PUBLIC LIBRARY CONSTRUCTION GRANT

GUIDELINES

Public Library Construction Application

dosgrants.com

Application Deadline: May 1, 2020

Florida Department of State
Division of Library and Information Services
R. A. Gray Building, 500 South Bronough Street
Tallahassee, Florida 32399-0250

Application Submission

Applications must be submitted on or before May 1, 2020.

Applications must be submitted on the DOS Grants System at dosgrants.com.

For Assistance and Information

Contact Grants Staff:
850.245.6620 Voice
850.245.6643 Fax
850.922.4085 TDD
Email: grantsoffice@dos.myflorida.com

These Guidelines are also available electronically at:
info.florida.gov/services-for-libraries/grants/construction/guidelines-application-and-forms/
and can be made available in alternative formats.

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LAW AND RULE

Chapter 257, *Florida Statutes*

Rule 1B-2.011, *Florida Administrative Code*, Library Grant Programs

PUBLIC LIBRARY CONSTRUCTION GRANTS GUIDELINES

I. OVERVIEW

The Department of State, Division of Library and Information Services, provides state funds to governments to construct public libraries. Funds are awarded on a dollar-for-dollar match of the grant amount to selected governments after evaluation of applications submitted by the application deadline. The Legislature determines the amount appropriated annually for the program. These guidelines specify program policies and procedures.

II. DEFINITIONS

Applicant means the government requesting a Public Library Construction Grant and which will own or have the unconditional use of the library building to be constructed, expanded or remodeled and the site on which it is located.

Application means a completed Public Library Construction Grant application, submitted online, consisting of all required documents.

Application Correction Period means the period of time to allow applicants to complete and correct application deficiencies. Applicants will have 30 days after the notification date to complete and correct deficiencies. All corrections must be submitted on or before the last day of the correction period specified by the Division. Failure to correct identified deficiencies within the 30-day period shall automatically make the application ineligible.

Application Submission Period means the formally announced period of time in a funding cycle for the submission of an application for a Public Library Construction Grant.

Audit means the annual audit of the government for that year, carried out in accordance with the requirements of Section 215.97, *Florida Statutes*, or Section 218.39 *Florida Statutes*, and generally accepted accounting principles.

Building Consultant means a professional librarian who has completed a library education program accredited by the American Library Association. The building consultant will prepare the project narrative, the building program and the site evaluation and serve as a consultant to the applicant and its architect throughout the design and construction of the project. The building consultant may be a library staff member and may also be the project manager.

Building Program means a narrative, in-depth description of the library's service philosophy and programs as they relate to the function and contribute to the design of the library building for which a Public Library Construction Grant is being sought.

Catalog of State Financial Assistance (CSFA) is a statewide compendium of state projects that provide financial assistance to nonstate entities. As the basic reference source for state projects, the primary purpose of the Catalog is to assist users obtaining general information on state projects and identifying state projects that meet specific objectives. State projects are cataloged by agency and are assigned a Catalog of State Financial Assistance (CSFA) number for easy referencing.

The Public Library Construction Grant Program CSFA number is 45.020.

Competitively Award means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications or proposals submitted for competitive negotiations in accordance with Section 255.20, *Florida Statutes.* This also includes contracts for construction management services or design-build contracts. Such awards to a private sector contractor must be permitted by applicable municipal or county ordinance, by special district resolution or by state law including Section 255.20, *Florida Statutes*. If competitive negotiations are used, the award shall be in accordance with Section 287.055, *Florida Statutes.*

Construction Project means the construction of new buildings and the acquisition, expansion or remodeling of existing buildings to be used for public library service. The project shall result in a completed library building on the specified site. A construction project may begin up to 12 months prior to the date of grant award. The project shall include the bidding or competitive negotiations, award of the construction contract, construction of the facility, submission of required documents, expenditure of all grant and local funds for the project, completion of the building and submission and approval of the audit.

A construction project is considered to have begun when a construction contract is awarded or a guaranteed maximum price for the project is awarded.

Deliverable means the quantifiable goods or services that must be provided in order to receive payment. Each deliverable must be connected with the activities identified and described in the Scope of Work. Deliverables, along with the Scope of Work, are included in the grant agreement.

Department means the Florida Department of State.

Division means the Division of Library and Information Services of the Florida Department of State.

Expansion means adding square feet to an existing library facility.

Financial Consequences means the financial consequences that will be applied if the grant recipient fails to perform all activities outlined in the Scope of Work and/or fails to meet the deliverables outlined in the grant agreement. Financial consequences are tied to deliverables and each payment. Per Section 287.058, *Florida Statutes*, the Division is required to specify a reduction in grant funding that will be applied if the grant recipient fails to perform all activities outlined in the Scope of Work and/or fails to meet the deliverables outlined in the grant agreement.

Florida Accountability Contract Tracking System (FACTS) is the State of Florida's centralized online contract reporting system. All information pertaining to the grant agreement will be available on the FACTS system and viewable by the public. This includes the grant agreement, payment information, deliverables, performance metrics, grant award and audit information. FACTS is online at facts.fldfs.com.

Free Public Library Services means an established program of free public library services and resources which is maintained to provide library service without discrimination to all residents of the legal service area taxed for library purposes.

Funding Cycle means the interval of time between the start of an announced application submission period and the date of grant award.

Governing Body means the governing body of a county, the governing body of a municipality or the governing body of a special district or special taxing district.

Government means a county, municipality, special district or special taxing district.

Grant Agreement means a written document setting forth the terms and conditions under which a grant is provided to an applicant by the Department, including the rights and responsibilities of each party to the agreement, which is approved and signed by the Department and an authorized representative of the applicant. The agreement, incorporated by reference, will be sent to the library along with the grant award notification. The grant agreement will include a scope of work and project deliverables.

Grant Award means funding provided to the applicant by the legislature for the construction project. The date of grant award shall be July 1.

Grantee means the government to which a grant is awarded.

Noncompliance means the grant recipient is not following *Florida Statutes*, rules, the terms of the grant agreement, Florida Department of State policies and guidance, local policies, or other applicable laws. For the consequences that result from noncompliance, see Section XI.W, Noncompliance Status.

Performance Measures provide the criteria for evaluating the successful completion of each deliverable.

Performance Metrics describe the documentation to be used to prove the deliverable has been met.

Performance Standards describe the acceptable level of services to be performed or products to be delivered.

Project Close-out means the submission and approval by the Division of all project documents, reports and payment requests. The project must be closed out by the end of the project period.

Project Period shall begin on July 1 of the year in which the grant funds are awarded and shall end on June 1 two (2) years later.

Remodeling means any structural alteration to the permanent interior walls, floors, ceilings or exterior shell of a previously completed building. The term does not include maintenance or repairs such as repainting, replacing worn carpet, repairing leaky roofs, replacing HVAC or paving parking lots unless they are part of an eligible construction project.

Scope of Work means a description of the specific work to be performed under the grant agreement in order to complete the project.

Site Evaluation means a narrative analysis of the suitability of the location for the library building.

Unconditional Use means that the building to be remodeled, expanded or constructed and the site of such building are or will be owned by or under lease to the applicant and are to be used exclusively as a library. This must occur no later than 90 days after the date of the grant award or, if the applicant anticipates starting a project prior to the date of the grant award, at the time of application submission.

If the applicant is partnering with another entity to construct a library building where the ownership or unconditional use of the building will not be transferred until the completion of the construction project, a legal agreement, such as an interlocal agreement, can be provided in lieu of ownership documentation. This agreement must show when the transfer will take place and result in the applicant having ownership or unconditional use of the building. Before the project can be closed out, documentation of the final transfer of ownership or unconditional use must be provided to the Division.

Such ownership or lease interest must be continuous and for at least 20 years from completion of the remodeling, expansion or construction of the building. Leases shall not be revocable at will. Release from the unconditional use requirement may be requested and will be granted by the Division if a situation arises which will provide a library facility to serve the same community that will result in a higher level of library service. The request for release shall be submitted in writing to the Director of the Division of Library and Information Services.

If the facility is not maintained exclusively as a public library and does not provide free library service for the 20-year period and release from the unconditional use requirement has not been requested and approved, the grant funds shall be repaid as follows: for each year that the facility is maintained as a public library, the amount to be repaid will be reduced by 5%. The 20-year period begins on the date of project close-out.

III. ELIGIBILITY

To be eligible to apply for or to receive a Library Construction Grant:

A. Applications must be submitted on the DOS Grants System at dosgrants.com on or before the application deadline to receive consideration.

B. The applicant for a Library Construction Grant must be a county, municipality, special district or special tax district.

C. The applicant requesting a Public Library Construction Grant shall either own or have unconditional use of the library building to be constructed, expanded or remodeled and the site on which it is located. Assurance of unconditional use by the applicant's governing body must be submitted to the Division no later than 90 days after the grant award. If an applicant anticipates starting a project prior to the date of the grant award, the assurance of unconditional use must be submitted at the time of application submission.

   If the applicant is partnering with another entity to construct a library building where the ownership or unconditional use of the building will not be transferred until the completion of the construction project, a legal agreement, such as an interlocal agreement, can be provided in lieu of ownership documentation. This agreement must show when the transfer will take place and result in the applicant having ownership or unconditional use of the building. Before the project can be closed out, documentation of the final transfer of ownership or unconditional use must be provided to the Division.

D. An applicant for a Public Library Construction Grant shall be eligible to receive funding for a construction project from more than one state funding source provided that the following criteria are met:

   1. The additional state funding source(s) must be based on a statutorily approved process administered by another state agency, and
   2. The applicant must demonstrate that the project will provide a higher level of service to residents or that the project is in partnership with another organization or agency.

E. A government receiving a Library Construction Grant must have an established program of free public library services and resources which is maintained to provide library service without discrimination to all residents of the legal service area taxed for library purposes.

F. Library Construction Grant will be awarded on a matching basis only, and the applicant shall assure the Division that local matching funds will be available and unencumbered at the time of grant award. The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Sections 288.0656 and 288.06561, *Florida Statutes.* Eligible communities applying for a Public Library Construction Grant must request a waiver of matching requirements at the time of grant application.

G. A project will not be eligible for a grant when:

   1. The state portion of the project will be less than $10,000;
   2. The project will result in a total building of less than 3,000 square feet; or
   3. The project will not result in a complete library facility.

IV. TIMELINE

Year 1	February 2020	Announcement of application availability in *Florida Administrative Register* and via email.
	February 2020 – April 2020	Division staff assistance and consultation available to applicants.
	May 1, 2020	Application deadline. Applications must be submitted on DOS Grants System at dosgrants.com on or before this date.
	May 2020	Division staff review of applications.
	June – July 2020	Application correction period. Applicants will have 30 days after the notification date to complete and correct deficiencies. All corrections must be submitted on the DOS Grants System at dosgrants.com on or before the last day of the correction period specified by the Division. Failure to correct identified deficiencies within the 30-day period shall automatically make the application ineligible.
	August 2020	Division develops ranked list of Public Library Construction Grant applications for consideration by the Legislature.
Year 2	January-February 2021	Legislative committees hear budget requests and make recommendations as part of the overall state budget.
Year 2	April-May 2021	Legislature approves state budget.
	June 2021	Division communicates applications status to applicants (funded or not funded).
	July 1, 2021	Project begins.
Year 3	January 1, 2022	Progress Report due. The report must be submitted on DOS Grants System at dosgrants.com.
	July 1, 2022	Progress Report due. The report must be submitted on DOS Grants System at dosgrants.com.
Year 4	January 1, 2023	Progress Report due. The report must be submitted on DOS Grants System at dosgrants.com.
	June 1, 2023	Grant completion deadline. This is the ending date of the project period. The Construction project must be 100% complete, all grant and matching funds must be paid out and the project must be closed out with the Division.

V. APPLICATION SUBMISSION

A. Applications must be submitted on DOS Grants System at dosgrants.com on or before the application deadline to receive consideration.

B. Application availability will be announced in the *Florida Administrative Register* and via email.

C. An applicant for a Public Library Construction Grant shall be eligible to receive funding for a construction project from more than one state funding source provided that the following criteria are met:

1. The additional state funding source(s) must be based on a statutorily approved process administered by another state agency, and
2. The applicant must demonstrate that the project will provide a higher level of service to residents or that the project is in partnership with another organization or agency.

D. An applicant whose project was partially funded during a funding cycle may not reapply in the subsequent funding cycles for funds to add to the previous award.

E. An applicant that receives a grant to build a new library or to expand or remodel an existing library may not apply for a grant to expand the same library until the original project has been closed out with the Division.

F. Only one grant will be awarded to a government until all other eligible applicants have been awarded a grant during the funding cycle.

VI. APPLICATION

The following documents must be submitted on DOS Grants System at dosgrants.com as part of the application:

1. An ordinance, an adopted and certified resolution, or an approved agenda item from the governing body of the county, municipality, special district or special taxing district including:
   a. Authorization for submission of the application;
   b. Name or position title of person authorized to sign the application and provide required certifications;
   c. Assurance that the required match of a dollar-for-dollar of the grant request will be available and unencumbered at the time of grant award;
   d. Assurance that funding is sufficient and will be available in order that the project will result in a completed library building;
   e. Assurance that upon completion of the project, sufficient funds will be available to operate the facility; and
   f. Assurance that the building will be used exclusively for the public library purposes for which it was constructed or altered and submission of proposed changes in use to the Division for approval if within 20 years of the completion of the construction project.

2. Copy of documents that establish the library, such as a contract, resolution or ordinance of the government. A copy of the interlocal agreement(s) for library cooperatives and multicounty libraries may be used to meet this requirement.
3. A narrative description of the construction project prepared by a professional librarian functioning as the building consultant. The narrative statement must describe:
    a. How the building will function in a currently established multicounty, county or municipal library. This includes, but is not limited to, programs, services and governance;
    b. How the construction project will contribute to new or improved services in the area it will serve; and
    c. The effects of staffing, maintaining and costs of operating the proposed facility.
4. A detailed written building program, prepared by a professional librarian functioning as a building consultant. The building program must include:
    a. A brief overview of the library including a historical perspective, mission and goals (or roles) of the library;
    b. A description of how library functions relate to each other in terms of space, including a description of patron use and work flow patterns; and
    c. Projection of future needs based upon anticipated future demographics.
5. If an applicant is applying for funding for a construction project from more than one state funding source, the following information must be provided:
    a. Identification of all additional state funding sources being applied for. Include the name of the funding program and the state agency administering the program, and
    b. Description of how:
        1. The multiple funding sources will result in a project to provide a higher level of service to residents; or
        2. The project is in partnership with another organization or agency and how it will provide a higher level of service to residents; or
        3. Each funding source will be used to accomplish a different or unique portion of the entire construction project.
6. If an applicant anticipates starting a project prior to the date of the grant award, the additional documentation required in Section X must be submitted at the time of application submission.

G. The applicant may withdraw applications at any time prior to grant award without penalty.

If any library construction project that has previously been awarded a grant that is later withdrawn or vacated files a new application during the next application submission period for substantially the same project, the project shall be considered only after the Division has acted upon all other applications during the funding cycle.

H. An applicant whose project was not funded during the previous funding cycle may either update the application already on file or submit a new one. If an applicant intends to update or resubmit an application, a letter of intent should be submitted to the Division within 30 days after notification from the Division. The updated information specified in Section VI.1 shall be submitted within 60 days after notification from the Division, or the Division should be notified that no updates are needed. Failure to meet this deadline shall result in rejection of this application.

1. If a new application is submitted by the application submission date, it will be reviewed for eligibility and completeness and evaluated.
2. If the applicant requests that the application already on file be considered for funding, it will not be reevaluated. The point values assigned during the previous review period will remain unchanged. The application will be included in the ranked listing along with new applications. The applicant must update and provide the following information:
   a. Applicant Information; and
   b. Ordinance or an adopted and certified resolution from the governing body of the government as required and described in Section VI.1.

VII. APPLICATION REVIEW

Following the close of the application submission period, all applications will be reviewed for eligibility and completeness. In reviewing applications, the Division has the authority to ensure compliance with these guidelines. The Division will determine the eligibility of an applicant, the sufficiency of the application and the eligibility of a project element or expense.

A. The Division will notify applicants in writing of any application deficiencies. Eligible applicants will have an application correction period of up to 30 days after notification date to correct deficiencies. Insufficient applications or the failure to correct the identified deficiencies shall result in rejection of the application. All corrections must be submitted in DOS Grants System at dosgrants.com on or before the last day of the correction period specified by the Division. Since the purpose of this period is to determine eligibility, point totals already assigned to applications will not be changed during the correction period unless there is a change in the square feet of the building.

The Division will evaluate eligible applications in accordance with the Section VIII, Criteria for Evaluating and Ranking Grant Applications, and assign a total point score to each application. Applications will be ranked based on the point score with the applications with the most points ranked highest.

B. The ranked application list is submitted to the Secretary of State for final review and approval. The Secretary of State has the final authority to approve, amend or deny funding recommendations and to award grants.

C. Applications that are approved by the Secretary of State will be included in the Department of State's ranked list of public library construction applications for consideration by the Legislature.

VIII. CRITERIA FOR EVALUATING AND RANKING APPLICATIONS

1. An application can receive a maximum of 100 points. Applications will be ranked based on the point score with the most points ranked the highest.
2. If multiple applications are submitted by one government, then the application with the higher point total will be placed in the higher ranked position. If multiple applications from one government receive the same score, the applicant will be asked to rank the applications. The higher ranked application will be placed in the higher ranked position. The other application(s) shall be placed at the bottom of the rankings. For those application(s) placed at the bottom of the rankings, the application with the higher point totals will be ranked before those with a lower point totals.
3. If two or more applications from different applicants receive the same score, the applicant having the most need based on the Community Need, Section VIII.4.D will receive the higher ranking. If two or more applications remain tied, the applicant having received the lowest amount of construction funds within five (5) years of the application date will receive the higher ranking.
4. The points for each section are:

   A. Type of Library Building. Only one category can apply to an application:

   1. Headquarters for a multicounty or library cooperative – 20.
   2. Headquarters for a single county library **not** in a multicounty – 15.
   3. Headquarters for a single county library in a multicounty – 12.
   4. Branch or member of a multicounty library that represents the only library facility in a county – 8.
   5. Branch or member library that is part of a county or multicounty – 4.
   6. A municipal library and its branches operating independently of a county or multicounty library – 4.

   B. Project Narrative, prepared by a professional librarian functioning as a building consultant. The narrative statement must describe:

   1. How the building will function in a currently established multicounty, county or municipal library. This includes, but is not limited to, programs, services and governance – 5;
   2. How the construction project will contribute to new or improved services in the area it will serve – 10; and
   3. The effects of staffing, maintaining and operating the proposed facility – 5.

C. **Building Program,** prepared by a professional librarian functioning as a building consultant. The building program must include:

1. A brief overview of the library including a historical perspective of the library system (if applicable) and the facility covered by the application, the mission and the goals (or roles) of the library – 5;

2. A description of how library functions relate to each other in terms of space, including a description of patron use and workflow patterns – 20; and

3. Projection of future needs based upon anticipated future demographics – 5.

D. **Community Need.** Points are awarded based on the extent to which the applicant's present or existing facilities meet the standard of .6 square feet per capita for total floor space in its multicounty, county or municipal library.

The total square feet will be taken from the most current Annual Statistical Report Form for Public Libraries on file with the Division of Library and Information Services. The report is available free of charge from the Director, Division of Library and Information Services, R.A. Gray Building, Mail Station #9D, Tallahassee, Florida 32399-0250. The population served will be taken from the most current Florida Estimates of Population, University of Florida.

The following describes how the square footage and population will be determined for each type of library. The calculation of the square footage is based upon the type of library.

For cooperative libraries consisting of a countywide system and/or municipal libraries:

- For the countywide library system, the population and square feet for only the legal (taxed) service area of the countywide system will be used.

- For an independent municipal library, the population and square feet for only the legal (taxed) service area of the municipal library will be used.

- For a multicounty library, the population and square feet for the applicable county will be used.

For consolidated single county libraries:

- The population and square feet for the legal (taxed) service area of the county applying for the grant will be used. This includes consolidated multicounty libraries.

- If a municipality submits an application for a library (e.g., a branch) that is a part of a consolidated countywide system, the population of the municipality and square feet of the library (branch) will be used.

The further away an applicant's total square footage in its present or existing facilities is from the standard, the higher the amount of points that are awarded.

0 – 25	percent of standard –	30 points.
26 – 50	percent of standard –	25 points.
51 – 70	percent of standard –	20 points.
71 – 90	percent of standard –	15 points.
91 – 100	percent of standard –	10 points.
Over 100	percent of standard –	10 points.

IX. MAXIMUM GRANT AWARD

The total maximum grant award is $500,000.

X. ADDDITIONAL REQUIRED DOCUMENTS

The following material must be submitted to the Division using the DOS Grants System at dosgrants.com no later than 90 days after the date of grant award. This deadline may be extended by the Division if the applicant is resolving an issue that would affect the content of the additional information to be provided, such as a site change or a change in the scope of the project. If the applicant anticipates starting the construction project prior to the date of the grant award, the following material must be submitted for approval at the time of application submission.

These documents will become a part of the grant application.

1. An update to the Project Data (Section C), Cost of Project (Section D) and Applying for More Than One State Funding Source (Section I) sections of the original application. This will provide the most current information on estimated project costs and source of funding since the application was submitted.
2. Specific location of site and a narrative evaluation of the site of the building to be constructed, expanded or remodeled that is prepared by a professional librarian functioning as a building consultant. The site evaluation should justify the choice of site considering:
   a. Plans for future expansion or growth;
   b. Community growth and traffic pattern projections for the future;
   c. Adequate parking, taking into consideration local zoning and building codes or standards;
   d. Convenient access to major pedestrian and vehicular traffic routes; and
   e. Physical characteristics of the site.

3. Assurances, such as a deed showing that the applicant has legal title to the property and building, a long-term lease of not less than 20 years or a resolution adopted by the applicant's governing body that the applicant has unconditional use of the site and the building. If a resolution is used as proof, it must state whether the applicant owns or leases the site and building.

   If the applicant is partnering with another entity to construct a library building where the ownership or unconditional use of the building will not be transferred until the completion of the construction project, a legal agreement, such as an interlocal agreement, can be provided in lieu of ownership documentation. This agreement must show when the transfer will take place and result in the applicant having ownership or unconditional use of the building. Before the project can be closed out, documentation of the final transfer of ownership or unconditional use must be provided to the Division.

4. A comparison of the proposed project to .6 square feet per capita for total floor space and standards for library facilities and services. Cite standards used and the source of standards. This shall include at a minimum:

   a. Total floor space;
   b. The amount and kind of space required for all library functions, including both public and staff areas, meeting space, and space for specific services;
   c. Shelving requirements;
   d. Staffing requirements;
   e. Lighting requirements; and
   f. Telecommunications and electrical requirements.

5. A list of the kind and amount of initial furniture and equipment needed for the project.

6. Subsurface soil analysis. This analysis, which involves soil borings, is to assure that the site can support the weight of a library building. The analysis is required for the following:

   a. New construction;
   b. Expansion of existing library facility onto previously unbuilt land, including parking lots; or
   c. Projects involving an existing building that was not previously used as a library building.

   If problems are identified in the analysis, the Division must be informed of how the problems will be corrected.

7. Flood hazard analysis. Regulations governing the use of state funds for construction require that evaluations be made of the potential effect of any proposed construction in relation to flood hazards.

   Each applicant filing an application for construction funds must request an evaluation of the proposed site of construction from the U.S. Army Corps of Engineers. When submitting requests, the following information should be included regarding the project:

   a. A legal description of the site, giving exact boundaries, a location map showing the site, and a street address if available;

b. The need for the evaluation in order to receive construction funds from the Division of Library and Information Services, Florida Department of State; and

c. The date by which the evaluation is needed. Allow at least two weeks to receive this evaluation prior to the additional required documents filing date.

Address requests to:

For areas east of Jefferson County:

Chief, Floodplain Management Services
U.S. Army Corps of Engineers
Jacksonville District
Post Office Box 4970
Jacksonville, Florida 32232-0019
Attention: CESAJ-PD-PF
Phone: 904.232.2232

For areas west of Jefferson County, including Jefferson County:

Chief, FPM/SS
U.S. Army Corps of Engineers
Mobile District
Post Office Box 2288
Mobile, Alabama 36628-0001
Phone: 205.690.2500

If problems are identified, the Division must be informed of how the problems will be corrected.

Copies of the evaluation reports and the plans for correction, if applicable, must be submitted for each application.

8. Assurance that the proposed construction project will not have an adverse effect on historic properties listed or eligible for listing on the National Register of Historic Places. This assurance must be obtained from the Department of State, Division of Historical Resources.

   Regulations governing the use of state funds for construction require that evaluations be made of the potential effect of any proposed construction in relation to historic properties. Each applicant filing an application for construction funds must request an evaluation of the proposed site of construction from the Division of Historical Resources. Projects directly impacting historic properties will be evaluated for consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties (the Standards) (nps.gov/tps/standards.htm (as of April 2019)), incorporated by reference. Projects involving new construction within or adjacent to a historic district will be evaluated according to the Standards for compatibility with the historic character of the district. When submitting requests, the following information should be included regarding the project:

   a. State that an evaluation is needed in order to receive construction funds from the Division of Library and Information Services, Florida Department of State;

   b. Provide the name, address and/or the tax parcel identification for the project;

   c. Provide a detailed written description of the proposed project including related activities that will be carried out in conjunction with the project, for example the proposed rehabilitation (include specific details) or demolition of a building or structure or the extent of proposed land clearing or ground disturbing activities;

   d. Provide a project site location map depicting the project area on an aerial photograph and/or street map.

e. Provide photograph(s) of the project site if available (no photocopies). If a project does or may involve a building(s) or structure(s) 50 years of age or older, photographs must be provided of the exterior and interior (as appropriate). Provide photographs of specific elements of the building(s) affected by the project, if applicable. All photographs should be keyed to a project or building sketch plan;

f. For new construction projects, describe the present condition of the project area and a history of the past land use activities, i.e., agriculture or silviculture. Describe any manmade improvements in the study area. Provide information on the project area describing the natural environment(s) (biological and geological), for example drainage, wetlands, soils, vegetation, etc.

g. Describe any surrounding buildings or structures (include photographs of such improvements keyed to a map). Indicate the recorded or estimated construction dates for each building or structure. Indicate if the project area is within or adjacent to a historic district; and

h. Indicate the date by which you need the evaluation. Allow at least 30 days for the historic site evaluation.

Address requests to:

Director
Division of Historical Resources
R. A. Gray Building, Mail Station 4
500 S. Bronough Street
Tallahassee, Florida 32399-0250
Phone: 850.245.6333
Email: CompliancePermits@dos.myflorida.com

Copies of the letters of evaluation must be submitted for each application. If the project affects historic properties listed or eligible for listing on the National Register of Historic Places in accordance with Section 267.061, *Florida Statutes*, the applicant must obtain written approval from the Division of Historical Resources before the project is let for bid.

XI. ADMINISTRATION OF GRANTS

A. Project Start. The grant period will start on July 1, 2021 of the state fiscal year in which requested grant funding is appropriated by the Legislature. A construction project may be initiated 12 months or less prior to the project start date. However, the Division shall not release any grant funds to the applicant before the grant funds have been appropriated by the Legislature and the grant agreement is executed between the Division and the grantee.

B. Notification of Grant Award. The Notification of Grant Award is the official notice of the amount of the grant award for the applicable fiscal year. On the notification, the project to be funded is listed along with the award amount, the Catalog of State Financial Assistance (CSFA) number, the project start date, the ending date of the grant and any other special project-related comments or instructions.

C. Grant Agreement. The application, if approved, will become a part of the grant agreement between the Department of State, Division of Library and Information Services and the grantee. The Division shall be responsible for preparing a grant agreement. Grant agreements, incorporated by reference, will be sent to grantees along with the notification of grant award. The grant agreement will include a scope of work and project deliverables. A construction project may be initiated 12 months or less prior to the grant award. However, the Division shall not release any grant funds to the applicant before the grant funds have been appropriated by the Legislature and the grant agreement is executed between the Division and the grantee.

The grant agreement must be signed between the grantee and the Department prior to February 1 of the second fiscal year after the grant award. If the agreement is not executed by this date, the grant funds shall revert to the Legislature in accordance with Section 216.301, *Florida Statutes*.

D. Grant Agreement Amendments. Requests may be made to modify the provisions of the Grant Agreement. A Change Request must be submitted to the Division in the DOS Grants System at dosgrants.com. Changes that are agreed upon shall be valid only when put in writing and signed by each of the parties in a Grant Agreement Amendment. If changes are implemented without the Division's written approval, the organization is subject to noncompliance, and the grant award is subject to reduction, partial, or complete refund to the State of Florida.

E. Project Manager. The project manager is the applicant's single authorized representative for all contact with the Division regarding the project. This includes all written and verbal communications with the Division, processing grant-related paperwork processing, receipt of grant payments, etc. If the project manager changes from the information provided in the application, the applicant or grantee must notify the Division in writing of this change. The project manager may be the same person as the applicant's building consultant. The project manager does not have to be the physical construction project manager.

F. Planning Assistance. Division staff are available to provide planning assistance as the plans for the construction project are being developed. It is recommended that Division staff be involved during several points in the development of project plans: when the initial drawings have been completed based on the building program, approximately half way through design development; and, when the furniture and equipment plan for the facility is being developed.

G. Architectural Drawings and Specifications. The grantee shall provide the Division the following material no less than 30 days prior to the construction project being let for bid or guaranteed maximum price being awarded. This also includes contracts for construction management services or design-build contracts.

1. Final floor plan with furnishings and equipment;
2. Final site plan; and
3. Final elevations.

Submit two sets of drawings prepared by a licensed architect. One set of these plans shall be 24" x 36" or 30" x 42" and the other shall be 11" x 14" or 11" x 17".

If there are changes in the design or size of the building, the grantee shall provide revised floor plans, site plans and elevations to the Division. An example of when this might occur would be if project bids exceed available funding, necessitating a revision to project plans.

H. Architectural Supervision. The grantee shall provide engineering or architectural supervision and inspection to ensure that the completed work conforms to the approved plans and specifications.

I. Accessibility. All facilities constructed must comply fully with Sections 255.21 and Sections 553.501 through 553.514, *Florida Statutes*, relating to accessibility by persons with disabilities and the Americans with Disabilities Act of 1990 (ada.gov (as of April 2019)), incorporated by reference.

J. Competitive Awards. The grantee shall competitively award construction contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiations. This also includes contracts for construction management services or design-build contracts. Such awards to a private sector contractor must be permitted by applicable municipal or county ordinance, by special district resolution or by state law including Section 255.20, *Florida Statutes*. If competitive negotiations are used, the award shall be in accordance with Section 287.055, *Florida Statutes.*

All procurement of goods and services must be made in a manner so as to provide maximum free competition.

K. Project Publicity. Each construction project shall display a project identification sign in a prominent location at the project site and shall maintain said sign while work is in progress. The sign must be a minimum of eight (8) square feet in area, be constructed of plywood or other durable material, and contain the following acknowledgment of grant assistance in accordance with Section 286.25, *Florida Statutes*:

> This project is sponsored in part by the Department of State's Division of Library and Information Services and the State of Florida.

Any variation in the above specifications must receive prior approval in writing by the Division. The cost of preparation and erection of the project identification sign is an allowable project cost. Routine maintenance costs of project identification signs are not allowable project costs.

L. Progress Reports. The grantee must submit a progress report to the Division every six (6) months until the project is completed. The report should include a status of the construction project and photographs of project progress. The report must be submitted in DOS Grants System at dosgrants.com.

M. Change Orders. Should grant expenditures exceed the budgeted category amount by more than 20%, the Grantee shall be required to submit a proposal for revision of the Project Budget with a written explanation for the reason(s) for deviation(s) from the original Project Budget to the Division for review and written approval. The proposed revision should be submitted using a Change Request in DOS Grants System at dosgrants.com.

N. Final Inspection. The grantee should notify the Division of the date and time of final inspection so that the Division may participate in such inspection for the purpose of concurring in the final acceptance of the building. The grantee shall also provide the Division with a copy of the Certificate of Substantial Completion (AIA Document G704).

O. Project Completion. The construction project shall be completed by June 1 three years after the year of the grant award. The project completion date is the date that the project is 100% complete and all grant and matching funds have been paid out.

P. Extension of the Project Completion Deadline. An extension of the completion date must be requested at least 30 days prior to the end of the project period and may not exceed 120 days unless the grantee can clearly demonstrate extenuating circumstances. An extenuating circumstance is one that is beyond the control of the grantee and one that prevents timely completion of the project, such as a natural disaster, death or serious illness of the individual responsible for the completion of the project, litigation related to the project, or failure of the contractor or architect to provide the services which they were contracted to provide. An extenuating circumstance does not include failure to read or understand the administrative requirements of a grant or failure to raise sufficient matching funds. Written approval from the Division is required for extensions.

Q. Project Audit. A financial audit of the government, carried out in accordance with the requirements of Section 215.97, *Florida Statutes* and generally accepted accounting principles, must be submitted following the end of the grant.

If desired, a grantee may submit a project specific audit in lieu of the annual audit. The project specific audit must be carried out in accordance with the requirements of Section 215.97, *Florida Statutes*, or Section 218.39, *Florida Statutes*, and generally accepted accounting principles.

R. Record Retention. Financial records, supporting documents, statistical records, and all other records, including electronic storage media pertinent to the project, shall be retained for a period of five (5) years after the close-out of the grant and release of the audit. If any litigation or audit is initiated or claim is made before the expiration of the five-year period, the records shall be retained until five (5) years after the litigation, audit, or claim has been resolved.

S. Withdrawal of Project. The applicant may withdraw applications at any time prior to grant award without penalty.

If any library construction project that has previously been awarded a grant which is later withdrawn or vacated files a new application during the next application submission period for substantially the same project, the project shall be considered only after the Division has acted upon all other applications during the funding cycle.

T. Change in Project Scope. If the grantee desires to change the scope of the project from what was submitted in the application (for example, from renovation to new construction), the request must be submitted using a Change Request in the DOS Grants System at dosgrants.com. Permission to change the scope of the project will be granted if a situation arises that will provide a library facility to serve the same community that will result in a higher level of library service. If a change in project scope is approved, the applicant or grantee will have 30 days to update the application documents that are on file with the Division.

U. Change in Project Site. If the grantee desires to change the site or location of the project from what was submitted in the application, the request must be submitted using a Change Request in the DOS Grants System at dosgrants.com. Permission to change the project site will be granted if a situation arises that will provide a library facility to serve the same community that will result in a higher level of library service. If a change in the project site is approved, the applicant or grantee will have 30 days to update the application documents that are on file with the Division.

V. Financial Consequences. The following financial consequences will be applied if the grant recipient fails to perform all tasks outlined in the Scope of Work and/or fails to meet the deliverables outlined in the grant agreement. Financial consequences are tied to deliverables and each payment:

1. First payment will be withheld if deliverables are not satisfactorily completed.
2. Second payment will be withheld if deliverables are not satisfactorily completed.
3. Third payment will be withheld if deliverables are not satisfactorily completed.
4. Fourth payment will be withheld if deliverables are not satisfactorily completed.

W. Payments. A maximum of four payments of grant funds will be made on a reimbursement basis. Payment requests and supporting documentation must be submitted in the DOS Grants System at dosgrants.com.

1. **The first payment** will be 30% of the grant award. Payment will be made upon completion of at least 30% of the project and after receipt and approval of the following required documents. This information is found on the Application and Certificate for Payment (AIA Document G702, incorporated by reference) and Continuation Sheet (AIA Document G703, incorporated by reference), or its equivalent. The following documents must be either on file with the Division or completed and submitted for the first payment:

    a. Material required in Section X, and Section XI. F;

    b. Executed contract for architectural services between the owner and architect;

    c. Documentation that the project was competitively bid and awarded in accordance with Section 255.20, *Florida Statutes* and local bidding requirements. If competitive negotiations are used, the documentation must show that the contract was awarded in accordance with Section 287.055, *Florida Statutes*;

    d. Complete and executed contract(s) for construction that shows the total cost to construct the facility or the guaranteed maximum price; and

    e. Application and Certificate for Payment (AIA Document G702) and Continuation Sheet (AIA Document G703), or the equivalent showing at least 30% of the construction project has been completed. This item is the project deliverable for the first payment.

2. **The second payment** will be 30% of the grant award. Payment will be made upon completion of at least 60% of the project and after receipt and approval of the following required documents. This information is found on the Application and Certificate for Payment (AIA Document G702, and Continuation Sheet (AIA Document G703), or its equivalent. The following documents must be either on file with the Division or completed and submitted for the second payment:

    a. Application and Certificate for Payment (AIA Document G702) and Continuation Sheet (AIA Document G703), or the equivalent, showing at least 60% of the project has been completed. This item is the project deliverable for the second payment.

3. **The third payment** will be 30% of the grant award. Payment will be made upon completion of 100% of the project and after receipt and approval of the following required documents. This information is found on the Application and Certificate for Payment (AIA Document G702) and Continuation Sheet (AIA Document G703), or its equivalent. The following documents must be either on file with the Division or completed and submitted for the third payment:

    a. Certificate of Substantial Completion (AIA Document G704, incorporated by reference) or its equivalent;

b. Documentation of the transfer of ownership or unconditional use of the property and building if the applicant was partnering with another entity to construct a library building where the ownership or unconditional use of the building was not completed at the start of the project; and

c. Application and Certificate for Payment (AIA Document G702) and Continuation Sheet (AIA Document G703) or the equivalent. The G702 form must show that the project is 100% complete, all construction contract funds have been expended, including all retainages, and a zero balance on line 9. This item is the project deliverable for the third payment.

4. **The final payment** will be 10% of the grant amount. Payment shall be made only after successful completion of the project and agreement obligations. The following documents must be either on file with the Division or completed and submitted for the fourth payment:

   a. Final Report, certified by the project manager and chief financial officer of the applicant's governing body, assuring that all project funds have been expended and that the project has been closed out. This item is the project deliverable for the fourth payment.

X. Noncompliance Status. If the grant recipient is in noncompliance with any term(s) of the grant agreement or any other grant agreement with the Division of Library and Information Services, the Division of Historical Resources or the Division of Cultural Affairs, the Division may withhold grant payments until the organization and/or governing body comes into compliance. Violation of a grant program requirement, including but not limited to failure to submit grant reports and other grant documents, submission of incomplete grant reports or other grant documents or violation of other contractual requirements, shall constitute a basis for the Division to place the recipient and/or its governing body in noncompliance status with the Department of State.

XII. ALLOWABLE USES OF GRANT FUNDS

Funds provided under a Library Construction Grant may be used to cover costs of any of the following, as long as the construction project results in a completed library facility:

A. Architectural services;

B. New construction;

C. Expansion;

D. Remodeling;

E. Purchase of a facility or property to be used as a library. All requirements for having ownership of the property or facility as specified in Section X.2 must be met.

F. Site preparation, including the provision of parking spaces;

G. Engineering costs and legal fees directly related to the construction of the library;

H. Initial or fixed equipment, including shelving, tables, chairs, information and building technologies, video and telecommunications equipment, machinery, utilities, built-in equipment and enclosures or structures necessary to house them, and all other items necessary to furnish and operate a new or improved facility for the provision of library services; or

I. Opening day collections.

Expenditures must be in compliance with the state guidelines for allowable project costs as outlined in the Department of Financial Services' Reference Guide for State Expenditures (as of January 2020), incorporated by reference, which are available online at https://www.myfloridacfo.com/division/aa/manuals/documents/ReferenceGuideforStateExpenditures.pdf.

XIII. MATCHING FUNDS

Matching funds must equal the grant amount, dollar for dollar. The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Sections 288.0656 and 288.06561, *Florida Statutes*. Eligible communities applying for a Public Library Construction Grant must request waiver of matching requirements at the time of grant application.

Eligible matching funds include cash, governmental appropriation, negotiable and non-negotiable securities, bonds sold or validated, funds used for advance plans, estimates, or the cost of the land for the construction or acquisition of a building not already in use as a public library.

For new construction, the current appraised fair market value of a currently owned site may be included as a part of the local matching portion. For remodeling and expansion projects, the current appraised fair market value of the site, building or portion of a building currently not being used as a public library that will be become part of the library as a result of the project may be included towards the local matching portion. The appraisal shall be prepared by an independent licensed appraiser.

There is no time limit prior to submitting the application when the applicant must have ownership of the site being used towards match. However, if the site is being used towards match, the applicant must own the site no later than the time of grant award.

Funds expended on furnishings and equipment for the facility, such as shelving, computers, tables and chairs, and opening day collections may be used towards match as long as the funds are expended less than 12 months prior to the date of grant award or before the project is closed out.

All funds, including local matching and donated funds used towards the project, must be administered by the grantee.

XIV. UNALLOWABLE USE OF GRANT AND MATCHING FUNDS

Funds are allowed for grant or matching expenditures only as specifically stated in Sections XII and XIII. In addition, the following are not allowed as grant or matching expenditures:

A. In-kind services; and

B. Routine maintenance costs of project identification signs.

XV. OPERATION AND USE OF FACILITY

A facility that will be constructed, remodeled or expanded using state grant funds must be maintained exclusively as a public library and provide free library service for a period of 20 years. Failure to maintain the facility exclusively as a public library or to provide free library service for the 20-year period will result in repayment of all or a portion of the grant funds. The 20-year period begins on the date of project close-out.

If the facility is not maintained exclusively as a public library or free library service has not been provided for the 20-year period and release from the unconditional use requirement has not been requested and approved, the repayment schedule is as follows:

For each year that the facility is maintained as a public library, reduce the amount to be repaid by 5%, i.e., 1 year – 95% of the grant funds, 5 years – 75% of the grant funds, 10 years – 50% of the grant funds, etc.

If the facility is not maintained as a public library for an entire year, the amount to be repaid will be prorated based on the number of months the facility was not maintained as a public library, rounded to the next whole month.

Release from the unconditional use requirement may be requested and will be granted if a situation arises that will provide a library facility to serve the same community that will result in a higher level of library service. The request shall be submitted in writing to the Director of the Division of Library and Information Services.

CHAPTER 257, *Florida Statutes*

PUBLIC LIBRARIES AND STATE ARCHIVES

257.14 Division of Library and Information Services; rules.

257.15 Division of Library and Information Services; standards.

257.191 Construction grants.

257.14 Division of Library and Information Services; rules. – The Division of Library and Information Services has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

History. – s. 2, ch. 61-402; s. 4, ch. 63-39; ss. 10, 35, ch. 69-106; s. 21, ch. 69-353; s. 3, ch. 83-24; s. 19, ch. 86-163; s. 46, ch. 98-200.

257.15 Division of Library and Information Services; standards. – The Division of Library and Information Services shall establish reasonable and pertinent operating standards under which libraries will be eligible to receive state moneys.

History. – s. 3, ch. 61-402; s. 4, ch. 63-39; ss. 10, 35, ch. 69-106; s. 21, ch. 69-353; s. 2, ch. 72-353; s. 3, ch. 83-24; s. 20, ch. 86-163.

257.191 Construction grants. – The Division of Library and Information Services may accept and administer library construction moneys appropriated to it and shall allocate such appropriation to municipal, county, and regional libraries in the form of library construction grants on a matching basis. The local matching portion shall be no less than the grant amount, on a dollar-for-dollar basis, up to the maximum grant amount, unless the matching requirement is waived by s. 288.06561. Initiation of a library construction project 12 months or less prior to the grant award under this section shall not affect the eligibility of an applicant to receive a library construction grant. The division shall adopt rules for the administration of library construction grants. For the purposes of this section, s. 257.21 does not apply.

History. – s. 4, ch. 73-138; s. 5, ch. 83-24; s. 23, ch. 86-163; s. 2, ch. 2003-126.

Florida Administrative Code

1B-2.011 Library Grant Programs.

(1) This rule provides procedures for library grant programs administered by the Division of Library and Information Services (Division). Each program shall be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, if applicable, and application forms. All grant awards shall be subject to final approval by the Secretary of State.

(2) Applicants for grants shall meet the eligibility and application requirements as set forth in the following guidelines for each grant program:

(a) State Aid to Libraries Grant Guidelines, http://www.flrules.org/Gateway/reference.asp?No=Ref-11618, effective 03-2020, which contain guidelines and instructions; Certification of Credentials – Single Library Administrative Head (Form DLIS/SA01), effective 04-2018; Grant Agreement (Form DLIS/SA02), effective 03-2020; Annual Statistical Form for Florida's Public Libraries (Form DLIS/SA03), http://www.flrules.org/Gateway/reference.asp?No=Ref-11619, effective 03-2020; Certification of Hours, Free Library Service and Access to Materials (Form DLIS/SA04), http://www.flrules.org/Gateway/reference.asp?No=Ref-11618, effective 03-2020.

(b) Public Library Construction Grants Guidelines, http://www.flrules.org/Gateway/reference.asp?No=Ref-11620, effective 03-2020, which contains guidelines and instructions; and Public Library Construction Grant Agreement (Form DLIS/PLC01), http://www.flrules.org/Gateway/reference.asp?No=Ref-11621, effective 03-2020.

(c) Library Cooperative Grant Guidelines, http://www.flrules.org/Gateway/reference.asp?No=Ref-11622, effective 03-2020, which contains guidelines and instructions; Annual Statistical Report Form for Multitype Library Cooperatives (Form DLIS/LCG01), effective 03-2020; Grant Agreement (Form DLIS/LCG02), http://www.flrules.org/Gateway/reference.asp?No=Ref-11623, effective 03-2020; and the Florida Library Information Network Manual http://www.flrules.org/Gateway/reference.asp?No=Ref-11624, effective 06-2019.

(d) The Library Services and Technology Act Grant Guidelines, http://www.flrules.org/Gateway/reference.asp?No=Ref-11625, effective 03-2020, which contains guidelines and instructions and Grant Agreement (Form DLIS/LSTA01), http://www.flrules.org/Gateway/reference.asp?No=Ref-11626, effective 03-2020.

(e) The Community Libraries in Caring Program Application, http://www.flrules.org/Gateway/reference.asp?No=Ref-01122, effective 4-10-12; which contains instructions and application (Form DLIS/CLIC01), effective 11-16-04; Annual Report (Form DLIS/CLIC02), effective 11-16-04; and Grant Agreement (Form DLIS/CLIC03), http://www.flrules.org/Gateway/reference.asp?No=Ref-01123, effective 4-10-12.

(3) Guidelines and forms in this rule are incorporated by reference and may be obtained from the Director of the Division, Florida Department of State, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

(4) The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Sections 288.0656 and 288.06561, F.S. Eligible communities applying for Library Services and Technology Act grants and Library Construction grants must request waiver of matching requirements at the time of grant application.

Rulemaking Authority 257.14, 257.191, 257.192, 257.24, 257.41(2) FS. Law Implemented 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 FS. History–New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, 3-20-02, 1-9-03, 12-28-03, 11-16-04, 2-21-06, 2-21-07, 1-24-08, 4-1-10, 4-21-10, 4-10-12, 12-25-13, 7-8-14, 4-7-15, 7-12-16, 7-6-17, 4-30-18, 11-19-18, 7-1-19, 3-17-20.