**Section 3035.450 Grant Application Procedure**

The following application procedures shall apply:

a) The Illinois State Library shall issue application forms for library construction grants under this program.

b) Applying libraries and library systems shall submit a signed, completed current library construction grant application, together with the following documents or written assurances, to be eligible for library construction grants. To be eligible for a Public Library Construction Grant, the applicant shall provide:

1) Application Phase

A) The assurances contained in this Section, as listed in the Construction Grant Application Form.

B) A statement describing the necessity for the proposed project.

C) A statement of plans to meet existing library standards of service, Serving Our Public 4.0: Standards for Illinois Public Libraries (2019), incorporated by reference in Section 3035.115. This subsection (b)(1)(C) shall not apply to library systems.

D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.

E) An affirmative statement that the applicant or its officers, directors, or managers do not have any conflicts of interest or apparent conflicts of interest that may impair the fairness and impartiality of the grant process. A conflict of interest may arise when an entity or person may benefit financially from a decision that could be made in that capacity, including indirect benefits such as to family members or businesses with which the person is closely associated.

F) A facility plan. For projects with a total cost of over $150,000, a library building consultant may work with the library in developing the facility plan. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].

G) For projects with a total cost equal to or greater than $75,000, assurance that an architect or engineer licensed to practice in Illinois is being utilized.

H) Project design, with a site plan, outline of specifications, and an estimated cost per square foot.

I) A letter from the Historic Preservation Division of the Illinois Department of Natural Resources evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].

J) For new construction, additions, and projects involving evacuation of soil:

i) Documentation stating whether the project site is located in a Special Flood Hazard Area found at the Illinois State Water Survey's Illinois Floodplain Map website (http://www.illinoisfloodmaps.org/). If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Office of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order 2006-5 regarding flood damages.

ii) A subsurface soil analysis by a soils engineer.

iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos, lead paint, or any toxic substance. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) has occurred or is necessary.

K) Assurance that the real estate affected by the proposed construction is available to the library or library system, as is the legal description of the affected real estate. A deed of ownership or proof of long-term occupancy (20-year minimum) shall be provided, except for mini grants. The applicant shall provide assurance that the building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the Director of the Illinois State Library.

L) Other funds designated for construction that are immediately available to the library upon application. Funds may include a mortgage commitment letter from a financial institution licensed by a state or the federal government. Assurances from the applicant that a referendum is pending or various fundraising activities will be undertaken in the future, with the amount to be raised remaining uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3035.400.

2) Construction Phase

A) An assurance that the grantee library will expend 100% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. If the grantee fails to submit a final report, or an audit, if applicable, within 24 months after the execution of the contract, the grant shall be forfeited unless an extension is granted by the Director of the Illinois State Library.

B) An assurance that the construction work will be performed under the lump sum (fixed price) contract method.

C) An assurance that the library will publicly announce all requirements for architectural, engineering, and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].

D) Architectural, engineering, and land surveying contracts made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].

E) An assurance that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.

F) No person or business shall bid, offer, make a submission, or enter into a contract with the grantee if the person or business assisted the grantee or any agent or employee of the grantee, who by the nature of the agent or employee's duties has the authority to participate personally or substantially in the contract specifications, requests for bids or proposals, or otherwise by reviewing, drafting, directing, or preparing any invitation for bids, a request for proposal, or request for information or provided similar assistance except as part of a publicly issued opportunity to review drafts of all or part of these documents. This subsection does not prohibit a person or business from submitting a bid or offer or entering into a contract if the person or business:

i) initiates a communication with an employee to provide general information about products, services, or industry best practices;

ii) responds to a communication initiated by an employee of the library for the purposes of providing information to evaluate new products, trends, services, or technologies; or

iii) asks for clarification regarding a solicitation, so long as there is no competitive advantage to the person or business and the question and answer, if material, are publicly posted and made available to other bidders or offerors as an addendum to the solicitation.

G) When, for any reason, any vendor, bidder, offeror, potential contractor, contractor, or other person suspects collusion or other anti-competitive practice among any bidders, offerors, potential contractors, contractors, or employees of the State, that person shall transmit a notice of the relevant facts to the State Librarian.

H) An assurance that all laborers and mechanics employed by the contractor or subcontractors on all construction projects will be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].

I) An assurance that a copy of the building permit will be supplied to the Illinois State Library prior to the actual construction and that the permit will be posted in a prominent place on the construction site.

J) An assurance that any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The Illinois State Library shall be notified of and approve or deny any change orders of $20,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.

K) An assurance that contractors and subcontractors will comply with:

i) all applicable provisions of the Illinois Human Rights Act [775 ILCS 5];

ii) all federal and State laws, rules, and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age, order of protection status, military status, sexual orientation, pregnancy, unfavorable discharge from military service, and physical or mental disability; and

iii) the conflict-of-interest provisions specified in the Illinois Procurement Code [30 ILCS 500].

L) Construction contracts signed by both the library board (or library system board) and contractors that are, or are comparable to, the Standard Form of Agreement Between Owner & Contractor A101-2017, published by the American Institute of Architects, 1735 New York Ave., NW, Washington DC 20006-5292 (http://www.aia.org). No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any contracts between the library board or library system board and contractors if:

i) The bidding procedure outlined in subsection (b)(2)(E) was not followed.

ii) The conditions and standards specified in the contract between the Illinois State Library and the library board are not incorporated into the contracts between the library board or library system board and the contractors.

iii) The requirements in subsection (b)(2)(K) were not followed.

M) An assurance that a sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction and that a plaque will be placed in the completed building stating that State funds administered by the State Librarian were used for the project.

N) An assurance that construction will not begin until a contract is executed with the State Librarian.

O) An assurance that construction will commence within 140 days after the effective date of the grant contract.

P) An assurance that any agent authorized by the Illinois State Library, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, will have full access to, and the right to examine, any records, books, papers, or documents of the grantee involving transactions related to the grant.

Q) An assurance that the following reports and records will be completed and transmitted to the Illinois State Library: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 24 months after the execution of the contract, unless an extension is granted by the Director of the Illinois State Library; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Library. The final financial report shall be signed by the president of the library's board of directors.

i) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.

ii) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.

iii) The final narrative report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The final narrative report shall include a project audit according to Section 3035.140(e).

iv) For a project that requires an architect or engineer, the architect or engineer shall certify to the Illinois State Library when the project reaches the 50% and 100% stage of completion.

R) An assurance that, when construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State, and local requirements.

S) An assurance that any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.

c) Some of the documentation and written assurances may be waived in the application, upon approval of the Illinois State Library, except that subsections (b)(2)(F), (b)(2)(G) and (b)(2)(K) will not be waived.

d) Applications will be considered in accordance with Section 3035.420(c).

e) Grant applications are subject to the conditions stipulated in Section 3035.135.

f) Grant monies awarded are based on the amount specified in the original budget in the grant application; grant awards will not be increased because of subsequent increases in project costs.

(Source: Amended at 48 Ill. Reg. 948, effective January 1, 2024)