

PROCESSING DONATIONS OF NON-STANDARDIZED COMMEMORATIVE WORKS AND CARILLONS

1. REASON FOR ISSUE: This handbook revises the National Cemetery Administration (NCA) procedures and responsibilities related to processing donations of non-standardized commemorative works (NSCW) and carillons.

2. SUMMARY OF CHANGES: This handbook makes the following changes to NCA Handbook 3160.03:

a. Replaces the requirement to establish an endowment fund for the maintenance of non-standardized commemorative works (NSCW) and carillons with a requirement for a monetary donation that will be deposited into a restricted gift fund for the sole purpose of maintaining the NSCW or carillon.

b. Replaces the Offer to Donate and the Maintenance Endowment Agreement, with a Memorandum of Agreement that will set forth important information about the donation, including the amount of the monetary donation for maintenance of the donated NSCW or carillon.

c. NCA Legislative and Regulatory Service will submit the MOA to VA's Office of the General Counsel for concurrence prior to signature by NCA or the donor.

d. Revises and strengthens procedural steps in the concept and design, review, and approval processes for both NSCW's and carillons for donors to more clearly delineate responsibilities.

3. RESPONSIBLE OFFICE: NCA Office of Cemetery Operations, 810 Vermont Avenue, NW, Washington, DC 20420, is responsible for the contents of this handbook. Please refer questions about this handbook to the Executive Director of the Office of Cemetery Operations.

4. RELATED PUBLICATIONS:

a. NCA Directive 3160, Gifts and Donations to VA National Cemeteries (December 14, 2018);

b. NCA Handbook 3160.01, Donations of Monetary or In-kind Gifts or Items of Personal Property (December 14, 2018);

c. NCA Handbook 3160.02, Processing Donations of Standardized Memorial Monuments, Plaques, Benches and Trees; Fallen Soldier Displays (January 15, 2019);

d. VA Directive 0008, Developing Public-Private Partnerships with, and Accepting Gifts from, Non-Governmental Organizations (May 29, 2015); and,

e. Section 3.14, Carillons, M40-2, National Cemeteries – Administration, Operations and Maintenance (May 1, 1984).

5. RESCISSION: NCA Handbook 3160.03, Processing Donations of Non-Standardized Commemorative Works and Carillons (January 15, 2019).

6. RECERTIFICATION: This publication is scheduled for recertification on May 2026.

/s/

Ronald E. Walters

Acting Under Secretary for Memorial Affairs

Distribution: Electronic

**PROCESSING DONATIONS OF NON-STANDARDIZED COMMEMORATIVE WORKS
AND CARILLONS**

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SECTION I – GENERAL GIFT AND DONATION INFORMATION

1. PURPOSE

a. This handbook establishes procedures for NCA review and approval of proposed donations of non-standardized commemorative works (NSCW) and carillons. It provides updated definitions, responsibilities and procedural guidance in the appendices for use by NCA employees.

b. This handbook includes instructions for implementing the Department of Veterans Affairs (VA) policy on donor vetting as it relates to public-private partnerships with non-governmental organizations (NGO).

c. This handbook instructs employees on how to assist interested donor groups and organizations with developing or revising proposals to donate NSCW and carillons that comply with NCA design and other criteria. Where applicable, appendices will be referenced that provide additional information about required filings and other items.

d. The statutory authorities for policies contained in this handbook are found in sections 2403 and 2407 of title 38 United States Code (U.S.C.). Implementing regulations are published in section 38.603 of title 38, Code of Federal Regulations.

2. BACKGROUND

a. Generally, NCA is authorized to accept gifts and donations that are beneficial to a national cemetery or made for the purpose of beautifying national cemeteries. Such gifts may include NSCW's and carillons. In 2016, VA authorized the Under Secretary for Memorial Affairs (USMA), or USMA's designee, to solicit gifts and donations. The USMA may also authorize use of his or her name, the name of the USMA's designee, the name of the Secretary, or the name of the Department of Veterans Affairs by an individual or organization in any campaign or drive for donation of money or articles to VA for beautifying, or for the benefit of, one or more national cemeteries.

b. NCA strongly supports the use of standardized memorial monuments (SMM) and plaques that are placed along memorial walkways or in other areas purposefully designated for their common display. Through the acceptance of SMMs, NCA achieves its priority interment mission while still allowing donors to recognize the military service of groups and organizations. NCA designs its newest cemeteries with memorial walkways and areas as part of the Cemetery Master Plan in accordance with successful design principles and created a streamlined approval process that allows donors to achieve their commemorative intent through the placement of SMMs. In addition, NCA will not require a maintenance donation for SMMs. When contemplating acceptance of a NSCW, NCA leaders should consider whether a SMM would achieve the same commemorative intent and discuss this with potential donors.

c. NSCW's and carillons are substantial, permanent structures requiring USMA approval and, therefore, increased diligence and detail in the review process. NCA's Office of Cemetery Operations will maintain a master tracker on the development,

review, and approval status of all gifts and donations valued at \$10,000 or greater, to include NSCW and carillons. Cemetery Operations will monitor the progress and coordinate review and concurrence of packages among multiple NCA offices to include Cemetery Directors, District Executive Directors, NCA Historians, Design and Construction Service (DCS), and, ultimately, NCA approving officials. NCA staff will review whether the NSCW or carillon concept proposal and design documents and plans meet the requirements as defined in this handbook, including additional requirements not originally contemplated by the donor in their request, (e.g., a requirement identified by the NCA Historical Architect based on historical preservation aspects of the project and the need to consult with the State Historical Preservation Office (SHPO)).

d. The USMA must approve both the conceptual donation proposal and the design and construction plan before construction may begin.

3. DEFINITIONS

a. Architect/Engineer (A/E): The registered professional architect, landscape architect, or engineer responsible for the design and structural adequacy of the foundation of a NSCW or carillon.

b. Carillon: A set of bells in a tower, played using a keyboard or an automated mechanism.

c. Conceptual Design: Graphical representation of the idea or vision for the NSCW or carillon that provides sufficient information required for review and conceptual approval.

d. Construction Documents (CD): Complete drawings, specifications, and other documents (e.g., final cost estimate and construction schedule) necessary for project construction that are consistent with the approved Design Review and Approval phase documents. The purpose of the CD is to allow a final review of the documents and confirm compliance with the prior review comments.

e. Construction Monitor (CM): The person responsible in NCA, or contracted by NCA, to monitor the construction progress and conduct the final inspection during construction of a NSCW or carillon.

f. Design Review and Approval: The phase in which design documents are produced based on the final approved schematic design (SD) phase documents. These design documents increase the level of detail for all aspects of the project and refine the visualization of the project to communicate the character of the spaces and memorial features. Submissions at this stage must show coordination of trades, clarity of scope and design intent, and confirm that the design is on budget.

g. Donor: A group or organization that presents NCA with a proposal to donate a gift of a NSCW or carillon for placement in a national cemetery. Acceptable donors may include:

(i) An organization whose purposes, objectives and teachings, as exemplified by their constitution, bylaws and activities are primarily honoring, supporting, or celebrating the U.S. Armed Forces, Veterans, and Servicemembers. The primary objective of such an organization should be to honor and recognize military service and have thus acquired a distinctive patriotic character and purpose.

(ii) A government (federal, state and local) or non-governmental organization (NGO), where the potential partner is a credible organization both programmatically and organizationally, whose goals and mission mirror that of NCA.

h. Fallen Soldier Display (also referred to as the battlefield cross): Any physical, three-dimensional replica or depiction incorporated into the design of a NSCW that features a helmet, boots, dog tags, and rifle.

i. Maintenance Donation: A specified amount of money provided by a donor to fund future maintenance and repairs of a NSCW or carillon.

j. Memorial walkway, path, or trail: An area within a national cemetery that is separate and distinct from interment areas and is designed to accommodate the collective display of memorial monuments and memorial plaques.

k. Non-Standardized Commemorative Work (NSCW): A statue, sculpture, plaque, structure, landscape feature, or monument that is substantial in nature, outside of the specified size parameters of a standardized memorial monument, and designed to perpetuate the memory of a branch or major unit of the U.S. Armed Forces or similar group, a war or similar major military conflict, a significant event related to a war or conflict, or another significant element of American military history.

l. Memorandum of Agreement (MOA) to Donate a Non-Standardized Commemorative Work or Carillon: A legal agreement between VA and the donor for a NSCW or carillon. It includes a description of the item and requirements for escrow accounts, liability insurance, maintenance donation, easements for construction, etc. The MOA creates a platform for a clear understanding of each party's commitments and purpose and sets out expectations for responses in the event of intentional or unintentional breach of those commitments.

m. Proposal: The submission of a concept proposal to donate an NSCW or carillon. The proposal to donate is processed in distinct phases that provide the level of information NCA needs to render a decision on approval and the final acceptance of the donation.

n. Schematic Design: The first phase of project design.

o. Section 106, National Historic Preservation Act consultation: State and Tribal consultation required when a federal agency's undertaking may affect its properties listed on or eligible for listing on the National Register of Historic Places.

p. Standardized Memorial Monument (SMM): cut-stone or natural boulder of a specified size that contains an incised inscription or a memorial plaque to honor military service in the U.S. Armed Forces by groups or organizations or members of groups or organizations physically interred in that national cemetery.

q. State Historic or Tribal Preservation Office (SHPO/TPO): The official state or tribal agency that carries out in historic preservation responsibilities such as Section 106 review and compliance, and surveying and evaluating significant historic buildings, landscapes, objects, sites, and structures, per the National Historic Preservation Act.

4. SCOPE

a. This handbook outlines the procedures and criteria NCA staff and leadership must follow in reviewing and making decisions on gifts and donations of NSCW's and carillons. This handbook also covers gifts and donations solicited by the USMA or designee, or the Secretary of the Department of Veterans Affairs.

b. This handbook references actions to vet donors under VA Directive 0008, Developing Public-Private Partnerships with, and Accepting Gifts from, Non-Governmental Organizations (May 29, 2015).

c. The information in this handbook applies to donation requests received on or after the certification date. In addition, the information in this handbook is consistent with other NCA policies and, where applicable, VA policies.

5. REFERENCES

a. 38 U.S.C. § 2403, Memorial areas.

b. 38 U.S.C. § 2407, Authority to accept and maintain suitable memorials.

c. 38 C.F.R. § 38.603, Gifts and donations.

d. NCA Notice 2006-03, Reporting Memorials in VA National Cemeteries (May 1, 2006).

e. VA Directive 0008, Developing Public-Private Partnerships with, and Accepting Gifts to VA from, Non-Governmental Organizations (May 29, 2015).

f. NCA Directive 3160, Gifts and Donations to VA National Cemeteries (December 14, 2018)

g. NCA Handbook 3160.01, Donations of Monetary or In-kind Gifts or Items of Personal Property (December 14, 2018).

h. NCA Handbook 3160.02, Processing Donations of Standardized Memorial Monuments, Plaques, Benches and Trees; Fallen Soldier Displays (January 15, 2019);

SECTION II – INITIAL DONATION OFFER AND DONATION VETTING

1. Receiving gift and donation offers. Any NCA employee may receive offers of monetary donations, personal property, in-kind goods and services, and land. For donations and gifts valued at or above ten thousand dollars (\$10,000), including those solicited by the USMA or on behalf of VA, NCA must first determine whether a donor meets the requirements under VA Directive 0008, Developing Public-Private Partnerships with, and Accepting Gifts from, Non-Governmental Organizations (May 29, 2015). VA Directive 0008 applies to offers of gifts or donations, which means any property, item, service, or funds, from non-governmental organizations (NGO), not individuals.

NCA will not require donor vetting for offered donations valued under \$10,000. Upon receipt of any written gift or donation offer at or above the \$10,000 threshold, the NCA point of contact (POC) or the appropriate Cemetery Director will:

a. Provide to potential donors the “Options for Gifts and Donations to VA National Cemeteries” (Appendix A) to inform donors of the types of items NCA may accept as a gift and the general development requirements.

b. Inform potential donors in writing that NCA must first determine whether the donor meets VA requirements for gift acceptance and obtain information about the donor and the intended donation or gift for vetting purposes. Use the “Checklist for Vetting Non-Governmental Organizations Offering Donations at or over \$10,000” (Appendix B) to develop the information and supporting documents required to submit a donor for the vetting process.

c. Request a determination from the Executive Director, Office of Engagement and Memorial Innovations (OEMI), who is responsible for vetting potential donors in accordance with requirements in VA Directive 0008 - Developing Public-Private Partnerships with, and Accepting Gifts from, Non-Governmental Organizations (May 29, 2015).

2. Donor vetting. NCA will vet individual donors who meet an established monetary threshold (donation valued at \$10,000 or greater).

a. The Executive Director, OEMI, is responsible for vetting all potential NGO entities proposing to donate money, goods, services, or personal property valued at or above \$10,000. The Executive Director, OEMI, will determine if the donor meets VA and NCA policy requirements and will communicate that determination in writing back to the donor with a courtesy copy to the Cemetery Director the Executive Director, Cemetery Operations, or their designee. See Appendix E – Sample Letter for Executive Director, OEMI, Approval/Disapproval of Donor Vetting.

b. For vetted donors of a NSCW or carillon, the Cemetery Director will:

(i) Follow Appendix C, Checklist for NCA Staff – Non-Standardized Commemorative Works (NSCW) or Carillons.

(ii) Notify the District Executive Director of any unique, unusual, or substantial offers to include those that are notable because of the offer or the identity of the donor regardless of dollar value prior to acceptance.

(iii) Notify Cemetery Operations: NCACemeteryOperations@va.gov with the subject line "Donor Vetting NSCW (or Carillon) CEMETERY NAME" so that Cemetery Operations can begin tracking the potential donation.

3. Referring vetted donors for concept proposal development.

a. NCA employees will follow Appendix C - Checklist for NCA Staff – Non-Standardized Commemorative Works (NSCW) or Carillons to complete the required phases of the donation process. Cemetery Directors will assist vetted donors with developing donation proposals in accordance with procedures in this handbook.

b. Cemetery Directors will provide vetted donors with Appendix D – Checklist for Donor – Non-Standardized Commemorative Works (NSCW) or Carillons which informs donors of the guidelines for completing the phases of the donation process. *(For other gifts or donation types, see NCA Handbook 3160.01, to locate the donor checklist for Donations of Monetary or In-Kind Gifts or Items of Personal Property, and NCA Handbook 3160.02 for the donor checklist for Standardized Memorial Monuments, Plaques, Benches and Trees, and Fallen Soldier Displays.)*

SECTION III – PROPOSAL DEVELOPMENT AND DECISIONS ON DONATIONS

1. DEVELOPING A CONCEPTUAL DONATION PROPOSAL

a. Cemetery Directors must communicate the following information to donors to assist them in developing conceptual proposals.

(i) Only one NSCW honoring a specific subject matter will be permitted at a VA national cemetery.

(ii) If the NSCW honors a military event, it must be at least ten (10) years after the officially designated end of the event.

(iii) Primary components and design elements of the proposed NSCW must not feature actual or realistic replicas of ordnance or instruments of war (e.g., artillery, submarines, fighter jets, etc.) and would not be approved, except when used as an engraved or incised depiction of the Fallen Soldier display, or as they appear in a unit emblem, so long as it is not the predominant feature.

(iv) Proposed NSCW must be primarily secular in nature and not feature explicit religious emblems or themes.

(v) Proposed NSCW must not include words or design elements that are incompatible with the VA or NCA mission to honor Veterans, or that a reasonable person could perceive as offensive or derogatory.

(vi) Proposed NSCW must not bear acknowledgment of individual or corporate contributors, nor any advertising.

(vii) For any potential replication of an existing monument, memorial, or artwork from another location, the donor must certify in writing that the owner of the original design or object has provided the necessary permission(s) or approval(s) for replication.

(viii) The NSCW or carillon must honor military service of groups or organizations who meet current eligibility criteria for burial in a VA national cemetery.

(ix) The NSCW or carillon may not be used to honor individuals or civilian service no matter how notable or patriotic. NCA does not permit inscription of individual names on these donated items.

NOTE: *There are existing monuments in some national cemeteries that include inscriptions of individual names. NCA will allow additional inscriptions to be added to these monuments based on the original acceptance agreement or other considerations. See Appendix N, National Cemeteries with Grandfathered Monuments Displaying Individual Names, for additional information about these existing monuments or memorials that include individual names.*

(x) The year of installation/dedication shall be visible on NSCW's, and if a carillon donation is accompanied by an informational plaque about the gift, the date must appear on the plaque.

(xi) NSCW's and carillons are permanent; donors cannot remove and replace them in whole or in part to alter their appearance or content or update them with the addition of new features or elements.

(xii) The proposed NSCW design team must include a licensed/registered landscape architect or engineering architect with experience in the design of similar projects. Specialty disciplines will be involved as needed for the specific project.

(xiii) The design, location, size, and features of the NSCW must be compatible with the existing infrastructure of the cemetery, such as roadways, curbing and gutters, pedestrian walkways, storm drainage system, underground and/or overhead utilities, topography, etc.

(xiv) When existing infrastructure features of the cemetery need to be modified or new infrastructure features need to be added to accommodate the NSCW or carillon, the design of these features must be accomplished by the donor's registered professional architect, landscape architect, or engineer (A/E) as appropriate, and included on the NSCW contract documents submitted to NCA for approval.

(xv) Design and construction of new or modified infrastructure features that are needed to accommodate the NSCW shall be in accordance with "Building Codes" as specified in the Design Requirements and meet all VA standard construction guidelines and specification requirements. New or modified infrastructure design and construction shall match or exceed the physical and material characteristics, quality, and design of the existing infrastructure features of the cemetery.

2. DESIGN REQUIREMENTS

a. Design Criteria for Non-Standardized Commemorative Works

(i) Character and Theme: NSCW are placed in perpetuity, and therefore, the design must be consistent with maintaining the cemetery as a national shrine.

(ii) Size and Scale: The size and scale of the NSCW must be appropriate to the site and context within the cemetery and must not impact potential burial space at the cemetery.

(iii) Inscriptions: Inscriptions on a NSCW shall be meaningful to the broadest possible audience. Text and design elements on NSCW and related plaques will be limited to interpretive information about the work itself or the subject it commemorates. Wording will be both descriptive and concise. NSCW may include a brief memorial inscription, secular verse, quotation, or other brief wording appropriate to the work. Inscriptions shall not include words or design elements that are incompatible with the VA or NCA mission to honor Veterans, or that could be perceived as offensive or

derogatory by a reasonable person. Any associated plaque should be in scale to the work and complement rather than compete with it for attention. Dedication plaques will be limited to name of the artist or designer and the name of the donor. The dedication date (year, minimally) must be inscribed.

(iv) Effect on historic and cultural resources, and mandatory Section 106 consultation process: NSCW should be consistent with the historic significance of the cemetery. Appropriate siting can be assessed using the *Secretary of the Interior's Standards for Rehabilitation and Preservation Brief 36, Protecting Cultural Landscapes*. The goal is to ensure that a new NSCW does not adversely affect the historic character or existing features of a cemetery listed on or eligible for listing on the National Register of Historic Places. Any proposed NSCW that could potentially affect the character of an VA national cemetery or soldiers' lot shall be subject to the Section 106 consultation process of the National Historic Preservation Act of 1966. This is applicable to all VA national cemeteries regardless of age, but especially those more than 50 years old. The NCA Historical Architect is responsible for overseeing the Section 106 consultation process.

(v) Materials and durability: The NSCW must be of durable and permanent materials, designed for minimal maintenance and upkeep. The materials and workmanship of the NSCW must be of the highest quality, free of flaws and imperfections, and appropriate to environment and topography in which they are installed (e.g., desert, mountainous terrain, humid climate, etc.).

(vi) Location: The specific location for a NSCW shall be consistent with the cemetery master plan. NSCW shall be located only within currently developed areas of the cemetery (not in areas of future expansion) and shall not conflict with existing or planned burial space. NSCW are generally not placed on the memorial walkway, path, or trail but may be placed there under unique circumstances if the area can appropriately accommodate the size and configuration and NCA determines it would not detract from the uniformity desired in standardized memorial monument areas.

(vii) Safety: To ensure public safety, the NSCW shall be free of hazards and consistent with VA's responsibility to maintain a safe environment and protect and preserve VA staff, volunteers, visitors, and property.

(viii) Accessibility: All features for the design for NSCW's shall be accessible to people with disabilities in compliance with the Americans with Disabilities Act of 1990, Architectural Barriers Act of 1968, as amended, and departmental directives and guidance. To achieve compliance, NCA uses as its standard for building and facility design the Architectural Barriers Act Accessibility Standards (ABAAS) for Federal facilities. The standards are found at <http://www.access-board.gov/ada-aba/aba-standards-gsa.cfm>. All aspects of accessibility related to NSCW projects are to be reviewed and discussed with all VA and NCA stakeholders to ensure compliance throughout the design and construction process.

(ix) Building codes: The design and construction of the NSCW shall comply with the latest edition of nationally-recognized building codes as a minimum, such as the International Building Code (IBC), National Electrical Code (NEC), National Fire Protection Association (NFPA) Codes, and National Standard Plumbing Code (NSPC).

(x) Environmental Standards: The NSCW shall comply with applicable federal statutes, Executive Orders, and state and local regulations establishing environmental standards.

b. Design Criteria for Carillons

(i) Height: The allowable height will be approved based on unique environmental factors at each national cemetery and where the carillon will be placed.

(ii) Color: The color of all exposed metal must be dark brown or dark bronze. No other color may be used on any part of the tower.

(iii) Decorative elements and clocks: No decorative expanded metal grilles or metal panels are permitted. Where a grille is required, only louvers are acceptable, with no decorative batons or other patterns superimposed on the louvers. Clocks are not permitted.

(iv) Religious elements: No religious symbols or inscriptions are permitted.

(v) Shape and Form: The tower form is to be four-sided in its entire exposed height. No triangular, circular, or cantilevered elements are permitted.

(vi) Plaques: Any associated plaques located at/near the base should be in scale to the structure and complement rather than compete with it for attention. The year the carillon is installed/dedicated must be on the plaque.

(vii) Location: The site location will be recommended by the Cemetery Director with concurrence by the donor. Base (pad) design and accommodation to grade are to be submitted to the Director of NCA's Design and Construction Service (DCS) for review and approval.

(viii) Electrical: All required electrical wiring must be concealed and all service lines to the tower must be entirely underground.

3. MAINTENANCE REQUIREMENT

a. Cemetery Directors must advise donors that they are responsible for providing a monetary maintenance donation for each donated item and will provide a sample Memorandum of Agreement (Appendix G) for donors' reference only.

(i) Monetary Maintenance Donation: The donor must make a monetary maintenance donation to the accepting cemetery's restricted gift fund for each proposed NSCW or carillon prior to NCA issuing a Notice to Proceed. NCA will accept, hold, and access

these funds for the maintenance, repair, or removal of the donation. The donor will provide funds for the maintenance donation to VA prior to the start of construction.

(ii) Determining the Maintenance Donation Amount: NCA will determine the amount of the maintenance donation to be used for future repair and maintenance of each NSCW and carillon. The maintenance donation will be set at a minimum of 10 percent of the overall cost of the donation.

4. PROCEDURAL REQUIREMENTS

a. The Cemetery Director will work with the donor organization or designee to develop and compile a complete conceptual proposal package and will ensure the requirements defined in NCA's directive 3160 - Gifts and Donations to VA National Cemeteries and this handbook are appropriately addressed by the conceptual proposal. The cemetery director will discuss any deficiencies with the donor and address them prior to submitting the package for further NCA review.

b. The conceptual donation package for a NSCW or carillon must contain the following items:

(i) Cover Letter: A cover letter signed by the donor, or an authorized representative, that includes the donor's name, mailing address, and contact information for the principal point of contact (POC).

For non-governmental entities and those not previously recognized by VA under 38 CFR § 14.628, a complete conceptual proposal package will include the following as provided by the donor organization:

- (A) Recognition of the organization,
- (B) Articles of incorporation,
- (C) Membership criteria,
- (D) History of the donor organization,
- (E) Proof of tax-exempt status, and
- (F) Copy of the constitution and bylaws.

(ii) Donor Acceptance: A copy of the determination by the Executive Director, OEMI, that the donor met VA requirements for NCA to accept the donation (Appendix E - Sample Letter for Executive Director, OEMI, Approval/Disapproval of Donor Vetting).

(iii) Narrative of Commemorative Intent: A statement that provides:

(A) The background and historical information on the group or event to be commemorated or memorialized;

- (B) The relevance or relationship of commemoration to the donor; and
- (C) The reasoning for seeking placement in a VA national cemetery.

(iv) Conceptual Design: Drawings of the proposed NSCW or carillon design showing:

(A) Planned location with all elevations and dimensions of the proposed NSCW or carillon and foundation specifications;

(B) Areas for inscriptions and/or images with the proposed text/images along with the reference or source (text, quotes, images);

(C) Proposed materials for all elements and features; and

(D) Conceptual landscape plan for proposed location.

(v) Cost Estimate: The estimated cost for the design, fabrication, construction and installation of the NSCW or carillon. NCA requests this information for reporting purposes only.

5. CONCEPT REVIEW AND APPROVAL PROCESS

a. **Receiving and acknowledging a conceptual proposal for stakeholder review.** Cemetery Directors will email a digital copy of the complete donor’s conceptual proposal package and two (2) hard copies to the District Executive Director for review. The Cemetery Director will send the donor organization a letter “Acknowledging Receipt of a Proposal to Donate” using the sample letter in Appendix F and provide a courtesy copy to the District Executive Director.

(i) The Executive District Director will review the package for compliance and completeness, and work with the Cemetery Director to address any outstanding items and deficiencies. Once complete, the Executive District Director will provide a cover letter with endorsement or lack of endorsement for the proposed donation and citing any specific issues or concerns.

(ii) The Executive Direct Director will forward a digital copy and mail two (2) hard copies of the conceptual proposal package with endorsement or lack of endorsement to the Executive Director, Cemetery Operations, for coordination and review by NCA Central Office staff and leadership. Hard copy package should be mailed to the following address:

Department of Veterans Affairs
National Cemetery Administration
Office of Cemetery Operations (41A)
810 Vermont Ave NW
Washington, DC 20420
Attn: Executive Director, Cemetery Operations

Send digital copy to: NCACemeteryOperations@va.gov with the subject line "Conceptual Proposal NSCW (or Carillon) CEMETERY NAME.

b. Routing a conceptual proposal for stakeholder review. Cemetery Operations will assign an analyst who will review the conceptual package for compliance and completeness, coordinate with the District Office to address any deficiencies, and then route the package to the following stakeholders for review and comment.

(i) NCA History Program. Within ten business days of receipt NCA historians will review and provide comments to Cemetery Operations on the conceptual donation package with particular focus on the wording and accuracy of the interpretive description, inscription(s), and quotes, the appropriateness of images, potential impact to historical cemetery features or landscape, and any other features noted in the conceptual proposal.

(ii) NCA Design and Construction Service (DCS). Within twenty business days of receipt DCS will review and provide comments to Cemetery Operations on the conceptual donation package with emphasis on the following:

(A) Design concerns needing to be addressed by the donor in the concept or design phase;

(B) Compatibility of the donation with the Cemetery Master Plan. If a Master Plan does not exist, the compatibility of the proposed donation with the historic character of the cemetery;

(C) Need for Section 106 consultation and proposed timeline (as required) for such; and

(iii) Cemetery Operations Leadership. Within twenty business days of receipt of NCA Historians and DCS comments, Cemetery Operations leadership will review the conceptual donation package, to include cemetery, district, and stakeholder comments and make a recommendation on approval or disapproval.

c. Approval/disapproval process for a conceptual proposal. The assigned Cemetery Operations analyst will prepare a recommendation package for the proposed NSCW or carillon with a draft approval letter (Appendix H) or a draft disapproval letter (Appendix I) for concurrence by each Deputy Under Secretary and the Principal Deputy Under Secretary for Memorial Affairs (PDUSMA) and final decision by the Under Secretary for Memorial Affairs (USMA). Each Deputy Under Secretary and the PDUSMA will have ten business days for review and concurrence.

(i) Upon receipt of the USMA's decision:

(A) Cemetery Operations will notify the Cemetery Director and District Executive Director of the decision.

(B) Cemetery Operations will develop any additional information requested by the USMA during the review and decision-making process. This may require coordination with NCA program offices, the district office, cemetery, and/or donor

(C) Cemetery Operations will scan and make copy of the signed approval/disapproval letter and coordinate with NCA Executive Correspondence to dispatch the original to the donor. The copy of the approval/disapproval letter must be retained for the Gifts and Donations file, as described in Section VII, 1 of this handbook.

(ii) The Cemetery Director will contact the donor organization annually to obtain a status of fundraising activities and confirm the intent of the donor to pursue the donation. The status information will be reported through the District Office to the Office of Cemetery Operations.

(iii) Cemetery Operations will update the master donation tracker with the status provided by the District Office and DCS as the donation progresses through future phases.

(iv) Any approved conceptual proposal that does not receive a final design approval after five (5) years will need to be re-submitted for a new conceptual approval.

SECTION IV – DONATION DESIGN REVIEW AND APPROVAL

1. COORDINATION OF DESIGN PHASE

a. Within twenty business days of USMA approval of conceptual proposal, the assigned DCS Project Manager (PM) will reach out to the donor organization to provide contact information and provide an overview of design and construction review and approval phase.

b. NCA's Historical Architect will initiate the Section 106 consultation process in compliance with the National Historic Preservation Act of 1966 with the respective State Historic Preservation Office (SHPO) as required. Federal law requires that the SHPO respond within 30 days. If there is no adverse effect identified within 30-45 days, consultation will be completed. If there is an adverse effect identified that effect will require mitigation, which may take anywhere from 90-360 days.

c. The DCS PM will coordinate and communicate with the Cemetery Director and/or District Office and/or Cemetery Operations staff as needed throughout this phase; however, it is critical that the DCS PM be the sole communicator with the donor and their professional representatives on all substantial design communications to ensure unity of effort.

d. The DCS PM will provide status updates to Cemetery Operations as requested to maintain the master donation tracker.

2. DESIGN DOCUMENTS

a. Required Documents. The DCS PM will work with the donor and their professional representatives to coordinate the collection, review, and approval of required documents related to the design and construction of NSCW and carillons. Most projects require four complete sets of documents, which may be submitted in phases.

b. Design Documents Submission. The donor's A/E is responsible for producing a correct, complete, and fully coordinated set of drawings, design narrative, all inscription content, calculations, sample boards and specifications for the successful completion of the project in accordance with professional practice standards and VA criteria. The donor and the donor's A/E firm must adhere to the approved concept for the NSCW or carillon. For each submission, the donor's A/E will present designs on standard-size drawings. The drawings must:

(i) Include the date and, in large block letters above or beside the drawing title block, be labeled "SCHEMATIC SUBMISSION," DESIGN DEVELOPMENT SUBMISSION," or "CONSTRUCTION DOCUMENT SUBMISSION."

(ii) Bear the seal and signature of the registered professional architect, landscape architect, or engineer responsible for its design.

(iii) Incorporate the corrections, adjustments, and changes made by NCA in the previous review.

(iv) Before the final contract documents are issued for construction, a principal of the design firm shall be required to provide a signed certification that all drawings and calculations have been properly signed and sealed by the appropriate individual for each discipline, in accordance with the rules and regulations of the local state licensing authority. This certification will be forwarded to DCS PM upon the completion of the Construction Documents and will be retained in the Gifts and Donations file as described in Section VII, 1 of this handbook.

c. Memorandum of Agreement. DCS PM will prepare a draft Memorandum of Agreement (MOA) to Donate a Non-Standardized Commemorative Work or Carillon consistent with the sample found in Appendix G. Technical documents will be collected from the donor to support design and construction requirements and the terms of the MOA.

(i) DCS PM will submit the draft MOA and required supporting technical documents to NCA Legislative and Regulatory Service for review prior to release to the donor organization for review and signature. NCA Legislative and Regulatory Service will request review of the MOA by the VA Office of the General Counsel as needed.

(ii) Once the MOA is cleared by NCA's Legislative and Regulatory Service DCS PM will provide the MOA to the donor for review and signature.

(iii) DCS PM will provide the donor-signed MOA along with the required supporting technical documents to Cemetery Operations for preparation and routing of the USMA's design approval package. DCS PM will provide the documents listed below to Cemetery Operations for inclusion in the design approval package:

(A) Schematic Design

(B) Design Development

(C) Construction Documents

d. Routing of Design Package for USMA Approval. Cemetery Operations will prepare the design approval package, to include a design approval letter (Appendix O) and donor-signed MOA, and route it for the USMA's review and signature. Once the approval letter and MOA is signed, Cemetery Operations will scan and make a copy of the signed MOA, mail a copy to the donor and provide a digital copy to DCS and the History Program. The original documents will be retained for the Gifts and Donations file as described in Section VII 1 of this handbook.

SECTION V – DONATION CONSTRUCTION AND INSTALLATION

1. CONSTRUCTION REQUIREMENTS.

a. Operational Requirements. Construction will begin once DCS approves the final design documentation, the MOA is signed, and all pre-construction requirements are satisfied. Construction work must interfere as little as possible with normal cemetery operations, including utility services and fire protection systems. On-site work will be performed during the cemetery's normal operating hours or as otherwise specified in the MOA. All on-site contractor work must be coordinated with the cemetery's on-going grounds maintenance and burial operations activities. This will be achieved through NCA PM or CM coordination with the donor and/or its general contractor.

b. Construction Monitoring Requirements. Depending on the size and complexity of the donation, NCA may require an independent Construction Monitor (CM). If required, the CM will be approved/vetted by NCA and funded by the donor group. The requirement or need for a CM will be determined by the NCA PM during the design and prior to final approval.

(i) The donor must provide evidence that funds equal to 110 percent of the construction costs are in hand before a Notice to Proceed is issued to the donor's contractor prior to the start of construction.

c. Contractor Requirements. All contractors performing work in a VA National Cemetery must:

(i) Obtain all necessary licenses and permits required to perform the work;

(ii) Comply with all applicable Federal, State, County, and City Laws ordinances, Right-to-Know laws, Environmental Protection Agency guidelines and regulations;

(iii) Ensure that contract personnel adhere to standards of dress and conduct;

(iv) Ensure that no contract work causes any funeral, ceremony, procession or visitation to be delayed, altered, or otherwise impacted in such a way that the dignity, serenity or security of the event is compromised;

(v) Keep roads clear of construction materials, debris, standing construction equipment, and vehicles; and

(vi) Perform a clean-up of the construction site at the close of construction work each day.

d. Insurance Requirements. Liability insurance requirements for each donated NSCW will be stipulated in the MOA. The donor is responsible for obtaining the contractor's Certification of Liability Insurance, Performance and Payment bonds and providing them to the NCA CM prior to the start of construction.

(i) DCS will ensure that contractors complete and sign Appendix J – Sample Contractor Certification of Liability Insurance for a Non-Standardized Commemorative Work or Carillon. The signed document will be retained for the Cemetery Gifts and Donations file.

(ii) The donor and its contractor are responsible for the prompt replacement of any contractor-damaged cemetery structure, feature or equipment, including but not limited to: landscaping (turf, trees, plant beds); walkways, curbs, and gutters; road pavement; headstones or markers; utility and service lines; valve boxes; grid monument control markers; irrigation lines and equipment, etc.

(iii) Damage will be brought to the immediate attention of the designated Construction Monitor and the Cemetery Director before any corrective action is taken.

(iv) The contractor will bear all costs associated with repair, replacement and reinstallation of damaged property to the Cemetery Director's satisfaction.

e. Safety Requirements. The donor and its contractor are responsible for ensuring that all work is done in a manner that safeguards all VA employees and the public. The contractor is solely responsible for the actions of his/her employees and will take all responsible precautions necessary to protect persons and property from injury or damage.

2. CONSTRUCTION AND INSTALLATION

a. DCS will utilize a construction-monitoring protocol to assess construction progress and ensure punch list items are addressed.

b. Once construction is completed and based on the MOA requirements, DCS will:

(i) Inspect the installation;

(ii) Report their findings to Cemetery Operations;

(iii) Retain all relevant documents that were utilized throughout the process; and

(iv) Submit digital copies of all relevant documents to the NCA History Program.

SECTION VI – ACCEPTING A DONATION

1. ACCEPTING A NEW DONATION

a. DCS will collaborate with the Cemetery Director and the donor to develop documents for the approved donation using the samples in Appendix K – Sample Acceptance of Improvements to Real Property and Appendix L – Sample Deed of Gift Form for Donation of a Heritage Asset (as applicable). Once complete, DCS will route the letters to the USMA for signature.

b. DCS will prepare three (3) original custody receipts and provide one (1) copy to the donor, one (1) copy to the District Executive Director, and one (1) copy to the Cemetery Director for the location that received the NSCW or carillon, and provide a digital copy of all items described above to the NCA History Program. The original custody receipt must be retained by DCS along with:

- (i) A set of reduced-sized final drawings;
- (ii) A copy of the MOA; and
- (iii) All project-related correspondence.

c. All documentation maintained in NCA offices should be considered permanent records and should not be archived or destroyed unless directed to by the NCA Records Control Schedule.

SECTION VII – CEMETERY REPORTING AND RECORDKEEPING

1. GIFTS AND DONATIONS FILE

a. Each cemetery must maintain a detailed record of all proposals and donations of NSCW and carillons. The records must be sufficient to support an audit trail of the actions taken to process the donations. NCA Finance Service will request documentation for audit reviews. The following documentation must be retained in the cemetery's file:

(i) Original written offers

(A) If an accepted donation is a historical item, the Cemetery Director should retain the original documentation and refer a digital copy to the NCA History Program;

(ii) Copies of all official communications with the donor (e.g., USMA and Cemetery Director decision letters for accepted or declined offers, memoranda of agreements, etc.);

(iii) Copies of all recommendations made for donation offers that are forwarded to the USMA for decision; and

(iv) Copies of the Deed of Gift (Appendix L) for each historical donation that includes signatures by the donor and NCA Recipient and a description of the materials conveyed to the ownership of the U.S. Government;

2. GIFTS AND DONATIONS RECORDS BOOK

a. Cemetery Director will add the donated item to the Gifts and Donations Record Book that includes:

(i) A detailed description of the gift;

(ii) Actual or estimated value;

(iii) Date of donation; and

(iv) Donor identity unless donor anonymity is requested.

b. The Gifts and Donations Record Book is maintained in a public area of the administration office or other suitable public space.

c. Cemetery Director will ensure that NCA's Agent Cashier enters the donation in their corresponding gifts and donations log.

SECTION VIII – VACO REPORTING AND RECORDKEEPING

1. REPORTING AND DOCUMENTING THE DONATION

a. NCA is required to report and track accepted NSCW and carillons, including historic properties, which includes monuments and memorials installed in VA national cemeteries, and soldiers' and government lots. These properties generally encompass objects that commemorate large military conflicts or military events, as well as groups of individuals. These properties do not include any Government-furnished memorialization benefits (headstones or markers), private grave markers, or ornamental landscape features.

b. The NCA History program will maintain a master tracker on all NSCW donations.

(i) Within thirty (30) business days of the conclusion of an acceptance or denial of a donation, the Cemetery Director will complete a New Monument or Carillon Report (Appendix M) and provide digital copies of all documentation related to the donation to the NCA History Program to assist in its responsibility for monument accountability and history and Cemetery Operations for retention purposes.

APPENDIX A – Options for Gifts and Donations to VA National Cemeteries**Department of Veterans Affairs
National Cemetery Administration****Gifts and Donations to VA National Cemeteries**

VA is authorized under sections 2406 and 2407 of title 38, United States Code to request (solicit) and accept gifts and donations, as well to solicit gifts and donations for the benefit or beautification of our national cemeteries. Potential donors may review the information below to determine the type of gift or donation they want to make and understand NCA's review and acceptance procedures for proposed donations.

TYPES OF DONATIONS

- Monetary (cash, checks, bequests)
- Non-monetary (goods/personal property; trees; equipment, or services (e.g., historic-preservation restoration, landscaping))
- Land (real property)
- Carillon (bell tower)
- Standardized memorial monuments (cut-stone or natural boulder of a specified size that contains an incised inscription or a memorial plaque to honor military service in the U.S. Armed Forces by groups or organizations or members of groups or organizations physically interred in that national cemetery. It is not to be used to honor individuals or civilian service however notable or patriotic). SMM have a uniform appearance that enables a streamlined approval process; **it allows donors to quickly achieve the commemorative intent contemplated in their donation.**
- Non-standardized commemorative works (unique and substantial statue, sculpture, monument, plaque, structure, or landscape feature with dimensions and design complexity that exceed the specifications for a standardized memorial monument). A non-standardized commemorative work is considered an improvement to real property and is designed to perpetuate the memory of a branch or major unit of the U.S. Armed Forces or similar group physically interred in that national cemetery, war, major military conflict, or significant event related to war or military conflict, or other significant element in American history.

GENERAL REVIEW AND DECISION-MAKING PROCESS

- **RECEIPT OF OFFER:** NCA will request information from the donor, such as organization contact information, partners contributing to the donation, and technical information with narrative describing the purpose of the donation, and any relationships with the cemetery's support or friends' group.
- **DEVELOPMENT:** NCA will provide vetted donors with specific information relative to the type of donation they wish to make. NCA personnel will work with donors to develop proposals that may require items such as narrative statements about the donation, inscription information, technical drawings, cost estimates, proof of insurance, monetary maintenance donation requirement, and schematics.

- **DECISION:** NCA will work with donors to finalize proposals and, if applicable, inscription content and design specifications to support NCA's decision for acceptance. Decisions will be communicated in writing to donors.
- **DELIVERY/INSTALLATION/EXPENDITURE:** The donor will be required to provide all funds necessary for installation and agree that the donation becomes the property of the U.S. government upon acceptance.

NOTE: Donor organizations may engage in fundraising activities to cover the costs of the donation. Due to Federal law, under no circumstances will the donor make any statement, oral or written, that conveys VA support or endorsement of the fundraising. VA specifically prohibits the donor, or its agents, from using VA's name, or that of any official or employee, that would indicate VA sponsorship or participation in the fundraising effort. The donor accepts all risks for commitments the made prior to receiving NCA's final written approval of the donation.

APPENDIX B – Checklist for Vetting Non-Governmental Organizations Offering Donations at or over \$10,000

[INSERT NAME OF NCA EMPLOYEE CONDUCTING INTAKE AND DATE]

Donor Organization Name: _____

Point of Contact (POC) Name: _____

POC Phone Number / Email address: _____

Mailing Address: _____

Type of Donor Organization and Operating Status (check all that apply):

- Veterans Service Organization
- Faith-Based Service Organization
- Not-for-profit organization
- Community-based Organization
- Charitable Organization
- National Organization
- For-profit / Commercial Entity
- International Organization
- Active / Inactive (check one)

Description of Organization’s Mission, Purpose, or Goals (provide details)

Does the donor organization’s mission align with NCA’s mission and purpose?

YES / **NO** (check one)

Does the donor organization serve Veterans, Servicemembers, and their family members?

YES / **NO** (check one)

Does the donor organization have an existing partner or donor relationship with NCA?

YES / **NO** (check one)

Would partnership with the donor result in a conflict of interest or present litigation risks to VA?

YES / **NO** (check one)

If **YES**, provide rationale:

Donation Type / Purpose of Donation (check all that apply; provide details):

- Carillon
- Non-Standardized Commemorative Works
 - Landscape Feature
 - Statue
 - Plaque
 - Structure
 - Other (provide details below)

Provide Details:

APPENDIX C – Checklist for NCA Staff – Non-Standardized Commemorative Works (NSCW) and Carillons

INITIAL DONATION OFFER AND DONOR VETTING PHASE

1. NCA employee receives an inquiry from a group or organization interested in donating a NSCW or carillon for placement in a VA National Cemetery. The employee must refer the potential donor to the Cemetery Director at the proposed recipient site.

2. The Cemetery Director will:

a. Provide all potential donors Appendix A – Options for Gifts and Donations to VA National Cemeteries regardless of donation value.

b. If the donation is valued at \$10,000 or greater and the potential donor is a non-governmental organization (NGO), the Cemetery Director will inform the potential donor that NCA must first determine whether the organization or group meets VA requirements for gift acceptance. The Cemetery Director will assist the potential donor with gathering the requisite information about the organization or group and the intended donation for vetting purposes as shown in Appendix B – Checklist for Vetting Non-Governmental Organizations Offering Donations at or over \$10,000.

3. For donor organizations or group subject to vetting, the Cemetery Director will submit the donor information to the Executive Director, Office of Engagement and Memorial Innovations (OEMI), for vetting in accordance with VA Directive 0008, *Developing Public-Private Partnerships with, and Accepting Gifts from VA from Non-Governmental Organizations*.

a. The Executive Director, OEMI will communicate in writing their decision as to whether the donor meets VA requirements and provide a courtesy copy (cc) the Cemetery Director using the letter template found in Appendix E (Sample Letter for Executive Director, OEMI, Approval/Disapproval of Donor Vetting).

b. If the Executive Director, OEMI, finds the donor meets VA requirements, the approval prompts the development of the donation proposal.

CONCEPT DEVELOPMENT PHASE

4. Cemetery Director will review and discuss the donation criteria, design requirements and considerations, and maintenance requirement with the donor.

5. Cemetery Director will assist the approved donor with developing the conceptual proposal, to include consulting on design criteria and determining donation location, for the NSCW or carillon. Cemetery Director will provide the donor with the appropriate appendices to this handbook and coordinate with the District Executive Director and NCA central office as needed.

6. Cemetery Director will ensure the proposal is compliant with donation NCA's requirements and address any deficiencies with the donor.

7. Cemetery Director will obtain two hard copies and a digital version of the following documents from the donor for the proposed donation of a NSCW or carillon. A complete conceptual design proposal includes the following:

a. A cover letter signed by the donor, or an authorized representative of the group or organization, with contact information for the principle point of contact.

b. A narrative of commemorative intent that includes the background and historical information on the group or event that is being commemorated or memorialized, a statement of relevance or relationship of the commemoration or subject to the donor, and an explanation of reasons for placing it in the proposed VA national cemetery.

c. Technical drawings of the conceptual design proposal showing:

(i) Planned location with all four elevations and dimensions of the proposed NSCW or carillon and foundation specifications;

(ii) Areas for inscriptions and/or images with the proposed text/images along with the reference or source (text, quotes, images);

(iii) Proposed materials for all elements and features; and

(iv) Conceptual landscape plan for proposed location.

d. Cost estimate that includes the cost for the design and construction of a NSCW or carillon. (NCA requests this information for reporting purposes only).

8. Cemetery Director will add proof that the donor was vetted through the Executive Director, OEMI, (Appendix E) and met VA requirements for NCA to accept the donation.

CONCEPT REVIEW AND APPROVAL PHASE

9. Cemetery Director will submit two (2) complete hard copies and one (1) digital copy of the conceptual design proposal to the District Executive Director. Cemetery Director will acknowledge the conceptual proposal in writing (Appendix F - Sample Letter Acknowledging Receipt of a Proposal to Donate) and provide a copy to the District Executive Director.

10. The District Executive Director will review the conceptual proposal, confirm completeness and compliance with requirements and guidance, and make a recommendation to approve or deny the proposal. The District Executive Director will work with the Cemetery Director to address any deficiencies.

11. The District Executive Director will submit the hard copies of the conceptual proposal to NCA's Office of Cemetery Operations and forward the digital copy by email to the NCACemeteryOperations@va.gov mailbox.

12. Cemetery Operations will review the conceptual package for compliance and completeness, and coordinate with the District Office to address any deficiencies. forwards the conceptual NSCW or carillon proposal to the following internal stakeholders for review and comment as specified in the handbook:

a. NCA History Program. Ten (10) business days given for review and comment.

b. NCA Design and Construction Service (DCS). Twenty (20) business days given for review and comment.

c. Cemetery Operations Leadership. Twenty (20) business days given for review and comment.

13. The assigned Cemetery Operations analysis will prepare a recommendation package for concurrence with a draft approval letter (Appendix H) or a draft disapproval letter (Appendix I) for concurrence by each Deputy Under Secretary, and the Principal Deputy Under Secretary for Memorial Affairs (PDUSMA) and a final decision by the Under Secretary for Memorial Affairs (USMA). Each Deputy Under Secretary, PDUSMA and the USMA will have ten (10) business days for review and concurrence.

14. Cemetery Operations will notify the Cemetery Director and District Executive Director of the decision and update the master donation tracker with the status provided by the District Office and DCS as the donation progresses through future phases.

a. Cemetery Operations will scan and make copy of the signed approval/disapproval letter and coordinate with NCA Executive Correspondence to dispatch the original to the donor. The copy of the approval/disapproval letter must be retained for the Gifts and Donations file, as described in Section VII, 1 of this handbook.

b. Cemetery Director will contact the donor organization annually to obtain a status of fundraising activities and confirm the intent of the donor to pursue the donation. The status information will be reported through the District Office to the Office of Cemetery Operations.

NOTE: Any approved conceptual proposal that does not receive a final design approval after five (5) years will need to be re-submitted for a new conceptual approval.

DESIGN REVIEW AND APPROVAL PHASE

15. Within twenty (20) business days of USMA approval of conceptual proposal, the assigned DCS Project Manager (PM) will reach out to the donor organization to provide contact information and provide an overview of design and construction review and approval phase.

a. NCA's Historical Architect will initiate the Section 106 consultation process in compliance with the National Historic Preservation Act of 1966 with the respective State Historic Preservation Office (SHPO) as required.

b. DCS PM will coordinate and communicate with the Cemetery Director and/or District Office and/or Cemetery Operations staff as needed throughout this phase; however, it is critical that the DCS PM be the sole communicator with the donor and their professional representatives on all substantial design communications to ensure unity of effort.

c. DCS will provide status updates to Cemetery Operations as requested to maintain the master donation tracker.

16. The designated DCS will collaborate with the donor and their licensed design professionals to coordinate the collection, review, and approval of required documents specified in the handbook related to the design and construction of NSCW and carillons.

17. DCS PM will prepare a draft Memorandum of Agreement (MOA) to Donate a Non-Standardized Commemorative Work or Carillon consistent with the sample found in Appendix G. Technical documents will be collected from the donor to support design and construction requirements and the terms of the MOA.

a. DCS will submit the draft MOA and required supporting technical documents to NCA Legislative and Regulatory Service for review prior to release to the donor organization for review and signature. NCA Legislative and Regulatory Service will request review of the MOA by the VA Office of the General Counsel as needed.

b. Once the MOA is cleared by NCA's Legislative and Regulatory Service DCS PM will provide the MOA to the donor for review and signature.

18. DCS PM will provide the documents listed below to Cemetery Operations for inclusion in the design approval package:

a. Schematic Design

b. Design Development

c. Construction Documents

19. Cemetery Operations will prepare the design approval package, to include a design approval letter (Appendix O) and donor-signed MOA, and route it for the USMA's review and signature. Once the approval letter and MOA is signed, Cemetery Operations will scan and make a copy of the signed MOA, mail a copy to the donor and provide a digital copy to DCS and the History Program. The original documents will be retained for the Gifts and Donations file as described in Section VII 1 of this handbook.

CONSTRUCTION AND INSTALLATION PHASE

20. Construction will begin once DCS approves the final design documentation, the MOA is signed and all pre-construction requirements are satisfied, to include receipt of the maintenance restricted donation to the cemetery. DCS will determine the need for

the donor to fund the cost of an independent Construction Monitor (CM) working for NCA for the duration of construction.

21. DCS will ensure that the donor and its general contractor coordinates the construction with the designated NCA CM.

22. DCS will ensure that contractors complete and sign Appendix J – Sample Contractor Certification of Liability Insurance for a Non-Standardized Commemorative Work or Carillon

23. DCS will verify that the donor has provided a monetary maintenance donation for maintenance of the NSCW or carillon as outlined in the MOA.

24. DCS will collaborate with the Cemetery Director and NCA CM to ensure that construction activities are coordinated and do not have an adverse impact on daily cemetery operations and that all work is done in a manner that safeguards all VA employees and the public.

25. DCS will collaborate with the Cemetery Director and NCA CM to ensure that construction is completed, and final inspections are conducted.

26. DCS will collaborate with the Cemetery Director and the NCA CM to ensure that the donor corrects all punch list items.

27. DCS will collaborate with the Cemetery Director and NCA CM to coordinate re-inspection of the NSCW or carillon.

POST-CONSTRUCTION PHASE

28. DCS will collaborate with the Cemetery Director and the donor to develop Appendices K – Sample Acceptance of Improvements to Real Property and L – Sample Deed of Gift Form for Donation of a Heritage Asset (as applicable).

29. DCS will route the signed Appendices K and L for USMA signature.

30. DCS will prepare three (3) original custody receipts and provide one (1) copy to the donor, one (1) copy to the District Executive Director, and one (1) copy Cemetery Director that received the NSCW or carillon.

31. DCS will retain the following documents:

a. Original custody receipt;

b. Original MOA and one copy;

c. A set of reduced-sized final drawings;

d. All project-related correspondence.

e. Provide a digit copy of all documents to the NCA History Program (44D).

32. Cemetery Director will complete Appendix M – New Monument or Carillon Report and send it with all associated documents to the NCA History Program (44D) within thirty (30) business days of the installation of an approved new donation.

APPENDIX D – Checklist for Donor – Non-Standardized Commemorative Works (NSCW) and Carillons

INITIAL DONATION OFFER AND DONOR VETTING PHASE

1. Express to the Cemetery Director, or any other NCA employee, the group's interest in donating a NSCW or carillon to the U.S. Department of Veterans Affairs, National Cemetery Administration. Indicate the VA national cemetery where you intend for the item to be placed. The Cemetery Director will provide Appendix A – Options for Gifts and Donations to VA National Cemeteries.

2. When a potential donor is a non-governmental organization proposing to donate an item valued at \$10,000 or greater, NCA must determine whether the potential donor meets VA requirements for gift acceptance. In those instances, the Cemetery Director will provide Appendix B – Checklist for Vetting Non-Governmental Organizations Offering Donations at or over \$10,000.

3. If required, submit the required information outlined in Appendix B - Checklist for Vetting Non-Governmental Organizations Offering Donations at or over \$10,000 to the Cemetery Director to initiate the donor vetting process.

4. Receive written notice of the outcome of the donor vetting process.

a. If the organization or group meets VA requirements the Cemetery Director will contact the donor to initiate development of the donation proposal.

5. Review and discuss the following donation criteria with the Cemetery Director:

a. Only one NSCW honoring a specific subject matter will be permitted at a national cemetery.

b. If the NSCW honors a military event, it must be at least ten (10) years after the officially designated end of the event.

c. Primary components and design elements of the proposed NSCW must not feature actual or realistic replicas of ordnance or instruments of war (e.g., artillery, submarines, fighter jets, etc.) and will not be approved, except when used as an engraved or incised depiction of the Fallen Soldier display, as defined in NCA Handbook 3160.02, Standardized Memorial Monuments, Plaques, Benches and Trees; Fallen Soldier Displays.

d. Proposed NSCW must be primarily secular in nature and not feature explicit religious emblems or themes.

e. Proposed NSCW must not include words or design elements that are incompatible with the VA or NCA mission to honor Veterans, or that a reasonable person could perceive as offensive or derogatory.

f. Proposed NSCW must not bear acknowledgment of individual or corporate contributors, nor any advertising.

g. For any potential replication of an existing monument, memorial, or artwork from another location, the donor must certify in writing that the owner of the original design or object has provided the necessary permission(s) or approval(s) for replication.

h. The NSCW or carillon must honor the military service of groups or organizations who meet VA burial eligibility criteria.

i. The NSCW or carillon may not be used to honor individuals or civilian service no matter how notable or patriotic. NCA does not permit inscription of individual names on these donated items.

j. The year of installation/dedication shall be visible on NSCW's, and if a carillon donation is accompanied by an informational plaque about the gift, the date must appear on the plaque.

k. NSCW's and carillons are permanent; donors cannot remove and replace them in whole or in part to alter their appearance or content or update them with the addition of new features or elements.

l. The proposed NSCW design team must have a licensed/registered landscape architect or engineering architect on the team with experience in the design of similar projects. Specialty disciplines will be involved as needed for the specific project.

m. The design, location, size, and features of the NSCW must be compatible with the existing infrastructure features of the cemetery, such as roadways, curbing and gutters, pedestrian walkways, storm drainage system, underground and overhead utilities, topography, etc.

n. When existing infrastructure features of the cemetery need to be modified or new infrastructure features need to be added to accommodate the NSCW or carillon, the design of these features must be accomplished by the donor's registered professional architect, landscape architect, or engineer (A/E) as appropriate, and included on the NSCW contract documents submitted to NCA for approval.

o. Design and construction of new or modified infrastructure features that are needed to accommodate the NSCW shall be in accordance with Paragraph 3.4 "Compliance with Codes," and meet all VA standard construction guidelines and specification requirements. New or modified infrastructure design and construction

shall match or exceed the physical and material characteristics, quality, and design of the existing infrastructure features of the cemetery.

p. NSCW themes must be relevant to each cemetery and its burials. For example, an Afghanistan War monument cannot be donated to a long-closed Civil War-era cemetery. Likewise, a 21st national cemetery cannot accept a monument honoring Civil War service.

6. Review and discuss the following design considerations with the Cemetery Director:

a. Non-standardized Commemorative Works (NSCW)

- (i) **Character and Theme:** NSCW are placed in perpetuity, and therefore, the design must be consistent with maintaining the cemetery as a national shrine.
- (ii) **Size and Scale:** The size and scale of the NSCW must be appropriate to the site and context within the cemetery and must not impact potential burial space at the cemetery.
- (iii) **Inscriptions:** Inscriptions on a NSCW shall be meaningful to the broadest possible audience. Text and design elements on a NSCW and related plaques will be limited to interpretive information about the work itself or the subject it commemorates. Wording will be both descriptive and concise. It may include a brief memorial inscription, verse, quotation, or other brief wording appropriate to the work. Inscriptions shall not include words or design elements that are incompatible with the VA or NCA mission to honor Veterans, or that could be perceived as offensive or derogatory by a reasonable person. Any plaque should be in scale to the work and complement, rather than compete with it for attention. The dedication plaque is limited to name of the artist or designer, name of the donor, and the date dedicated. The dedication date (year, minimally) must be inscribed.
- (iv) **Effect on historic and cultural resources, and mandatory Section 106 consultation process:** New NSCW should be consistent with the historic significance of the cemetery. Appropriate siting can be assessed using the Secretary of the Interior's Standards for Rehabilitation and Preservation Brief 36, Protecting Cultural Landscapes. The goal is to ensure that a new NSCW does not adversely effect on the historic character or existing features of the cemetery. Any proposed NSCW that could potentially affect the character of a VA national cemetery or soldiers' lot is subject to Section 106 consultation under the National Historic Preservation Act of 1966. This is applicable to all NCA cemeteries regardless of age, but especially those more than 50 years old.
- (v) **Materials and durability:** The NSCW must be of durable and permanent materials, designed for minimal maintenance and upkeep. The materials and

- workmanship of the NSCW must be of the highest quality, free of flaws and imperfections and appropriate to environment and topography in which they are installed (e.g., desert, mountainous terrain, humid climate, etc.).
- (vi) **Location:** The specific location for a NSCW shall be consistent with the cemetery master plan. NSCW shall be located only within currently developed areas of the cemetery site (not in areas of future expansion) and shall not conflict with existing or planned burial space. NSCW are generally not placed on the memorial walkway, path or trail, but may be placed there under unique circumstances if the area can appropriately accommodate the size and configuration and NCA determines it would not detract from the uniformity desired in standardized memorial monument areas.
 - (vii) **Safety:** To ensure public safety, the NSCW shall be free of hazards and consistent with VA's responsibility to maintain a safe environment, and protect and preserve VA staff, volunteers, visitors and property.
 - (viii) **Accessibility:** All features for the design for NSCW's shall be accessible to people with disabilities in compliance with the Americans with Disabilities Act of 1990, Architectural Barriers Act of 1968, as amended, and departmental directives and guidance. To achieve compliance, NCA uses as its standard for building and facility design the Architectural Barriers Act Accessibility Standards (ABAAS) for Federal facilities. The standards are found at <http://www.access-board.gov/ada-aba/aba-standards-gsa.cfm>. All aspects of accessibility related to NSCW projects are to be reviewed and discussed with all VA and NCA stakeholders to ensure compliance throughout the design and construction process.
 - (ix) **Building codes:** The design and construction of the NSCW shall comply with the latest edition of nationally-recognized building codes as a minimum, such as the International Building Code (IBC), National Electrical Code (NEC), National Fire Protection Association (NFPA) Codes, and National Standard Plumbing Code (NSPC).
 - (x) **Environmental Standards:** The NSCW shall comply with applicable federal statutes, Executive Orders, and state and local regulations establishing environmental standards.

b. Carillons

- (i) **Height:** The allowable height will be approved based on unique environmental factors at each national cemetery and where the carillon will be placed.
- (ii) **Color:** The color of all exposed metal must be dark brown or dark bronze. No other color may be used on any part of the tower.

- (iii) Decorative elements and clocks: No decorative expanded metal grilles or metal panels are permitted. Where a grille is required, only louvers are acceptable with no decorative batons or other patterns superimposed on the louvers. Clocks are not permitted.
- (iv) Religious elements: No religious symbols or inscriptions are permitted.
- (v) Shape and Form: The tower form is to be four-sided in its entire exposed height. No triangular, circular or cantilevered elements are permitted.
- (vi) Plaques: Any associated plaques located at/near the base should be in scale to the structure and complement rather than compete with it for attention. The year the carillon is installed/dedicated must be on the plaque.
- (vii) Location: The site location will be recommended by the Cemetery Director with concurrence by the donor. Base (pad) design and accommodation to grade are to be submitted to the Director of NCA's Office of Design and Construction Management for review and approval.
- (viii) Electrical: All required electrical wiring must be concealed and all service lines to the tower must be entirely underground.

7. Discuss NCA's maintenance requirements for donated items with the Cemetery Director.

CONCEPT DEVELOPMENT PHASE

8. The donor will develop a conceptual proposal in consultation with the Cemetery Director. Once the proposal is complete, the donor will submit to the Cemetery Director two (2) complete copies of the conceptual donation proposal containing the following documents:

a. Cover letter signed by the donor, or an authorized representative, that includes the donor's name, mailing address, and contact information for the principal point of contact (POC).

For non-governmental entities and those not previously recognized by VA under 38 CFR § 14.628, a complete conceptual proposal package will include the following as provided by the donor organization:

- a. Recognition of the organization,
- b. Articles of incorporation,
- c. Membership criteria,
- d. History of the donor organization,
- e. Proof of tax-exempt status, and
- f. Copy of the constitution and bylaws.

b. Narrative of commemorative intent that includes the background and historical information on what group or event is being commemorated or memorialized, a statement of relevance or relationship of commemoration or subject to the donor, and an explanation of reasons for placing the donation in the proposed VA national cemetery.

c. Conceptual design drawings of proposed monument design showing:

(i) Planned location with all elevations and dimensions of the proposed NSCW or carillon and foundation specifications;

(ii) Areas for inscriptions and/or images with the proposed text/images along with the reference or source (text, quotes, images);

(iii) Proposed materials for all elements and features; and

(iv) Conceptual landscape plan for proposed location.

d. An estimate of cost that includes the design, fabrication, construction and installation of the NSCW or carillon.

e. Proof of donor vetting through the Executive Director, OEMI, and confirmation that donor met VA requirements for NCA to accept the donation.

9. The donor will receive a letter of acknowledgment for the conceptual donation proposal upon receipt of a complete package from the Cemetery Director.

CONCEPT REVIEW AND APPROVAL PHASE

10. Donor's conceptual package will be routed through NCA for review, concurrence, and approval. The donor may be contacted during this period to provide additional information and/or to address any deficiencies with the conceptual package. This phase of the process can take 4-6 months.

11. Donor will receive a written approval or denial of the conceptual donation from the Under Secretary for Memorial Affairs. If approved, the donor will be provided a point of contact in NCA's Design and Construction Service for completely the requirements for the Design Phase.

NOTE: Any approved conceptual proposal that does not receive a final design approval after five (5) years will need to be re-submitted for a new conceptual approval.

DESIGN REVIEW AND APPROVAL PHASE

12. Donor and their licensed design professionals will work with the designated DCS point of contact to coordinate the collection, review, and approval of required documents specified in the handbook related to the design and construction of NSCW and carillons. It is critical at this phase that the DCS PM be the sole communicator with the donor and their professional representatives.

13. Design Documents Submission. The donor's architect/engineer (A/E) is responsible for producing a correct, complete, and fully coordinated set of drawings, design narrative, all inscription content, calculations, sample boards and specifications for the successful completion of the project in accordance with professional practice standards and VA criteria. The donor and the donor's A/E firm must adhere to the approved concept for the NSCW or carillon. For each submission, the donor's A/E will present designs on standard-size drawings. The drawings must:

a. Include the date and, in large block letters above or beside the drawing title block, be labeled "SCHEMATIC SUBMISSION," DESIGN DEVELOPMENT SUBMISSION," or "CONSTRUCTION DOCUMENT SUBMISSION."

b. Bear the seal and signature of the registered professional architect, landscape architect, or engineer responsible for its design.

c. Incorporate the corrections, adjustments, and changes made by NCA in the previous review.

d. Before the final contract documents are issued for construction, a principal of the design firm shall be required to provide a signed certification that all drawings and calculations have been properly signed and sealed by the appropriate individual for each discipline, in accordance with the rules and regulations of the local state licensing authority. This certification will be forwarded to DCS PM upon the completion of the Construction Documents and will be retained in the Gifts and Donations file as described in Section VII, 1 of this handbook.

e. The donor or donor's A/E will respond to review comments received from the NCA DCS point of contact on all technical documents until the design and construction documents are complete and accepted by NCA.

14. DCS will prepare a draft Memorandum of Agreement (MOA) to Donate a Non-Standardized Commemorative Work or Carillon and present it to the donor for review and signature. Technical documents will be collected from the donor to support design and construction requirements and the terms of the MOA.

15. NCA will route the MOA and technical documents for review and concurrence and provide written approval for the design and construction phase.

CONSTRUCTION AND INSTALLATION PHASE

16. Prior to initiating construction the donor must meet all advance requirements specified in the MOA. DCS will communicate to the donor when construct may be initiated. Construction of the NSCW or carillon must be consistent with the approved technical design and construction documents and in accordance with the requirement of the MOA.

17. Throughout this phase the donor and their technical representatives and contractors will coordinate construction activities with the NCA's DCS point of contact, Construction Monitor (CM), and the Cemetery Director.

18. The donor will complete construction and coordinate the final Inspection with NCA representatives.

19. The donor will correct all punch list items and coordinate re-inspection of the NSCW or carillon as necessary.

POST-CONSTRUCTION PHASE

20. Obtain a signed acceptance of the donated NSCW or carillon from the USMA.

APPENDIX E – Sample Letter for Executive Director, OEMI for Approval or Disapproval of Donor Vetting

[Insert VA seal and letter head for Executive Director, OEMI]

[Date]

[Donor or POC Name]

[Title, if any]

[Street Address]

[City, State, Zip code]

Dear [Name of Donor or Donor Representative]:

Thank you for [“your offer to donate” OR “the offer to donate, on behalf of (Donor name)], the [SPECIFY donation type], valued at [SPECIFY monetary estimate] to the Department of Veterans Affairs (VA) [name of VA National Cemetery or National Cemetery Administration].

I am responding because I am responsible for the initial review of offers from potential donors under VA policies for developing responsible public-private partnerships with non-governmental organizations. As part of NCA’s due diligence, I must review all donation offers valued at or above \$10,000, taking into consideration factors such as donor suitability and whether acceptance of the proposed donation would be consistent with applicable legal authorities, VA core values, and available resources.

APPROVAL

Based on the information you provided about the proposed donation, I find that partnering with you [“your organization” OR “the donor”] would advance our shared mission to honor our Nation’s fallen heroes. I request that you please work with the leadership at [name of VA National Cemetery OR NCA POC] to complete the donation review and decision process.

DISAPPROVAL

Based on the information you provided about the proposed donation, I find that partnering with you [“your organization” OR “the donor”] [“presents a conflict of interests” OR “would not advance our shared mission to honor our Nation’s fallen heroes” OR “would drain NCA resources away from our mission to meet the burial needs of our Veterans” OR SPECIFY RATIONALE]. I understand this may not be the result you seek and hope you understand our obligation to adhere to VA’s policies that ensure we meet our primary purpose of serving Veterans.

Thank you for your interest in support of VA and the National Cemetery Administration.

Sincerely,
NAME
Executive Director, Office of Engagement and
Memorial Innovations

May 19, 2021

NCA HANDBOOK 3160.03
APPENDIX F

APPENDIX F – Sample Letter Acknowledging Receipt of a Proposal to Donate

[Insert VA seal and relevant Cemetery letterhead]

[Date]

[Donor or POC Name]

[Title, if any]

[Street Address]

[City, State, Zip code]

Dear [Name of Donor or Donor Representative]:

Thank you for [Donor Name/Organization's] recent conceptual proposal to donate a [non-standardized commemorative work OR carillon] to be placed at [cemetery name].

Please be advised that we are routing your donation offer through the NCA [non-standardized commemorative work OR carillon] review process.

I will contact you with a decision after the review process is complete.

Sincerely,

NAME

Director, [cemetery name] National Cemetery

cc: District Executive Director

APPENDIX G – Sample Memorandum of Agreement (MOA) to Donate a Non-Standardized Commemorative Work or Carillon

PURPOSE. This Memorandum of Agreement (MOA) to Donate a Non-Standardized Commemorative Work or Carillon is made by and between [cemetery name] and [Donor], located at [address], and the Government of the United States of America, by and through any duly authorized representative, and is dated as set forth below. This MOA will establish the framework for the donation for [Cemetery name] to the U.S. Department of Veterans Affairs (VA), of the [cemetery name] a [non-standardized commemorative work OR carillon] to enhance the natural beauty of the [cemetery name].

BACKGROUND. The Donor has evidenced an intention to raise money solely under its auspices, which it will offer to VA in the form of various enhancements to the Cemetery. The initial phase of the implementation of this MOA:

1. Will be directed to the enhancement to the [cemetery name].
2. VA has authority pursuant to 38 U.S.C. §§ 2407 and 38 CFR 38.603 to accept gifts and donations for the enhancement of the [cemetery name].
3. VA appreciates the efforts of the Donor to enhance [cemetery name]. The Donor and those raising funds on its behalf shall have the right to distribute this MOA or portions of it, but because of restrictions imposed by Federal law, under no circumstances will any statement be made, either oral or written, that the fundraising efforts of the Donor are supported or endorsed by VA. Further, other than referencing this MOA or any subsequent written approvals of VA, VA specifically prohibits the Donor, or those raising funds on its behalf, from using VA's name, or the name of any employee or official of VA in any manner which would indicate that VA is a sponsor of, or participant in, the Donor's fundraising efforts.
4. To facilitate VA's review of the terms and conditions of the MOA, the Donor has submitted to VA a "Proposal to Donate a Non-Standardized Commemorative Work or Carillon at the [cemetery name]." The proposal represents a narrative and graphic description of the proposed enhancements which specifically identifies the location of, and the conceptual design of the enhancements. The enhancements will be strictly limited to the project identified below and portrayed in the "Proposal to Donate a Non-Standardized Commemorative Work or Carillon at the [cemetery name]" as revised [date] offered by the Donor, which is hereby incorporated as [Exhibit #] to this agreement.

PROPOSED OFFER TO DONATE. The enhancements will be limited as follows:

5. The intent is to create a design that will be both aesthetically pleasing and quietly comforting to its visitors.

6. The design shall be readily accessible to people with disabilities and shall conform to the requirements of the Architectural Barriers Act Accessibility Standards (ABAAS). If necessary, the existing memorial pathway would be extended in [direction/description].

7. Access to the proposed site will provide the visitor with a quiet place of unspoiled natural beauty for reflection and for receiving solace from both sight and sound. This proposal maximizes exposure to the peace and solace of the existing natural scene. The Donor intends to minimize visitor access to the site and architectural intrusion of the surrounding landscape.

8. That minimum architectural intrusion is designed to give the [cemetery name] project significant meaning, consistent with the purpose of VA [cemetery name] as a hallowed final resting place and national shrine in honor of those interred there. The symbolism in the design is subtle, heartfelt, inclusive, and contributes to the visitor's experience of the cemetery.

9. The final design of the enhancements shall adhere to the approved proposal concept as shown in [Exhibit #]. The Donor is responsible for producing a correct, complete, and fully coordinated set of drawings, design narrative, calculations, sample boards, and specifications for the successful completion of the project in accordance with professional practice standards and VA criteria.

10. The MOA will be submitted by an authorized official of the Donor, who will represent the Donor in all discussions with VA and have authority to commit the Donor and its donors to any final agreement reached with VA. The MOA must include a statement that funding is or will be available in an amount sufficient to cover the total cost of the enhancement project. In addition, the Donor must provide evidence that funds equal to [escrow amount] of the design and construction cost are in hand before a Notice to Proceed is issued to Donor's contractor.

11. The Donor shall hire, supervise, and pay the necessary professionals ("Professionals") to design, permit, and construct. The Donor shall require the Professionals to adhere to required VA professional standards for Architecture, Landscape Architecture, Engineering, access, liability, and workmanship.

12. The Donor, by and through its Professionals, shall provide the Government the opportunity for review, in accordance with the schedule outlined in [Exhibit #]. A minimum of two (2) submissions of design drawings for VA review are required – one (1) Design Development and one (1) Construction Document submission. Submissions shall generally meet the submission requirements for the stage of design as stated in in VA Program Guide PG-18-15, Volume D, A/E Submission Requirements for National Cemetery Projects (Dec 2011). The Government agrees to provide appropriate review and commentary to any of the submittals (required under Exhibit xx) by the Donor.

13. The Donor, its professionals, employees, guests, invitees, and licensees, shall be granted access to the site and a construction staging area, in accordance with the Staging Plan of the Approved Construction Drawings.

14. Donor shall require its professionals adhere to general standards of workmanship and workmanlike conduct, as required in the "Revocable License for Non-Federal Use of Real Property" [Revocable License] [Exhibit #]. Donor shall ensure through its contracting process with its Professionals that all warranties of workmanship and materials shall transfer to the Government upon acceptance of the donation.

15. The Donor shall design wayfinding and interpretive signage to match existing cemetery signage and VA NCA standards, and shall indicate locations on the site plan.

16. Each Construction Drawing shall bear the seal and signature of the registered professional architect, landscape architect, or engineer responsible for its design. Before the final contract documents are issued for construction, a principal of the design firm shall be required to provide a signed certification that all drawings and calculations have been properly signed and sealed by the appropriate individual for each discipline, in accordance with the rules and regulations of the local state licensing authority.

17. VA solely will determine whether acceptance of the MOA or any portion thereof, including concept, design drawings, and construction documents, is in VA's best interest.

18. Prior to the commencement of any project(s), the Donor shall obtain Commercial General Liability coverage for a minimum of \$1,000,000.00 and add the "United States of America and its assigns" as an additional insured, including all subcontractors and sub-consultants, prior to accessing the property and require a 30-day advanced written notice to VA in the event of cancellation. Liability Insurance shall remain in force until acceptance of the project(s). A copy of all insurance certificates shall be provided to the VA NCA Design and Construction Service Project Manager, who will keep the records as a part of the project file.

19. Prior to the commencement of any project(s), the Donor will obtain a Performance Bond in the amount of one-hundred percent (100%) and a Payment Bond in the amount of fifty percent (50%) of the contract price agreed upon between the Donor and its contractor, which bonds shall remain in effect for the duration of the project(s). The Donor will furnish the Performance Bond to the Under Secretary for Memorial Affairs, on behalf of VA, before VA will authorize the Donor to commence work at the [cemetery name].

20. If required and prior to the commencement of any project(s), the Donor will be responsible for funding the cost of an independent construction monitor approved/vetted by the NCA PM.

21. Prior to the commencement of any project(s), the Donor will provide the Under Secretary for Memorial Affairs, on behalf of VA, with a statement that all necessary licenses, permits and approvals have been obtained from the various Federal, including but not limited to the US Army Corps of Engineers, state and local authorities, as applicable.

22. The Under Secretary for Memorial Affairs, or designee, or the Director, [cemetery name], as applicable, and the Donor will determine when work on the project(s) will commence to ensure a minimal adverse impact on the Cemetery. VA will issue a Revocable License to the Donor which will constitute permission to enter VA property and to commence work on the project(s). The Revocable License will remain in effect for the duration of the enhancement project(s).

23. All on-site contractor work shall be coordinated with the cemetery's ongoing grounds maintenance and burial operations, including funeral traffic and "quiet times" during interment services. Work shall interfere as little as possible with normal functioning of the cemetery, including operations of utility services, fire protection systems, and any existing equipment, and with work being done by others. Contractor personnel shall be required to adhere to standards of dress and conduct while performing work in the national cemetery. The contractor shall ensure that no contract work causes any funeral, ceremony, procession, or visitation to be delayed, altered, or otherwise impacted in such a way that the dignity, serenity, or security of the event is compromised. The contractor shall keep roads clear of construction materials, debris, standing construction equipment, and vehicles. The contractor shall perform a clean-up of the construction site at the close of construction work each day.

24. The Donor and its contractor are responsible for ensuring that all work is done in a manner that safeguards all VA employees and the public. The contractor shall be solely responsible for any and all actions of his/her employees and shall take all responsible precautions necessary to protect persons and property from injury or damage. Furthermore, the contractor and his/her employees shall fully comply with all applicable Federal, State, County, and City Laws, ordinances, Right-to-Know laws, and EPA guidelines and regulations.

25. The Donor and its contractor are responsible for the prompt replacement of any contractor-damaged cemetery structure, feature or equipment, including but not limited to: turf, trees, plant beds, landscaping; walks; curbs and gutters; road pavement; headstones or markers; utility and service lines; valve boxes, grid monument control markers, irrigation lines and equipment, etc. Damage will be brought to the immediate attention of the designated Construction Monitor before any corrective action is taken. The contractor shall bear all costs associated with repair, replacement, and

reinstallation of damaged property to the satisfaction of the Under Secretary for Memorial Affairs, or designee.

26. The Under Secretary for Memorial Affairs, or designee, will monitor and inspect the work being performed on the project(s), to ensure it is proceeding in a timely manner and for compliance with the approved drawings and specifications previously approved by VA.

27. The Under Secretary for Memorial Affairs, or designee, will be the sole judge whether the project(s) is in full compliance with the approved plans and specifications. If the Under Secretary for Memorial Affairs, or designee, determines there are deficiencies of any kind in the work performed by the Donor, the Under Secretary for Memorial Affairs, or designee, will advise the Donor in writing of the deficiencies, which deficiencies must be remedied by the Donor within 15 working days of receipt of written notice.

28. Provided that the Donor materially complies with the terms of this Offer as outlined herein, the Government agrees that, upon fifteen (15) working days written notice of successful completion of the final inspection by NCA, including correction of all deficiencies (punch list items), by the Donor, the Government shall accept this donation in its entirety upon the terms and conditions contained herein. Once a project(s) has been accepted, any and all enhancements to the [cemetery name] will become property of VA, which will have sole responsibility for the control and disposition of the enhancements.

29. The Donor and the Government agree that this donation shall be on an "AS-IS/WHERE-IS" basis, with no warranties or guaranties whatsoever, either expressed or implied, on the part of the Donor except for the warranties of title to the Property. Upon acceptance of this donation by the Government, as evidenced by the Acceptance of Improvements to Real Property, Donor shall assign the warranties of its Professional Contractors to the Government and the Government agrees that it shall look only to the Professionals or related parties (other than the Donor) as to any liabilities or guaranty or warranty issue related to the Property. Each warranty shall extend for a minimum of one year from the date of substantial completion. The period of one year shall be extended with respect to the portions of work first performed after substantial completion by the period between substantial completion and the actual performance of the work. Each warranty shall require Professionals to correct any deficiencies promptly after written notice. The Government shall give such notice to the Donor and appropriate Professional promptly after discovery of the condition giving rise to any deficiency in the work.

30. The Donor will be responsible for maintenance of all improvements to the [cemetery name] undertaken by the Donor pursuant to this Memorandum of Agreement for such special enhancements. The Donor agrees to provide a maintenance donation prior to the start of construction for future repairs and maintenance and to generate the income required for annual maintenance and other such improvements. NCA will

determine the amount of the maintenance donation, which will be set at a minimum of 10 percent of the cost of the project.

31. Within thirty (30) days after acceptance of the donation by the Government, the Donor shall provide a monetary maintenance donation for maintenance and repair work to the [cemetery name], in an amount equal to [donation amount]. This maintenance donation shall be deposited with a public foundation of Donor's choice, such as the [fund name], to handle the investment and administrative functions of the donation in cooperation with the needs of the Government for required maintenance or repair work, if any, based on mutually agreed upon guidelines. Such guidelines shall be evidenced in a document to be signed by the Government, the Donor, and the depository foundation, prior to the Donor's obligation to deposit such funds.

EFFECTIVE DATE, TOTALITY OF AGREEMENT, AMENDMENT, TERMINATION

32. This MOA becomes effective on the date of the later signature below.

33. The MOA represents and contains the entire and only agreement and understanding among the parties with respect to the subject matter of the MOA, and supersedes any and all prior and contemporaneous oral and written agreements, understandings, representations, inducements, promises, warranties, and conditions among the Donor and VA. No agreement, understanding, representation, inducement, promise, warranty or condition of any kind with respect to the subject matter of this Memorandum of Agreement shall be relied upon unless expressly incorporated herein.

34. This MOA shall be binding on, and inure to the benefit of the successors, assigns, and heirs of the Donor and VA. Nothing in the MOA, expressed or implied, is intended to confer upon any person or entity other than the Donor or VA or their respective successors and assigns any rights or benefits under or by reason of this MOA, except as provided herein.

35. This MOA will remain in effect unless amended, modified or superseded. Additions, deletions or changes shall be made in writing and signed by the signatories or their designated representatives.

TERMS AND CONDITIONS OF ACCEPTANCE BY NCA OF A DONATED ITEM

36. The acceptance of the gift or donated item by the National Cemetery Administration (NCA) is subject to the provisions of 38 U.S.C. § 2407.

37. Title to the donated item passes to, and is vested in, the United States, and the donor relinquishes all control over the future use or disposition of the gift or donation.

38. The donor is responsible for all costs related to design and acquisition, transporting, installing, and finishing the installation of the donation.

39. The donor is responsible for all costs for repairs related to damage to cemetery features and infrastructure caused by the installation of the donated item including, but

not limited to: turf and landscaping; walks; curb and gutter; street paving; and utility and service lines.

40. The design plans and exact location for placement of the donation must be approved by the Cemetery Director.

41. All actions associated with installation and dedication of donated items will be approved in advance by the Cemetery Director.

42. NCA will provide reasonable care and maintenance of the donated item and accountability of the gift. NCA will not be responsible for replacing any non-standardized commemorative work or carillon that is stolen or destroyed (entirely or in part) by acts of nature.

IN WITNESS WHEREOF, THE DONOR and VA have executed this MOA this ____ day of _____ [year].

DEPARTMENT OF VETERANS AFFAIRS

[Name]
Under Secretary for Memorial Affairs

Date

DONOR

[Donor Representative Name]
[Title, if any]

Date

May 19, 2021

NCA HANDBOOK 3160.03
APPENDIX H

APPENDIX H – Sample Conceptual Approval Letter – Donation of a Non-Standardized Commemorative Work or Carillon

[Include VA seal and USMA letterhead.]

[Date]

[Donor or POC Name]

[Title, if any]

[Street Address]

[City, State, Zip code]

Dear [Donor or POC name]:

I am pleased to inform you that the Department of Veterans Affairs (VA) has approved the conceptual proposal submitted by your organization [OR on behalf of the [Donor name], for a [non-standardized commemorative work OR carillon] to be erected in [National Cemetery name]. The documents and drawings you submitted meet National Cemetery Administration requirements for a [non-standardized commemorative work OR carillon].

We are privileged that your organization has selected [Cemetery name] as the site for a memorial honoring those who served in the [Name of group being honored].

We look forward to working with your organization in the design and construction phase of the [non-standardized commemorative work OR carillon] donation. Your point of contact for next phase is [Name of DCS POC], NCA Design and Construction Service. He/she can be reached at [phone number], or by e-mail at [DCS]@va.gov.

Sincerely,

[NAME]

Under Secretary for Memorial Affairs

cc: District Executive Director

May 19, 2021

NCA HANDBOOK 3160.03

APPENDIX I

**APPENDIX I – Sample Conceptual Proposal Disapproval Letter – Donation of a
Non-Standardized Commemorative Work or Carillon**

[Include VA seal and USMA letterhead.]

[Date]

[Donor or POC Name]

[Title, if any]

[Street Address]

[City, State, Zip code]

Dear [Donor or POC name]:

Thank you for your offer [OR on behalf of the DONOR NAME] to donate a [non-standardized commemorative work OR carillon] that was proposed to be erected at [cemetery name]. I am writing to inform you that your request was not approved.

[Insert reasons and bases for the disapproval: donation failed to meet design specifications, OR proposed donation does not honor military service in the US Armed Forces by groups or organizations, etc.]

I regret that we cannot accommodate your request. If you have any questions, please contact me at [phone number], or by e-mail at [Cemetery Director] @va.gov.

Sincerely,

[Name]

Under Secretary for Memorial Affairs

cc: District Executive Director

APPENDIX J – Sample Contractor Certification of Liability Insurance for a Non-Standardized Commemorative Work or Carillon

I certify that _____ on _____:
Name of Company Date

- a. Our company complies with applicable Federal and State Worker Compensation and occupational disease studies; and
- b. Our company has current Bodily Injury Liability Insurance coverage written on the comprehensive form of policy of at least <amount> per occurrence with _____; and
Name of Insurance Company
- c. Our company has current Property Damage Liability insurance coverage of at least [amount] with _____.
Name of Insurance Company

Printed Name of Company Official Title

Signature of Company Official Date

Street Address

City/State/Zip Code

Telephone Number

APPENDIX K – Sample Acceptance of Improvements to Real Property

[DATE]

Reference is hereby made to that certain Memorandum of Agreement (that "Offer"), made as of the ____ day of _____, [year], by and between _____, a [charitable trust OR public charity], constituted in _____, with an address _____, (the "Donor") and the UNITED STATES OF AMERICA, FOR AND ON BEHALF OF THE DEPARTMENT OF VETERANS AFFAIRS, (together with its assign(s), "Government"), with an address of 810 Vermont Avenue, N.W., Washington, DC 20420.

The donation is hereby accepted for and on behalf of the Government, subject to the attached "Punch List", which is incorporated herein by reference.

[NAME]
Under Secretary for Memorial Affairs

Notice of Acceptance shall be sent to:

[Donor or POC Name]
[Title, if any]
[Street Address]
[City, State, Zip code]

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared _____, as authorized signatory of the Government, known to me or satisfactorily proven to be the person described in and who executed the foregoing instrument and acknowledged before me that he/she executed the same.

WITNESS my hand and official seal in the county and state last aforesaid, this ____ day of _____, [year].

[NAME]
Notary Public
My commission expires: _____

Personally known _____
Produced Identification _____
Type of identification produced _____

_____, a [charitable trust OR public charity], hereby agrees and covenants that any items remaining on the attached Punch List shall be completed by its General Contractor on or before _____, [year]. The Memorandum of Agreement shall further remain in full force and effect until the punch list has been completed and the General Contractor shall have removed all of its equipment, to include but not limited to construction trailers, construction equipment and debris, etc. Further, the staging area shall be restored to the conditions existing prior to the commencement of construction.

[DONOR NAME]

[DONOR TITLE]

STATE OF [state name]

COUNTY OF [county name]

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared _____, as authorized signatory of the Government, known to me or satisfactorily proven to be the person described in and who executed the foregoing instrument and acknowledged before me that he/she executed the same.

WITNESS my hand and official seal in the county and state last aforesaid, this ____ day of _____, [year].

[NAME]

Notary Public

My commission expires: _____

Personally known _____

Produced Identification _____

Type of identification produced _____

APPENDIX L – Sample Deed of Gift Form for Donation of Heritage Asset

[Use Donor Letterhead or Donor Name]

DEED OF GIFT FORM

I wish to convey my ownership of certain historical materials, described below, to the National Cemetery Administration (NCA), Department of Veterans Affairs (VA), for the purposes of preservation, research, and education. By signing below, I hereby grant and convey to NCA unrestricted title and all physical, custodial, literary, and copyrights that I may have to the historical materials herein described. NCA, its successors or assignees, may scan, duplicate, reformat, preserve, publish, and distribute images of these materials in any format they deem appropriate.

Description of materials being donated:

<u>Quantity</u>	<u>Description</u>	<u>Subject(s)</u>	<u>Date/Range</u>
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[Please insert requested information under headings shown above]

Donor Signature

NCA Recipient Signature

Donor Name (please print)

NCA Recipient (please print)

Date

Date

Donor's Street Address

City/State/Zip code

APPENDIX M – New Monument or Carillon Report

Within thirty (30) days of the installation of an approved non-standardized commemorative work or carillon, Cemetery Directors must complete this form and send it with all associated documents to the NCA History Program (44D), with a copy to Cemetery Operations.

The required information for the report is shown below. The fillable form is located at: <https://www.cem.va.gov/docs/wcag/history/NewMemorialReport.pdf>

**National Cemetery Administration
NEW MONUMENT or CARILLON REPORT**

Complete form and forward, along with other requested materials, within 30 days of installation.

Cemetery Name Station No.

Monument Name or Carillon

Date Installed Date Dedicated

Donor Name

Cost Dimensions (H x W x D)

Material(s)

Artist/Designer/Manufacturer

Location in cemetery
(e.g. grave section, road, memorial walkway)

Inscription(s)

Submit a minimum of three (3) digital photographs of the monument/carillon to show all sides and inscriptions (carillons and monuments other than standard ones will require a greater number of photographs to adequately address entire object); copies of dedication ceremony announcements; media coverage; plans or related documentation. Digital images should be 1600x1200 pixels at 180 ppi (pixels per inch) or larger.

Signature of Cemetery Director Date

Copies: Send via email to NCAHistoryProgramMailbox@va.gov
 Retain a copy at the cemetery for your permanent files
 Send District office a copy

For questions, please contact Jennifer Perunko, Historian, at 202/632-5441 or jennifer.perunko@va.gov

Created 6/1/2016

APPENDIX N – National Cemeteries with Grandfathered Monuments Displaying Individual Names

The following VA national cemeteries have monuments or memorials that include individual names based on the original acceptance agreement or other unique circumstances that existed at the time the monuments were proposed. NCA will allow inscriptions of additional individual names only at these locations for these monuments. Donor requests to add inscriptions on the monuments listed below must be documented in writing and forwarded to the responsible District office for review and approval.

1. The following three monuments/memorials are located within VA national cemeteries and owned and maintained by VA/NCA.
 - a. Gerald B.H. Solomon, Saratoga National Cemetery: 2001 dedication of granite memorial consisting of an obelisk with the names of deceased Veterans from Saratoga County inscribed on two granite slabs.
 - b. Riverside National Cemetery: 1999 dedication of the Medal of Honor (MOH) Memorial that includes the names of all MOH recipients. This memorial was designated as a National Medal of Honor site in the “National Medal of Honor Memorial Act,” October 28, 1999 (Public Law 106-83).
 - c. Willamette National Cemetery: 1996 dedication of the Oregon Korean War Veterans Memorial includes the names of Oregon servicemen and women who served in that conflict.
2. The following two monuments/memorials are located within VA national cemeteries but owned and maintained by external entities.
 - a. Indiantown Gap National Cemetery: 2001 dedication of the Pennsylvania Veterans’ Memorial honors Veterans of all eras. The memorial is maintained by the Pennsylvania Department of Military and Veterans Affairs. Requests to add names to the memorial should be referred to that organization.
 - b. National Memorial Cemetery of the Pacific: 1966 dedication that includes names of American World War II missing from the Pacific, Korean War, and Vietnam War. The memorial is maintained by the American Battle Monuments Commission.

**APPENDIX O – Sample Design Approval Letter – Donation of a Non-Standardized
Commemorative Work or Carillon**

[Include VA seal and USMA letterhead.]

[Date]

[Donor or POC Name]

[Title, if any]

[Street Address]

[City, State, Zip code]

Dear [Donor or POC name]:

I am pleased to inform you that the National Cemetery Administration (NCA) has approved the design and construction documents submitted by your organization for the [NSCW or carillon] to be erected in [Cemetery Name] National Cemetery.

Please contact [POC Name Design and Construction], Design and Construction Service, who will coordinate with your organization and [Cemetery Director Name], Director, [Cemetery] National Cemetery, on the construction of the [NSCW or carillon]. You can contact [POC Name Design & Construction Service] by phone at [phone number], or by email at [POC Design & Construction]@va.gov. You can reach [Cemetery Director Name] by phone at [phone number], or by email at [Cemetery Director]@va.gov.

We thank you and the [Organization Name] for this generous donation and for your partnership with NCA and [Cemetery] National Cemetery.

Sincerely,

[Name]

Under Secretary for Memorial Affairs

cc: District Executive Director