New York State Education Department
NEW YORK STATE LIBRARY
Division of Library Development

PUBLIC LIBRARY CONSTRUCTION GRANT PROGRAM

FREQUENTLY ASKED QUESTIONS

This list of FAQs is designed to answer questions that applicants may have about New York State's Public Library Construction Grant Program. If you have questions after reviewing these FAQs, please contact Lynne Webb, lwebb@mail.nysed.gov.

APPLICATION PROCESS AND CRITERIA

Q: Who is eligible to apply for a grant under the Public Library Construction Grant Program?

A: Any public library or public library system chartered by the Regents of the State of New York or established by an act of the New York State Legislature is eligible to apply for a grant under the construction grant program.

Q: How does a library go about submitting an application for a construction grant?

A: A library should submit an application through its public library system. Each year, the State Library publicizes the availability of state aid for public library construction, and posts application forms and other pertinent documents on its website. Interested applicants should follow the procedures outlined on the website and submit completed applications with other required documents to their public library system. After a review and evaluation of the materials, the system will forward the application to the State Library for further review and consideration.

Q: If a library/library system received construction aid funding in the past, is it eligible to apply again under the 2014-2017 Public Library Construction Grant Program?

A: Yes, a library/library system can submit a project application for funding in 2015-2018 even if a previously funded project remains open.

Please note, a library/library system can not receive funding for the same project more than once. The project for which funding is being requested in 2015-2018 must be different from any project(s) funded previously.

Q: If a library system has more than one member library interested in applying for similar projects, e.g., installing solar panels and using the same contractor, can the system batch all the projects into one application?

A: No. Each library must submit an individual project application for each building. However, for the purpose of achieving the best contract terms, a single contractor can be used for multiple buildings but the costs for each building must be listed separately on the quote/bid document.

Q: Can a library/library system submit more than one project application if it has several construction projects going on in the same building?

A: No. Project applications must be limited to one per building, and no building can be the subject of more than one application per year. However, a project application may include seemingly unrelated components within a single building as long as the project is within the construction aid program guidelines.

Q: If a library or library system has a main library and several branches, can the library or library system apply for construction aid for more than one of the buildings in the same year?

A: Yes. If a library or library system has multiple buildings (a main building and one or more branches), the library or library system may apply for construction aid for each building. One project application is required for each building.

Q: If the library system headquarters building is also the system's central library, may the system apply as both a system and a member library?

A: Yes. If the library system headquarters building also serves as the system's central library, the system can use funds from both the sixty percent reserved for member libraries and the forty percent of money available for use by the library system. (See "How is construction aid funding distributed throughout the state?" below.)

Q: What is the application deadline?

A: The deadline for submission of applications from the systems to the State Library is 5:00 p.m., Thursday, October 1, 2015. However, each public library system will set their own deadlines for member libraries to submit applications to allow sufficient time for system review and system board approval. Please contact your public library system to find out their due date.

Q: How does the project approval process work?

A: If the applicant is a library, the application for a construction grant award must first be submitted online to the public library system for review and evaluation. The public library system board reviews and evaluates each library's grant application and then submits the approved applications, along with a funding recommendation to the New York State Library. If the applicant is a library system, the system will submit the system application directly to the State Library along with the member library applications. The system application must describe how the project to enhance the system headquarters building will improve system services to member libraries and users. The library system board must "rank the applications from its system area in order of its recommendations, giving particular attention to the service needs of any communities which are isolated, economically disadvantaged or located beyond the reasonable service capabilities of other libraries which are members of such library system." **The**

submission process for both the library to the library system and the library system to the State Library is an online process.

The State Library will review project applications and submit approved project applications and supporting documents to the Dormitory Authority of the State of New York (DASNY) for review and final approval.

Dormitory Authority bond proceeds will be used to reimburse the State of New York for grants made under this program. Therefore, the Dormitory Authority will need to review each application for statutory and tax law compliance. In addition, the Dormitory Authority will undertake the SEQRA review, unless another lead agency has already conducted an appropriate review. Once the Dormitory Authority and the State Library have approved the application, paperwork will be processed for the initial grant payment.

PROGRAM SPECIFICATIONS

Q: If a construction project is already completed, can the library/library system apply for funding retroactively?

A: No. Projects cannot be completed prior to the date of the application**. Applications for completed projects will not be approved. (** The date of application means the deadline date for receipt of applications by the library system.)

Q: If a project has already begun but is not completed at the time of application, can the library/library system apply for funding for the cost of all work already completed prior to the filing of the application?

A: No. Aid can be provided only "on approved expenses incurred during the period commencing July first and ending June thirtieth" of the funding year "for up to three years, or until the project is completed, whichever occurs first." Any costs incurred before July 1, 2015, are not eligible for direct construction aid for the 2015-2018 funding cycle. However, funds expended on the project between January 1 – June 30, 2015, can be considered match funds and may be included as part of the total project cost.

Q: Is there a minimum/maximum award amount?

A: The minimum award is $2,500 for a total minimum project cost of $5,000. There is no maximum, but the amounts of the awards will depend on the number of project applications received and the total funding available.

Q: What kinds of projects are eligible for funding under the Public Library Construction Grant Program?

A: Costs eligible for approval include construction or acquisition of a library building, renovation or rehabilitation of a library building, or renovation or rehabilitation of a building leased for library purposes. The purchase and installation of equipment and furnishings are eligible costs **within the context** of a construction project application for a new building, building addition or substantially renovated/rehabilitated space. Other eligible costs include site acquisition (purchase of vacant land or an existing building to be used for library purposes), site grading of owned property in conjunction with a building project, and supervision/management of the construction, renovation, or rehabilitation. The purchase and installation of one or more generators is also an eligible expense. The program gives priority to projects that increase energy conservation, provide accommodation for computer equipment and new technologies (such as extending fiber connections to library buildings), and brings libraries into compliance with the Americans with Disabilities Act. Libraries and library systems are encouraged to support "green" projects that may result in buildings eligible for LEEDS certification. Priority is also given to projects that will extend library services to people residing in geographically isolated and economically disadvantaged communities.

Q: Can a library buy computers and equipment and incorporate new technologies as part of a construction project?

A: Yes, a library or system may use the construction funds to purchase computers and equipment that will upgrade the library or system's technology capabilities—e.g., automated systems that permit library users to check out materials themselves, public access computers for a newly constructed computer lab, connecting libraries to fiber networks. The purchase of new technologies must be within the context of a construction project for a new building, building addition, or a substantial renovation/rehabilitation project. Requests for new computers that are not immediately connected to a construction/rehabilitation project are not eligible for funding from this program.

Q: Will a project that consists of building maintenance be eligible for funding under the Public Library Construction Grant Program?

A: No. Commissioner Regulations specifically exclude "routine maintenance" from eligible funding categories. Projects with emphasis on repair and/or building upkeep and tasks that need to be done on an annual basis are generally considered to be routine maintenance. This includes tasks that involve keeping any sort of mechanical, plumbing or electrical device in working order (preventive maintenance).

Expensive projects with a large scope that are not done every year, such as carpet replacement for large areas of the building and repointing bricks are not considered routine maintenance. Brick repointing as a stand-alone project is eligible for funding, as it is a safety issue. **However, carpet replacement as a stand-alone activity does not qualify as a construction project. The carpet replacement must be a component of a construction/renovation project, such as sub flooring replacement, a renovation project that creates new space, the creation of a building addition or a completely new building.**

Q: In addition to routine maintenance, are they any other costs ineligible for funding under the Public Library Construction Grant Program?

A: Yes. Other costs ineligible for funding include, but are not limited to, architectural and engineering fees, building consultant studies, interest or carrying charges on bonds financing the project, purchase of books and other library materials, and landscaping. Library signage (with or without lighting) is not considered landscaping and is an eligible expense.

Q: What are the matching fund requirements?

A: State aid for public library construction can be provided for "up to seventy-five percent of the total project approved costs for buildings of public libraries that are located in an economically disadvantaged community", as determined by the library's library system. Public libraries that are located in communities that are not identified by the library system as economically disadvantaged communities are eligible for a maximum of fifty percent of the total project approved costs.

Before applications are approved, applicants must provide evidence of the availability of funds to pay for the cost of the project, minus the amount awarded through the Construction Grant Program. Verification must be in the form of bank or bond certification, an official document(s) signed by a financial authority connected with the applying institution, and/or such other evidentiary documents as necessary. **Note: Library applicants do not receive the final 10% of the grant award until the project is completed and closed. Applicants need to make sure sufficient funds are available to complete projects.**

Q: What documents are required if the project involves bonding?

A: If the project for which a library has submitted an application is or will be funded in whole or in part through the issuance of tax-exempt bonds, bond anticipation notes, revenue anticipation notes, or some similar form of obligation, the application must include the applicable authorizing resolutions adopted by the library or issuing party authorizing the bond issuance, a detailed breakdown of the expected or actual sources and uses of bond proceeds, equity or other funding sources for the project, a copy of the final official statement relating to the applicable issuance if available and a current cost estimate of the entire project including:

1.) Provide a detailed breakdown of **all** project costs regardless of whether or not they will be funded with grant proceeds. Indicate which costs are related to grant funds.
2.) Provide the total dollar amount that is being bonded for the project.
3.) If BANS are issued a letter is required asserting that at the time BANS are converted to Bonds, the Bond issued for the project will be in an amount not to exceed the total cost of the project minus the grant award.

Keep in mind that since the Public Library Construction grants are funded with tax exempt bonds the only portion of the project that can be funded with bonds is the total cost of the project minus the amount of the grant award that is being requested.

Q: How soon after an award is made must a library or library system begin construction?

A: The project, if not already started at the time of application, **must begin within 180 days** after approval. (**The date of approval is the date on the approval letter from the NYSL/Division of Library Development to applicants informing them that their application for funding has been approved.) Applicants must indicate assurance on the application that the project will begin within 180 days of approval. The 180-day certification must be completed and submitted to the NYSL/Division of Library Development when requested.

Q: How much time does a library/library system have to finish the construction project?

A: There is a three-year allowance for project completion under the Construction Grant Program. For applications submitted for FY 2015, projects must be completed by June 30, 2018. If a project is not completed by the end of the second year, June 30, 2017, the library or library system must file a progress report with the State Library for an extension to be granted for the third year. There is no allowance for further extensions beyond the three years. If a project is not completed by June 30, 2018, the State Library may request the return of any unexpended state money awarded for the project.

Q: Will an estimate provided by an architectural, engineering firm, or construction consulting firm be adequate for cost estimation?

A: No. A project cost estimate that is a reliable assessment of true project cost must accompany the application. Such estimate must be in the form of a quote document from a contractor(s) to assure that the full cost of the project can be reliably assessed. If the construction project is multifaceted and more than one contractor will be involved, e.g., an electrician, plumber and carpenter, a quote document from each contractor is required. Cost estimates from architects, engineering firms, or construction consulting firms are not acceptable.

A library does not have to have entered into final agreements with a contractor(s) at the time of application. However, allowing for reasonable increases in the cost of construction from the time the application is submitted, great care should be taken to assure that the cost estimates reflect anticipated true cost to ensure that sufficient funds are available to pay for the cost of the project, minus the award amount.

Q: What is the payment schedule for awards?

A: Fifty percent of the award is payable after January 1, 2016, pending final approval of the application if not rendered prior to that date. Forty percent of the award is payable after April 1 of the year following the release of applications (for 2015 applications, that will be April 1, 2016). The remaining ten percent is payable upon project completion and filing of an approved FS-10-F, post-project photographs, and a Certificate of Occupancy if applicable to the project.

Q: Does the library receiving a construction award have to file additional paperwork to get the second payment of 40%?

A: No. The State Library will take action to trigger that payment to each of the libraries receiving a grant under the construction program.

FORMULA AID BREAKDOWN

Q: How is construction aid funding distributed throughout the state?

A: Sixty percent of the $14 million ($8.4 million) is available solely for member library projects. That sixty percent is based on population served. The amount received by each system for its member libraries is no greater than the ratio of the population served by the system to the population of the state as a whole. Forty percent of the $14 million ($5.6 million) is available for use by the library system and/or its member libraries and is divided equally among the 23 public library systems. Each library system receives the same amount. A chart detailing the distribution of the $14 million is on the State Library's website at http://www.nysl.nysed.gov/libdev/construc/index.html

Q: What happens to construction aid funds that are not awarded to libraries or systems within a particular library system as determined by the formula distribution?

A: If a library system is unable to use all of its formula allocation, the State Library will reallocate the unused portion of the system's funds to other approved construction projects in other library systems.

BUILDING CODE AND OTHER REQUIREMENTS

Q: Are libraries required to comply with public building codes relating to the Americans with Disabilities Act (ADA)?

A: Yes. New and renovated public library and library system buildings are required to be in compliance with all current ADA regulations, which include addressing specific requirements such as assistive listening devices and systems. Priority is given to construction projects that provide improved access to and use of building services by persons with physically handicapping conditions.

Q: Are libraries required to pay prevailing wages for projects funded through the Public Library Construction Grant Program?

A: Public libraries, as described in Section 253(2) of NYS Education Law, are subject to the prevailing wage law. Free Association libraries are usually not subject to such law, unless they are involved in construction contracts that take place on municipal property or involve municipal use. In the case of Free Association Libraries, prudence would dictate that such libraries contact the Department of Labor (http://www.labor.state.ny.us/) and request a determination as to the applicability of the prevailing wage law in the particular circumstances then present. Projects subject to the prevailing wage law require the payment of certain minimum wages for all

laborers, workers and mechanics, and it is vital that such information be provided to any party bidding on such a project.

Q: What is SHPO? What libraries must meet SHPO requirements?

A: SHPO, New York's State Historic Preservation Office, is part of the New York State Office of Parks, Recreation and Historic Preservation. The mission of SHPO is to help communities identify, evaluate, preserve, and revitalize their historic, archaeological, and cultural resources.

If your library building is 50 years old or older and/or the project involves ground disturbance and/or demolition, please read the following documents to determine if your project requires a SHPO approval:

- Formal Agreement with the State Education Department http://www.nysl.nysed.gov/libdev/construc/14m/shpo_sed_resolution.pdf

If appropriate, an approval letter from SHPO must be attached to the library's construction grant application as a signed .PDF.

In the event a building is determined by SHPO to be of historical significance, the SHPO approval letter must specify the precise changes to the building that are being approved. Any project components not specifically approved in writing will not be considered for funding. In the event a building is determined by SHPO to lack historical significance, a letter to that effect from SHPO must accompany the application. Such letter may be used in subsequent years to comply with construction application requirements.

For more information about SHPO requirements, please call (518) 237-8643. You will be directed to the regional office in the area where the library building is located. More information about SHPO approval documentation can be found at http://www.nysl.nysed.gov/libdev/construc/14m/shpo.htm

Q: What is the State Education Department's Office of Facilities Planning? What libraries must meet Office of Facilities Planning requirements?

A: The State Education Department's Office of Facilities Planning is charged with enforcing the New York State Uniform Fire Prevention and Building Code with respect to buildings, premises, and equipment as they relate to school districts and Boards of Cooperative Educational Services (BOCES). If a public library is housed in a building owned or operated by a school district or BOCES and is applying for a construction award for a project costing $10,000 or more, the library must submit plans and specifications to the Office of Facilities Planning for approval before the application will be considered for funding by the State Library.

NOTE: The designator "school district public library" does not necessarily indicate ownership of a library building by the school district; rather, it refers only to the

boundaries of population served by the library. OFP approval is required only if the building is OWNED by a school district or BOCES, regardless of the library's service area.

For more information about SED Office of Facility Planning requirements, please call (518) 474-3906. You will be directed to the appropriate Project Manager for the school district in which the library building is located.

Q: What is the State Environmental Quality Review Act (SEQRA)? What libraries must meet SEQRA requirements?

A. The State Environmental Quality Review Act requires certain entities, including state agencies, public benefit corporations and certain libraries, to evaluate the potential environmental consequences of certain activities and to minimize adverse impacts. Accordingly, a SEQRA review must be undertaken in connection with projects funded under the Public Library Construction Grant Program**.**

All applicants must complete **the four-page** Short Environmental Assessment Form (SEAF) as part of the application process. The SEAF is available on this website. In most cases, the SEAF will suffice to commence the SEQRA process. In certain cases, however, the applicant may need to complete a long form EAF.

Q. Does a library/library system need to provide a copy of the "Certificate of Occupancy" if applicable?

A: Yes. If the project requires that a local "Certificate of Occupancy" be obtained at the completion of the project, a copy of the certificate must be scanned and attached as part of the Final Project Completion activities. Note: the library cannot receive final payment until all of the required Final Project Completion activities are complete.

Examples of when a "Certificate of Occupancy" is typically required include: New Building Construction; Construction or renovation that significantly changes the current or intended use of library space. For example, a space that is currently used for offices or storage and is converted to public use space would possibly require a certificate of occupancy. Be sure to consult and follow local government laws as they apply to certificates of occupancy to ensure compliance.

Q: Do grant applicants need to comply with M/WBE requirements?

A: Yes, All applicants requesting $25,000 or more are required to comply with NYSED's Minority and Women-Owned Business Enterprises (M/WBE) policy. The M/WBE participation goal for this grant program is 30% of each applicant's requested grant amount. For information on how to comply see: http://www.nysl.nysed.gov/libdev/construc/14m16/instruct.htm

NYSED's M/WBE Coordinator is available to assist applicants in meeting the M/WBE goals. The Coordinator can be reached at MWBE@nysed.gov.

M/WBE participation includes services, materials, or supplies purchased from minority and women-owned firms certified with the NYS Division of Minority and Women Business Development. Not-for-profit agencies are not eligible for this certification. For additional information and a listing of currently certified M/WBEs, see:
https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=4687

For more info on M/WBE see the NYS M/WBE site: http://www.esd.ny.gov/mwbe.html.