

## 605 CMR: BOARD OF LIBRARY COMMISSIONERS

### 605 CMR 6.00: LIBRARY IMPROVEMENT PROGRAM - PUBLIC LIBRARY CONSTRUCTION

#### Section

- 6.01: Introduction and Statutory Authorization
- 6.02: Scope and Purpose
- 6.03: Definitions
- 6.04: Administrative Procedures and Policies
- 6.05: Conditions of Eligibility
- 6.06: Types of Projects
- 6.07: Application Procedures
- 6.08: Selection Procedures and Standards
- 6.09: Provisional Grant Awards
- 6.10: Grant Disbursements
- 6.11: Waiting List

#### 6.01: Introduction and Statutory Authorization

605 CMR 6.00 is issued pursuant to the authority of M.G.L. c. 78, § 19.

#### 6.02: Scope and Purpose

605 CMR 6.00 is promulgated in order to administer a program of grants in aid to municipalities of the Commonwealth for the planning, reconstruction, construction, design, acquisition of real property, renovation, preservation, rehabilitation, demolition or expansion costs of a facility to be used as a free public library under M.G.L. c. 78, as most recently amended. The intent of this program is the provision of financial assistance to municipalities for the planning, design, improvement and expansion of their library facilities so that there is a corresponding improvement in the services offered and access to those services. It is not intended to provide assistance for activities such as repair and maintenance. 605 CMR 6.00 sets forth the requirements to be met, the standards that shall be applied, and the procedures to be followed in the awarding of these grants.

#### 6.03: Definitions

(\*Indicates definitions from St. 1987, c. 478).

Acquisition of Real Property. Obtaining by gift, purchase, devise, grant, eminent domain, or otherwise; land, buildings, appurtenant structures and fixtures attached to buildings or land, including where applicable, all interests in real property, whether created by title, easement or other legal interest.

\*Addition, Expansion or Extension. Work which will result in an increase in the overall external dimensions of a public library facility.

\*Alteration. The work required to modify or adjust the interior space arrangement or other physical characteristics of an existing public library facility so that it may be more effectively utilized for library purposes.

Application Round. The period in which grant application materials are available to prospective applicants, completed applications are reviewed, provisional award requirements are fulfilled, and grants are awarded or projects placed on the Waiting List.

\*Approved Public Library Project. An undertaking for the planning, alteration, construction, demolition, reconstruction, renovation, addition, expansion, extension, or rehabilitation of a public library facility as approved by a majority vote of the town at a town meeting or by a majority vote of a city council, with the approval of the mayor, in case of a city or in a municipality having a town council form of government, by a vote of the town council.

6.03: continued

Approved Site. The site as approved at the time of the grant award or placement on the waiting list. The site for a library building project shall be exhibited in the grant application by a stamped plan prepared by a Massachusetts registered architect and shall be delineated by a stamped recent (within 15 years) survey performed by a Massachusetts licensed land surveyor. The site shall include adequate space for parking, grading, utilities, and the library building including any necessary space for future expansion.

As-built Drawings. Revised set of stamped drawings submitted by a contractor upon completion of a project that reflect all changes made in the specifications and working drawings during the construction process. These show the exact dimensions, geometry and location of all elements of the work completed under the contract and serve as a record of differences between the original design as submitted and approved and the completed structure.

The Board. The Massachusetts Board of Library Commissioners of the Commonwealth.

Building Efficiency. A means of determining the efficiency of the design of a library building based on the ratio of assignable (or net usable) area to gross area. Assignable area is the sum of all areas (measured in square feet) on all floors of a building assignable to or useful for library functions or purposes, including space for books and materials, public seating, service desks, offices, and meeting rooms. Gross area is the sum of the floor areas in square feet (no matter how the areas are used) included within the outside faces of the exterior walls for all levels that have floor surfaces. This includes stairwells, elevator shafts, rest rooms, mechanical rooms and entryways. Projects must meet or exceed an efficiency rating of at least 65%. This rating shall be determined using either AIA Document D101 or ANSI/BOMA Z65.1.

Building Program. See Library Building Program.

Catastrophic Loss of Library. An emergency situation created when an existing library is rendered permanently unusable.

Certification of Funds. The Board shall require a certification of the availability of local funds sufficient to cover the estimated eligible cost of the total project at the time that the municipality accepts the award. This shall equal the costs that remain after deducting the provisional award amount from the estimated eligible cost. The total of federal and state monies may not exceed 75% of the eligible cost.

Certification of Project. After notification of provisional award and within six months of the Board's vote or other deadline as determined by the Board, the municipality shall certify that sufficient funds are available to cover the estimated eligible cost of the approved public library project as approved by the Board and that construction will commence within one year from the signing of a Grant Agreement with the Board.

Commissioning. Building commissioning is a quality assurance program intended to demonstrate that a building is constructed well and performs as designed. The commissioning agent is responsible for coordinating and carrying out the commissioning process. For complex projects, the commissioning agent should be brought on as part of the design phase.

\*Construction. New construction, alteration, renovation, rehabilitation, or other activity that is intended to result in a significant increase in the internal usable space of a free public library.

Construction Start Date. The signing of a construction contract between the municipality and the general contractor.

Continuous Use. Continuous use as a free public library means that the library is open to the public and providing basic library services as defined under the State Aid to Public Libraries program. In the event that a library facility constructed with Massachusetts Public Library Construction Program funds is not kept in continuous use as a free public library for 20 years, the city or town shall return the amount of the grant award plus interest to the Board of Library Commissioners within 30 days of the date the library building falls out of compliance. The 20-year period shall begin upon the date that the building certificate of occupancy is issued, and survives in the contract after completion of the building.

6.03: continued

Demolition. The act of tearing down or razing an existing structure so that the site may be used for an approved public library project.

Design. Plans prepared by an engineering or architectural firm for the design or modification of a facility. Design shall include, but not be limited to: plans, drawings, specifications, and other necessary project design documentation.

Designer Selection. State law requires a designer selection process for public building projects that meet certain cost criteria. (M.G.L. c. 7, § K) The law applies to design service contracts for any building construction, reconstruction, alteration, remodeling, or repair work. Design services include the following services in connection with a public building project: preparation of master plans, feasibility and other studies, surveys, soil tests, cost estimates and programs; preparation of drawings, plans and specifications; supervision or administration of a construction contract; and construction management and scheduling.

Director. The Director of the Massachusetts Board of Library Commissioners.

Efficiency. *See Building Efficiency.*

Eligible Applicants Application to the Board of Library Commissioners for funding under this program must be made by a city or town unless a library corporation has been designated and empowered by prior legislative action to conduct capital projects. The applicant library shall have an approved long-range plan on file with the Board of Library Commissioners prior to filing a Letter of Intent for the program. The applicant must have met the requirements and be certified by the Board to receive State Aid to Public Libraries under M.G.L. c. 78, §§ 19A and 19B at the time of the Letter of Intent and maintain that certification throughout the Application Round. To be eligible to receive grant funds, a library must be certified at the time of the grant award and remain certified until project completion and final payment.

Eligible Costs. Those project costs or proportional costs directly related to implementing interior and exterior aspects of an eligible project. Eligible costs include: acquisition of real property; planning, study or master plan costs; design services; site preparation; construction; and fixed capital equipment of an approved public library project. For all projects except those for Planning and Design, eligible costs shall include those costs related to acquisition of real property; planning, study or master plan costs and design services incurred within three years prior to the application due date or other date stated in the program notice for a grant round. Where publicly or privately owned real property is to be donated to a project, only so much land as is necessary to provide an adequate library site may be considered in the calculation of eligible costs, and the value of such land must be documented. Up to \$800,000 of such documented land value may be used in calculating the local financial commitment. Furnishings, computers, and costs related to any aspect of the exterior grounds or site of the free public library structure including landscaping, walkways and parking lots are not eligible, except exterior handicapped ramps.

Eligible Project. A project for the design, demolition, new construction or reconstruction, which for purposes of 605 CMR shall include the legislative definition of alteration, renovation, preservation, rehabilitation, addition, expansion, or extension of a building or other structure used or to be used as a free public library as detailed in the contract documents.

Equalized Valuations (EQV). The determination of the full and fair cash value of all property in the Commonwealth that is subject to local taxation. EQVs have historically been used as variables in distributing certain state aid accounts, and for determining county assessments and certain other costs. The Commissioner of Revenue, in accordance with M.G.L. c. 58, § 10C, is charged with the responsibility of bi-annually determining an equalized valuation for each town and city in the Commonwealth.

Final Working Drawings. Plans which, together with specifications, form the basis for bids and set forth in detail the requirements for the construction of the project. These shall be based on the approved design development documents and any further adjustments in the scope or quality of the project or in the authorized construction budget. They shall bear the seal of a design professional registered to practice in Massachusetts.

6.03: continued

Fixed Capital Equipment. Building components which include the mechanical, electrical and elevator equipment, including piping, wiring, fixtures and other accessories, which provide sanitation, lighting, heating, ventilation, fire-fighting and transportation facilities essential for the occupancy of the building or structure. This may include wiring and equipment for the telecommunications infrastructure, but not end-user telecommunications equipment. This may include special storage units, charging desks, and similar items fastened to the walls or floors that are specifically included in the general building contract and specifications. This may also include cantilevered metal shelving, with metal end panels that may be bid separately from the general construction contract.

Free Public Library. Any library that provides general library services without charge to residents of the Commonwealth. Supported by public and/or private funds, the public library makes its basic collections and basic services available to the population of its legal service area and the Commonwealth without charge to individual users, but may impose charges on users from outside the Commonwealth. The library shall be certified individually or as part of a municipal application by the Massachusetts Board of Library Commissioners as providing free public library service under 605 CMR 4.00.

Green Design. See Sustainable Design.

Joint Public Library. An undertaking by two or more cities and towns to provide public library service to all citizens of both municipalities. At least one of the municipalities must be an eligible applicant as defined above.

LEED. The Leadership in Energy and Environmental Design (LEED) Green Building Rating System, developed by the U.S. Green Building Council (USGBC), which provides standards for environmentally sustainable construction.

Letter of Intent. The form, and any attachments, that a library is required to file in order to initiate the grant application process. The Letter of Intent form is included in the Program Notice.

Library Building Program. A written document which was either prepared by the library staff and/or trustees or by a library building consultant in cooperation with them. This program shall have been prepared by the Library independently and in advance of the appointment of the architect who will prepare the schematic design or study. The elements to be contained in the Program are listed in 605 CMR 6.07(2)(a).

Local Financial Commitment. The eligible applicant must make a financial commitment to the approved public library project for which the grant is being made. The local financial commitment shall be no less than 25% of the project's eligible costs. The following will be considered eligible in calculating local financial commitments: appropriation, donations in hand, trust monies allocated to project, monies already expended for eligible costs related to acquisition of real property; planning, study or master plan costs and design services incurred within three years prior to the application due date, monies held in a separate account, real property acquisition, and the value of publicly or privately owned land donated to the project up to a documented value of \$800,000 as set forth above in 605 CMR 6.03: Eligible Costs.

Long-range Plan. A library long-range plan includes a mission statement, a needs statement, multi-year goals and objectives, an annual action plan with measurable objectives, a brief description of the planning methodology and an indication that it has been approved by the library's governing board. The long-range plan, with annual updates as required, should be on file with the Board.

Maintenance. Day to day, routine, normally recurring repairs and upkeep.

\*Master Plan. A study, description, or design of an approved library project which is intended to ensure that various components of an approved public library project shall be compatible with each other and that the approved public library project as a whole is compatible with its surroundings.

6.03: continued

OPM. *See* Owner's Project Manager.

Owner's Project Manager. Public awarding authorities are required to engage the services of an Owner's Project Manager on all building projects estimated to cost \$1.5 million or more. The Owner's Project Manager (OPM) must be hired before the project designer, meet required minimal qualification standards, and be selected through a "qualifications based" selection process. The law sets forth minimum qualifications standards for the OPM that require the OPM be a registered architect or professional engineer and have at least five years of relevant experience in the construction and supervision of construction of buildings. In the event the OPM is not a registered architect or professional engineer, he or she must have at least seven years of relevant experience in the construction and supervision of construction of buildings. (Effective July 19, 2004, M.G.L. c 149, § 44A½.)

Phased Project. An Approved Public Library Project conceived from the outset to meet the 20 year need of the municipality but constructed in distinct phases over a period of years and in accordance with a comprehensive plan. Phased projects are limited to towns or cities with over 50,000 population.

\*Planning. The preparation of a master plan, study, analysis, or similar report, the purpose of which is to define cost, content and schedule of an approved public library project so as to establish a frame of reference prior to design, acquisition, construction, alteration, renovation, rehabilitation or other activity of an approved public library project.

Planning and Design Project. *See* Project for Planning and Design.

Preservation. The act or process of applying measures to sustain the existing form, integrity and material of a building or structure. This may include initial stabilization work.

Preservation Consultant. A preservation professional who has a working knowledge of historic building systems, historic building materials and their deterioration, preservation technologies and methodologies and the Secretary of the Interior's Standards for Rehabilitation.

Project for Planning and Design. An Approved Public Library Project, which may include the development of a library building program, preparation of an architectural Master plan, architectural design study, analysis or similar report on an existing building or alternative sites, along with cost analysis of options and alternatives, site investigation and selection, preparation of schematic drawings, elevations, site plans, cost estimates for the design, soil studies, *etc.* Eligible costs are limited to those costs that will be incurred after the date of a provisional award.

Project Manager. *See* Owner's Project Manager.

Proportional Cost. Where an Approved Public Library Project will share building space with other occupants, the space eligible for funding shall be that space certified for public library occupancy plus a proportional share of common spaces and services. This proportionality may be based on space or time utilization. Some elements, such as rest rooms and HVAC controls, are not eligible for proportional funding and must be located in dedicated library space in order to be considered eligible.

Provisional Grant Award. All grant awards voted by the Board are provisional pending confirmation of local financial commitment and execution of a contract. Grant awards are final only after a contract is in place.

\*Public Agency. A department, board, commission, council or other instrumentality of a city or town.

\*Public Library Facility. A building or other structure utilized as a free public library in a city or town.

Reconstruction. The act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or a part thereof, as it appeared at a specific period of time.

6.03: continued

\*Rehabilitation. Work required to restore a public library facility to its former historic condition, or to modify and modernize a public library facility in order that it may be effectively utilized for its designated functional purpose.

\*Renovation. Work required to restore and modernize most of a public library facility in order that the facility may be effectively utilized for its designated functional purpose or comply with current code requirements. Such projects shall consist of work of such scope that, in *lieu* thereof, proper utilization of the present facility would require complete structure replacement. A renovation project shall provide a library facility substantially equivalent to that of a new facility and shall consist substantially of work other than deferred maintenance.

Repair. The work required to restore a facility or system to such condition that it may continue to be approximately and effectively utilized for its designated purpose by overhaul, reprocessing or replacement of constituent parts or materials which have deteriorated by action of the elements or use.

Restoration. The act or process that accurately recovers the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Schematic Design. Drawings and other documents illustrating the general scope, scale and relationship of project components and based on requirements developed under previous phases, or on program requirements. For the purpose of this grant program, schematic design will be based on a library building program and containing the elements mandated in 605 CMR 6.07(2)(a).

Seating Capacity. The number of seats provided for public use including general reading area seats, lounge seats, group study seats, audio-visual area seats or other seating when available on an open basis. Seats at electronic workstations, microform readers and other such dedicated seating should not be counted in the total seating capacity, nor should seats in rooms such as auditoriums and general meeting rooms not normally open at all times to library patrons. Seats that have the capability for wireless use, but are available for other purposes may be included in the total seating capacity.

Site. *See* Approved Site.

Site Preparation. Those activities directly related to the preparation of the site for an approved public library project including demolition of existing structures, excavation, trenching and installation of utilities.

Stabilization. The act or process of applying measures designed to re-establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property, while maintaining the essential form and condition as it existed.

Standards. Criteria by which library services, programs and facilities may be measured or assessed. Established by professional organizations, accrediting bodies, or government agencies, the criteria may variously reflect a minimum or ideal, a model procedure or process, a quantitative measure, or a qualitative assessment.

Study. A plan, analysis or report to identify and evaluate alternative solutions to and recommendations for a solution to the needs and requirements defined by a public agency proposing an approved public library project.

Sustainable Design. Sustainable or "Green" design attempts to reduce environmental impacts during the production of building components, during the construction process, as well as during the lifecycle of the building. This design practice emphasizes efficiency of heating and cooling systems, alternative energy sources such as solar hot water, appropriate building siting, reused or recycled building materials, and on-site power generation.

6.03: continued

Title. Clear title in fee simple to the Approved Site of the approved public library project. If the Approved Site is owned by an association or library corporation, a deed restriction shall be placed upon those portions affected by the library.

U.S. Green Building Council. The U.S. Green Building Council (USGBC) is a non-profit trade organization that promotes sustainability in how buildings are designed, built and operated.

Waiting List. A list of construction projects approved for funding, but awaiting the authorization of funds by the Legislature and the Administration.

6.04: Administrative Procedures and Policies

(1) The Board may issue administrative procedures related to the application and review process. This may include, but is not limited to, the establishment of per square foot eligible costs, application round calendars, application procedures and requirements, application evaluative tools and program assurances.

(2) Upon recommendation of the Director, the Board may modify or extend the time for compliance with conditions of eligibility, or other municipal certifications.

6.05: Conditions of Eligibility

- (1) To be eligible to apply for a provisional construction grant award, the municipality must:
  - (a) Be a city or town unless a library corporation has been designated and empowered by prior legislative action to conduct capital projects.
  - (b) Fulfill the definition of an Eligible Applicant and an Eligible Project.
  - (c) Submit a Letter of Intent by the deadline established for each application round, on forms prescribed by the Board and published in the Program Notice.
  - (d) Be certified by the Board to receive State Aid to Public Libraries under M.G.L. c. 78, §§ 19A and 19B in the most recent fiscal year prior to the date that the Letter of Intent for construction funding is filed. That certification must be maintained until the project is complete and the final grant payment is disbursed.
  - (e) Have on file at the Board a library long-range plan that meets the definition in 605 CMR 6.03.
  - (f) Meet the criteria for its project type in 605 CMR 6.06.
  - (g) Meet the definition of an Approved Public Library Project and provide documentation of the approval. In the case of Town Meeting approval, documentation may be submitted following Town Meeting, but not later than the date published in the Program Notice for that particular application round.
  - (h) Propose improvements to a building or facility whose projected future functional life can be shown to be not less than 20 years.
  - (i) Not have received a state Public Library Construction Program or Federal Library Services and Construction Act Title II grant award within the preceding 20 years. This 20 year period shall be determined by comparing the date of the previous Board award vote or vote to place on a Waiting List to the potential or current date of a Board award or Waiting List placement vote. If the previous project was a single purpose project as defined in prior 605 CMR 6.00 regulations, the library will be eligible to apply even within the 20-year time horizon. If the library received a reimbursement grant, the date of issue of a Certificate of Occupancy may be substituted for the Board vote date. In case of either a general project or reimbursement project, a potential applicant may seek an exception from 605 CMR 6.05(1)(i) if the previous project was a single purpose project as defined in prior regulations or if the municipality has experienced significant unexpected population growth since the previous project. Evidence of significant unexpected population growth shall mean that the current population of the municipality meets or exceeds the 20-year population projection in the prior application.
  - (j) If the applicant is a municipality with multiple independent public libraries or with branch libraries, a maximum of one construction award will be made every five years. The five years will be determined by comparing the date of the previous Board award vote to the potential or current date of a Board award or Waiting List placement vote. The municipality will determine which library or branch may apply. A comprehensive plan for library service townwide or citywide is required of the municipality.
  - (k) Submit an application that conforms to the application requirements of 605 CMR 6.07.

## 6.05: continued

- (2) To be eligible to sign a grant agreement with the Board, the applicant must:
- (a) Have been awarded a provisional grant award;
  - (b) Certify by the date set forth in the Program Notice or Board award vote the availability of local funds sufficient to cover the estimated eligible cost of the approved public library project. Local funds shall be no less than 25% of the project's eligible cost, and the following shall be considered eligible in calculating local financial commitment.
    1. appropriations;
    2. donations in hand or with binding commitment;
    3. trust monies allocated to the project;
    4. monies already expended for eligible costs related to the acquisition of real property within three years prior to the application due date or other date stated in the program notice for a grant round;
    5. planning, study, or master plan costs and design services incurred within three years prior to the application due date or other date stated in the program notice for a grant round;
    6. monies held in a separate account;
    7. real property acquisition;
    8. the value of land donated to the project up to a documented value of \$800,000.
  - (c) Agree to the following assurances set forth in the Grant Agreement.
    1. An assurance that new, remodeled or renovated library buildings shall be planned for a minimum operational life of 20 years.
    2. An assurance that the completed facility will continue to be used as a free public library for at least 20 years. Prior approval from the Board shall be obtained if there is any change in proportional use, or if the building is sold or reused for a non-public library function. In the event that the building is not kept in continuous use as a free public library for 20 years, the city or town shall return the amount of the grant award plus interest to the Board of Library Commissioners within 30 days of the date the library building falls out of compliance with 605 CMR 6.05.
    3. An assurance that the applicant shall make all full and good faith efforts to support the continued participation and qualification of the library in programs established by or the successors to M.G.L. c. 78, §§ 19A and 19B. Should the library fail to be certified by the Board to receive State Aid during the period in which the Grant Agreement is in effect, until project completion and final payment, this shall be considered a breach of the contract.
    4. An assurance that when construction is complete, the applicant shall make all full and good faith efforts to ensure that sufficient funds will be available for the effective operation and maintenance of the facility, in accordance with applicable federal, state and local requirements and standards.
    5. An assurance that a sign will be displayed on the construction site and a plaque will be placed in the completed building stating that State funds administered by the Massachusetts Board of Library Commissioners have been or are being used for construction.
    6. An assurance that the applicant and contractors shall not knowingly employ, compensate, or arrange to compensate any employee of the Board during the term of the project, unless such arrangement is permitted under the provisions of M.G.L. c. 268A.
    7. An assurance that the Board shall have the authority to review and approve plans, specifications, bid documents, contract awards, payments and all documents of obligation or expenditure for the project.
    8. An assurance that if required, precontract and preconstruction conferences will be held with representative(s) from the Board.
    9. An assurance that the designer(s) of an approved library project were selected using the Guidelines for Local Designer Selection Procedures as issued by the Designer Selection Board under the provisions of M.G.L. c. 7, § 38K.
    10. An assurance that all design, construction, construction contracts and sub-contracts shall be in conformity with all applicable provisions of state and local law, rules and regulations including, but not limited to, M.G.L. c. 143, St. 1972, c. 802, St. 1984, c. 348 and 780 CMR. All construction contracts shall be bid under M.G.L. c. 149, § 44A or M.G.L. c. 30, § 39M.

## 6.05: continued

11. An assurance that the applicant shall be in compliance with the provisions of the Governor's Code of Fair Practices, Executive Order 227, and M.G.L. c. 151B as amended. The applicant shall not discriminate in any manner because of race, color, religion, national origin, ancestry, age, sex, or handicap.
12. An assurance that the applicant will require that all construction contracts shall be in conformity with applicable law and regulations related to minority hiring. Every state assisted contract for an approved public library project including sub-contracts shall include the Commonwealth's Supplemental Equal Opportunity/ Anti-Discrimination and Affirmative Action Program as part of the contract.
13. An assurance that the applicant shall comply with Executive Order 237 that includes provisions for a 10% set aside for minority and women's business.
14. An assurance that the applicant is in compliance with Executive Order 215 with respect to the community's housing policies and practices.
15. An assurance that the rules and procedures of the Massachusetts Emergency Finance Board will be followed.
16. An assurance that the applicant shall submit the project to local, regional or state boards or agencies for comment and/or approval as may be required by law or regulation.
17. An assurance that the applicant shall assist the Board in complying with the Massachusetts Environmental Policy Act, M.G.L. c. 30, §§ 61 through 62H.
18. An assurance that the building will be designed according to 521 CMR: *Architectural Access Board*.
19. An assurance that life-cycle cost estimates of all technically feasible energy systems as defined in St. 1976, c. 433, shall be considered during the design development design stage in order to ensure that the energy system with the lowest life-cycle cost estimate will be identified in accordance with the provisions of St. 1976, c. 433.
20. An assurance that the applicant shall closely monitor the cost effects of program and design decisions and materials and systems selections so that the facility can be constructed and operated in a cost effective, sustainable and staff efficient manner considering the type of project and structure.
21. An assurance that there shall be an evaluation of flood hazard so that the facility to be constructed will be located insofar as practicable to preclude the exposure of said facility to potential flood hazards.
22. An assurance that the building shall be designed to minimize the effects of vandalism, weather conditions and natural conditions and that materials and finishes shall be selected to minimize operational costs and maintenance. This shall include provision for a fire-rated enclosure for any exterior book or nonprint materials return that penetrates a wall of the building.
23. An assurance that the applicant will be responsible for supplying the Massachusetts Board of Library Commissioners with the necessary documentation, information and drawings so that they can comply with the steps outlined in M.G.L. c. 9, §§ 26 and 27C and 950 CMR 71.00. This shall include an assurance from the municipality that the Massachusetts Historical Commission has been afforded an opportunity to review and comment on projects listed or eligible for listing on the State Register of Historic Places, as early as possible in the planning stages of the project. This shall include a review for the proposed physically handicapped access plans compliance with the Secretary of the Interior's Standards for Rehabilitation and 950 CMR 71.00. Furthermore, applicants shall assist the Board in complying or shall comply with legal and regulatory requirements of the Massachusetts Historical Commission.
24. An assurance that prior approval from the Board will be obtained for significant budget, program or plan changes and revisions including deduct change orders. Change orders of an emergency nature shall be excluded.
25. An assurance that the applicant will provide adequate supervision during the term of the project including architectural supervision, value engineering and the retention of a qualified Clerk of the Works and when required a Project Manager that meets the qualifications promulgated by St. 2004, c. 193, entitled "*An Act Further Regulating Public Construction In the Commonwealth*" signed into law July 19, 2004 and codified in M.G.L. c 149, §44A½.
26. An assurance that designated Agency staff shall be provided reasonable access to the project and site considering site conditions and with appropriate notification.

## 6.05: continued

27. An assurance that monies from any department, unit, agency or board of the Commonwealth of Massachusetts and U.S. Government shall not be used as part of the first 25% of local matching funds.
28. An assurance that every good faith effort will be made to obtain sufficient funds beyond those granted under this program for the non-matching and non-eligible shares of project costs.
29. An assurance that the Board shall not be held responsible for meeting any increased costs or increasing the amount of the grant award beyond the provisional award.
30. An assurance that the project will be completed as described in the application and approved by the Board. Any significant reductions in the project's program shall require prior approval.
31. An assurance that the Board, the Governor or his designee, the Secretary of Administration and Finance, and the State Auditor or his designee shall have the right, at reasonable times and upon reasonable notice, to examine the books, records and other compilations of data of the recipient which pertain to the performance of the provisions and requirements of this agreement. Upon request, the recipient shall furnish to the Board copies of any such books, records and compilations. In all contracts or subcontracts entered into by the recipient concerning the project, there shall be included a provision requiring similar access by the Board to the contractor's or subcontractor's books, records and other compilations of data which pertain to the project (as per Executive Order 195 of April 27, 1981).
32. An assurance that the applicant shall file required reports and the Board shall be notified when the approved public library project is completed and a certified reporting of expenditures by category, financial sources and other documentation shall be supplied to the Board.
33. An assurance that all income received by the applicant from the Board's grant funds shall be placed in an interest bearing account separate from other applicant accounts. All grant funds including interest income must be expended for purposes specified in the construction grant application. Purposes specifically excluded include landscaping, paving, and associated costs of borrowing.
34. An assurance that the applicant will file a final evaluation form on the performance of contractors on the project as required by the Division of Capital Asset Management (DCAM) upon completion of the project.
35. An assurance that construction on the project will commence within one year of signing a grant agreement with the Board.
36. An assurance that a copy of the As-built Drawings, in paper or electronic form, will be supplied to the Board within 60 days subsequent to issuance of Certificate of Occupancy.
37. An assurance that the project site will remain as described in the application and approved at the time of award or waiting list placement. The Approved Site may only be changed with Board approval and only for circumstances unforeseen and beyond the control of the applicant. In general, such approval would only be granted for physical conditions that cannot be remediated.
- (d) Failure by the municipality to comply with any of the assurances in the Grant Contract shall constitute a breach of the Contract. No further disbursements shall be made by the Board, and funds previously advanced to the municipality shall be returned.

6.06: Types of Projects

The following are types of library improvement projects and the minimum components necessary for consideration and approval:

(1) General Projects.(a) New Construction Project.

1. The design must be based upon and correlate with a written library building program using a 20-year planning horizon. This program shall have been prepared by the Library independently of and in advance of the appointment of the architect who will prepare the schematic design.

## 6.06: continued

2. The selected site will provide adequate space for the facility, adequate staff and patron parking, and future expansion if planning/study indicates potential need. The site shall have been selected for its public accessibility. A stamped geotechnical survey with thorough subsurface soil analysis shall be provided to document the appropriateness of the site for construction and existing special conditions.
3. The project shall comply with all applicable provisions of federal, state and local laws regarding handicap access, including current regulations issued by the Massachusetts Architectural Access Board (521 CMR), those promulgated under § 504 of P.L. 93-112, and the Americans with Disabilities Act (P.L. 101-336).
4. The schematic drawings and plans have been prepared by a design professional registered in Massachusetts.
5. The project cost estimates have been prepared by an independent professional cost estimator.

(b) Addition/Renovation or Renovation Project.

1. The design must be based upon and correlate with a written library building program using a 20-year planning horizon. This program shall have been prepared by the Library independently of and in advance of the appointment of the architect who will prepare the schematic design.
2. The decision to retain and use an existing building was based on an architectural or engineering study and cost study.
3. The site will provide adequate space for the facility, adequate staff and patron parking and future expansion if planning/study indicates potential need. A stamped geotechnical survey with thorough subsurface soil analysis, soil borings and perc tests (as appropriate) shall be provided to document the appropriateness of the site for construction of an addition and existing special conditions.
4. The project shall comply with all applicable provisions of federal, state and local laws regarding handicap access, including current regulations issued by the Massachusetts Architectural Access Board (521 CMR), those promulgated under § 504 of P.L. 93-112, and the Americans with Disabilities Act (P.L. 101-336). In the case of an existing building, if any major design feature will require a variance, documentation of that variance procedure is required at the time of application.
5. An asbestos survey has been performed. The report must detail the presence of asbestos-containing materials in the existing building. The cost of any required remediation prior to the proposed construction must be factored into the construction budget.
6. The schematic drawings and plans have been prepared by a design professional registered in Massachusetts.
7. The cost estimates for the project have been prepared by an independent professional cost estimator.
8. Renovation Projects involving no new construction shall meet the definition of Renovation from 605 CMR 6.03.
9. Phased projects will be entertained from municipalities of 50,000 and above population. Applications must include a plan defining the phases, time line, costs, and how the multiple phases will allow the library to meet the 20 year need.

(2) Special Categories.(a) Project for Planning and Design.

1. Eligibility.
  - a. Municipalities that have not had a grant under the MPLCP or Federal LSCA Title II construction program in the last 20 years.
  - b. A potential applicant may seek an exception from the 20-year provision if the previous project was a single purpose project as defined in prior regulations or if the municipality has experienced significant unexpected population growth since the previous project. Evidence of significant unexpected population growth shall mean that the current population of the municipality meets or exceeds the 20-year population projection in the prior application.
  - c. A library long-range plan must have been completed and approved.
  - d. The library's long-range plan states the need for a library construction project and a preliminary library building program has been prepared.

## 6.06: continued

- e. The applicant agrees to prepare a final and detailed library building program that provides adequate space for the provision of library services within the applicant's municipality to meet the projected needs of the community for 20 years, prior to retaining the services of an architect.
  - f. An architect has not been selected.
- (b) Catastrophic Loss of a Library Building.
- 1. Eligibility:
    - a. Municipality must be certified to receive State Aid.
    - b. Main, joint, branch, or independent libraries may qualify for these funds.
    - c. The proposed reconstruction or replacement building must meet the projected 20-year need of the community.
  - 2. Program:
    - a. Immediate eligibility for a Planning Grant.
    - b. Recommended provisional grants shall be based on eligible costs and funding formulas as defined elsewhere in 605 CMR 6.00.
    - c. These grants may be funded with uncommitted funds within a regular grant cycle, through separate appropriation, or a combination thereof.

6.07: Application Procedures

- (1) For each application round, the Director shall issue a Program Notice, including a Letter of Intent form, by first class mail to all free public libraries in the Commonwealth.
- (2) The Library shall file a completed Letter of Intent form on or before the due date announced in the Program Notice. Late forms will be automatically returned. For all General Projects (New Construction, Addition/Renovation, Renovation, and Joint Public Library projects), with the Letter of Intent form the applicant shall file the following:
- (a) A completed library building program using a 20-year horizon, which has previously been submitted and accepted by the agency. This program shall have been prepared by the Library independently of and in advance of the appointment of the architect who will prepare the schematic design. It shall include:
    - 1. A current community analysis including demography, location, governmental organization and community structure.
    - 2. An institutional analysis including history of the library, philosophy of library service, staffing, library collections, finances and a brief history of the previous and current planning efforts for improvements to the physical plant.
    - 3. A section on facility space requirements including a description of space needs by program area and relationships between the areas, and addressing the requirements and implications of new technologies and new information formats.
    - 4. A summary of facility space requirements in tabular form.
  - (b) Documentation that an architect registered in Massachusetts has been hired according to Designer Selection Procedures to develop schematic level design from the library building program.
- (3) Acceptance of a Letter of Intent constitutes Agency acceptance of the library building program for planning purposes in the application round. It is understood that this library building program may be modified as schematic design proceeds, but that significant changes must be documented, explained and justified in the final application. All program requirements and standards must be met in the final library building program and schematic design.
- (4) If an applicant's Letter of Intent is substantially incomplete or either the project or the applicant is not eligible under 605 CMR 6.05, the applicant shall be notified in writing at the earliest practicable date by the Director, stating the reasons for the rejection of the Letter of Intent.
- (5) Attendance at an Application Workshop is required as part of the application process.
- (6) Application forms will be distributed at the Workshops only to those municipalities that have filed a Letter of Intent that meets all requirements.

6.07: continued

- (7) Application Submittal Requirements. The following are the minimum requirements necessary for consideration and approval of the different project types:
- (a) Applications must be received at agency headquarters by the date and time listed in the Program Notice, with all required elements complete and on forms prescribed by the Board. Late, incomplete, or non-conforming applications will be rejected.
  - (b) The applicant must agree to all the assurances listed in 605 CMR 6.09.
  - (c) An application for a Project for Planning and Design shall include:
    1. A preliminary building program.
    2. A preliminary needs assessment.
    3. Pictures of site and building, if appropriate.
    4. Map showing existing and, if different, possible future library sites.
    5. A project budget.
    6. A time line, showing projected or actual dates of such events as appointment of a Library Space Needs or Building Committee; completion of library building program; design selection, *etc.*
  - (d) All other applications shall include the following information:
    1. A library building program for all New Construction, Addition/Renovation, Renovation, and Joint Public Library projects.
    2. Schematic drawings and plans (or more complete drawings as available) prepared by a Massachusetts registered architect, and bearing his or her stamp, including:
      - a. Floor plan with a complete furnishing and equipment layout.
      - b. Elevations as appropriate.
      - c. Tabulation of square footages called for in the library building program statement and comparison to the square footages shown on the architectural plans.
      - d. Tabulations of the number of books, magazines and audio-visual materials called for in the library building program statement in comparison to the square footages shown on the architectural plans.
      - e. Tabulations of the number of seats and staff work spaces called for in the library building program in comparison to the square footages shown on the architectural plans.
    3. Project budget, prepared independently by an experienced professional cost estimator, based on the plans and the construction budget.
    4. Site plan prepared by a Massachusetts registered architect with parking, grading, building location and designation of utilities (1" = 40 feet or larger).
    5. Geotechnical survey, including soil boring and perc tests (as appropriate) certified by a licensed professional providing a thorough subsurface soil analysis to document the appropriateness of the site for construction and existing special conditions.
    6. A stamped topographic land survey, completed within 15 years of the application, delineating boundary lines for entire site to be included in the library building project.
    7. Map showing existing and, if different, selected future library site.
    8. Proposed plan/schedule for funding the project.
    9. Proposed project schedule, from design development through completion of construction (Time Line).
    10. Statement of need.
    11. Pictures of site and building.
    12. Massachusetts Historical Commission Project Notification Form both submitted to the Massachusetts Historical Commission and included in the Grant Application.
  - (e) For Joint Public Library Projects only, applications shall also include:
    1. The combined populations served by the communities to be used as the planning platform.
    2. A joint public management plan establishing governance, fiscal and personnel management policies agreed upon by the municipalities proposing the joint public library.
  - (f) For Addition, Renovation, Conversion Projects only, applications shall also include:
    1. An asbestos survey report as detailed in 605 CMR 606(1)(b)5.
    2. Other environmental, structural, and energy related reports may be required as deemed necessary and appropriate for individual projects.
  - (g) Applicants may be asked to furnish additional information or documentation as required by the Board.

6.08: Selection Procedures and Standards

Projects submitted to the Board for funding under the Program shall be subject to the review process set forth below.

(1) Applications must be complete, on forms prescribed by the Board, and must meet the application submittal requirements of 605 CMR 6.07.

(2) Applications shall be reviewed and ranked by at least four independent reviewers. Each review team will consist of independent, non-agency reviewers plus a Board staff member that is not associated with the building program. Each General Project (New Construction, Addition/Renovation, Renovation, or Joint Public Library project) applicant will receive a site visit by a member of a review team. Where necessary, the Board may seek opinions from independent consultants with respect to specific questions of technical feasibility, cost estimates, design complexity, *etc.*

(3) Applications for Planning and Design grants shall be reviewed and ranked by at least three independent reviewers using the same criteria as other projects, with the exception of those related specifically to a building's design. A site visit by a review team member will be done only if deemed necessary.

(4) In review, the following minimum requirements must be met in order for a General Project (New Construction, Addition/Renovation, Renovation, or Joint Public Library project) to be approved for funding:

- (a) The library or the municipality shall have clear title to the site or a lease of not less than 99 years.
- (b) The design must be in compliance with State and Federal requirements for accessibility, or a variance must have been obtained for noncompliant features that are pivotal to the cost and layout of the project.
- (c) The building and construction shall comply with all current State and local building codes for libraries and all applicable standards and procedures.
- (d) Projects must meet or exceed a building efficiency rating of at least 65%.
- (e) The project shall meet the definition of an Approved Public Library Project and provide documentation of the approval. In the case of Town Meeting approval, documentation may be submitted following Town Meeting, but not later than the date published in the Program Notice for an application round.

(5) Space Planning Guidelines. All applications, except those for Planning and Design, shall fulfill the following space planning guidelines, with any deviations explained and justified in the application. In reviewing and ranking applications, reviewers will prorate the points given relative to these guidelines:

- (a) Space for Collections. The minimum space allocated to house materials should be equal to the square footage requirements of the present collection plus the total square footage required to house the projected collection growth for the next 20 years based on the library building program. This program shall include adequate space for print, non-print and electronic resources. At a minimum book collection size should equal that found under the "Basic" level in these standards given below. Libraries are encouraged to consult the current *Wisconsin Public Library Standards* for guidance in planning non-print and electronic collections that should also, at a minimum, meet the Basic level for collections of their type.

6.08: continued

Volumes Held per Capita (Print)

Regardless of the population served, the minimum total volumes held is 8,000 volumes

**Municipal Population**

	Less than 2,500	2,500 to 4,999	5,000 to 9,999	10,000 to 24,999	25,000 to 49,999	50,000 to 99,999	100,000 and over
Basic	8.8	6.4	5.6	4.3	3.7	3.5	2.6
Moderate	11.3	7.9	6.1	4.9	3.9	3.7	3.4
Enhanced	14.7	9.3	6.9	5.6	4.3	4.2	4.1
Excellent	22.8	11.8	9.1	6.9	5.6	4.5	4.3

“Service population” formulas may be found in the *Standards* document.

(b) Seating. Seating shall meet or exceed the standard as calculated using the following table. For a library whose population falls between the figures given, the recommended number of seats shall be calculated in proportional relation. Total square footage for seating shall be equal to the number of calculated seats x 30 square feet.

Seats that have the capability for wireless use, but are available for other purposes should be included in the total for seating capacity. Special-use space, at electronic workstations, microform readers and other such dedicated seating should not be counted in the total capacity, nor should seats in rooms such as auditoriums and general meeting rooms not normally open at all times to library patrons.

POPULATION	SEATS PER THOUSAND
1,000	22.5
2,500	14.25
5,000	10.0
10,000	7.0
25,000	4.5
50,000	3.0
100,000	2.25

(Collection guideline is *Wisconsin Public Library Standards*, 4th edition. 2005. Source of seating guideline is *Public Library Space Needs: a Planning Outline*, 2009 written by Anders Dahlgren for the Wisconsin Department of Public Instruction. Reader seating needs for facilities in a multi-facility service setting will be assessed on a case-by-case basis.)

(c) Regional Delivery Space. At least ten square feet per delivery bin that the library receives during a single Regional Library Systems delivery.

(d) Staff Work Space. Staff workspace shall be equal to the number of needed workstations in 20 years x 125 square feet per workstation.

(e) Parking. Projects shall provide parking that meets or exceeds the standard of one parking space for every 400 square feet of building. Alternatively, Applicant must show that the appropriate local boards have approved an alternative parking plan. Handicapped accessible and staff parking shall be in addition to this requirement.

(f) Children’s spaces shall be designed to meet guidelines found in the latest version of the *Standards for Public Library Services to Children in Massachusetts by the Massachusetts Library Association*.

(g) Other Program and/or square footage use and cost standards may be developed by the Board and the Division of Capital Planning and Operations.

6.08: continued

(6) Construction projects will be reviewed, ranked and recommended for funding based on the following evaluative criteria:

- (a) The extent to which the schematic design fulfills the requirements of the library building program.
- (b) Documentation that the project is necessary, including a description of present conditions and how they negatively impact library services.
- (c) Evidence that the applicant is able to support the proposed program of library service and that the approved public library project will provide an adequate facility in which to deliver said program.
- (d) If the project involves an existing library building, evidence must be presented that the project is not addressing problems that result from an inadequate maintenance program, including ongoing attention to safety, appearance, and mechanical and structural elements of the building.
- (e) Compliance with the standards and guidelines outlined in 605 CMR 6.08(5). The application shall note and explain any special conditions pertaining to the project or the municipality, especially any variations between the schematic design and the library building program.
- (f) Planning for the project is based upon the library's long-range plan and has involved the efforts of and input from library staff, library trustees, library users and other community representatives.
- (g) The resulting facility must be an efficient and secure library, logically organized and easy to use from a patron's point of view.
- (h) The resulting facility shall not result in inefficient use of personnel because of unsatisfactory architectural accommodations to the deficiencies and inadequacies of an existing building or its site that are impractical, inappropriate or insecure for public library operations.
- (i) Design decisions must evidence interior flexibility to adapt to changing service needs and future expansion as appropriate.
- (j) The design must incorporate sustainable features based on the most current version of LEED prerequisites as to sustainable site, water efficiency, energy and atmosphere, materials and resources and indoor environmental quality. Evidence of planning and budgeting for green building components, systems and materials will be evaluated.

(7) Priorities. All evaluative information and data from this review process shall be tabulated and summarized by Agency staff and shall be utilized by the Director in making final recommendations to the Board. In making recommendations for construction or renovation grants, the Director will consider the following:

- (a) The review and ranking result of application review under 605 CMR 6.08(2) through (5).
- (b) The distribution by community size of projects recommended for funding in relation to the distribution by community size of all projects reviewed.
- (c) Priority shall be given to joint public libraries.
- (d) The availability of funds.

(8) All evaluative information and data from this review process shall be tabulated and summarized by Agency staff and shall be utilized by the Director in making final recommendations to the Board. In making recommendations for projects for Planning and Design, the Director will consider the priorities stated in 605 CMR 6.08(7).

(9) Funding Formulas, as set forth below, will determine the amount of the potential provisional award for each project recommended for funding:

- (a) A Project for Planning and Design:

<p>2/3 of eligible costs, up to a maximum award of \$40,000</p>
---

6.08: continued

(b) Library Construction Project in a Single Municipality:

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 Public Library 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:

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

(e) In addition, the Board may establish a need factor for each municipality at the time a Program Notice for a grant application round is issued.

(f) In addition, the Board may establish a Green Library Incentive at the time of the Program Notice, for a project that:

- Documents in the Library Building Program the intent to build a sustainable and energy efficient facility
- Indicates its plan to qualify for LEED certification in the MPLCP application
- Receives an MPLCP grant award
- Registers the project for LEED certification with the US Green Building Council prior to or at the Design Development stage
- Receives official LEED certification and submits confirmation to the MBLC.

(g) In no case can a grant award exceed 75% of eligible project costs, including additional incentives.

6.09: Provisional Grant Awards

- (1) Based upon the criteria in 605 CMR 6.08, the Director shall develop a list of recommended provisional grant awards and/or waiting list placement recipients for the consideration of the Board.
- (2) The Board will consider the Director's recommendations and make awards of provisional grants to municipalities for approved public library projects or place such projects on a waiting list.
- (3) The Director shall notify all applicants in writing of the Board's decisions relative to their application.
- (4) Applicants receiving provisional awards will have six months to complete local financing and to fulfill other certifications and requirements.
- (5) The Board's provisional grants are final pending necessary certifications. They may not be increased. However, if, upon completion of the project, the eligible project costs are lower than those submitted as part of the grant application, the Board reserves the right to reduce the amount of the grant award in proportion to the reduction in eligible project costs.
- (6) An award is final once a Grant Contract is signed with the Board. This contract shall include an agreement containing the assurances listed in 605 CMR 6.05(2)(c), which are based on full municipal enforcement and compliance with federal, state and local laws, rules and regulations.
- (7) Applicants not receiving a provisional grant or placement on a waiting list may submit revised applications for review up to six months after the application due date set forth in the Program Notice. Revised applications will be re-reviewed under the criteria listed in 605 CMR 6.08, and, at its discretion, the Board may vote to award additional provisional grants and/or placement on a waiting list.
- (8) Applicants not receiving a provisional grant or placement on a waiting list within six months after the application due date set forth in the Program Notice may re-apply in future application rounds.

6.10: Grant Disbursements

- (1) Applicants receiving final awards will be eligible for disbursements according to the following schedule once they have signed a grant agreement with the Board, provided all necessary certifications, and have agreed to all assurances. Payment schedules are subject to adjustment based on the state capital spending plan.
  - (a) A Project for Planning and Design.
    1. 90% of grant award on the signing of a contract and agency staff approval.
    2. The final 10% payment will be made when final reports and an agency staff site visit have been completed.
  - (b) All Other Projects.
    1. Where the grant is \$1,500,000 or more:
      - a. An initial payment of 30% will be made upon execution of a grant agreement with the Board.
      - b. An additional payment of 30% will be made when the following conditions have been met:
        - i. In advance of advertisements to bid, agency staff has approved final project plans and specifications;
        - ii. A contract has been executed with a general contractor;
        - iii. A building permit has been issued.
      - c. An additional 30% when the construction phase is 75% complete as evidenced by approved and paid requisitions for payment by the general contractor.
      - d. A final payment of 10% when the recipient provides the following documents: a certificate of occupancy, the final financial report, and a certification that the construction contracts are complete and that any and all liens have been released.

6.10: continued

2. Where the grant is less than \$1,500,000:
  - a. An initial payment of 50% will be made upon execution of a grant agreement with the Board.
  - b. An additional payment of 20% will be made when the following conditions have been met:
    - i. In advance of advertisements to bid, agency staff has approved final project plans and specifications;
    - ii. A contract has been executed with a general contractor;
    - iii. A building permit has been issued.
  - c. An additional 20% when the construction phase is 75% complete as evidenced by approved and paid requisitions for payment by the general contractor.
  - d. A final payment of 10% when the recipient provides the following documents: a certificate of occupancy, the final financial report, and a certification that the construction contracts are complete and that any and all liens have been released.
3. If a library proceeds with construction after being placed on the Board's Waiting List, the library shall receive the full award once funds are available. The payment schedule for such awards is subject to annual spending targets established in the state capital spending plan.

6.11: Waiting List

- (1) The Board may establish a waiting list of construction projects approved for funding but awaiting the authorization of funds by the Legislature and the Administration.
- (2) The Board may vote to place a project or projects on its waiting list for a specified period of time and the Board may extend this time, as circumstances require.
- (3) A project placed on the waiting list shall be assigned a number indicating its order on the list. This order shall not change as new projects are added to the list. Such new projects shall be added to the end of the list.
- (4) As funds become available, the Board may vote provisional grant awards to projects in the order in which they appear on the list. Once voted a provisional award, the library must meet the requirements for acceptance of the award as provided elsewhere in 605 CMR 6.00.

REGULATORY AUTHORITY

605 CMR 6.00: M.G.L. c. 78, § 19.

NON-TEXT PAGE