chairs and audience seating.
- Historic and reproduction historic furnishings in other major public spaces such as clerk’s and tax assessors counters, railings, safes and cabinetry.
- Historic fireproof vault furniture
- Data conduit
- Area carpet/ loose rugs of approved design are eligible costs in spaces where functionally required.
- Restoration of significant site elements that restore the site to a significant historic appearance, up to $50K
- Built-in security systems and equipment such as card readers, cameras, up to $20K
- Audio-visual systems such as amplifiers microphones, loudspeakers, up to $50,000
- Generators serving the courthouse

**Ineligible Expenses are:**

- master plan preparation costs
- grant application preparation costs
- temporary or permanent relocation, moving, and housing costs
- loan financing costs
- compensation to the architect related to value engineering
- compensation to a grant manager
- work in non-historic additions or to buildings other than the courthouse, except demolition as stated previously
- work which occurs on non-county property unless approved by THC
- sitework not related to building preservation such as irrigation systems, site lighting, site furnishings and landscaping materials
- Historic site restoration costs over $50,000
- Security system costs over $20,000
- Audio-visual systems costs over $50,000
- Movable office furnishings and office equipment (historic and non-historic) such as loose chairs and personal office furniture, filing cabinets etc.
- Data wiring
- Telephone systems and equipment
- Computer servers and terminals
- Appliances
- Clock relocation if not to its original location
- Parking lot striping and paving
- County’s companion rededication plaque

A blank **Reimbursement Request** form, along with a sample cover letter is provided for your use. If you need any help filling out the form or have questions please contact the THC staff. Questions regarding grant funds management should be directed to Megan Koch at 512.463-3805. If you wish the funds to be transmitted electronically, please make these arrangements prior to your first request.

Following is a summary of the information provided in your request:

- **The Project Information** contains general information such as the judge’s name, and phone. The grant fiscal year is 2011-12. The Initial Grant Award is the amount listed in the Funding Agreement as the state funds. The Total Eligible Project Cost is the amount of the Total Project Cost listed in the Funding Agreement. The Revised Grant Amount included the Initial Grant Award plus any supplemental awards received as amendments to the Funding Agreement.

- The **Payment Recipient** and chief financial officer is usually the county treasurer. The **Federal or State Identification Number** is the taxpayer identification number and is required for our accounting.

- The **Type of Payment Requested** will always be partial unless the project is finished. See final request instructions below.

- The **Period Covered This Request** is the period during which the expenses were incurred or services delivered, not the date the checks were written or invoices were received. While this period can overlap with other requests or exceed 30 days, it may not include any expenses incurred prior to the date of the grant award or any construction expenses incurred prior to the notice to proceed to construction.

- The **Reimbursement Calculation** refers to the state and local percentage share of the total project cost (see the Funding Agreement, Attachment A: Funds Statement, for your project’s percentage shares). This percentage of the total eligible costs for this period will be distributed for the subject request.

**Required attachments** for each reimbursement request include documentation for the previous quarter’s eligible project costs, as follows:

- **Expense Summary**
  If more than one check is involved in the reimbursement request, provide a summary or tally for 1) the eligible portions of check amount, 2) the name of the vendor and 3) total eligible project costs for this period. If portions of any invoice do not apply to this project or are ineligible for reimbursement, highlight that information and/or provide a note calling attention to its exclusion in the total project expense for that period.
Reimbursement for professional services, i.e. architect’s and consultant’s fees, to include:
- a billing statement(s) from the project professional, and
- a copy of the cancelled payment check(s) or voucher(s)

Reimbursement for construction work must be accompanied by
- a complete certified application for payment to the contractor signed by the architect, including the schedule of values describing the work accomplished to date
- a copy of the cancelled payment check(s) or voucher(s) to the contractor (If your bank cannot provide a cancelled check to the document expense, please ask the bank to provide a voucher statement or document that shows that the funds have cleared the county’s bank account)

Submitting a Reimbursement Request

Hard copies are preferred but you may email a pdf directly to tina.ray@thc.state.tx.us. Please ensure the pdf is of the highest quality for printing, otherwise, a hardcopy will be required. Faxes will not be accepted.

Address for regular USPS mail:  
TEXAS HISTORICAL COMMISSION  
Attention: Tina Ray  
P.O. Box 12276  
Austin, TX 78711-2276

By courier to:  
Tina Ray  
Texas Historical Commission  
108 W. 16th Street, 2nd Floor  
Austin, TX 78701

The county should receive a payment check from the THC for all approved eligible expenses within 30 days of receipt. It is our goal to process the requests within a week, if possible, and transmit the funds electronically. Reimbursements may be held, however, if further information related to the execution or documentation of the expense is needed. The THC may request a site visit or additional documentation from the county or architect to confirm that the expenses are eligible and approved.

If a request has been submitted and you need to check its status, contact Tina Ray at 512/463-8821.

Final Request

The THC will retain the final 10% of the grant award until the project is complete and all grant requirements have been met. **Projects that are not completed by their scheduled date of completion and/or 6 months of substantial completion will risk forfeiture of the final reimbursement.** Project and reimbursement schedules initially developed for the grant project are firm unless written requests have been received and the THC has granted extensions.

The project is completed when the owner satisfies the final application for payment to the contractor and architect and all grant program requirements have been fully met. The county should then submit a **final request for reimbursement to the THC.** This request will include a copy of the final application for payment, a Certificate of Substantial Completion, Release of Retainage and a statement that the owner has received the project close-out documents. The THCPP Grant Project
Completion Report (see detailed requirements in Section 4A) also must have been forwarded to and approved by the THC.

**Project Cost Changes**

Should the final cost of the project be **less** than expected or stated in the Funding Agreement, Attachment C: Estimated Project Budget, the respective state and county contributions will be adjusted according to the original percentage as given in Attachment A: Source of Funds Statement. This requires a bilateral amendment to the Funding Agreement.

THC reserves the right to limit any actualized savings awarded to the Construction Manager at Risk at 10% as a cost eligible for reimbursement.

The THC does not anticipate increasing its funding beyond the initial award for this round. **Therefore, the county will be responsible for its grant match and any increases due to any unforeseen conditions encountered during project planning, bidding or construction.**

If the cost of the project **exceeds** the amended budget, the county may consider the following options:

1. Fund the additional cost with available local resources
2. Modify the scope of the project to fit within the funding programmed (subject to the approval by the THC)
3. Re-advertise the project for new contractor bids
4. A combination of options 1, 2, and/or 3

The THC will work with you to prioritize all necessary work if a budget shortfall occurs. A bilateral amendment to the Funding Agreement will be executed to update the Agreement and adjust the percentage shares of the project cost, similarly to the procedure stated above.

Project costs that were not included in the grant application budget must be authorized and approved at the request of the County to be eligible for reimbursement.
Sample

July 1, 2012

Texas Historical Commission
Attention: Tina Ray
P.O. Box 12276
Austin, TX  78711-2276

RE:  Pecan County Courthouse Preservation Project, Reimbursement Request #5

Dear Tina:

This request for reimbursement for the county’s eligible project expenditures, are for the period April 1, 2012- June 30, 2012.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Invoice #/Description of Services</th>
<th>Check #</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Co.</td>
<td>Pay Application #1, May 1-31, 2012</td>
<td>1245</td>
<td>$152,000.00</td>
</tr>
<tr>
<td>Architect</td>
<td>Invoice #19, April 1-31, 2012</td>
<td>1241</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Architect</td>
<td>Invoice #20, May 1-31, 2012</td>
<td>1301</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Pecan Statesman</td>
<td>Statement #5647, April 26 and May 7 (advertising project out for bid)</td>
<td>1242</td>
<td>$300.00</td>
</tr>
</tbody>
</table>

Total eligible project costs $164,300.00

The “Reimbursement Request Form”, copies of the invoices referenced above and the associated canceled checks are attached.

Sincerely,

__________________________
County CFO or contact
4. PROJECT CLOSE-OUT

Often, the objectives of the project cannot be met or measured until the final work is completed and the building is reoccupied by the county.

Generally, these items must be fulfilled for the project to be considered complete:

- All items of work contained in the contract documents and the funding agreement have been performed to the satisfaction of all parties.

- A Certificate of Substantial Completion has been issued with an attached punch list showing items to be completed.

- Contractor’s record drawings, progress meeting minutes and photographs are completed and provided to the architect. These are copied and included with the grant completion report documents.

- Maintenance and Operations (M&O) manuals and warranties have been provided to the county by the contractor. A transmittal letter is provided to THC.

- Final applications for payment from the contractor and final invoices from the architect have been paid by the county.

- Release of liens and surety have been provided to the county by the contractor.

- Telephone, audio video systems, and information technology systems are operational.

- Training has been provided to the county staff on systems operations.

- Service contracts are established by the county for equipment maintenance.

- Three copies of the approved Grant Project Completion Report are provided to the THC for our office and state archives. If the third copy is submitted directly to the county, a copy of the transmittal letter is provided to THC.

- Final reimbursement is made to the county by the THC upon completion of all items listed above.

The manner in which these items are completed will have a significant effect on the county’s satisfaction with the project and its ability to care for the building in the future.
4A. COMPLETION OF THE WORK

As the work of the contractor draws to a close, a “punch list” or identification of defects to be remedied by the contractor is prepared. All parties should be involved in preparing these lists. The contractor should proceed methodically to address all items in a timely manner.

An official date of “substantial completion” should be determined in consultation with the THC. Generally, it is considered “sufficiently complete in accord with the Contract Documents so that the Owner can occupy or utilize the work for its intended use.” It is important to note that warranties often take effect at this point and funds are released that reduce the contractor’s financial obligation to the project, so certification of substantial completion should be made with due care.

Upon Substantial Completion of the project, the architect shall prepare a draft Round VII Grant Project Completion Report (completion report) documenting the work, see “Requirements” attached. The completion report should provide photographs taken before, during and after construction, a narrative description of the project work that identifies sources for significant products and materials, a description of their use and identification of the major and specialty subcontractors involved with the work.

The completion report also includes close-out documents: a certificate of occupancy, where required by local jurisdiction, all warranties, maintenance manuals and contracts, and required operating instructions and record drawings—incorporating the construction changes and showing all plans, elevations and building sections. A warranty itemization—listing of all material and system warrantees with periods and contact information, is a valuable resource for the county in maintaining the courthouse later. The objective is to provide the owner and the THC with a reproducible set of documents that can be used for building operation, maintenance and future work.

Allow 30 days from the date of receipt for the THC to respond with comments. Upon approval, three final copies of the completion report are required. The county will submit two copies with their final Request for Reimbursement to the THC and retain one copy for their records. The county will not be cleared for final reimbursement until the THC has received a satisfactory project completion report and the required copies.

Note that per the Funding Agreement, the County must submit a draft of the completion report within 3 months of substantial completion. The final completion report must be received within 6 months of Substantial Completion. **Failure to submit the report promptly may result in forfeiture of any remaining grant award, including the 10% retainage.**

Also, during the project close-out, we recommend that a warranty inspection is scheduled for a date less than one-year following the date of substantial completion. The inspection should include the project architect, contractor, THC staff and county representatives. Note that the county is responsible for documenting any items that are unsatisfactory prior to the warranties’ expiration and providing that documentation to the contractor.
ROUND VII GRANT PROJECT COMPLETION REPORT REQUIREMENTS

A. Purpose

I. To document the changes that occurred to the property as a result of this project and why they were made. With an identification of which elements of the building are original, which have been reconstructed based on historic evidence, and which were inserted to serve current functional needs, further impacts to original materials may be avoided and the historic building fabric may be interpreted in terms of its historic significance.

II. To provide a record of the substantive investment of state funds made in the property. The condition of the building prior to work, work undertaken and the final result should be clearly documented.

III. To facilitate the county’s ability to operate and maintain the building in a good state of repair.

B. When Required

I. All THCPP funded construction activities will require a completion report.

C. Minimum report requirements (may be adjusted by the THC to suit the project)

I. Completion report requirements
   (a) Title page
      (i) project name
      (ii) address
      (iii) city, county
      (iv) THCPP grant number, award amount(s) and date of award(s)
      (v) date of project final completion
   (b) Table of contents
   (c) Project synopsis/scope of work (one page narrative)
   (d) Identification of project personnel: name, address and telephone number
      (i) county officials: county judge, commissioners, auditor, treasurer and county historical commission chair
      (ii) state agency representatives: THC executive director, division director and staff architect/project reviewer
      (iii) professional consultants: architect, engineers and other consultants
      (iv) construction contractors: general contractors, all subcontractors
   (e) Grant program documents
      (i) Copy of Funding Agreement
      (ii) Copy of Property Easement
      (iii) Certificate of Insurance
      (iv) Copy of Antiquities permit, if applicable
(f) Project narrative
   (i) Existing conditions: description of the as-found conditions, emphasizing historic and non-historic features of the property
   (ii) Master plan proposal: summary of the initial proposal at the master plan stage, discussing condition of historic fabric slated for removal and documentary evidence of features to be reconstructed
   (iii) Project development: recount of changes to the project as the plans were developed
   (iv) Work completed: summary of work performed including unique processes or products.
   (v) Future work: list of work not undertaken for budgetary or logistical reasons and deferred to a later phase.

(g) Project cost data
   (i) List of final project funding by donor name, source of donation, kind and amount
   (ii) Preliminary cost estimate: copy from master plan (includes A/E fees)
   (iii) Project cost estimate worksheet: copy from grant application
   (iv) Tally of actual construction cost: organized to correspond to grant worksheet
   (v) Total project cost per gross square foot (includes A/E fees)
   (vi) Contractor’s final application for payment with schedule of values
   (vii) Architect’s final invoice
   (viii) Reimbursement summary sheet provided by the THC

(h) Administrative documents
   (i) Bidding tally sheets
   (ii) Construction and professional service contracts
   (iii) Progress meeting reports
   (iv) Change orders, construction directives
   (v) Certificate of substantial completion

(i) Project record documents
   (i) Title, date and index of drawings
   (ii) Title, date and index for specifications
   (iii) Final drawings (attached separately)
   (iv) Final specifications (attached separately)
   (v) Submittals, ASI’s, and RFIs
   (vi) Final finish schedule including paint color chips, listing of wood, hardware and other specialty finishes

(j) Warranty Data
   (i) Index listing all warrantees each with contact info and expirations
   (ii) All manufacturer, product and contractor warranty data

(k) Service Contracts
   (i) Current contracts for service on systems and/or equipment

(l) Maintenance Recommendations
   (i) Service frequency requirements
   (ii) Life expectancy estimates of equipment and systems
   (iii) Highest priority maintenance recommendations

(m) Maintenance and Operations Reports
   (a) MEP Test and Balance report
   (b) Commissioning reports, if applicable
   (c) Conservation reports
II. Report format and duplication requirements
   (a) All report copies provided to the THC and distributed by THC
      (i) One copy for Texas Historical Commission
      (ii) One copy for the State Library and Archives
      (i) One copy for county to be housed at courthouse or local library
   (d) Written data: three copies, unbound 8 1/2” x 11” format with tabbed dividers
   (e) Record drawings: one full-size set on vellum (architectural or “A series” only) and three
      reduced-size copies of the entire record set (1/2 size or 1/4 size if legible) on acid-free
      paper. Electronic copies of record drawings on three compact disks saved as a pdf.
   (f) Record specifications: three copies, bound 8 1/2” x 11” format. Three compact disks each
      with specifications saved as a searchable pdf.

D. Photographic documentation

I. Photographic requirements
   (a) Progress photographs
      (i) Index to progress photos
      (ii) Photographic format: digital at 1600 x 1200 resolution or 35mm, color
      (iii) Print format: standard color print size, print on archival paper if digital image
      (iv) Content: Showing conditions encountered during the work, work in progress, etc.
      (v) Labels: Subject and date
      (vi) Organization: Numbered and keyed to attached reduced size plans
      (vii) Negatives: photographic negatives in archival sleeves or a digital copy on compact
            disk in jpeg format
   (b) Record photographs
      (i) Index to record photographs
      (ii) Photographic format: professional quality, perspective corrected lens preferred
      (iii) Print format: 8 x 10 color digitally printed on archival paper or photographically
            printed on well-washed resin-coated paper
      (iv) Content: Each elevation, elevation details and not less than 12 interior views showing
            at a minimum: courtroom(s) public corridor, typical office, stair, and vault. Views
            should be correlated to match the angle and distance of previous view.
      (v) Intervals: All views captured at three times: before work begins, during investigative or
            construction work and upon completion
      (vi) Labels: Subject, view, date and photographer
      (vii) Negatives: photographic negatives in archival sleeves or a digital copy on compact
            disk in jpeg format

II. Duplication and presentation requirements
   (c) Progress photos:
      (i) three print copies (in transparent sleeves if photographically printed)
      (ii) three copies of digital image data on a compact disk
   (d) Record photographs:
      (i) three print copies (in transparent sleeves if photographically printed)
      (ii) three copies of digital image data on a compact disk
4B. REDEDICATION PLANNING

At least several months prior to the project’s completion, the county shall contact Debbi Head with the Texas Historical Commission’s (THC) Public Information and Education Division at 512/463-4565 to coordinate the event. Ms. Head would be happy to personally visit with you regarding plans for your event.

THC will provide packets of the rededication planning information for your use. This packet contains helpful advice on the event. THC should be closely involved with all aspects of planning the rededication with the county. The rededication will be held shortly after the project is substantially complete or completed and presentable to the public.

As you near the completion of your courthouse restoration, choose a date and time for your rededication event. Please select more than one date, as there may be scheduling conflicts with THC representatives who need to be included in your rededication program. Once the date has been set, it should not be changed, so it is important to confirm all work will be done and if the county wishes, furnishings returned to the newly restored courthouse, before the rededication takes place. It is not absolutely necessary to have furniture in place for the rededication event.

Suggested Format For Your County Courthouse Rededication

1. The THC provides banners, speakers, and addresses of elected officials and more that can be very helpful and timesaving in planning your event. Think about how you can get the best turnout and coverage for your event. Between noon and 3 p.m. is the ideal time for media coverage, allowing news crews to make the 6 and 10 p.m. news as well as the following day’s newspaper editions. Consider the elements, such as shade for participants during warmer months. Where does the sun hit during the time of day you choose? Consider this in selecting your stage site, as speakers must be visible to the audience. Is your program and location accessible to handicapped participants? Coordinate with the contractor to ensure both the building and site are clean, safe, and accessible. Make sure accessible restrooms are available.

2. Determine who will speak at the event. Events should include no more than five speakers. Choose speakers based on their relevance to the courthouse history or local preservation efforts. Your state senator and representative should be included in the program. Direct your speakers to be brief. Consider recognizing certain officials at your event and limiting your actual number of speakers. The total program should last no longer than 45–50 minutes. Include a THC Commissioner or staff member in your speaker’s lineup. Additional suggested speakers include elected officials (see attached invitation list). Contact them as soon as possible.

3. Notify speakers of your desire for their participation at least 30 days in advance of the event, and confirm the date and time. Designate the length of their remarks and ask them to respect that time allotment.
4. Arrange for other program activities, such as presentation of colors by a local Scout troop or military unit, as well as music by a local high school band. You may want to have a local choir group occupy part of your stage. Factor these presentations into your overall program length.

5. Determine if your event will be a standard “ribbon cutting” or something more, such as the placement of a cornerstone or time capsule. Determine who will do the honors. Procure ribbon and decoration for the stage. The THC will provide banners for your use that read Texas Historic Courthouse Preservation Program and include the THC name and logo, as well as your county name. THC will also provide name tags for distribution at the event and small podium placards to place on the speaker’s podium.

6. Determine what type of refreshments you will provide, if any. Contact a caterer and confirm the date. You may also consider a paid barbecue or refreshment line. At minimum, make sure drinking water is available.

7. Arrange for a stage, podium, sound amplification system and speakers for your event. Be sure the group is willing to set up, be on hand in case of problems, and break down the equipment.

8. Once the date has been set, speakers confirmed and equipment secured, you should design the invitations for selected guests. All THC commissioners, relevant THC staff, as well as selected government officials (see suggested guest list attachment) should receive an invitation. Work with a local printer on production and confirm that they can make the deadline. Invitations or notices should be received no later than two weeks, ideally four weeks, in advance of the event.

9. Design a program for distribution at the event and as part of an advance mail-out to local media. You may want to have the same company design your invitations and your programs. Some counties are writing histories of their courthouse. Examples are available upon request.

10. Develop a press release or media advisory alerting local media to the event. (See attachments). THC Marketing Communications staff will work with you, drafting the press release and providing contacts and addresses of media in your area if necessary. Also, the sample press release may be updated with new information depending on your event date. Local media should receive the media advisory no later than one week prior to the event. If sent earlier, a follow up advisory or phone call one week preceding your event is recommended.

11. Determine how viewing the courthouse interior will be handled. Will it be open viewing? Will there be signage discussing the history of a room or the work involved in restoring it? We request that ALL signs include a reference to the THC and use the THC logo (see attachment). We also request that no commercial signs or banners of any kind are displayed during the rededication event. It is very important that the only signage and banners displayed are those provided by the THC.

12. Have a back-up plan in case of bad weather. Is there a covered area for speakers and electrical equipment, or will the event be moved inside the courthouse? Have a final time set for making the decision to move, based on what your set-up crew needs for adjustments.
The Rededication Plaque(s)

A rededication plaque is provided to the county by the THC. It states “Pecan County Courthouse Restoration, Major Funding Provided by the Texas Historical Commission, Texas Historic Courthouse Preservation Program.” See illustration.

The county may choose to provide a rectangular companion plaque matching the width and material specification (see detail following), at its own expense. The county’s plaque should be limited to names of county officials, architect and contractor and not include donors or logos.

Generally these plaques are publicly displayed on the podium during the rededication ceremony and mounted inside the building following the rededication. THC should be consulted in choosing the final location for the plaques. The Southwell Company in San Antonio and Design Center in Tyler have manufactured these plaques in previous years.
4C. STEWARDSHIP

Stewardship of the courthouse is the responsibility of each county. The state’s investment in restoring the building and updating the building systems should make this work easier.

We recommend that each county maintain a building maintenance library with its Grant Project Completion Report forming the basis of its maintenance program. The record drawings and index of warrantee and service contracts will be invaluable for maintaining and services your equipment and systems. We also recommend that you develop a maintenance plan, perhaps in consultation with your project architect, to ensure that there is a regular inspection program and scheduled tasks that will keep the building functioning smoothly for years to come.

Also, please check with THC to see if training opportunities such as workshops are available for further education of your county employee and maintenance staff.

THC staff are always available to consult with your county to help address any pending maintenance issues in a manner that best preserves the historic integrity of the building.

Currently, staff architects Bess Althaus Graham is leading the Texas Courthouse Stewardship Program and Dennis Cordes is working half-time to assist.

Please call Bess if you have stewardship needs at 512.463-3857.
TEXAS COURTHOUSE STEWARDSHIP PROGRAM

Overview

Beginning in 1999, the Texas Historic Courthouse Preservation Program (THCPP), and its local partners have made significant financial investment to restore many valuable historic courthouses throughout the state.

In order to protect and preserve these buildings for future generations, the Texas Courthouse Stewardship Program was created in 2005 to assist counties by fostering facility planning, budgeting, and training. The goal is to avoid allowing the facilities to fall back into a state of deferred maintenance and disrepair.

Program Activities

• **Site visits and easement monitoring** – Our professional staff will visit each completed project to identify and assist in resolving any problems, monitor the level of on-going maintenance, and to discuss future preventative maintenance needs with county officials and facility maintenance managers. Renewal of property insurance policies is an aspect of the easement monitoring work that ensures the building’s value is protected.

• **Training Workshops** – THC will host and organize maintenance and stewardship training workshops for county officials and staff. The first Texas Courthouse Stewardship Workshop, sponsored by the Texas Land Title Association, was conducted March 1-2, 2007 in Austin, and considered very successful with a large number of participants from counties that received grants in Round I-IV.

• **Maintenance Planning** – Counties will be encouraged to develop a cyclical maintenance plan for immediate and long-term care of their particular historic building and site. A complete plan should include inspection schedules, recommendations for appropriate maintenance materials and procedures, as well as projected budgets for the prescribed work. THC will provide guidance by offering technical preservation resources, cyclical and preventive maintenance checklists, sample templates for schedules, budget formats, and inspection forms.

• **Technical Consultations** – THC architectural staff is available for consultations to help the counties address their pending issues in a manner that best preserves the historic integrity of the building.
PROJECT RESOURCES

For an inspection or review for compliance with the Texas Accessibility Standards contact:
Robert Posey
Texas Department of Licensing and Regulations
920 Colorado Street, Tenth Floor, Austin, Texas 78701
800/803-9202 or 512/463-6599, www.license.state.tx.us

For questions about records management or archival matters contact:
Chris LaPlante
Texas State Library and Archives Commission
P. O. Box 12927, Austin, Texas 78711-2927
463-5467, www.tsl.state.tx.us

For information regarding the design of courtrooms contact:
Mary Cowherd
State Office of Court Administration
P. O. Box 12066, Austin, Texas 78711
463-1629, www.courts.state.tx.us/oca/ocahome.asp

For questions regarding state fire code concerns contact:
State Fire Marshal
P.O. Box 149104, Austin, Texas 78711-9221
800/578-4677 or 512/463-6169, www.tdi.state.tx.us

The following publications on preservation standards may be requested free through the National Park Service’s Technical Preservation Services by contacting 202/513-7270 or http://www.nps.gov/history/hps/tps


Comprehensive listing of sales publications including the popular Preservation Briefs series, Preservation Tech Notes and Guidelines for Rehabilitating Historic Buildings.

For guidance on architectural practices, such as project scheduling, contractor payment applications, schedules of values, project close-out, etc., please refer to:
