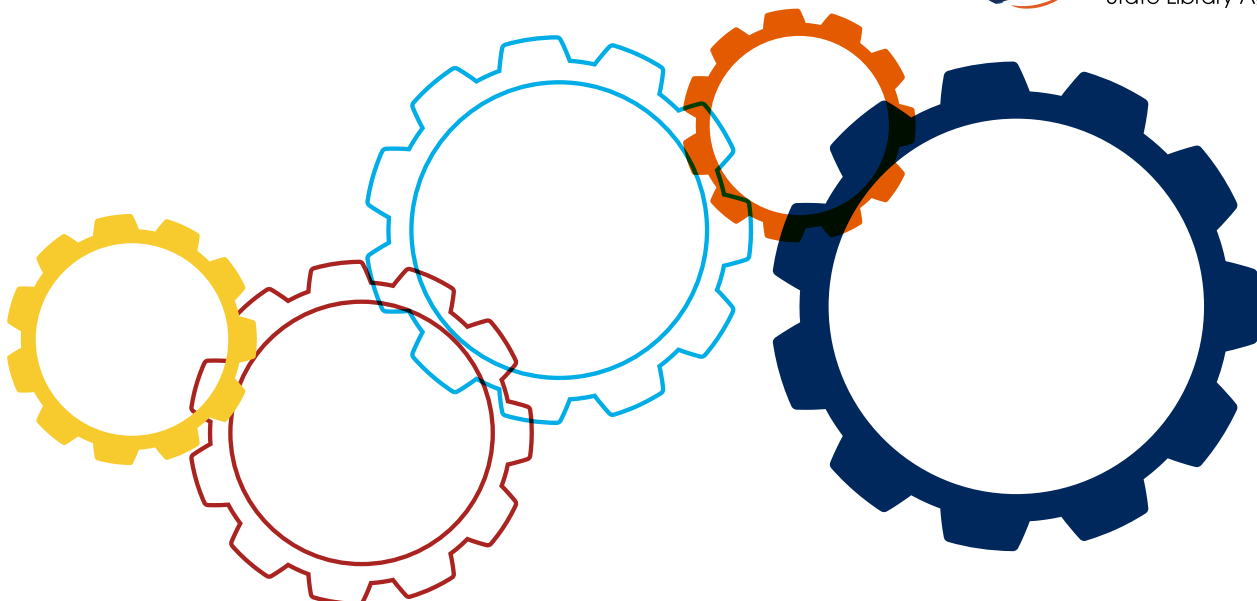# COSLA State Library Agency
Library Construction
Program Administration
TOOLKIT

About the toolkit

This toolkit is designed to provide guidance to a state library agency that is implementing a new library construction funding program. Please note that one size DOES NOT fit all. The terminology that your state uses may differ from what you read here, though we have tried to be explanatory without being overbearing. Likewise, the procedures you must follow and those that you develop may vary from what is written based on your state's legislative and regulatory requirements. This document, combined with your knowledge of your state's processes, should get you started in developing a grant program.

And if you're not sure about something, please contact us.

info@cosla.org
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COSLA
Chief Officers of State Library Agencies

COSLA State Library Agency
Library Construction Program Administration
TOOLKIT
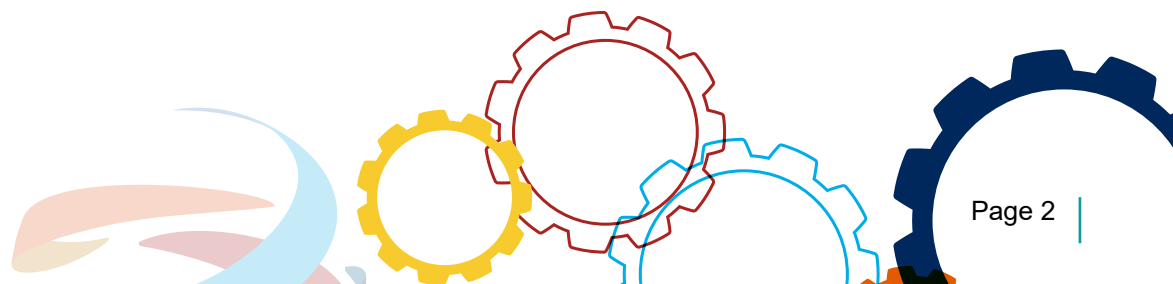
Staffing the Program

Most state or federally funded construction grant programs do not provide funds for program administration, meaning that the work of administering the funds falls largely on existing staff who may or may not have experience with construction projects.

The subject matter expertise that may be needed includes but is not limited to:

- **Grant Manager** – an individual who manages the grant process from application to reporting, is knowledgeable about grant management more broadly, and is familiar with grant terms and conditions.

- **Finance** – an individual who processes payments, reviews documentation supporting payments, and tracks the program budget (may be two levels of payment /review: state library and paying agency -e.g. State Treasurer, State Finance Office, State Business Office).

- **Compliance** – an individual who reviews grantees and grant projects for compliance with regulations, assurances, and rules; an individual who prepares for audits.

- **Monitoring** – an individual who will monitor grantee status, make site visits, and issue reminders of grant deadlines and grant reporting requirements.

- **Construction Specialist** – an individual versed in public construction projects and, ideally, public library construction, to provide oversight to the team administering the program and technical expertise on program administration.

The expertise in your state may include some or all of these positions, depending on how involved your staff are in the actual construction process.

Enabling Legislation

Understanding the enabling legislation will allow you to understand the purpose of the grant program, what the state is trying to achieve, and legislative intent. It will also identify the funding source, typically either an appropriation or bond funds. Knowing the purpose of the program and the funding source will shape everything that comes later. The enabling legislation also shapes the regulations and typically identifies the agency responsible for administering the program.

Examples

California
https://legiscan.com/CA/text/AB128/2021

Connecticut
https://www.cga.ct.gov/current/pub/chap_190.htm#sec_11-24c

Kentucky
https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=4740

Massachusetts
https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter78/Section19G

Minnesota
https://www.revisor.mn.gov/statutes/cite/134.45 "Accessibility and Improvement Grants"

New Jersey
https://www.njstatelib.org/wp-content/uploads/2023/04/P.L.-2017.-chapter-149.pdf "Library Construction Bond Act"

New York
https://www.nysenate.gov/legislation/bills/2023/A9076/amendment/A

The primary governing legislation is found in Education Law, section 273-a (https://www.nysenate.gov/legislation/laws/EDN/273-A)

Rhode Island
http://webserver.rilin.state.ri.us/Statutes/TITLE29/29-6/29-6-6.htm Rhode Island's program is reimbursement-based, which is atypical.

State Building Codes & Standards

Your state likely has building codes and/or standards that must be met by new and perhaps renovated buildings. Key areas to look for include accessibility for people with disabilities, energy efficiency, and sustainability in addition to electrical and plumbing codes. Your state may have, for example, a Commission on People with Disabilities that reviews projects for compliance with the Americans with Disabilities Act or an Architectural Access Board with standards. Your grant agreement and its assurances need to require grantee compliance with all applicable state codes and standards. It is also possible that a Certificate of Occupancy may be required for some projects, based on local municipal requirements.

State Agency Consultation

Other state agencies may have a role to play in your grant program. Common agencies include those charged with procurement, those that manage other construction programs, Ethics, a Commission on Human Rights, State Historical Preservation Office, Environmental Protection, Labor and Workforce, etc. Key aspects of your program may be informed by other agencies, in particular, the rules or regulations and the terms of the grant agreement or assurances.

For example, in Massachusetts, the regulations specify:

> *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;*
>
> *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;*

Other examples include:

New York Memorandum of Understanding between the State Education Department and the Parks, Recreation and Historic Preservation Department (State Historic Preservation Office)

https://www.p12.nysed.gov/facplan/documents/SHPO/23-24_SHPO_MOU.pdf

Rhode Island Regulation 1.5(C) at https://rules.sos.ri.gov/regulations/part/220-60-15-1

Regulations

Regulations (may also be called Administrative Rules or just Rules) are written to provide procedures and practices for implementing the construction grant legislation. Regulations are typically drafted by the agency with authority over that area of rule, and move through several approval processes before adoption. Regulations are a set of requirements that provide the basis for the operation of a program. They may be very detailed or relatively broad, allowing discretion to the State Librarian or other decision-maker. Regulations build off the statutes that fund or authorize programs and answer questions that are not answered by the statutes. Regulations may touch on payment processes, project timelines, consultation with other agencies, definitions, maximum/minimum grant amounts, assurances, process for cancelling a grant, instructions on how to allocate funds, types of allowed projects and more. Regulations are incorporated into the grant guidelines and are typically integrated into the grant contract and its assurances.
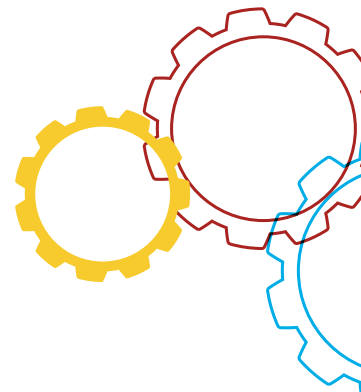
Writing Regulations

A common process for regulation writing, review, and approval starts with construction program staff or other staff at the state library agency drafting language that provides a structure for program implementation. Next is typically a legal review – this could be by internal counsel (to state library agency) or the attorney general's office (external). There may also be an office of administrative law that oversees regulations and/or an office in the Governor's office that performs a similar function. In Kentucky, legislative approval is required; in New York the regulations must be approved by the Board of Regents. If your library agency has a board, their approval or assent will be needed. Some states require a public review period prior to approving regulations. Regulations are typically reviewed and updated on a regular basis, every five to seven years, or prior to a new grant round or allowed to expire.

Examples

Connecticut (with board)
https://libguides.ctstatelibrary.org/dld/construction/constructiongrants

Kentucky (without board)
https://apps.legislature.ky.gov/law/kar/titles/725/002/015/

Massachusetts
https://mblc.state.ma.us/programs-and-support/construction/files/MPLCP-regs-final-2022.pdf

Minnesota
https://www.revisor.mn.gov/rules/3530.0200/

New Jersey (without board)
https://www.law.cornell.edu/regulations/new-jersey/title-15/chapter-24

New York
https://nysl.nysed.gov/libdev/excerpts/90-12.htm

Rhode Island
https://rules.sos.ri.gov/regulations/part/220-60-15-1

IMPLEMENTATION

Developing the Grant Program

Review statutory and regulatory language and enabling legislation to build the legal framework.

- Use requirements from statutory and regulatory language, enabling legislation

- Acknowledge where funding is coming from and how that impacts the grant program

- Identify the deliverables based on statutory or legislative intent

- Decide if more than one type of grant, based on purpose or size, for example, may be offered

- Determine the scope of funded projects- Whole building project versus partial renovation versus single purpose grants for upgrading HVAC or ADA compliance or a new roof. The application template may differ based on the type of project.

- Consider what equity means for the application process, the review process, and the awarding process – it may mean balancing between geographies, rural/urban/suburban locations, socio-economic balance, among others. Equity may be defined in legislation.

Examples

In California for example, the statute reads "Of the funds appropriated in this item, $439,000,000 is available on a one-time basis to support an equity-focused matching infrastructure grant program to support local library maintenance, capital projects, broadband and technology upgrades, and purchasing of devices. For purposes of distributing grants, the California State Library shall prioritize project requests submitted by local libraries located in high-poverty areas of the state."

The California Poverty Measure (CPM) is used by the California State Library to identify geographical locations (rural/suburban/urban) based on a number of economic or socio-economic measures.

https://inequality.stanford.edu/data/california-poverty-measure

In Massachusetts, equity is addressed in several ways in addition to the equity language in statute. For small communities under 2,500 with limited capital and capacity, there is a separate grant type, less upfront expenditure for the application phase, and a larger percentage of eligible costs covered for construction. For all applicants of both grant types, a need factor of 0 (lowest) to 20 (highest) for each municipality is derived from the Department of Revenue's income per capita and equalized valuations and added to the independent reviewers' total score of the of the application as well as converted to a percentage that is then multiplied by the base construction grant award to get an additional amount that is added to the base construction grant award.

- Summarize legislative purpose – ensure that all who are working on the project have the same understanding, inside and outside the state library.

- Create grant guidelines – include allowable budget items, types of allowable projects, records retention requirements, publicity, etc. Use statutes and regulations as the starting point and to identify any and all stipulations. Guidelines may also be called a program notice. As a best practice, you may want to ensure that all documents created, whether web-based or not, are accessible to people with disabilities who may be using assistive technology.

- Establish grantmaking timeline (internal and external) –regulations, statute, or the program notice may include specific dates or specific timeframes that must be followed. In general, you will want to plan for up to a three-month period for applicants to complete the application, four to six weeks for the review of applications, and four weeks for the decision-making process. If you include the time needed to prepare the grant materials, add another four to six weeks. A six to nine-month process is not unusual.

- You will also want to develop a communications plan to make sure you are reaching all stakeholder groups with the correct message at the correct time. For programs such as Massachusetts and New York, the timeline is much longer from grant round announcement to awarding, which can be as long as 1.5 years to compile the necessary materials and complete the independent review process.

Don't expect that all of your grant processes and requirements will be in one document. You are creating an integrated set of documents that guides grant applicants and grantees in the application and grant administration process. Typical components include the statute, regulations, guidelines, application, assurances, program notice, question and answer documents, the external timeline and the grant agreement itself, with any required attachments.

Space Planning

Space planning (or building needs assessment or library building program) is an initial and primary aspect of any library construction project. There are many different ways to do space planning or a building assessment. Likewise, there is no one 'right' way. In addition to looking at the current use of space, the planning process should look toward the future and what may change in library services or collections, or in communities that will impact library services. The following states have put together helpful resources you may want to share with libraries:

Connecticut
https://libguides.ctstatelibrary.org/dld/construction/spaceplanning

Kentucky
https://kdla.ky.gov/Library-Support/directors-toolkit/Documents/State%20Minimums%20for%20Kentucky%20Libraries.pdf

Massachusetts
Library Space: A Planning Resource for Librarians-https://mblc.state.ma.us/programs-and-support/construction/libraryspace.php

Building Literacy Podcast: Public Library Construction
https://www.buzzsprout.com/995062/episodes

New York
https://nyslibrary.libguides.com/publiclibrarystandards/facility

North Dakota
https://library-nd.libguides.com/plan/space

Document and Template Creation

Create application tracking tool. You will want a quick reference document where you can include basic information about grants and grantees – location, contact information, checklists to track submission of required forms and documents, etc.

Create grant application and budget templates. You may be able to use an online grant management system, which streamlines the process for everyone involved, particularly reviewers. An online tool can help you generate data on the grant program which will be of interest to your State Librarian and policy makers, including the number of grants awarded, the average grant size, the type of project, etc. It is important to create a tool that allows reports to be run on the grant program, at any point in the review and award process. In New York, total allocation recommended, type of project, number of projects using bond funding, and age of building, are all examples of reports that can be run in the online system used to submit applications by libraries.

Create grant review rubric and scoring (include in application guidelines). All reviewers must use the same scoring rubric to ensure that the applications are being scored on the same basis. This helps to reduce bias between reviewers and makes it clear to applicants how their application will be judged.

Publish grant application – set up a webpage that is readily accessible to people using screen readers or other assistive technology, written succinctly, and easy to find. Collate all public-facing grant related documents on this page. If necessary, shorten the URL so it is easy to remember and enter.

Examples

Connecticut
Describes construction grant program and guidelines: https://libguides.ctstatelibrary.org/dld/construction/constructiongrants

Massachusetts
Program Notice Webpage and Program Notice for Standard Grant Type:
https://mblc.state.ma.us/programs-and-support/construction/files/Program%20Notice%2023-24-std-final.pdf

https://mblc.state.ma.us/programs-and-support/construction/program-notices.php

New York
Describes program, guidelines, regulations and timelines.

https://nysl.nysed.gov/libdev/construc/index.html

Technical Assistance

Conduct at least one Technical assistance session to help potential applicants or those who have submitted a letter of intent better understand the goals of the grant program and the application process. Publicize widely and decide if you will record or not, and if you will make attendance required as part of the application process. Massachusetts also holds informational sessions for owner's project managers and architects to prepare firms for the grant timeline.

Request that all questions be written (emailed) and craft responses. The questions may ask you to make policy decisions on-the-fly, so be ready to consult with others on the most appropriate response. Give yourself plenty of time to respond (include the response date in the application guidelines/program notice). Responses should be posted publicly, such as on an online FAQ page, and be sent to anyone who received the initial solicitation. This is to ensure that all potential applicants have access to the same information.

You may also provide specialized webinars on one or more topics relevant to the program requirements. Ideally these will be recorded, and uploaded to the State Library's website. https://nysl.nysed.gov/libdev/webinars/index2.html#Construction

Review Panel

Select or identify review panel – the panel may be internal, external, or a combination. California, for example, chooses only out-of-state reviewers to significantly reduce the potential for conflicts of interest. Unless specified elsewhere, you will want to include people with knowledge of public libraries, building construction and design, or finance specialists. Architects are often called upon as reviewers. Retired professionals are often a good choice – having a depth of experience and reducing the possibility of conflicts of interest. A reasonable number of reviewers is 3-5. Consider offering a stipend. Reviewer's should sign a document ensuring that they have no conflicts of interest with the applicants being reviewed. Reviewers should be instructed that if a potential conflict of interest appears midway through the review, the review should be curtailed and your office notified.

Application Review

Reviewers typically work individually to score applications based on the rubric you have provided. Generally, the same reviewers should review all applications received, so that the evaluations are done in a like manner. This helps to reduce concerns around scoring discrepancies, since the same reviewers are reviewing every application using the same rubric. In Massachusetts, there is one independent review team per tier, which is based on the estimated square footage of the submitted library building program. Each reviewer role scores the portion of the application that corresponds to their area of expertise. For instance, the municipal finance professional reviewer role evaluates the applicant's ability to fund a major capital project within the timeframe of the grant.

Your process may average scores from reviewers, or aim to get consensus from reviewers. Group discussions may be used to resolve discrepancies in applicant scoring if your process requires consensus. Some review groups make funding or selection recommendations; others simply provide grant application scores to the state.

Once the recommendations or scores are received from the review panel, grant program staff will apply any other decision-making criteria to develop a list of projects recommended for funding. Other statutory, regulatory, or policy-driven criteria may include geographic distribution, size of library, size of grant award, level of need, or other factors.

Grant program staff will review the recommendations with the State Librarian and/or other interested parties. In Massachusetts, for example, the Board of Library Commissioners reviews the recommendations from the Executive Director and approves awards. The State Librarian may be the final decision-maker, or it may be a board or commission; it may be spelled out in statute or developed as part of the regulations.

Communicating about Awards

The initial letter to an awardee may include stipulations. Stipulations could include successfully completing a risk assessment, financial review of the library or municipality, providing documentation of matching funds, revision of the budget, or the completion of other forms. Confirmation that the library has matching funds available may be done by an independent review panel or by library staff.

Risk assessments are conducted by state library staff (program staff) as part of the grant award process. The purpose of the risk assessment is to identify any potential areas of concerns related to financial or grant management. The results are then used to add necessary conditions or assurances into the grant agreement. For example, if an awardee has audit findings related to internal controls, the grant agreement may include a requirement for two signatures on reimbursement requests.

A final review of the application narrative and budget by program staff will look for discrepancies between the budget and activities, unallowable expenditures, and to verify that the proposed expenditures are reasonable, necessary, allocable, and allowable under the terms of the grant program. Program staff may request clarifications from applicants on the budget or narrative; the clarifications along with the approved application become part of the grant agreement documentation, usually as exhibits.
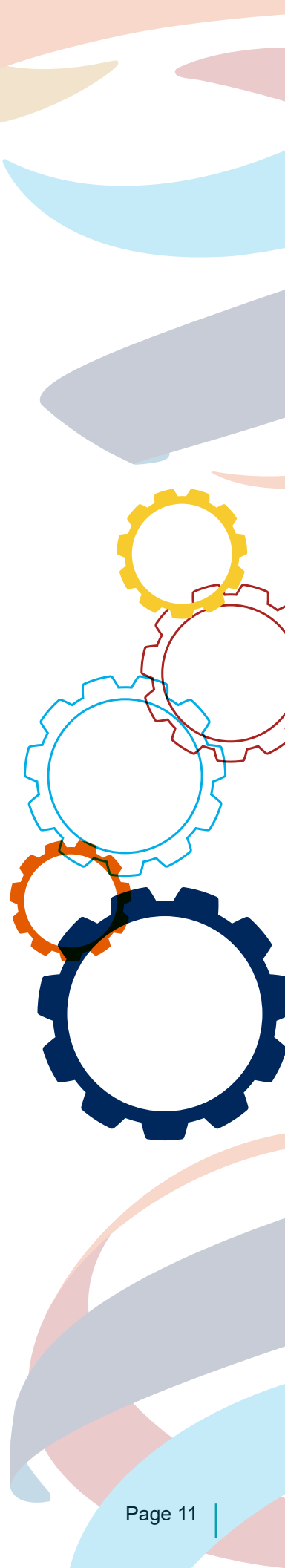
It is helpful to have any stipulations or requirements be included in the project narrative or grant agreement so that if the library staff overseeing the project change, the new staff member will have all of the information about project. For example, in New York, if the Dormitory Authority of the State of New York, which provides the bond funds, requires that a specific item(s) must be covered by the library's share of the costs, the State Library asks the library to note that in the project narratives during the review process. Each project has six years to be completed, and library staff are likely to change during that period of time.

Award/Non-Award letters

Notification of non-awardees may happen at different times in your process. Some states wait until all of the grant agreements are fully executed to send non-award letters. This is in case a selected applicant falls through. Some notify right away, at the same time as the award letter goes out. Regardless of whether it is an award or non-award letter, thank the applicant for the time they invested in their application and their interest in the grant program. If another grant opportunity will be forthcoming, consider using the non-award letter as one notification.

Appeals

The enabling legislation or regulations may require an appeal process allowing applicants to appeal the grant decision. In Kentucky, this is included in the regulation governing the construction grant program.

Sign Grant Agreement or Grant Contract

You will want to ensure that your grant agreement template and any adaptations have been reviewed by agency legal counsel to make sure all necessary provisions are included.

The grant agreement sets forth the terms under which the grant award is made. It will include provisions related to non-performance, termination, deadlines, building ownership requirements, appropriate use of funds, responsibilities of each party, and more. The grant agreement will include assurances as to the activities of the library while conducting the grant project, provisions related to wages, civil rights, procurement, records retention and reporting requirements, forms and schedules, and other terms and conditions that are specific to your state. Funding attribution statements are important; you should provide standardized language and a copy-ready version of any needed logos. Provide a format that can be sized for invitations as well as building signs. You should also include an

attachment that has the inked signatures of the organization's official(s) with authority to sign.

The grant agreement is signed by the organization's "authorized official with authority to sign." Who this is depends on what entity the grant is with- municipality or library board. Not all library boards give signing authority to the library director. The authorized official may be the chair of the board, the city mayor, the president of the council or chair of the select board, the city finance manager or the secretary or treasurer of the board.

Once the grant agreement has been signed by the recipient, and you have verified that the signatory has the authority to sign, (you can ask for documentation), the state may sign. The date of the last signature is the date of execution of the grant agreement; activities are timed from that date.
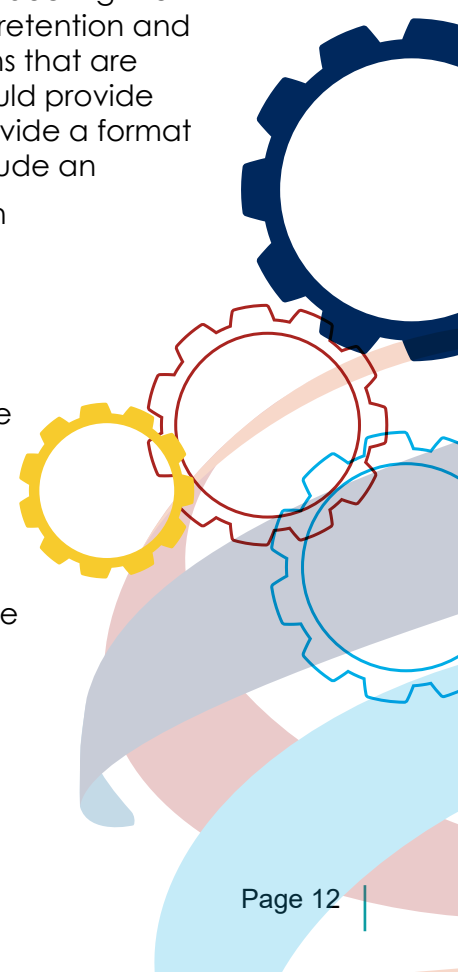
Examples

Connecticut
https://libguides.ctstatelibrary.org/dld/construction/constructiongrants

Massachusetts
https://guides.mblc.state.ma.us/construction/manage-construction

ADMINISTRATION

Administering Grant Awards

Update grantee tracking spreadsheet with key dates, activities, and key personnel from the grantee's organization. Try and identify at least two key personnel. The first entry in the spreadsheet will be the date or acknowledgement that the signed grant agreement has been returned and is complete. If using a grant management system, activate the award with information populated from the application.

Hold welcome session to introduce grant procedures and personnel who will be working with grantees. An introductory session gives grantees a chance to ask questions and get comfortable with the requirements. You may want to meet periodically with grantees either individually or as group for discussion of issues related to grant management.

Payments

Your program may make an upfront payment to completed projects (with documentation of spending), it may be reimbursement based, or it may make upfront payments of a certain percentage, with documentation provided at intervals. Work with your finance officer to ensure that you have payment and account information for all grantees and can describe the payment process to grantees. Regardless of how you make payments, you will want to make sure that grantees are keeping solid financial records of transactions related to grant spending that can be supplied when asked for.

Program Monitoring

Your finance office may have established procedures for fiscal monitoring, or the terms of the grant may outline procedures. Desk monitoring is a method of reviewing and tracking a grant program's performance using quantitative data. It is a common method for spot-checking payments and expenditures.

Program monitoring is more than just fiscal monitoring. It also includes monitoring the procurement policies and activities, adherence to fair labor standards, adherence to requirements of other agencies, review of bid requirements, vendor selection and much more. You will need to determine what your monitoring protocols are, and the role of site visits in monitoring.

Site visits are used to determine the progress of the project against what has been reported. While it is unlikely that there will be a large discrepancy, between actual and reported progress, it does happen. Some states require very thorough site visits that include inspection of materials being used, storage of hazardous materials and the like. Consulting with other state-funded construction grant programs will alert you to these needs; and they may be included in the enabling legislation.

Attend the groundbreaking and/or the ribbon cutting ceremony. Most grantees really appreciate a visit from 'the state' at their key events, and may ask you, the State Librarian, or a commissioner to say a few words. Use this as a time to build a stronger relationship with the library and their key stakeholders.

Grant Closeout

Comprehensive closeout procedures ensure that grantees have fulfilled all of the grant requirements, that all payments have been made, and all work has been completed. Your state may require financial auditing of projects prior to final payment, or it may collect invoices all along to document payments.

The final payment is typically sent after a certificate of occupancy is supplied, proof of final payments is made, and the final report is completed. Your state may also require additional assurances at the time of close out, and a final report should summarize the project from start to finish.

Final reports should allow you to gather the data you need to make your reports on the grant program to other state entities, including the legislature. If the program relied on matching funds, you should receive full documentation that the required matching funds have been spent.

Grant Process Overview for Grantees

Connecticut

https://libguides.ctstatelibrary.org/dld/construction/constructiongrants

Kentucky

https://kdla.ky.gov/Library-Support/funding/Pages/Construction-Grants.aspx

Massachusetts

https://mblc.state.ma.us/programs-and-support/construction/2023-general-info.php

Minnesota

https://education.mn.gov/MDE/DSE/PROD083531
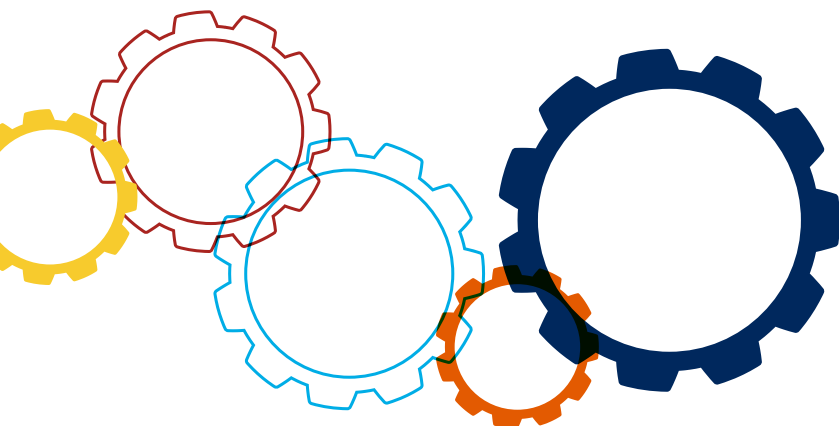
New York

https://www.nysl.nysed.gov/libdev/construc/index.html

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About COSLA

The Chief Officers of State Library Agencies (COSLA), an independent organization of the principal library officials in all 50 states, the District of Columbia, and two territories, responsible for statewide library development. Its purpose is to provide leadership on issues of common concern and national interest; to further state library agency relationships with federal government and national organizations; and to initiate cooperative action for the improvement of library services to the people of the United States.

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