

Illinois State Library Live & Learn Construction Grant Application Assurances of Compliance

A. Library Board

- 1) Possesses legal authority to apply for the grant; a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- 2) Assures that the library owns proposed building site in fee simple title, or can show the legal right to use the premises for a duration of not less than 20 years.
- 3) Assures that the library will submit to the State Library with the grant application certification and verification of all matching local funds.
- 4) Assures that the library will submit to the State Library with the grant application complete full-size architectural drawings and specifications of the proposed project.
- 5) Assures that a Library Building Consultant, with experience in at least one library building project, shall be retained by the grantee throughout planning and construction if the total cost of the project exceeds \$150,000. A Library Building Program prepared by the Library Building Consultant shall be submitted to the State Library with the grant application. A Library Building Consultant is an individual with a master's degree in library science from a library school accredited by the American Library Association.
- 6) Assures that the Regional Library System of which applicant is a member has been notified of proposed project; a copy of completed application has been sent to library system director. The library will submit to the State Library with the grant application a letter from the Director of the Regional Library System acknowledging that the System is aware of the proposed project.
- 7) Assures that the library will submit to the State Library with the grant application a letter obtained from the Illinois Historic Preservation Agency, 500 East Madison Street, Springfield, Illinois 62702 (telephone 217/785-3977) stating compliance with all of the requirements related to National Register of Historic Places.
- 8) Assures that the library will submit to the State Library with the grant application a subsurface soil analysis by a licensed soils engineer.
- 9) Assures that the library will submit to the State Library with the grant application a site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance is not required for new buildings unless demolition of existing building (other than residences) is necessary.
- 10) Assures that the library will submit to the State Library with the grant application a listing of all applicable authorities having jurisdiction over the applying facility.

11) Assures that the library will submit to the State Library with the grant application the American with Disabilities Act (ADA) Self-Evaluation form for all projects other than new construction.

12) Assures that the library will submit to the State Library with the grant application an assurance letter from the Illinois Department of Natural Resources/Office of Water Resources (IDNR/OWR) stating that the project site is not located in a Special Flood Hazard Area. If the project site is located within a Special Flood Hazard Area, the applicant shall submit an assurance letter from IDNR/OWR stating that the projects meets the flood protection standards of the State Floodplain Regulations and the National Flood Insurance Program as required in Executive Order Number IV (1979). (Contact Flood Insurance Program Coordinator, Illinois Department of Natural Resources/Office of Water Resources, One Natural Resources Way, Springfield, IL 62702 (217)782-3863.)

13) Assures that the library will submit to the State Library with the grant application a vicinity map.

14) Assures that the library will submit to the State Library with the grant application a legal description and a deed of ownership (or proof of long-term occupancy) of the project site.

15) Assures that the building is planned for a 20-year population projection, and it will be in use as a public library for not less than 20 years after its construction unless other use is approved by the Illinois State Library.

16)) Assures that the project will not be advertised or placed on the market for bidding until the final working drawing and specifications have been approved by the Illinois State Library.

17) Assures that any additional specifications not covered or included in original specifications will be given Library Board approval and be submitted to the State Library prior to Requests for Bids; e.g. specifications for carpeting, furniture, shelving and/or equipment, and asbestos removal.

18) Assures that copies of agreement signed by the Library Board and Illinois State Library will be provided to all general or prime contractors by the Library Board.

19) Assures that the library certifies bidders are not barred from bidding on this contact as a result of a violation of the Criminal Code 1961 published in the Ill. Compiled Stat. 1993, Act 5. (Statutory citation: 720 ILCS 5/33E-1 et al, and or as amended).

20) Assures that all contracts for public library construction shall be awarded to the lowest qualified bidder on the basis of open competitive bidding; however, if one or more items of construction are covered by an established alternative procedure used by a local unit of government, consistent with State and local laws and regulations, and approved by the Illinois State Library as designed to assure construction in an economical manner consistent with sound business practices, such alternative procedure may be followed, as is consistent with State statutes and local ordinances.

21) Assures that a revised construction budget shall be prepared, after bids have been accepted, and submitted to the Illinois State Library for approval prior to actual construction.

22) Assures that library construction will start within 140 days after receiving signed contract approval from the Illinois State Library but will not commence construction before receiving approval of final working drawings and specifications, submitted prior to requests for bids, also, project will be completed within a reasonable amount of time. Construction cannot commence until the construction contract is fully executed with required signatures by the Secretary of State, the Illinois State Library and the grantee.

23) Assures that a sign will be erected on the construction site stating that library construction funds (Federal or State) administered by the Secretary of State and State Librarian are being used for the construction.

24) Assures that a plaque will be erected in the completed building stating that library construction funds (Federal or State) administered by the Secretary of State and State Librarian were used for the building's construction.

25) Assures that all project publicity will give credit to assistance given by construction grant funding indicating type of grant and service of the grant.

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

27) Assures that the library will follow specific procedures in regard to submission and approval of work change orders according to the contractual agreement with the Illinois State Library. Any changes in the Plans and Specifications will be submitted to the Illinois State Library. Changes will be approved if they do not have an adverse impact on library services.

28) Assures that construction contracts signed by both the library board and contractors will be prepared on standard American Institute of Architecture (AIA) forms that are 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 such contracts between the library board and contractors if (1) the assurances outlined herein and the application form are not incorporated; and/or (2) 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 and the contractors. If needed, applicant will be available for a construction project conference to discuss final plans and specifications prior to final approval by the Illinois State Library.

29) Assures that all laborers and mechanics employed by the contractor or subcontractors on all construction projects assisted by these grants shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the appropriate authority depending on whether it is a State or a Federal grant.

- 30) Establishes safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
- 31) Assures that contractors and subcontractors shall submit with each request for payment the weekly payroll forms required by the Davis-Bacon Act (40 U.S.C. 327 et seq. (1982)). (Payroll Form WH-347 or similar information).
- 32) Assures that the library will be in compliance with and agrees to comply with all applicable provisions of the Illinois Purchasing Act.
- 33)) Assures that the library certifies it does not, nor does any of its principals pay dues or fees on behalf of its employees agents or reimburse or otherwise subsidize them for payment of dues or fees to any club or organization which unlawfully discriminates.
- 34) Assures that the library certifies it is currently in compliance with Drug-Free Workplace Act of 1988 (P.L. 100-690), and that it shall continue to make a good faith effort to maintain a drug-free workplace.
- 35) Assures that the library certifies none of its employees or agents is in default of an educational loan as provided in Public Act 85-827.
- 36) Assures that the library currently meets the eligibility criteria to qualify for per capita grants provided in Ill. Compiled Stat. 1993, 10/8.1 and submits an application for such grants.
- 37) Assures that the library permits intersystem reciprocal borrowing
- 38) Assures compliance regarding handicapped discrimination which warrants that no otherwise qualified individual with handicaps shall, solely by reason of her/his handicap, be excluded from participation in, be denied benefits of or be subject to discrimination under any program or activity receiving Federal assistance as set forth in the Rehabilitation Act Amendments of 1988 (Public Law 99-506, 100 Stat. 1800, Section 504).
- 39) Assures that the library has on hand sufficient funds to meet the non-matching share of the project cost.
- 40) Assures that sufficient funds will be available to the library when construction is complete for effective operation and maintenance of the facilities, in accordance with applicable Federal, State and local requirements.
- 41) Assures that the library's publicity materials are suitable for publication in Illinois Libraries or comparable publication suitable for distribution to other libraries and educational institutions.

42) Assures 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 of completion of the project; a closeout report which is a final financial and narrative report, and audit within 60 days of the completion of the project; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State:

- a. Financial reports shall show the amount of authorized State and local funds, expenditures, obligated funds, and remaining funds by amount of line item remaining as compared to the original budget.
- b. Narrative reports shall state the progress of the project, accomplishments to date, problems encountered, objectives met and unmet, changes implemented.
- c. The closeout report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The closeout report shall include a project audit report which shall be completed by an independent certified public accountant or accounting firm using *government auditing standards*. The project audit report shall include financial statements and compliance statements (which indicate that grant monies have been obligated in compliance with applicable laws and regulations of the State of Illinois and these rules).

43) Assures that the Library Board shall establish and maintain such records and accounts as will permit accurate and expeditious audits at any time, before, during, and after completion of construction; such records shall be retained for not less than the time provided for by the Local Records Act, Ill. Compiled Stat. 1993, Act 205. The Library shall establish a separate account for grant funds. Interest earned on grant funds must be used for the project.

B. Architect

44) The design and construction of the project shall be in compliance with the following laws, rules and regulations in addition to those enumerated under (A) above for the Library Board:

- a) Standards for accessibility and use by the physically handicapped as outlined in the "Accessibility Standards, Illustrated" as revised, (or the Illinois State Accessibility Code) Capital Development Board, under State law.
 - b) Facility will be in compliance with the Environmental Barriers Act and architect/or/engineer file certification of compliance statement with the agency issuing the building permit; and a copy of same sent to the Illinois State Library. Where no building permits are issued architect's/engineer's statement is to be filed with the county clerk. This applies to all construction or alteration costing \$50,000 or more.
 - c) Facility will be designed and built observing the National Fire Protection Association (NFPA) Code as well as State and local codes with regard to fire and safety. Site plan shows all existing fire hydrants. The National Fire Protection Association Code No. 24 requires that fire hydrants must be provided to cover 500 feet of exterior perimeter of building, /or/ a certification must be submitted that existing fire hydrants are adequate with available fire fighting equipment; certification must come from local fire department.
- 45) Facility will result in a library building that is functional, attractive, conducive to improved library services, energy efficient meeting national energy standards, economical, and not elaborate in design or extravagant in the use of materials compared with similar type facilities in the State or geographic area, and will comply with Standard 90-75 of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) in design and refrigeration.

46) All specifications and Advertisements for Bids shall include the following provisions:

- a) All contractors and subcontractor employed in library building construction shall comply with all applicable provisions of the Illinois Human Rights Act and all Federal and State laws which prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age, and physical or mental handicap and all rules and regulations, promulgated and adopted pursuant thereto.
- b) Actual construction work will be performed by the lump sum (fixed price method); adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid. (See 28A-3 above)
- c) Contractors and subcontractors shall comply with the provisions of the Copeland "Anti-Kick Back Act" (40 U.S.C. 276c) as supplemented in U.S. Department of Labor regulations (29 CFR, Part 3). (Applies to contracts of \$2,000.00 or more.)

47) Prior to actual construction

- a) Final working drawings, specifications, and advertisements for bids will be prepared and submitted to Library Board; certification from the project architect that the drawings represent the project as presented with the grant application must be submitted to State Library for approval prior to going out for bid.
- b) Building permit will be obtained, posted in a prominent place; photocopy sent to State Library (if none required, letter to that effect is to be sent). Copy of architect's certification to permit issuing agency as to building accessibility will be enclosed.
- c) All construction contracts (including general contractor and prime contractors) will be reviewed for specific completion dates; e.g., Aug. 11, 1997; NOT 180 calendar days.
- d) Photocopies of all prime and general contractor construction contracts will be sent to the State Library for approval as they are signed prior to each contractor's work start.
- e) All change orders affecting library layout requires library building consultant concurrence.
- f) Following acceptance of bids, construction project budget will be revised; contingency line allowance will be reduced from 5% to 2% and other line items adjusted as needed. Budget will be sent to State Library for approval.
- g) Environmental Impact Statement outlining what effect the project will have on the area will be prepared and submitted to the Illinois State Library.

48) When construction starts:

- a) Competent and adequate architectural engineering observation will be provided at the construction site to insure that the completed work conforms with the approved plans and specifications.
- b) Payrolls will be checked against listed prevailing wage rates for the area; employee wage interviews will be conducted and record maintained as to which were checked.
- c) The project architect must provide certification to the Illinois State Library of the dates the total project reaches the 30%, 60%, 90% and 100% stages of completion. Within (15) fifteen days following the completion of construction notification of acceptance and final certification by the Library Board must be received at the Illinois State Library.

ADDITIONAL ASSURANCES (STATE PROJECTS)

A. Library Board

49) The Applicant assures and certifies that it will comply with the regulations, policies, guidelines, and requirements, as they relate to the application, acceptance and use of State funds for this State-assisted project.

50) Applicant understands that construction funds are subject to the Illinois Grant Funds Recovery Act (P.A. 83-640). Any interest money earned must be used for project expenditures.

51) Maintain all payrolls, checks, bills, work change orders and financial records for monitoring and auditing purposes.

52) All change orders shall be subject to the Illinois Public Works Contract Change Order Act, as amended (50 ILCS 525 et al). The Illinois State Library shall be notified of and approve any change orders of \$10,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application.

53) Projects receiving over \$200,000 must use one-half of one percent of the grant award for the purchase and placement of suitable works of art. The purchase of the artwork will be done in conjunction with the Capital Development Board (Ill. Compiled Stat. 1993, 20-3105/14.)

B. Architect

54) Assures that laborers and mechanics employed by the contractor and their respective subcontractors on all construction projects assisted by the Act shall 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 "An Act regulating wages of laborers, mechanics, and other workers employed in any public works by the state, county, city, or any public body or any political subdivision or by any one under contract for public works" (Ill. Compiled Stat. 1993, Act 130).

Signature(s) of Authorized Certifying Official(s) **Title**

Applicant Organization **Date Submitted**