



MINNESOTA PUBLIC LIBRARY ACCESSIBILITY GRANT 2012 GUIDELINES

Application Deadline:

**DELIVERED TO STATE LIBRARY SERVICES NO LATER THAN
4:15 P.M., TUESDAY, MARCH 26, 2013**

**State Library Services
Minnesota Department of Education
1500 Highway 36W, Roseville, MN 55113**

For assistance or information not addressed here, contact Bruce Pomerantz, Library Development Specialist; phone: 651-582-8890; email: bruce.pomerantz@state.mn.us, fax: 651-582-8752.

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I. LAW AND RULE

The following resource list may not be comprehensive. The applicant is responsible for compliance with all applicable statutes, whether listed or not.

- A. [Capital Grants Information](http://www.mmb.state.mn.us/bond-grant-info) (See 'Capital Grants Manual')
<http://www.mmb.state.mn.us/bond-grant-info>
- B. [Minnesota Statutes, section 176.181, Subdivision 2](https://www.revisor.leg.state.mn.us/statutes/?id=176.181) (Insurance)
<https://www.revisor.leg.state.mn.us/statutes/?id=176.181>
- C. [Minnesota Statutes, section 176.182](https://www.revisor.leg.state.mn.us/statutes/?id=176.182) (Business Licenses or Permits; Coverage Required)
<https://www.revisor.leg.state.mn.us/statutes/?id=176.182>
- D. [Minnesota Statutes chapter 177](https://www.revisor.mn.gov/statutes/?id=177) (Labor Standards and Wages)
<https://www.revisor.mn.gov/statutes/?id=177>
- E. [Minnesota Statutes, section 134.45](https://www.revisor.mn.gov/statutes/?id=134.45) (Library Accessibility and Improvement Grants)
<https://www.revisor.mn.gov/statutes/?id=134.45>
- F. [Labor Standards – About Prevailing Wage](http://doli.state.mn.us/LS/PrevWage.asp) (See 'Brochure')
<http://doli.state.mn.us/LS/PrevWage.asp>
- G. [Minnesota Statute 617.241](https://www.revisor.leg.state.mn.us/statutes/?id=617.241) (Obscene Materials and Performances; Distribution and Performances Prohibited; Penalty)
<https://www.revisor.leg.state.mn.us/statutes/?id=617.241>
- H. [State Rule 3530.0200](https://www.revisor.leg.state.mn.us/rules/?id=3530.0200) (Grant application)
<https://www.revisor.leg.state.mn.us/rules/?id=3530.0200>
- I. [State Rule 3530.0400](https://www.revisor.leg.state.mn.us/rules/?id=3530.0400) (Notification, Review, and Request for Additional Information)
<https://www.revisor.leg.state.mn.us/rules/?id=3530.0400>

II. OVERVIEW

The public library accessibility grant financially assists communities in creating barrier-free public library access to library users with physical disabilities. The program provides dollar-for-dollar (50%) competitive matching grants up to \$200,000 to public library jurisdictions to make existing buildings compliant with the Minnesota state building code and the Americans with Disabilities Act Accessibility Guidelines (ADAAG), whichever is more strict. The local match for the accessibility project must be paid with non-state funds. Matching funds must be in the form of (i) cash monies, (ii) legally binding commitments for money, or (iii) equivalent funds or contributions, including equity, which have been or will be used to pay for the Project.

Applications must demonstrate improved accessibility to public library facilities by removing architectural barriers from an existing building or site that benefits the public.

For the purposes of this state grant program, an architectural barrier is an affixed element of the library building or site that either:

- A. Does not conform to the accessibility requirements of either the Americans with Disability Act Accessibility Guidelines (ADAAG) or the Minnesota Accessibility Building Code, Chapter 1341, whichever is more restrictive, or
- B. Interferes with or limits the access to any public portion or any public use of the library building or site by persons whose needs are addressed by ADAAG or the Minnesota Accessibility Building Code.

An affixed element is

- An integral part of the building or site.
- A fixture that must be moved or altered by skilled labor at an incurred cost.

This definition of affixed element covers but is not limited to such fixtures as built-in or permanently installed millwork, casework, cabinets and counters. The purchase of bookshelves is excluded from consideration because ADAAG and the state building code do not have any requirements concerning their height. However, grant money may be used for relocating bookshelves that do not meet aisle width requirements. Other items will be reviewed in the context of the definition of an affixed element. Generally, items that can easily be moved by persons without physical disabilities by manually picking up and lifting the item are not considered an architectural barrier.

III. ELIGIBILITY

- A. Applications for accessibility projects \$200,000 or less must use the application form developed by MDE and delivered to State Library Services no later than 4:15 p.m., Thursday, January 31, 2013.
- B. The applicant for a library construction grant must be a county or municipality.
- C. Applications will be accepted from regional public library systems and cities and counties participating in regional public library systems designated as eligible under the provisions of Minnesota Statutes, section 134.34, Subdivision 3. The applicant for a library construction grant must be a member in good standing of its regional public library system. A written letter of support for the building program and how it will improve services to the region must accompany the application.
- D. The applicant jurisdiction must own or hold title to the building or site.
- E. For the purposes of this grant program, eligible remedies are improvements that are affixed to the building or its site, that either:
 1. Brings the element into compliance with the accessibility requirements of either the ADAAG or the Minnesota Accessibility Building Code, whichever is more restrictive, or
 2. Eliminates the interference or limitation to the access to or use of any public portion or public use of the library building or site by persons whose needs are addressed by ADAAG or the Minnesota Accessibility Building Code.
- F. Proposals must be exclusively for accessibility improvements that total not more than \$400,000 for existing library buildings or existing buildings to be converted to libraries. Prospective grant applicants need to apply for library construction grants if the

accessibility improvements will cost more than \$400,000 or if a portion of a grant will be used for general renovation. Accessibility is a priority in evaluating grants for this program.

- G. Grant money may be used for accessibility improvements when a library is part of a community services building as long as the renovations are related to library services. The state match for renovations that will improve areas shared by the clients of all agencies is altered proportionately on the ratio of library square footage to the building. To calculate, the square footage of the common areas is distributed equally among the agencies within the building. Factors that could alter the formula include well-documented usage by the public of the different agencies within the building, critical accessibility issues, and financial contributions to the project by the different agencies within the building.
- H. Library construction grants will be awarded on a matching basis to the grant recipient who matches the state grant funds with other than state funds. Matching funds from the applicant must either be in the form of (i) cash monies, (ii) legally binding commitments for money, or (iii) equivalent funds or contributions, including equity, which have been or will be used to complete or pay for the Project. In-kind contributions (such as land, building, construction materials) must be documented with the name of the contributor, a description and the value of the contribution and details of how the value was determined.
- I. The applicant shall assure MDE that local matching funds will be available and unencumbered at the time of grant award.
- J. The project director must be a professional librarian who has a library degree from an ALA accredited program. The project director has the responsibilities to evaluate the community needs, estimate future library programs and services, determine building requirements, prepare the site evaluation, and confer with the project architect throughout the design and construction phases. The project director may either be a library staff member or the regional public library director.
- K. The public library jurisdiction must have an adopted policy to prohibit library users from using the library's Internet access to view, print or distribute material that is obscene within the meaning of Minnesota Statutes, section 617.241.

IV. STIPULATIONS

The following requirements are necessary to comply with State of Minnesota grant procedures regarding construction. All aspects of the proposal and subsequent post-award negotiations with the successful applicant become contractual obligations. The following are stipulations by the MDE:

- A. MDE will not pay the costs of preparing proposals for submission.
- B. MDE reserves the right to review and negotiate all proposal components and to make awards at a different level from the proposal.
- C. MDE reserves the right to amend, modify or withdraw the request for proposals (RFP), to reject proposals submitted, and may exercise such right at any time, without notice, and without liability to the applicant.

- D. Awards will be made based on all of the considerations listed in the RFP and not solely on the numeric ratings of the proposals.
- E. MDE will monitor construction projects at its discretion.
- F. Grants not meeting agreed-upon expectations may be terminated.
- G. The grant recipient bids according to its procedures in compliance with existing state statutes.
- H. Awarded amounts represent the maximum funds available to the project. Actual expenditures under the reimbursement procedures determine the project's actual award.
- I. Reimbursement is made at the conclusion of a construction project and after the grant recipient has paid all expenses relating to the project and submitted all required documentation to the MDE State Library Services division.
- J. Changes in program design and delivery plan must be approved by MDE State Library Services division program staff.
- K. Projects will be required to submit a final report in a format specified by MDE.
- L. It is recognized that the budgets submitted in the proposals are subject to change. Grant recipients must obtain approval in advance from the state library agency for any change that is 10% more or less in any budget category during the grant period.

V. EVALUATION CRITERIA

Decisions on applications will be based on the following six criteria.

- A. **Degree of collaboration with other public or private agencies**
An evaluation is made of the process that decided the accessibility components and their solutions. The process must include conferring with individuals with disabilities and appropriate agencies that deal with or represent the disabled. There should be evidence of agreement if accessibility issues will be addressed in stages over a period of years.
- B. **Public Library's Tax Burden**
An evaluation is made of the local financial support given to the public library to support its operating costs after the renovation is completed. The review committee will receive data compiled by State Library Services from annual reports received from the library or its administrative unit and/or the minimum level of support reports filed by the regional public library systems.
- C. **Long-term feasibility of the project**
An evaluation is made concerning whether the library building should be able to continue functioning with routine maintenance for at least 20 years after the modification is completed.
- D. **Need for Project**
An evaluation is made of the self-assessment of the building using the standardized Accessibility Library Building Survey and the percent and numbers of people who will benefit from the building modifications.
- E. **Suitability of Project**
An evaluation is made concerning whether the needs described above are addressed by the proposed solutions. If the building cannot be made completely accessible in accordance with current state building codes and ADAAG guidelines, the priorities are (in descending order):
 - a. Exterior access to building (Examples: Parking, walkways, doorways)

- b. Hygienic considerations (Examples: toilets, wash basins, drinking fountains)
- c. Access to library services and resources for patrons (Examples: public service counters, elevators, interior ramps.)
- d. Emergency audible and visual alarm
- e. Assistive listening system

If remedies are not in accordance with priorities, explanations must be provided for the divergence. If the building will not be completely accessible after the project, an explanation is needed for how and when other remedies will be provided. The explanation must include a timetable for when other accessibility issues will be addressed.

F. Other

Some consideration is given to circumstances that the applicant wishes to be point out which are not addressed by the above items.

VI. SUBMISSION FORMAT

Submit 1 original copy on 8.5 x 11 inch white paper, stapled or clipped, using the official grant application form. Applications in loose leaf or spiral binders are unacceptable. Additionally, transmit the application as an electronic version in Word to bruce.pomerantz@state.mn.us.

VII. APPLICATION REVIEW

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

- A. MDE will notify applicants in writing of perceived application deficiencies. However, the applicant has the sole responsibility for the application. Eligible applicants will have an application correction period of up to 10 days after notification date to correct deficiencies. Insufficient applications or the failure to correct the identified deficiencies shall result in rejection of the application. All corrections must be postmarked on or before the last day of the correction period specified by MDE. MDE will verify applications for completeness only.
- B. The Commissioner of Education, in consultation with the Council on Disability, shall have final authority to approve or deny all grant applications and to award grants as outlined in Minnesota Statutes, section 134.45. A review committee will be convened to evaluate applications and make recommendations to the Commissioner of Education. The review committee will consist of qualified representatives approved by the Commissioner pursuant to Minnesota Statutes, section 134.35. Criteria used to evaluate applications will be done consistent with Minnesota Statutes, section 134.35.

VIII. GRANT ADMINISTRATION

- A. Grant Agreement. The application, if approved, will become a part of the grant agreement between the Minnesota Department of Education and the grantee. Any changes, clarifications, and additions by the applicant to the proposal upon requirement

by the advisory committee to receive the grant become part of the grant application, and therefore, the grant agreement. The State Library Services Division shall be responsible for preparing a grant agreement. Grant agreements, incorporated herein by reference, will be sent to grantees.

- B. Reimbursement Schedule. All funds will be disbursed on a reimbursement basis. Eligible costs for both grant funds and match must be expended after the full execution of the grant agreement. The MDE representative will authorize the grant payment upon receipt and review of documentation stipulated in a letter that accompanies the signed grant agreement.
- C. Project Manager. The project manager is the applicant's single authorized representative for all contact with the authorized representative for MDE regarding the project. This includes all written and verbal communications with the authorized representative for MDE, processing grant-related paperwork, receipt of grant payments, etc. If the project manager changes from the information provided in the application, the applicant or grantee must notify the authorized representative for MDE in writing of this change. The project manager may be the same person as the applicant's building consultant.
- D. Architectural Supervision. The grantee shall provide engineering or architectural supervision and inspection to ensure that the completed work conforms to the approved plans and specifications. A licensed architect is required if the structural integrity of the building could be compromised by the changes.
- E. Accessibility. All facilities constructed must comply fully with Minnesota Statutes relating to accessibility by persons with disabilities, and the Americans with Disabilities Act of 1990 and its amendments.
- F. Energy Conservation. All facilities constructed must comply with Minnesota Statutes, sections 216c.19 and 216c.20 regarding energy conservation in public buildings.
- G. Timeline for Competitive Awards. The grantee must place the construction project under contract within 180 days from the date of grant award. A grantee may begin the project upon notification of the awarded grant. However, no state funding is guaranteed until the state and grantee complete a grant agreement.
- H. Construction Contract. The grantee shall competitively award construction contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiations. This also includes contracts for construction management services or design-build contracts. Such awards to a private sector contractor must be permitted by applicable municipal or county ordinance, or in compliance with state law. All procurement of goods and services must be made in a manner so as to provide maximum free competition.
- I. Project Publicity. If a library construction site sign is erected, other publicity is done for the project, or if specifications call for a plaque in the completed building indicating the date of completion and source of funds, the grantee shall give credit as follows: "This library building was funded in part with a grant from the Minnesota Department of Education using General Obligation Bonds under the authority of Minnesota Statutes, section 134.45."

- J. Final Inspection. The grantee should notify the MDE authorized representative of the date and time of final inspection so that the authorized representative may participate in such inspection for the purpose of concurring in the final acceptance of the building. The grantee shall also provide the MDE authorized representative of with a copy of the Certificate of Occupancy and electrical and plumbing inspection acceptances.
- K. Project Completion. The construction project shall be completed no later than five (5) years from the effective date of the grant agreement. There can be no extension beyond this date. Funds not expended before this time will revert to the State.
- L. Project Audit. At the completion of the project, a financial audit of the building program must be submitted within 90 days after issuance of the final project payment.

IX. WITHDRAWAL OF APPLICATION

- A. The applicant may withdraw a grant proposal prior to the official application review without penalty.
- B. Construction plans of other communities, including going forward on a project, may be severely disrupted even if grant money becomes available later when a successful grant applicant withdraws. Consequently, if the applicant withdraws a grant proposal after a successful review, reliability issues ensue. Subsequent review committees will take into account the withdrawal circumstances when reviewing a new grant proposal by an applicant that withdrew after being awarded a grant.

X. RESUBMISSION OF APPLICATION

An applicant whose project was not funded during the previous funding cycle may submit a new one in the next funding round. If a new application is submitted by the application submission date, it will be reviewed for eligibility and completeness and evaluated without bias.