

## **Summary of Proposed Changes to 605 CMR 6.00: Library Improvement Program – Public Library Construction**

### **Summary**

Regulations 605 CMR 6.00 that governs the MPLCP were last completely reviewed and updated in 2001, with minor revisions in 2004 and 2006. In preparation for a new construction grant round to take place in 2010, staff have again reviewed the regulations and are proposing several updates and changes to the Board for its approval at an upcoming meeting. Of the changes recommended the ones having the greatest impact are:

- Increase in amount of grant awards for single and joint projects
- Eliminate all references to reimbursement projects (whereby a library once was able to apply retroactively for construction done without a review)
- Incorporate the initiative to build sustainable (green) public buildings
- Require that all projects costing more than \$1,500,000 retain an Owner's Project Manager
- Update the space planning guidelines
- Extend the time period after a library has to secure local funding and has to execute a contract with the MBLC, to begin construction from nine (9) months to twelve (12) months
- Increase the eligible cost allowance for land values for publicly or privately owned land donated as the site of the project from \$400,000 to \$800,000. (There is no allowance for any value for a building already owned by the municipality, the local school district or on donated property, just for the land itself.)
- Further define the existing requirements that the library facility for which the grant is received to be used as a public library for at least 20 years.
- Remove the limit on eligibility for planning and design projects

## **Significant Additions, Deletions and Changes**

### **6.03 Definitions**

- Additions
  - As Built Drawings
  - Commissioning
  - Continuous Use
  - LEED (Leadership in Energy and Environmental Design)
  - Owner’s Project Manager
  - Approved Site
  - Sustainable Design
  - U.S. Green Building Council
- Changes
  - Application Round – Definition expanded to include the provision that approved projects that can not be funded will be placed on Waiting List.
  - Eligible Applicants – Definition expanded to include that libraries must be certified by State Aid to Public Libraries program at the time of the grant award and remain certified until project completion.
  - Eligible Costs – Increased land value from \$400,000 to \$800,000 (There is no allowance for any value for a building, just for the land itself.)
  - Proportional Costs – Definition expanded to include the provision that some types of space that are to be shared by a library and another organization “such as rest rooms and HVAC controls, are not eligible for proportional funding and must be located in dedicated library space to be considered [an] eligible [cost].”

### **6.04 Administrative Procedures and Policies**

- Addition
  - Section (2) Board may modify or extend the time for compliance with conditions of eligibility, or other municipal certifications.

### **6.05 Conditions of Eligibility**

- Additions

- Section (1)(a) Library Corporations must be designated and empowered by legislative active to conduct capital projects.
- Sections (2)(c) Assurances (6.09(7)) of current regulations moved to 6.06 of proposed regulations)
  - (2) Providing more specific information on consequences of eliminating library services when MPLCP funded construction within a 20 year period after the new or expanded facility opens.
  - (34) Commencement of project within one year of signing grant agreement.
  - (35) Providing as-built drawings within 60 days of receiving Certificate of Occupancy
  - (36) Approved site remains as described in application
- Section (3) – Failure to comply with any assurance is considered a breach of contract and action will be taken by Board for the return of grant award. .

## **6.06 Types of Projects**

- (1) General Projects
  - ( a ) New Construction Project
    - Addition
      - 2) Requirement for a stamped geotechnical survey with subsurface soil analysis.
  - (b) Addition/Renovation or Renovation
    - Addition
      - 2) Requirement of a stamped geotechnical survey with subsurface soil analysis.
- (2) Special Categories
  - Deletion
    - EQV eligibility requirement to receive a planning and design grant
    - Reimbursement of projects executed prior to MBLC approval

## **6.07 Application Submittal Requirements**

- Addition
  - Section (7 d 6) Stamped topographic land survey completed within fifteen years of the application, delineating boundary lines.

## **6.08 Selection Procedures and Standards**

- Change
  - Section (5) “Space Planning Standards” changed to “Space Planning Guidelines”
- Additions
  - Section (5)(c) Regional Delivery Space – allocating adequate space for deliveries from regional library system.
  - Section (5)(f) Space Planning Guidelines - guideline that children’s services area meet the latest version of the Massachusetts Library Association’s “Standards for Public Library Services to Children in Massachusetts”
  - Section (6)(j) Sustainable features – planning and budgeting to meet LEED prerequisites
  - Section (8) Approval
    - Director recommendation made based on information and data summarized by staff
    - Planning and design awarded based on priorities in section (7)
- Deletion
  - Section (7) Priorities. Economic hardship factor as a priority deleted from this section.

## **‘6.08 (9 a) Funding Formulas**

- Changes – New Funding Formulas
  - (b) Library Construction Project in a Single Municipality. Median increase of 20% in grant awards for single and joint projects

Eligible Cost	Incremental State Share
First \$3,000,000	60% of amount up to \$3,000,000
\$3,000,000 - \$6,000,000	45% of amount between \$3,000,000 and \$6,000,000
\$6,000,000 - \$15,000,000	40% of amount between \$6,000,000 and \$15,000,000
\$15,000,000 and up	30% of amount above \$15,000,000

(c) Joint Projects. Eliminate financial incentive and fund at same level as single project

Eligible Cost	Incremental State Share
First \$3,000,000	75% of amount up to \$3,000,000
\$3,000,000 - \$6,000,000	60% of amount between \$3,000,000 and \$6,000,000
\$6,000,000 - \$15,000,000	55% of amount between \$6,000,000 and \$15,000,000
\$15,000,000 and up	45% of amount above \$15,000,000

(d) Phased Project – no change

Eligible Cost	Incremental State Share
First \$1,000,000	50% of amount up to \$1,000,000
Second \$1,000,000	45% of amount between \$1,000,000 and \$2,000,000
\$2,000,000 - \$5,000,000	40% of amount between \$2,000,000 and \$5,000,000
\$5,000,000 - \$7,000,000	30% of amount between \$5,000,000 and \$7,000,000
\$7,000,000 and up	20% of amount above \$7,000,000

o Additions

- o (e) A need factor may be established for each municipality at the time a program notice for a grant application round is issued.
- o (f) Green Library Incentive requirements.
- o (g) In no case can a grant award exceed 75% of eligible costs, including additional incentives.

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