

605 CMR 6.00: LIBRARY IMPROVEMENT PROGRAM - PUBLIC LIBRARY CONSTRUCTION

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6.01: Scope and Purpose

605 CMR 6.00 administers 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. 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 must be applied, and the procedures to be followed in the awarding of these grants.

6.02: Definitions

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. 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 its present designated functional purpose.

Applicant. The municipal entity (city or town) having financial authority to enter into a grant contract with the Board. An exception to this is made if a library corporation has been designated and empowered by prior legislative action to conduct capital projects, in which case the corporation is the Applicant. In order to be eligible, the Applicant must have an approved long-range plan for library services on file with the Board 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, the Applicant must be certified at the time of the grant award and remain certified until project completion and final payment.

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 the case of a city or in a municipality having a town council form of government, by vote of the town council.

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Approved Site. The site as approved by the municipality prior to application and specified at the time of application. The approved site is the only site that may be used in the building project; it may be changed only with prior approval by the Board and only as the result of circumstances entirely unforeseen and beyond the control of the Applicant. The site for a library building project must be specified in the grant application with a stamped site plan prepared by an architect registered in Massachusetts, and must be delineated by a stamped survey performed within the preceding 15 years by a land surveyor licensed in Massachusetts. The site must include adequate space for parking, grading, utilities, and the library building, including any necessary space for future expansion. Applications for projects planned on municipal or school-owned land must include documented and official approval defining the site and agreeing that it is to be used for the library. If the project is planned on land not owned by the library or the municipality, the Applicant must have a signed Purchase and Sale Agreement or a lease of not less than 99 years at the time of application. *See* 605 CMR 6.02 Title.

As-built Drawings. The revised set of stamped architectural drawings submitted by a contractor upon completion of a project that reflect all deviations from the original 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.

Board. The Massachusetts Board of Library Commissioners. *See* 605 CMR 6.02 MBLC.

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, in square feet, of all floor areas 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 funded by the MPLCP must meet or exceed an efficiency rating of 65%. This rating must be determined using either *AIA Document D101: Methods of Calculating Areas and Volumes of Buildings* or *ANSI/BOMA Z65.1: Standard Method for Measuring Floor Area in Office Buildings*.

Building Program. A written document that provides information about library space requirements that must be met in an architectural design in order to make facility improvements to serve the library and information needs of the community. It is prepared either by the library staff and/or the board of trustees or by a library building consultant in cooperation with them, and accepted by the Board. This program must be 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 6.06(2)(a).

Catastrophic Loss. An emergency situation created when an existing library is rendered permanently unusable. Loss cannot be the result of deferred maintenance or negligence.

Catastrophic Loss of Library Project. A project made necessary by a catastrophic loss. The project is to remediate the loss of an existing library building that has been assessed to be harmful to the life, health, or safety and the environment based on local, state and federal life and safety codes and has been documented to be permanently unusable. Loss cannot be the result of deferred maintenance or negligence.

Certification of Funds. Written verification of the availability of local funds sufficient to cover the estimated eligible cost of the total project at the time that the Applicant accepts the award. This must equal the costs that remain after deducting the provisional award amount from the estimated eligible cost. State funds cannot exceed 75% of the eligible cost.

Certification of Project. After notification of a provisional award and within six months of the Board's vote or other deadline as determined by the Board, the Applicant must certify that sufficient funds are available to cover the estimated eligible cost of the project as approved by the Board and that the construction start date will take place in the fiscal year after Board staff

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approves final project plans and specifications. *See* 605 CMR 6.02 Construction Start Date.

Commissioning. 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 during 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 Project. A project, including new construction, renovation or addition/renovation, undertaken by a municipality for the purpose of providing free public library services.

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

Continuous Use. The ongoing operation of a library facility that is open to the public and provides basic library services as defined in 605 CMR 4.00: *Free Public Library Service*. 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 must return the amount of the grant award plus interest to the Board of Library Commissioners within 60 days of the date the library building falls out of compliance. The 20-year period begins on the date that the building certificate of occupancy is issued, and survives in the contract after the last grant payment is made.

Deferred Maintenance. Neglect and postponement of repair and upkeep that contribute to or are a cause of building, systems or equipment failure.

Demolition. The act or process of tearing down or razing an existing structure or portions of the 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 must include, but are not limited to: drawings, specifications, and other necessary project design documentation.

Designer Selection. The state law-required designer selection process for public building projects that meet certain cost criteria according to M.G.L. c. 7C, §§ 44 through 58. 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 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* 605 CMR 6.02: *Definitions* Building Efficiency.

Eligible Costs. Those project costs or proportional costs that are eligible for MPLCP grant funding:

For planning and design projects, eligible costs include planning, feasibility study or master plan costs and design services incurred after the date of the grant award.

For construction projects, eligible costs are those project costs or proportional costs directly related to implementing interior and exterior construction of an eligible project. Eligible costs include: acquisition of real property; planning, feasibility study or master plan costs; design services; demolition; site preparation; construction; and fixed capital equipment of an approved public library project. 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, up to a maximum of \$800,000, may be considered in the calculation of eligible costs, and the

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value of such land must be documented. Ineligible expenses include but are not limited to costs related to fundraising, municipal bonding, moving, temporary quarters, furnishings, computers and other equipment, and costs related to any aspect of the exterior grounds or site of the free public library structure including landscaping, walkways and parking lots, except exterior handicapped ramps.

Eligible Project. A project for design, demolition, new construction or reconstruction which for purposes of 605 CMR 6.00 refers to the legislative definitions of Alteration, Renovation, Preservation, Rehabilitation, and 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 made by the state of the full and fair cash value of all property in the Commonwealth that is subject to local taxation. 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.

Feasibility Study. See 605 CMR 6.02: Definitions Master Plan and Study.

Final Construction Documents. Architectural and engineering plans and specifications which form the basis for construction bids and set forth in detail the requirements for the construction of the project. These must 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 must bear the seal of a design professional registered to practice in Massachusetts.

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, service 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. The Applicant must be certified by the Massachusetts Board of Library Commissioners as providing free public library service under 605 CMR 4.00: *Free Public Library Service.*

Green Design. See 605 CMR 6.02: Definitions Sustainable Design.

Green Library Incentive. An incentive offered to recipients of construction grant funds, intended to offset the costs associated with achieving LEED certification. See 605 CMR 6.02: Definitions LEED.

Guidelines. See 605 CMR 6.02: Definitions Standards and Guidelines.

Joint Public Library. An undertaking by two or more cities or 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 in 605 CMR 6.02: Definitions Applicant. See 605 CMR 6.02: Definitions Shared Building.

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 design, construction and operation of buildings. See 605 CMR 6.02: Definitions U.S. Green Building Council.

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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.

Local Financial Commitment. The financial commitment required of the eligible Applicant to the approved public library project for which the grant is being made. The local financial commitment must 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 or with a binding commitment; trust monies allocated to the project; monies already expended for eligible costs related to acquisition of real property within three years prior to the application due date; 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 within three years prior to the application due date up to a documented value of \$800,000 as set forth in 605 CMR 6.02: *Definitions Eligible Costs.*

Long-range Plan. A planning document that includes a library's mission statement, 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. A current long-range plan, with annual updates as required, must be on file with the Board.

Maintenance. The act or process of maintaining and repairing a facility in order to keep it in appropriate operating condition.

Management Plan. A written preliminary document that addresses management concerns for the operation of a shared building or joint library facility project. It must be approved by authorized representatives of all entities participating in the operation of the facility, including town or city officials. The plan is to be used as the basis for a formal agreement among these parties that addresses legal ownership as well as roles and responsibilities for all matters pertaining to the facility. These matters include but are not limited to: space allocation; use of common areas; funding and payment arrangements; facility management and day-to-day supervision; resolution of conflicts; and the dissolution or early termination of the agreement and subsequent disposition of the facility.

Master Plan. A study, description, or design of an approved public library project which is intended to ensure that various components of an approved public library project are compatible with each other and that the approved public library project as a whole is compatible with its surroundings. *See 605 CMR 6.02: Definitions Study.*

MBLC. The Massachusetts Board of Library Commissioners, the state agency responsible for administering the MPLCP. *See 605 CMR 6.02: Definitions MPLCP.*

MPLCP. The Massachusetts Public Library Construction Program, a grant program for public library construction administered by the Massachusetts Board of Library Commissioners.

Negligence. The failure to take reasonable care to avoid or guard against foreseeable harm to people or property.

OPM. *See 605 CMR 6.02: Definitions Owner's Project Manager.*

Owner's Project Manager. A professional who meets state qualifications to represent the Applicant from predesign through post construction phases by providing independent and competent advice on all aspects of a building project. Responsibilities include participation in cost estimating, general contractor and subcontractor prequalification, negotiations with the designer and the general contractor, and monitoring of all phases of design and construction. Public awarding authorities are required to engage the services of an Owner's Project Manager (OPM) for all phases of any building project estimated to cost \$1.5 million or more. The OPM must be hired before the project designer, meet required minimum qualification standards, and be selected through a "qualifications based" selection process.

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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 populations over 50,000.

Planning. The preparation of a master plan, study, analysis, or similar report, the purpose of which is to define the 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. Specific elements may include the establishment of project goals, preparation of a building program and development of a schematic design and cost estimate.

Planning and Design Project. An approved public library project, which may include the development of a library building program, preparation of a 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, site investigation and soil studies, *etc.* Eligible costs are limited to those costs that will be incurred after the date of a provisional award.

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 with 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 Manager. *See* 605 CMR 6.02: *Definitions* Owner's Project Manager.

Proportional Project Cost. The cost derived from the amount of space eligible for MPLCP funding when an approved public library project will share building space with other occupants. Funding eligibility is limited to that space designated 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 restrooms and electrical and HVAC controls, are not eligible for proportional funding and must be located in dedicated library space in order to be considered eligible. *See* 605 CMR 6.02: *Definitions* Shared Building.

Provisional Grant Award. A grant award voted by the Board that is contingent on confirmation of local financial commitment and execution of a contract. A grant award is provisional until after a contract and agreement are in place.

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

Public Library Facility. A building, modular unit or other structure utilized as a free public library in a city or town, including facilities jointly used by more than one municipality and the portion of a shared building utilized as a free public library.

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.

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 to comply with current code requirements and be effectively utilized for its designated functional purpose.

Renovation. Work required to restore and modernize most of a public library building in order that the facility may be effectively utilized for its designated functional purpose and comply with current code requirements. Such projects consist of work of such scope that, if

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not completed, the present facility would require complete building replacement. A renovation project must provide a library facility substantially equivalent to that of a new facility and must consist substantially of work other than deferred maintenance.

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

Restoration. The process used to accurately recover 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 that must contain the elements mandated in 605 CMR 6.06(2)(a).

Seating Capacity. The number of seats provided for public use including general reading area seats, lounge seats, group study seats, café-style 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 program rooms, auditoriums and general meeting rooms that are 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.

Shared Building. A facility incorporating a public library and one or more compatible partners independent of the library and housed within one building. Some parts of the building may be shared, such as meeting rooms and common areas. *See* 605 CMR 6.02: *Definitions* Proportional Project Cost and Management Plan.

Site. *See* 605 CMR 6.02: *Definitions* Approved Site.

Site Preparation. Those activities directly related to the preparation of the site for an approved public library project, including hazardous waste cleanup, 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 and Guidelines. Criteria used in the application process 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. *See* 605 CMR 6.02: *Definitions* Master Plan.

Sustainable Design. A practice which aims to reduce environmental impacts during the production of building components, during the construction process, and during the lifecycle of the building. This design practice emphasizes efficiency of heating and cooling systems, alternative energy sources, appropriate building siting, reused or recycled building materials, and on-site power generation.

Title. A legal document that confirms that the approved site of an approved public library project is owned by the municipality without any claims by others and no history of past claims that may affect ownership. If the approved site is owned by an association or library

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corporation, a deed restriction will be placed upon those portions affected by the library. If the site is owned by another organization or entity, evidence of a lease of not less than 99 years is required.

U.S. Green Building Council. A non-profit trade organization that promotes sustainability in building design, construction and operation and that administers the Leadership in Energy & Environmental Design (LEED) certification program in the United States.

Waiting List. A list, created by the Board, of construction projects approved for funding but awaiting the authorization of funds by the state legislature and its administration.

6.03: 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 evaluation tools and program assurances.

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

6.04: Project Types

(1) Planning and Design Project. A project which meets the definition in 605 CMR 6.02: Planning and Design Project, with the goal of completing the schematic design phase for a library building.

(2) Construction Project.

(a) New Construction: a project which meets the definition in 605 CMR 6.02: Definitions Construction and which will result in a new building for the provision of free public library services

(b) Addition/Renovation: a project which meets the definitions in 605 CMR 6.02: Definitions Construction, Addition, Expansion or Extension, and Renovation; a project for the alteration of an existing building for free public library services that increases the total square footage of the building

(c) Renovation: a project which meets the definitions in 605 CMR 6.02: Construction and Renovation; a project for the alteration of an existing building for free public library services that does not increase the total square footage of the building

(d) Joint Public Library: a project which meets the definitions in 605 CMR 6.02: Definitions Construction and Joint Public Library; a project for construction of a building in order to provide free public library services to two or more municipalities in one location

(3) Catastrophic Loss of a Library Building. A project which meets the definition in 605 CMR 6.02: Definitions Catastrophic Loss, when an existing library is rendered permanently unusable through a disaster or emergency situation. Loss cannot be the result of deferred maintenance or negligence.

6.05: Conditions of Eligibility

(1) To be eligible to apply for a provisional grant award, the Applicant must:

(a) For Planning and Design Projects.

1. be a city or town unless a library corporation has been designated and empowered by prior legislative action to conduct capital projects;

2. fulfill the definition of an eligible Applicant and an Eligible Project;

3. 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;

4. 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 grant round

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Letter of Intent is filed. Certification must be maintained from the date of application through the date of the final grant payment;

5. have on file at the Board a library Long-range Plan that meets the definition in 605 CMR 6.02: *Definitions Long-range Plan*;

6. meet the definition of 605 CMR 6.02: *Definitions 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;

7. propose improvements to a facility whose projected future functional life must be shown to be not less than 20 years;

8. not have received a planning and design grant award under the MPLCP in the preceding ten years. This ten year period is determined by comparing the date of the previous Board award vote to the potential date of a Board award vote. A potential Applicant may seek an exception from 605 CMR 6.05(1)(a)8. if the municipality has experienced significant unexpected population growth since the previous planning and design project. Evidence of significant unexpected population growth must show that the current population of the municipality meets or exceeds the 20-year population projection in the prior application;

9. if the Applicant is a municipality with multiple independent public libraries or with branch libraries, a maximum of one planning and design 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. The municipality will determine which library or branch may apply. A comprehensive plan for library service town-wide or citywide is required of the municipality;

10. submit an application that meets the requirements of 605 CMR 6.06.

(b) For Construction Projects.

1. be a city or town unless a library corporation has been designated and empowered by prior legislative action to conduct capital projects;

2. fulfill the definition of an eligible Applicant and an Eligible Project;

3. 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;

4. 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 grant round Letter of Intent is filed. Certification must be maintained from the date of application through the date of the final grant payment, including Waiting List period, if applicable;

5. have on file at the Board a library Long-range Plan that meets the definition in 605 CMR 6.02: *Definitions Long-range Plan*;

6. meet the criteria for its project type in 605 CMR 6.04;

7. meet the definition of an Approved Site;

8. meet the definition of an Approved Public Library Project and provide documentation of the approval, no later than the date published in the Program Notice for that particular application round. 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;

9. propose improvements to a building or facility whose projected future functional life must be shown to be not less than 20 years;

10. not have received a state Public Library Construction Program or Federal Library Services and Construction Act Title II construction grant award within the preceding 20 years. This 20 year period is 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 Applicant 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)(b)10. if the municipality has experienced significant unexpected population growth since the previous project. Significant unexpected population growth is defined as an increase over the 20-year population projection in the prior application;

11. 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

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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. The municipality will determine which library or branch may apply. A comprehensive plan for library service town-wide or citywide is required of the municipality;

12. submit an application that conforms to the application requirements of 605 CMR 6.06.

(c) For Catastrophic Loss of Library Projects. A city or town that has experienced the catastrophic loss of a library building as defined in 605 CMR 6.02: *Definitions* Catastrophic Loss of Library Project will be immediately eligible for a planning and design grant. A recommendation for a provisional construction grant shall be based on eligible costs as defined in 605 CMR 6.02: *Definitions* Eligible Costs and the funding formula according to 605 CMR 6.07(7)(b). These grants may be funded with uncommitted funds within a regular grant cycle, through other sources, or a combination. Grants are dependent upon availability of such state funds. Applicants must:

1. be a city or town unless a library corporation has been designated and empowered by prior legislative action to conduct capital projects;
2. 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;
3. plan to reconstruct or replace a main, joint, branch, or independent library;
4. plan the reconstruction or replacement of a building for the projected 20-year needs of the community.

(2) To be eligible to sign a grant contract and agreement with the Board, the Applicant will:

(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 must be no less than 25% of the project's eligible cost, and the following are considered eligible in calculating local financial commitment:

1. municipal 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. monies already expended for eligible costs related to 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 allocated to the project;
7. real property acquisition;
8. the value of land donated to the project up to a documented value of \$800,000. 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.

(c) For planning and design projects, agree to the following assurances set forth in the planning and design grant contract and agreement:

1. that new, remodeled or renovated library buildings will be planned for a minimum operational life of 20 years;
2. that the Applicant will continue the library's participation and qualification in programs established by or the successors to M.G.L. c. 78, §§ 19A and 19B. Should the Applicant fail to be certified by the Board to receive State Aid during the period in which the grant contract and agreement is in effect, until project completion and final payment, this will be considered a breach of the contract;
3. that the Applicant and contractors will 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;
4. that the Board will have the authority to review and approve plans, specifications, bid documents, contract awards, payments and all documents of obligation or expenditure for the project;
5. that the Owner's Project Manager, architect and other contractors of an approved public library project were selected using procedures as issued by the Designer

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- Selection Board under the provisions of M.G.L. c. 7C, §§ 44 through 58;
6. that the Applicant will submit the project to local, regional or state boards or agencies for comment and/or approval as may be required by law or regulation;
 7. that the Applicant will assist the Board in complying with the Massachusetts Environmental Policy Act, M.G.L. c. 30, §§ 61 through 62H;
 8. that the building will be designed according to 521 CMR *Architectural Access Board*;
 9. that life-cycle cost estimates of all technically feasible energy systems as defined in St. 1976, c. 433, will be considered during 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;
 10. that the Applicant will closely monitor the cost effects of building 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;
 11. that there will be an evaluation of flood hazard so that the facility to be constructed will be located to prevent potential flood hazards, as far as is practicable;
 12. that the building will be designed to minimize the effects of vandalism, weather conditions and natural conditions and that materials and finishes will be selected to minimize operational costs and maintenance. This includes provision of a fire-rated enclosure for any automated or manually operated exterior book or nonprint materials return that penetrates a wall of the building;
 13. that the Applicant will comply with M.G.L. c. 9, §§ 26 and 27C and 950 CMR 71.00: *Protection of Properties Included in the State Register of Historical Places* and any additional Massachusetts Historical Commission legal and regulatory requirements, including that which affords the Massachusetts Historical Commissioner the opportunity to review and comment as early as possible in the planning stages of the project;
 14. that the Applicant will comply with Americans with Disabilities (ADA) federal standards and 521 CMR: *Architectural Access Board*, including those requirements for making alterations to historical properties to ensure that property and building are readily accessible and usable by individuals with disabilities unless a variance has been obtained for all noncompliant features;
 15. that the Applicant will provide adequate supervision during the term of the project including architectural supervision and, when required, an Owners Project Manager that meets the qualifications required by M.G.L. c. 7C, § 44 through 58;
 16. 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 portions of project costs;
 17. that the Board will not be held responsible for meeting any increased costs or increasing the amount of the grant award beyond the provisional award;
 18. that the project will be completed as described in the application and approved by the Board. Any significant reductions in the project's program require prior approval;
 19. that the Board, the Governor or his designee, the Secretary of Administration and Finance, and the State Auditor or his designee will have the right, at reasonable times and upon reasonable notice, to examine the books, records and other compilations of data of the Applicant which pertain to the performance of the provisions and requirements of this agreement. Upon request, the Applicant will furnish to the Board copies of any such books, records and compilations. In all contracts or subcontracts entered into by the Applicant concerning the project, there will 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 according to Executive Order 195: *Vendor Contracts of April 27, 1981*;
 20. that the Applicant will file required monthly reports and will notify the Board when the approved public library project is completed. Within three months of completion, the Applicant must supply a certified reporting of expenditures by category, a list of financial sources and other documentation;
 21. that all grant funds received by the Applicant from the Massachusetts Public Library Construction Program will be placed in an interest bearing account separate from other Applicant accounts. All planning and design grant funds, including interest income, will be retained in this account until they are expended for purposes

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specified in the planning and design grant application. Purposes specifically excluded include all those specified in the definition in 605 CMR 6.02: *Definitions Eligible Costs*;

22. that preparation of documents according to 605 CMR 6.06(7)(d) will be completed and submitted within two years of signing a grant agreement with the Board;

23. that the project will comply with all current state and local building codes for libraries and all applicable standards and procedures.

(d) For construction projects, agree to the following assurances set forth in the construction grant agreement:

1. that new, remodeled or renovated library buildings will be planned for a minimum operational life of 20 years;

2. that the completed facility will continue to be used as a free public library for at least 20 years. Prior approval from the Board must 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 must return the amount of the grant award plus interest to the Board within 60 days of the date the library building falls out of compliance with 605 CMR 6.05;

3. that the Applicant will continue the library's participation and qualification in programs established by or the successors to State Aid to Public Libraries M.G.L. c. 78, §§ 19A and 19B. Should the Applicant fail to be certified by the Board to receive State Aid during the period in which the grant contract and agreement is in effect, until project completion and final payment, this will be considered a breach of the contract;

4. that when construction is complete, the Applicant will 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. 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 and displaying the MBLC name and logo;

6. that the Applicant and contractors will 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. that the Board will 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. that if required, pre-contract and preconstruction conferences will be held with representative(s) from the Board;

9. that the Owner's Project Manager, architect and other contractors of an approved public library project will be selected using the procedures as outlined by the Designer Selection Board under the provisions of M.G.L. c. 7C, §§ 44 through 58;

10. that all design, construction, construction contracts and sub contracts will 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: *State Board of Building Regulations and Standards*. All construction contracts must be bid under M.G.L. c. 149, § 44A or M.G.L. c. 30, § 39M;

11. that the Applicant will be in compliance with Executive Order 524: *Establishing the Massachusetts Supplier Diversity Program*, which includes set aside provisions for minority business enterprises and women-owned business enterprises, and in compliance with M.G.L. c. 151B. The Applicant must not discriminate in any manner because of gender, race, color, religion, national origin, ancestry, age, sex, or handicap;

12. that the Applicant will require that all construction contracts will 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, will include the Commonwealth's Supplemental Equal Opportunity/Anti Discrimination and Affirmative Action Program as part of the contract;

13. that the Applicant will comply with Executive Order 526: *Regarding Non-discrimination, Diversity, Equal Opportunity, and Affirmative Action*. The Applicant will safeguard nondiscrimination, diversity and equal opportunity in state

6.05: continued

- funded workplaces, decisions, programs, activities, services and contracts;
14. that the Applicant will submit the project to local, regional or state boards or agencies for comment and/or approval as may be required by law or regulation;
 15. that the Applicant will assist the Board in complying with the Massachusetts Environmental Policy Act, M.G.L. c. 30, §§ 61 through 62H;
 16. that the building will be designed according to 521 CMR: *Architectural Access Board*;
 17. that life cycle cost estimates of all technically feasible energy systems as defined in St. 1976, c. 433, will be considered 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;
 18. that the Applicant will closely monitor the cost effects of building 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;
 19. that there will be an evaluation of flood hazard so that the facility to be constructed will be located to prevent potential flood hazards, as far as is practicable;
 20. that the building will be designed to minimize the effects of vandalism, weather conditions and natural conditions and that materials and finishes will be selected to minimize operational costs and maintenance. This will include provision for a fire-rated enclosure for any automated or manually operated exterior book or nonprint materials return that penetrates a wall of the building;
 21. that the Applicant will comply with M.G.L. c. 9, §§ 26 and 27C and 950 CMR 71.00: *Protection of Properties Included in the State Register of Historical Places* and any additional Massachusetts Historical Commission legal and regulatory requirements, including that which affords the Massachusetts Historical Commission the opportunity to review and comment as early as possible in the planning stages of the project;
 22. that the Applicant will comply with Americans with Disabilities (ADA) federal standards and the regulations of the Massachusetts Architectural Access Board, including those requirements for making alterations to historical properties to ensure that property and building are readily accessible and usable by individuals with disabilities unless a variance has been obtained for all noncompliant features;
 23. that prior approval from the Board will be obtained for significant budget, program or plan changes and revisions including deduct change orders, excluding change orders of an emergency nature;
 24. 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, an Owners Project Manager that meets the qualifications required by M.G.L. c 7C, § 44 through 58;
 25. that Board staff will be provided reasonable access to the project and site with consideration for site conditions and with appropriate notification;
 26. that every good faith effort will be made to obtain sufficient funds beyond those granted under the Massachusetts Public Library Construction Program for the non matching and non eligible portion of project costs;
 27. that the Board will not be held responsible for meeting any increased costs or increasing the amount of the grant award beyond the provisional award;
 28. that the project will be completed as described in the application and approved by the Board. Any significant reductions in the project's program require prior approval;
 29. that the Board, the Governor or his or her designee, the Secretary of Administration and Finance, and the State Auditor or his designee will have the right, at reasonable times and upon reasonable notice, to examine the books, records and other compilations of data of the Applicant which pertain to the performance of the provisions and requirements of this agreement. Upon request, the Applicant will furnish to the Board copies of any such books, records and compilations. In all contracts or subcontracts entered into by the Applicant concerning the project, a provision must be included 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 according to Executive Order 195: *Vendor Contracts of April 27, 1981*;

6.05: continued

30. that the Applicant will file all required reports and the Board will be notified when the approved public library project is completed and a certified reporting of expenditures by category, financial sources and other documentation will be supplied to the Board by the Applicant within six months of project completion;
 31. that all grant funds received by the Applicant from the Massachusetts Public Library Construction Program will be placed in an interest bearing account separate from other Applicant accounts. All grant funds, including interest income, will be retained in this account until they are expended for purposes specified in the construction grant application. Purposes specifically excluded include all those specified in 605 CMR 6.02: *Definitions Eligible Costs*;
 32. 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 and Maintenance (DCAMM) upon completion of the project;
 33. that construction will begin in the fiscal year immediately following the date of acceptance by Board staff of the final project construction documents;
 34. that a copy of the as-built drawings, in paper or electronic form, will be supplied to the Board within 60 days after issuance of Certificate of Occupancy;
 35. that the Applicant has clear title to the project site or a lease of at least 99 years;
 36. that the project site will remain as described in the application and approved at the time of award or Waiting List placement;
 37. that the construction process will comply with all current state and local building codes for libraries and all applicable standards and procedures;
 38. that the completed project will meet or exceed a building efficiency rating of 65%.
- (e) Failure by the Applicant to comply with any of the assurances in the grant contract and agreement constitutes a breach of the contract. No further disbursements will be made by the Board, and all funds previously advanced to the Applicant, plus interest, must be returned.

6.06: Application Procedures

- (1) For each application round, the Director will 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 must file a completed Letter of Intent form on or before the due date announced in the Program Notice. For all general construction projects (new construction, addition/renovation, renovation, and joint public library projects), the Applicant must file the following with the Letter of Intent form:
 - (a) A completed library building program using a 20-year planning horizon, which has previously been submitted and accepted by the Board. This program must have been prepared by the library independently of and in advance of the appointment of the architect who will prepare the schematic design. It must 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 the form of a table.
 - (b) Documentation that an architect registered in Massachusetts has been hired according to M.G.L. c. 7C, §§ 44 through 58 to develop schematic level design from the library building program.
- (3) Acceptance of a Letter of Intent from a construction grant Applicant constitutes Board 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.

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- (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 will be notified in writing at the earliest practicable date by the Director.
- (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.
- (7) Application Submittal Requirements. The following are the minimum requirements necessary for consideration and acceptance of the different project types:
- (a) Applications must be received at Board 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 for the pertinent project type listed in 605 CMR 6.05.
 - (c) Applications for planning and design projects must include:
 1. a preliminary investigation of community library needs;
 2. an assessment of current library facilities;
 3. pictures of site and building, if appropriate;
 4. map showing existing and possible future library sites;
 5. an estimated project budget;
 6. a timeline, 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) Applications for construction projects must include:
 1. A library building program.
 2. Schematic drawings (or more complete drawings as available) prepared by a Massachusetts registered architect, and bearing his or her stamp, including:
 - a. floor plan(s) with a complete furnishing and equipment layout;
 - b. elevations as appropriate;
 - c. tabulation of square footages called for in the library building program 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 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. An estimated project budget, prepared independently by an experienced professional cost estimator, based on the site plan, building plans and 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 percolation 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 hazardous materials survey report.
 7. 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.
 8. Map showing existing and, if different, selected future library site.
 9. Proposed plan/schedule for funding the project.
 10. Proposed project schedule, from design development through completion of construction (timeline).
 11. Statement of need.
 12. Pictures of site and building.
 13. A copy of the completed Massachusetts Historical Commission Project Notification Form in compliance with 950 CMR 71.00: *Protection of Properties Included in the State Register of Historic Places*, along with proof that the original has

6.06: continued

- been submitted to the Massachusetts Historical Commission.
- (e) For joint public library construction projects and joint public library planning and design projects, applications must also include:
 - 1. the combined populations served by the communities to be used in the planning process;
 - 2. a Management Plan, agreed upon by the municipalities proposing the joint public library.
 - (f) 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.

6.07: Selection Procedures and Standards

Projects submitted to the Board for funding under the program are subject to the review process set forth in 605 CMR 6.07(1) through (8).

- (1) Applications must be complete, on forms prescribed by the Board, and must meet the application submittal requirements of 605 CMR 6.06.
- (2) Applications for planning and design grants are reviewed and ranked by at least three independent reviewers. A site visit by a review team member will be done only if deemed necessary.
- (3) Applications for construction grants are reviewed and ranked by at least five independent reviewers. Each general construction 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.*
- (4) All applications, except those for planning and design, should follow the space planning guidelines published in the Program Notice for an application round, with deviations explained and justified in the application. In reviewing and ranking applications, reviewers will prorate the points given relative to these guidelines.
- (5) 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 of the need for the project, 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) evidence that existing facility conditions are not the result of an inadequate maintenance program, including ongoing problems related to building security, patron and staff safety, appearance, site conditions, and building mechanical and structural elements;
 - (e) compliance with the guidelines outlined in the Program Notice;
 - (f) notes and explanations for special conditions pertaining to the project or the municipality, especially variations between the schematic design and the library building program;
 - (g) the extent to which 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;
 - (h) the extent to which the resulting facility is efficient and secure, logically organized and easy to use from a patron's point of view;
 - (i) the extent to which the resulting facility allows for efficient use of staffing resources;
 - (j) the extent to which design decisions show evidence of interior flexibility to adapt to changing service needs and future expansion as appropriate;

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(k) the extent to which the design incorporates 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.

(6) All evaluative information and data from this review process must be tabulated and summarized by Board staff and will be utilized by the Director in making final recommendations to the Board. In making recommendations for grants, the Director will consider the following:

- (a) the results of the application review under 605 CMR 6.07;
- (b) the population size of communities for all projects reviewed in the grant round;
- (c) priority will be given to joint public library projects;
- (d) the availability of state funds.

(7) Funding Formulas, as set forth in 605 CMR 6.07(7)(a) and (b), will determine the amount of the potential provisional award for each project recommended for funding:

- (a) Planning and Design Project: _ of eligible costs, up to a maximum award of \$50,000 matched with a maximum of \$25,000 locally for a total of up to \$75,000
- (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 Construction 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 Construction 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.

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- (f) In addition, the Board may establish a Green Library Incentive at the time of the Program Notice, for a project that:
1. documents in the library building program the intent to build a sustainable and energy efficient facility;
 2. indicates its plan to qualify for LEED certification in the MPLCP application;
 3. receives an MPLCP construction grant award;
 4. registers the project for LEED certification with the US Green Building Council prior to or at the design development stage;
 5. receives official LEED certification and submits confirmation of certification to the MBLC.
- (g) In no case can a grant award exceed 75% of eligible project costs, including additional incentives.

6.08: Provisional Grant Awards

(1) All Project Types.

- (a) Based upon the criteria in 605 CMR 6.07, the Director will develop a list of recommended provisional grant awards for the consideration of the Board.
- (b) The Board will consider the Director's recommendations and make provisional grants to Applicants for approved projects.
- (c) The Director will notify all Applicants in writing of the Board's decisions relative to their application.
- (d) Applicants receiving provisional grant awards will have six months to complete local financing and to fulfill other certifications and requirements.
- (e) The Board's provisional grant awards are final pending fulfillment of necessary certifications and requirements. The grant amount 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.
- (f) An award is final once a grant contract is signed with the Board. This contract will include an agreement containing the assurances listed in 605 CMR 6.05, which are based on full municipal enforcement and compliance with federal, state and local laws, rules and regulations.

(2) Construction Projects Only.

- (a) The Director may develop a Waiting List as outlined in 605 CMR 6.10, for construction projects not awarded an immediate provisional construction grant. Such list will be considered for approval by the Board.
- (b) Applicants not receiving a provisional grant or placement on a Waiting List may submit revised construction applications for review up to six months after the announcement of provisional grant awards. Revised applications will be re-reviewed under the criteria listed in 605 CMR 6.07, and, at its discretion, the Board may vote to award additional provisional grants and/or placement on a Waiting List.

6.09: 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) Planning and Design Projects.

1. An initial payment of 20% will be made when the following conditions are met:
 - a. a grant contract and agreement with the Board is executed;
 - b. board staff accepts the approved building program completed in advance of executing a contract with an architectural firm for design services;
 - c. a contract has been executed for Owner's Project Management services.
2. An additional payment of 60% will be made when a contract has been executed with an architectural firm for design services.

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3. A final payment of 20% will be made when the Applicant provides copies of the following documents:
 - a. schematic drawings listed in 605 CMR 6.06(7)(d)2.;
 - b. an estimated project budget, prepared independently by an experienced professional cost estimator based on the site plan, building plans and construction budget;
 - c. site plan approved by a Massachusetts registered architect with parking, grading, building location and designation of utilities (1" = 40 feet or larger);
 - d. a geotechnical survey, including soil boring and percolation 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;
 - e. a hazardous materials survey report;
 - f. stamped topographical land survey, completed within 15 years of the application, delineating boundary lines for entire site to be included in the library building project;
 - g. management Plan, agreed upon by municipalities proposing a joint public library, if a joint project is planned;
 - h. a Management Plan, agreed upon by agencies proposing a shared building, if a shared building is planned.
- (b) All Other Projects. Where the grant is in any amount:
 1. an initial payment of 20% will be made upon execution of a grant agreement with the Board;
 2. an additional payment of 20% will be made in the fiscal year after the initial payment but only when Board staff accepts final project plans and specifications;
 3. an additional payment of 20% will be made in the fiscal year after the project plans and specifications are accepted by Board staff but only when the Applicant provides copies of the following documents:
 - a. advertisement to bid and bid documents;
 - b. the Department of Capital Asset Management and Maintenance (DCAMM) ratings for the last five years for the top three general contractors bidding on the project;
 - c. signed contract with a general contractor;
 - d. building permit.
 4. An additional payment of 20% will be made in the fiscal year after issuance of a building permit but only when the following conditions are met:
 - a. the Applicant provides a copy of the Certificate of Occupancy;
 - b. the library opens to the public for regular library services.
 5. An additional payment of 20% will be made in the fiscal year after the building is open to the public for regular library services but only when the Applicant provides copies of the following documents:
 - a. certification that the construction contracts are complete;
 - b. certification that any and all liens have been released;
 - c. final report;
 - d. as-built drawings.

(2) If an Applicant proceeds with construction after being placed on the Board's Waiting List, the Applicant will 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.

6.10: 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 a 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 will be assigned a number indicating its order on the list. As new projects are approved, they will be added to the end of the list. The numerical

6.10: continued

order will not change as new projects are added, except where 605 CMR 6.10(5) applies.

(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 grant award, the library must meet the requirements for acceptance of the award as provided elsewhere in 605 CMR 6.00.

(5) In order to meet spending targets established in the five-year capital plan, the Board may offer a provisional grant award to a project further down the Waiting List if that project already has local funding in place or if that project is already under construction.

REGULATORY AUTHORITY

605 CMR 6.00: M.G.L. c. 78, § 19.