

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 for the planning and design phase. 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 strategic 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 are placed on the Waiting List.

Approved Capital Equipment. Building components which include the mechanical, electrical, plumbing (MEP), 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

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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, mobile shelving, and unfixed or mobile service desks, and other components as determined by the Board, that may be bid separately from the general construction contract. Final approval of capital equipment as an eligible cost is determined by the Board. *See* 605 CMR 6.02: Eligible Costs.

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.

Approved Site. The site as approved by the municipality and accepted by the Board during the planning and design phase of a project. 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 or Grantee. The site for a library building project must be specified prior to commencement of MPLCP-funded design work 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. Before acceptance by the Board, any site 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 for the duration of at least 30 years. If the project is planned on land not owned by the library or the municipality, the Applicant or Grantee must have a signed Purchase and Sale Agreement or a lease of not less than 99 years at the time of acceptance by the Board. *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 Condition Assessment. *See* 605 CMR 6.02: Condition Assessment.

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. With the exception of Applicants for a Small Population Public Library Project, it is prepared before application to the MPLCP. It is completed either by the library staff and/or the board of trustees or by a library building consultant in cooperation with them. This program must be prepared by the library independently of, and in advance of the appointment of the architect who will prepare designs or studies during the planning and design phase of a project. The elements to be contained in the program are listed in 605 CMR 6.06(6)(c)(1). *See* 605 CMR 6.02: Small Population Public Library Project.

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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. Certified copies of Town Meeting appropriation votes, City or Town Council appropriation votes, popular ballot votes authorizing required debt exclusions or approving referenda, proof of trust funds, donations in hand, and/or legally binding pledges for the project. For the planning and design phase, local funds must be sufficient to cover the estimated eligible cost for that phase at the time that the Applicant accepts the award. For the construction phase, local funds must be sufficient to cover the estimated total project cost, as determined by the MPLCP Level of Design estimate, at the time that the Grantee accepts the award. State funds cannot exceed 75% of the actual eligible cost. *See* 605 CMR 6.02: Eligible Costs.

Certification of Project. After notification of a provisional construction award and within the fiscal year of the Board's vote or other deadline as determined by the Board, the Grantee must certify that sufficient funds are available to cover the total project cost of the project as approved by the Board and that the construction start date will take place within six months of the date of acceptance by Board staff of final construction documents. *See* 605 CMR 6.02: Construction Start Date, Final Construction Documents.

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 and should be brought on during the design phase. The commissioning agent shall be an independent party, not affiliated or associated with the owner's project manager, designer, contractor, any subcontractors, or CM at Risk, to provide commissioning services with the intent of achieving, verifying, and documenting the performance of building systems in accordance with the design intent and the functional and operational needs of the library.

Condition Assessment. A written report completed by a building sciences firm, a registered engineer, or a registered architect regarding the physical condition of an existing facility's building, site, and grounds as well as future financial risk or liability issues. Elements are evaluated for condition, completion, code compliance, life-cycle costs, appropriateness for intended use, and any issues compromising the structure or systems.

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 Phase. The phase of a Public Library Project that begins after successful completion of the planning and design phase and a contract is executed between the municipality and the MBLC for construction funding.

Construction Project. *See* 605 CMR 6.02: Public Library Project.

Construction Start Date. The signing date of a construction contract between the Grantee and the general contractor. The construction start date must take place by the final day of the fiscal year after Board staff approves final construction documents.

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 or renovated with Massachusetts Public Library Construction Program funds is not kept in continuous use as a free public library for 30 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 30 year period begins on the date that the building's final Certificate of Occupancy is issued and survives in the contract after the last grant payment is made.

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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, renovation, reconstruction, alteration, remodeling, or repair work. Design services include the following services in connection with a public building project: preparation of 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. An official letter on municipal letterhead from the Grantee confirming compliance with designer selection law must be submitted before design work commences.

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

Efficiency. See 605 CMR 6.02: Building Efficiency.

Eligible Costs. Those project costs or proportional costs that are eligible for MPLCP grant funding. For the planning and design phase, eligible costs include planning and/or design services incurred after the date of the grant award. For Small Population Public Library Projects, eligible costs include costs for preparing a library building program and a condition assessment as well as planning and/or design services incurred after the date of the grant award. For the construction phase, eligible costs are those project costs or proportional costs directly related to implementing interior and exterior construction of an eligible project, including: acquisition of real property, including purchases within three years prior to the application due date; planning costs; design services; demolition; site preparation; construction; and approved 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 \$1,000,000, may be considered in the calculation of eligible costs, and the value of such land must be documented. Ineligible expenses include but are not limited to costs related to fundraising, municipal bonding, attorney fees and legal proceedings, 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. See 605 CMR 6.02: Small Population Public Library Project.

Eligible Project. A project for design, demolition, new construction, renovation, 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 biennially determining an equalized valuation for each town and city in the Commonwealth. EQV may be considered in calculating a need factor. See 605 CMR 6.07(5)(a).

Facility Condition Assessment. See 605 CMR 6.02: Condition Assessment.

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.

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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*.

Geotechnical Report. A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local geology and processes.

Grantee. An Applicant that has been accepted into the planning and design phase of the program after the independent review process. The Grantee 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 grant award and remain certified until project completion and final payment.

Green Design. See 605 CMR 6.02: Sustainable and Resilient Design.

Guidelines. See 605 CMR 6.02: Standards and Guidelines.

Incentive. A separate award meant to motivate Grantees to pursue specific goals as outlined in the Program Notice for the grant round. This incentive is calculated as a percentage of the total provisional award and offered to Grantees that meet the requirements as detailed in the Program Notice. Each Grantee is eligible to apply for only one incentive per project. In no case can a grant award exceed 75% of eligible project costs, including additional incentives and need factor increases.

International Living Future Institute (IFLI). An environmental non-governmental organization that promotes sustainability in building design, construction, and operation and that administers the Zero Energy certification program.

Joint Public Library. An undertaking by two or more cities or towns to provide public library service to all citizens of both municipalities within a single building. At least one of the municipalities must be an eligible Applicant as defined in 605 CMR 6.02: Applicant. See 605 CMR 6.02: Shared Building.

Large Library Tier. A public library project with gross square footage of 30,000 square feet and above as determined in the building program.

LEED Gold and Platinum Status. The top two levels of 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. This certification may be considered as a requirement for an optional incentive award. See 605 CMR 6.02: U.S. Green Building Council and 605 CMR 6.07(5)(b).

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

Library Building Program. See 605 CMR 6.02: Building Program.

Local Financial Commitment. The financial commitment required of the eligible Applicant/Grantee to the approved public library project for which the grant is being made. The local financial commitment is determined by the grant funding formula published in the Program

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Notice for the grant round and must be no less than 25% of the project's eligible costs in each phase. The following will be considered eligible in calculating local financial commitments: municipal appropriation; donations in hand or with a binding commitment; trust monies allocated to the project; 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 \$1,000,000 as set forth in 605 CMR 6.02: Certification of Funds, Eligible Costs.

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

Management Plan. A written preliminary document that addresses management concerns for the operation of a shared building, a joint library facility project, or a project that involves joint ownership between a library association/corporation and a municipality. 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: Study.

Medium Library Tier. A library project with gross square footage between 15,000 and 29,999 square feet as determined in the building program.

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

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

MPLCP Level of 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 as mandated in 605 CMR 6.08(2)(a). For the purpose of this grant program, MPLCP Level of Design will be based on a library building program that must contain the elements mandated in 605 CMR 6.06(6)(c)(1).

Municipal Census Population. The population of a municipality as determined by the Massachusetts Department of Revenue for the year prior to application to the MPLCP.

Needs Assessment. An element of the library building program that outlines the library service needs of the community, without reference to the existing facility. See 605 CMR 6.02: Building Program.

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

OPM. See 605 CMR 6.02: 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 and who is hired through adherence with designer selection law. Responsibilities include assistance with designer selection, participation in cost estimating, general contractor and subcontractor prequalification, negotiations with the designer and the general contractor, monitoring of all phases of design and construction, regular communication with the library director, and assistance with MPLCP monthly and final reporting. 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.

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Parking. Projects must provide at least one parking space for every 400 gross square feet of building, not including parking required by Americans with Disabilities standards or staff parking requirements. If the number of parking spaces deviates from this guideline, the Applicant must show that the appropriate local boards have approved an alternative parking plan.

Planning. The preparation of a 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 Phase. The initial phase of an approved public library project, which may include preparation of a study, analysis, or similar report on an existing building or alternative sites, along with cost analysis of options and alternatives, site investigation/selection, and preparation of design drawings, energy modeling, cost estimates, site investigation, and soil studies, *etc.* For Small Population Public Library Projects, this phase also may include the development of a library building program and the preparation of a condition assessment. Eligible costs are limited to those costs that will be incurred after the date of acceptance into the grant program, with the exception of land purchase costs incurred within three years prior to the application due date. *See* 605 CMR 6.02: Eligible Costs, Small Population Public Library Project.

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: 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 and will be approved by the Board. Restrooms and HVAC controls must be located in dedicated library space in order to be considered eligible, and separate restrooms and HVAC controls must serve non-library spaces. A dedicated space for library programming must be provided. *See* 605 CMR 6.02: 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. Separate provisional awards are voted for the planning and design phase and the construction phase. *See* 605 CMR 6.02: Construction Phase, Local Financial Commitment, Planning and Design Phase.

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.

Public Library Project. A project, including a planning and design phase and a phase for new construction, renovation, or addition/renovation, undertaken by a municipality for the purpose of providing free public library services. *See* 605 CMR 6.02: Construction Phase, Free Public Library, Planning and Design Phase.

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.

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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 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 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.

Resilient Design. See CMR 6.02: Sustainable and Resilient Design.

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.

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 open at all times to library patrons. Seats that have the capability for wireless use but are available for other purposes should 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 larger meeting rooms and common areas, upon approval by the Board. See 605 CMR 6.02: Management Plan, Proportional Project Cost.

Site. See 605 CMR 6.02: 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.

Small Library Tier. A library project with gross square footage between 6,000 and 14,999 square feet as determined in the building program.

Small Population Public Library Project. A project which includes a preplanning phase, a planning and design phase, and a phase for new construction, renovation, or addition/renovation, undertaken by a municipality with a municipal census population of under 2,500 for the purpose of providing free public library services. See 605 CMR 6.02: Building Program, Condition Assessment, Construction Phase, Municipal Census Population, Planning and Design Phase.

Specialized Stretch Code. Building code as outlined in 225 CMR 23.00 Appendix CC: *Massachusetts Stretch Code and Specialized Code for Commercial Buildings, Massachusetts Municipal Opt-in Specialized Energy Code 2023.* Adherence to this level of code may be considered as a requirement for an optional incentive award.

Stabilization. The act or process of applying measures designed to reestablish 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.

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Strategic Plan. A planning document that includes a library's mission and/or vision statement, user needs assessment, 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 strategic plan, with annual action plans and updates as required, must be on file with the Board.

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

Sustainable and Resilient Design. A practice which aims to reduce environmental impacts during the production and transportation 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 and renewable energy sources, minimization of embodied and operational carbon, appropriate building siting, clean and efficient building systems and components, reused or recycled building materials, on site power generation, and provisions for mitigation of climate change impacts.

Tier. A level of small, medium, or large ascribed to Applicants based on the gross square footage presented in the library building program in the application. *See* 605 CMR 6.02: Large Library Tier, Medium Library Tier, Small Library Tier.

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 corporation, a deed restriction will be placed upon those portions affected by the library, or a Memorandum of Understanding that outlines the jurisdiction and responsibilities of both parties during construction and post-occupancy will be executed between the association or corporation and the municipality. 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 nonprofit 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.

Zero Energy Certification. A certification developed by the International Living Future Institute (IFLI), which provides standards for constructing highly efficient buildings that rely on clean energy without the onsite combustion of fossil fuels to produce net annual energy demand. This certification may be considered as a requirement for an optional incentive award. *See* 605 CMR 6.02: International Living Future Institute and 605 CMR 6.07(5)(b).

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 application round calendars, application procedures and requirements, application evaluation tools, and MPLCP assurances.

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

6.04: Project Types

(1) Public Library Project. A project which meets the definition in 605 CMR 6.02: Public Library Project, with a planning and design phase with the goal of completing the MPLCP Level of Design for a library building and a construction phase in one of the following categories:

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- (a) New Construction: a project which meets the definition in 605 CMR 6.02: 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: 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: 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;
- (e) Shared Building: a project which meets the definitions in 605 CMR 6.02: Construction and Shared Building; a project for construction of a portion of a shared building in order to provide free public library services.

(2) Small Population Public Library Project. A project which meets the definition in 605 CMR 6.02: Small Population Public Library Project, with a preplanning phase, a planning and design phase with the goal of completing the MPLCP Level of Design for a library building, and a construction phase in one of the following categories:

- (a) New Construction: a project which meets the definition in 605 CMR 6.02: 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: 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: 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;
- (e) Shared Building: a project which meets the definitions in 605 CMR 6.02: Construction and Shared Building; a project for construction of a portion of a shared building in order to provide free public library services.

(3) Catastrophic Loss of a Library Building. A project which meets the definition in 605 CMR 6.02: 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 inclusion in the MPLCP grant process, the Applicant must:
 - (a) For the Planning and Design Phase.
 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, in the format prescribed by the Board and published in the Program Notice for the grant round;
 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;
 5. have on file at the Board a library Strategic Plan that meets the definition in 605 CMR 6.02: Strategic Plan;

6.05: continued

6. meet the definition of 605 CMR 6.02: Approved Public Library Project and provide certified 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 the grant round;
 7. propose improvements to a facility whose projected future functional life must be shown to be not less than 30 years;
 8. not have received a construction grant award under the MPLCP in the preceding 30 years. This 30-year period is determined by comparing the date of the final Certificate of Occupancy in the previous project 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 construction project. Evidence of significant unexpected population growth must show that the current population of the municipality meets or exceeds the 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 construction grant award will be made every five years. The five years will be determined by comparing the date of the final Certificate of Occupancy in the previous project to the potential date of a Board award. The municipality will determine which library or branch may apply, but only libraries or branches that have not received a construction grant award under the MPLCP in the previous 30 years are eligible. 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 the Construction Phase.
1. have completed the planning and design phase in the MPLCP program through MPLCP Level of Design;
 2. meet the criteria for its project type in 605 CMR 6.04;
 3. meet the definition of an Approved Site;
 4. have had the project's MPLCP Level of Design approved by the Board.
- (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: Catastrophic Loss of Library Project will be immediately eligible for the planning and design phase of a project. A recommendation for provisional construction funding shall be based on eligible costs as defined in 605 CMR 6.02: Eligible Costs and the funding formula in the Program Notice for the most recent grant round. 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 30 year needs of the community.
- (2) To be eligible to sign a contract and agreement with the Board, the Applicant will:
- (a) Have been approved for inclusion in the MPLCP grant process;
 - (b) Certify by the date set forth in the Program Notice or Board award vote the availability of local funds sufficient to cover the total eligible cost of the current phase of the approved public library project as defined in 605 CMR 6.02: Local Financial Commitment.
 - (c) For the planning and design phase, 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 30 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 (State Aid to Public Libraries). Should the Applicant fail to be certified by the Board to receive State Aid during the period from acceptance into the MPLCP grant program, until project completion and final payment, this will be considered a breach of the contract;

6.05: continued

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 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 to minimize or eliminate embodied and operational carbon and use of fossil fuels throughout its life cycle, including construction materials/processes and ongoing operations.
9. that life cycle cost estimates of all technically feasible energy systems as defined in M.G.L. c. 149, § 44M, will be considered during design in order to ensure that the energy system with the lowest life cycle cost estimate will be identified in accordance with the provisions of M.G.L. c. 149, § 44M;
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 there will be an evaluation of resiliency measures informed by the guidelines and/or tools detailed in the Program Notice;
13. 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;
14. 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;
15. that the building will be designed in compliance 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;
16. that the Applicant will provide adequate supervision during the term of the project including architectural supervision and, when required, an owner's project manager that meets the qualifications required by M.G.L. c. 7C, §§ 44 through 58 and M.G.L. c. 149, § 44A½;
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 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;

6.05: continued

19. that the Applicant will file required monthly reports, will submit every iteration of design for review by the Board, and will notify the Board when the MPLCP Level of Design of the approved public library project is completed. Within six months of completion, the Applicant must supply a certified reporting of expenditures by category, a list of financial sources, and other documentation;
 20. 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, and that a copy of the first statement from this account from the financial institution will be provided to the MBLC within 45 days of receipt of the first grant payment. All planning and design grant funds, including interest income, will be retained in this account until they are expended for purposes specified in the planning and design grant application. Purposes specifically excluded include all those specified in the definition in 605 CMR 6.02: Eligible Costs;
 21. that preparation of documents according to 605 CMR 6.08(2)(a) will be completed and submitted within one year of signing a grant agreement with the Board for the planning and design phase, unless the municipality withdraws from the MPLCP before entering the construction phase;
 22. that a grant agreement with the Board for the construction phase of the project will be signed in the fiscal year following the signing of a grant agreement for the planning and design phase, unless the municipality withdraws from the MPLCP before entering the construction phase or the project design is unsuccessful;
 23. that if a municipality chooses to withdraw from the MPLCP after the planning and design phase by either official letter or documented certified vote, or if the project design is unsuccessful, no funds for the construction phase will be disbursed;
 24. that the project will comply with all current state and local building codes for libraries and all applicable standards and procedures.
- (d) For the construction phase, agree to the following assurances set forth in the construction phase agreement:
1. that new, remodeled or renovated library buildings will be planned for a minimum operational life of 30 years;
 2. that the project will be completed as described during the planning and design phase and approved by the Board. Any changes to the project's scope require prior written approval from the Board.
 3. that the completed facility will continue to be used as a free public library for at least 30 years from the date of issuance of the final Certificate of Occupancy. 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 30 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;
 4. that the Grantee will continue the library's participation and qualification in programs established by or the successors to M.G.L. c. 78, § 19A and 19B (State Aid to Public Libraries). Should the Grantee fail to be certified by the Board to receive State Aid during the period from acceptance into the MPLCP grant program, until project completion and final payment, this will be considered a breach of the contract;
 5. that when construction is complete, the Grantee 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;
 6. that a sign will be displayed on the construction site stating that the project was funded or funded in part "by the Massachusetts Public Library Construction Program administered by the Massachusetts Board of Library Commissioners" and displaying the MBLC logo, that a plaque will be placed in the completed building stating that the project was funded or funded in part "by the Massachusetts Public Library Construction Program administered by the Massachusetts Board of Library Commissioners", and that MBLC funding will be acknowledged in all project publicity and events;
 7. that the Grantee 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;

6.05: continued

8. 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, and that the Grantee will submit documents for review and approval by the Board at every iteration from MPLCP Level of Design to 100% Schematic Design, 50% Design Development, 75% Design Development, 90% Design Development, 100% Design Development, 50% Construction Documents, 90% Construction Documents, 100% Construction Documents, and Bid Package levels;
9. that if required, precontract and preconstruction conferences will be held with representative(s) from the Board;
10. 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;
11. that all design, construction, construction contracts, and subcontracts 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 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;
12. that the Grantee will be in compliance with the Affirmative Marketing Program (AMP), as established in M.G.L. c. 7C, § 6, which encourages minority business enterprise and women-owned business enterprise participation in state assisted building projects. Applicant shall ensure proper AMP reporting to the Supplier Diversity Office, pursuant to M.G.L. c. 7, § 61. Applicant will also be in compliance with M.G.L. c. 151B.
13. that the Grantee will require that all construction contracts will include the Workforce Participation Goals' percentages in use at the time of bidding as well as the processes it will use to monitor and ensure compliance with those goals. At the time of adoption of 605 CMR 6.00, the Workforce Participation Goals' percentages are 15.3% for minorities and 6.9% for women. The Applicant must not discriminate in any manner because of gender, race, color, religion, national origin, ancestry, age, sex, or handicap;
14. that the Grantee 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 subcontracts, will include the Commonwealth's Supplemental Equal Opportunity/Anti Discrimination and Affirmative Action Program as part of the contract;
15. that the Grantee will comply with Executive Order 592: *Order Advancing Workforce Diversity, Inclusion, Equal Opportunity, Non-Discrimination, and Affirmative Action*;
16. that the Grantee 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;
17. that the Grantee will assist the Board in complying with the Massachusetts Environmental Policy Act, M.G.L. c. 30, §§ 61 through 62H;
18. that the building will be designed to minimize or eliminate embodied and operational carbon and use of fossil fuels throughout its life cycle, including construction materials/processes and ongoing operations.
19. that life cycle cost estimates of all technically feasible energy systems as defined in M.G.L. c. 149, § 44M, 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 M.G.L. c. 149, § 44M;
20. that the Grantee 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;
21. that the building will be designed for resilience, to withstand the effects of climate change, that resiliency measures informed by the guidelines and/or tools in the Program Notice will be incorporated, and 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;
22. 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;

6.05: continued

23. that the Grantee 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;
24. that the building will be designed and constructed in compliance 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;
25. 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;
26. that the Grantee will provide adequate supervision during the term of the project including architectural supervision, value engineering and the retention of a qualified owner's project manager that meets the qualifications required by M.G.L. c. 7C, §§ 44 through 58 and M.G.L. c. 149, § 44A½;
27. that Board staff will be provided reasonable access to the project and site with consideration for site conditions and with appropriate notification;
28. 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. All non-eligible costs are the responsibility of the Grantee;
29. that the project will be completed as described in the planning and design phase and approved by the Board. Any changes to the project's scope require prior written approval from the Board;
30. 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 Grantee which pertain to the performance of the provisions and requirements of this agreement. Upon request, the Grantee will furnish to the Board copies of any such books, records and compilations. In all contracts or subcontracts entered into by the Grantee 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;
31. that the Grantee 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. If the actual expenditures are projected to be less than the estimated eligible cost, the Grantee will alert the Board prior to the issuance of the grant payment associated with the final Certificate of Occupancy milestone;
32. that all grant funds received by the Grantee from the Massachusetts Public Library Construction Program will be placed in an interest-bearing account separate from other Grantee 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, and account statements will be included in required reports. Purposes specifically excluded include all those specified in 605 CMR 6.02: Eligible Costs. All interest earned must be expended for the library building project or other library service enhancements;
33. that the municipality will explicitly address all aspects of construction grant management in their regular annual audits for all years when grant funding is received or expended, or that a separate audit for the construction project will be carried out and provided to the MBLC.
34. that the Grantee 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;
35. that preparation of construction documents will be completed and submitted within one year of signing a grant agreement for the construction phase with the Board;

6.05: continued

36. that the construction start date will take place within six months of the date of acceptance by Board staff of the final construction documents (*see* 605 CMR 6.02: Construction Start Date;
 37. that a copy of the as built drawings, in accessible electronic form, will be supplied to the Board with the Final Report;
 38. that the Grantee has clear title to the project site or otherwise meets the requirements specified in 605 CMR 6.02: Title;
 39. that the project site will remain as described in the planning and design phase;
 40. that the construction process will comply with all current state and local building codes, including 225 CMR 23.00: *Massachusetts Stretch Code and Specialized Code for Commercial Buildings*, for libraries and all applicable standards and procedures;
 41. that the completed project will meet or exceed a building efficiency rating of 65%.
- (e) Failure by the Grantee 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 Grantee in the construction phase, plus interest earned, must be returned within 60 days of the date the project falls out of compliance with 605 CMR 6.05.

6.06: Application Procedures

- (1) For each application round, the Director will issue a Program Notice to all free public libraries in the Commonwealth.
- (2) The Applicant must file a completed Letter of Intent form by the means indicated and by the date and time announced in the Program Notice.
- (3) 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.
- (4) Attendance at an application workshop by at least one library representative and at least one municipal official with responsibility for planning and/or financial decision making for capital projects is required as part of the application process.
- (5) Application materials will be distributed at the workshops only to those municipalities that have filed a Letter of Intent that meets all requirements.
- (6) Application Submittal Requirements for Small, Medium, and Large Tier Projects. The following are the minimum requirements necessary for consideration for acceptance into the planning and design phase for Small, Medium, and Large Tier projects:
 - (a) Applications must be received by the means indicated in the Program Notice for the grant round and 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 nonconforming applications will be rejected.
 - (b) The Applicant must agree to all the assurances for the planning and design phase listed in 605 CMR 6.05(2)(c).
 - (c) Applications for the planning and design phase must include:
 1. A copy of the Library Building Program, including:
 - a. a concise history of the library and the community;
 - b. community analysis with demographics and a 30 year population projection
 - c. the library's mission, values, and service roles;
 - d. previous and current facility and organizational planning efforts, if applicable, including strategic plan and/or master plan excerpts involving facility improvement goals;
 - e. description of the existing building;
 - f. analysis of current collections, services, and programs;
 - g. pertinent trends and statistics, including staffing and public use;
 - h. a Needs Assessment
 - i. site and exterior considerations;

6.06: continued

- j. area descriptions including primary services/functions, seating capacity, collection capacity, occupancy, furniture and equipment, architectural or other considerations, adjacencies, and net square footages; for shared building public library projects, area descriptions of any proposed shared spaces must be included;
 - k. preliminary total gross square footage figure based on all area descriptions and guidelines from the publications *Library Space: A Planning Resource for Librarians and Building Blocks for Planning Functional Library Space* and including at least 30% allowance for unassigned space;
 - l. energy-related goals for the library/community;
 - m. diversity, equity, and inclusion priorities for the new building and how this program addresses them;
 - n. special circumstances for the library and/or the community not included elsewhere in the building program;
 - o. requirements for:
 - i. sustainability
 - ii. accessibility
 - iii. security
 - iv. acoustics
 - v. data and telecommunications
 - vi. lighting and electrical
 - vii. furniture, fixtures and equipment
 - viii. ergonomics
 - ix. signage;
 - p. evidence of community engagement efforts in creating the Library Building Program;
 - q. photographs with descriptive captions (site, building exterior, building interior) of existing facility as well as potential new locations, as applicable.
2. An assessment of municipal finances, as mandated in the Program Notice for the grant round.
 3. If considering renovating or restoring the existing library, a condition assessment of the facility prepared by a building science firm, registered engineer, or registered architect retained through adherence to all applicable procurement laws. Elements of the report include but are not limited to:
 - a. site and grounds - pavement, curbs, loading docks, walks, landscaping, irrigation, site drainage, exterior lighting, walls, fencing/railings, signage, and exterior amenities;
 - b. structural systems - Foundations and structural framing of walls, columns, intermediate floors, and roofs;
 - c. building envelope - Roofing systems, exterior finishes, stairs and steps, exterior doors, and windows;
 - d. interior building components - Interior finishes;
 - e. mechanical systems - Electrical, heating ventilation/ air conditioning, plumbing and conveyance systems;
 - f. regulatory compliance - Life safety, fire suppression systems, and general visual review of property compliance to the Americans with Disabilities Act (ADA).
 4. A map showing existing and possible future library sites that meet the criteria in 605 CMR 6.02: Approved Site.
 5. For joint public library projects, applications must also include:
 - a. the combined populations served by the communities to be used in the planning process;
 - b. an official Management Plan, agreed upon by the municipalities proposing the joint public library (*see* 605 CMR 6.02: Management Plan).
 6. For shared building public library projects, applications must also include:
 - a. list of other departments to be housed in the shared building and a description of any overlap of services;
 - b. estimated proportion of building's net square footage dedicated to library services;
 - c. estimated proportion of building's net square footage allocated to shared space the library can utilize;
 - d. an official Management Plan, agreed upon by the municipality and library (*see* 605 CMR 6.02: Management Plan).

6.06: continued

7. Applicants may be asked to furnish additional information or documentation as required by the Board.

(7) Application Submittal Requirements for Small Population Public Library Projects. The following are the minimum requirements necessary for consideration for acceptance into the planning and design phase:

(a) Applications must be received by the means indicated and by the date and time listed in the Program Notice for the grant round, with all required elements complete and on forms prescribed by the Board. Late, incomplete, or nonconforming applications will be rejected.

(b) The Applicant must agree to all the assurances for the planning and design phase listed in 605 CMR 6.05(2)(c).

(c) Applications for the planning and design phase must include:

1. an overview of the library's facility, services, and past planning efforts as mandated in the Program Notice for the grant round.

2. a map showing existing and possible future library sites that meet the criteria in 605 CMR 6.02: Approved Site.

3. photographs with descriptive captions (site, building exterior, building interior) of existing facility, if applicable, as well as potential new locations.

4. an assessment of municipal finances, as mandated in the Program Notice for the grant round.

5. For joint public library projects, applications must also include:

a. the combined populations served by the communities to be used in the planning process;

b. an official Management Plan, agreed upon by the municipalities proposing the joint public library (*see* 605 CMR 6.02: Management Plan).

6. For shared building public library projects, applications must also include:

a. list of other departments to be housed in the shared building and a description of any overlap of services;

b. an official Management Plan, agreed upon by the municipality and library (*see* 605 CMR 6.02: Management Plan).

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 (5).

(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 the planning and design phase are reviewed and ranked by at least three independent reviewers as defined in the Program Notice for the grant round. A site visit to the existing library and all proposed new locations by one or more review team members and/or Board staff is required.

(3) Applications will be reviewed, ranked and recommended for funding based on the evaluative criteria detailed in the Program Notice for the grant round.

(4) All evaluative information and data from this review process will be tabulated and summarized by Board staff, and the independent reviewers will make recommendations to the Director. In making final recommendations for grants to the Board, 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 of joint public library projects; and

(d) the availability of state funds.

(5) Funding Formulas, as set forth in the Program Notice for the grant round, will determine the amount of the potential provisional award for each project recommended for funding:

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

6.07: continued

- (b) In addition, the Board may establish an Incentive or Incentives at the time of and as detailed in the Program Notice for the grant round.
- (c) In no case can a grant award exceed 75% of actual eligible project costs, including additional incentives and need factor increases. If actual eligible costs are less than the estimated eligible costs used in calculating the grant award, the final grant amount will be reduced proportionally.

6.08: Provisional Grant Awards(1) Planning and Design Phase.

- (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 three months to fulfill certifications and other 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 phase, the actual eligible project costs are lower than those estimated prior to application, the Board reserves the right to reduce the amount of the grant award proportionally.
- (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.
- (g) The Director may develop a Waiting List as outlined in 605 CMR 6.10, for projects not receiving an immediate provisional grant. Such list will be considered for approval by the Board.

(2) Construction Phase.

- (a) This phase follows completion of the Planning and Design Phase, after the MPLCP Level of Design is approved by an independent review team as defined in the Program Notice for the grant round. The MPLCP Level of Design includes:
 1. schematic drawings (or more complete drawings as available) prepared by a Massachusetts registered architect, and bearing their registration stamp, including:
 - (a) floor plan(s) with a complete furnishing, shelving, and equipment layout;
 - (b) building sections as appropriate;
 - (c) elevations as appropriate;
 2. tabulation of square footages called for in the library building program and comparison to the square footages shown on the architectural plans;
 3. tabulations of the number of book, periodical, audio visual material, library of things, and all other collections called for in the library building program in comparison to the square footages shown on the architectural plans;
 4. tabulations of the number of seats and staff workspaces called for in the library building program in comparison to the square footages shown on the architectural plans;
 5. an estimated project budget, prepared independently by an experienced professional cost estimator, based on the site plan, building plans, and construction budget;
 6. site plan prepared by a Massachusetts registered architect with parking, grading, building location and designation of utilities (one inch = 40 feet or larger);
 7. a geotechnical report certified by a licensed professional, as defined in 605 CMR 6.02: Geotechnical Report;
 8. a hazardous materials survey report;
 9. a stamped topographic land survey, completed within 15 years of the submission of drawings, delineating boundary lines for entire site to be included in the library building project;
 10. energy modeling as required by code, Mass Save, and/or an MPLCP-approved special certification required to qualify for the Green Library Incentive, if applicable;

6.08: continued

11. other environmental, structural, and energy related reports may be required as deemed necessary and appropriate for individual projects.
- (b) The independent review team will make a recommendation of the project for construction phase funding to the Director. The Director will bring the final recommendation for a provisional grant award to the Board.
- (c) If a project does not pass the evaluation of the independent review team, the Grantee may revise the design for reconsideration within two months of the independent review team's determination or withdraw from the grant round. No additional planning and design funding will be given toward any redesign.
- (d) The Board will consider the Director's recommendation and may make a provisional construction grant to the Grantee. The Grantee will have until the end of the fiscal year of award to secure local funding for the construction phase 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 the actual eligible project costs are lower than those estimated with the MPLCP Level of Design estimate, the Board reserves the right to reduce the amount of the grant award proportionally.
- (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.

6.09: Grant Disbursements

Applicants receiving final awards will be eligible for disbursements according to the schedule in the Program Notice 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's capital spending plan and the Board's overall fiduciary responsibility.

6.10: Waiting List

- (1) The Board may establish a Waiting List of 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 order will not change as new projects are added.
- (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 partial payment to a project further down the Waiting List if that project already has local funding in place and is adhering to MPCLP procedures and assurances. Such awards or disbursements require a fully executed one time contract between the Grantee and Board and do not constitute a change in waitlist placement.

REGULATORY AUTHORITY

605 CMR 6.00: M.G.L. c. 78, § 19.