

CHAPTER 3530
STATE BOARD OF EDUCATION
EDUCATIONAL AND COMMUNITY SERVICES

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PUBLIC LIBRARY CONSTRUCTION GRANTS

3530.2610 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 3530.2610 to 3530.2644 have the meanings given them in this part.

Subp. 2. **LDS.** "LDS" means Office of Library Development and Services in the State Department of Education.

Subp. 3. **LSCA.** "LSCA" means the Library Services and Construction Act Amendments of 1984, Public Law Number 98-480, published in Statutes at Large, volume 98, page 2236.

Subp. 4. **Project.** "Project" means a plan by an applicant for a grant under parts 3530.2610 to 3530.2644 for construction, as the term is defined in LSCA, which includes to erect a new public library building; or to acquire and alter a building for use as a public library building; or to remodel or expand an existing public library building; or to remove architectural barriers for the physically disabled; or to remodel to conserve energy or remodel to accommodate new technologies; and, if necessary, to acquire land for, and initially equip the resultant building; all to be financed in part by the grant. "Project" shall not include the purchase of books and other library materials and library supplies.

Subp. 5. **Recipient.** "Recipient" means an applicant who receives a grant for public library construction from the State Board of Education under parts 3530.2610 to 3530.2644.

Statutory Authority: *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

History: *10 SR 2075*

3530.2612 APPLICATIONS FOR CONSTRUCTION GRANTS.

Subpart 1. **Who may apply.** A regional public library system, or a city or county participating in a regional public library system may apply for a public library construction grant under parts 3530.2610 to 3530.2644 provided that the regional public library system also qualifies for a regional library basic system support grant under Minnesota Statutes, section 134.34.

Subp. 2. **Application forms.** An application for a public library construction grant must be made on an application form available from LDS. The form must include a copy of the list of standard assurances required by the federal government.

Statutory Authority: *MS s 121.09; 121.11 subd 12; 134 32 subd 8*

History: *10 SR 2075*

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3530.2614 APPLICATION CONTENTS.

Subpart 1. **Information required.** The application must include the information required in this part.

Subp. 2. **Resolution by governing body.** The applicant must provide a copy of the resolution passed by the applicant's governing body approving the application and authorizing execution of the grant contract if grant funds are available.

Subp. 3. **Building program.** The applicant must provide a copy of the library building program which will serve as a guide for the project's architect to the purposes, functions, and operations of the library building that is to result from the project. The library building program must contain the following information for each project:

A. an introductory statement, history, and description of existing public library building and services provided; the population of the community and population characteristics; a brief description of businesses, industries, educational institutions, and government agencies in the community; the current library services and indicators of library use such as the number of registered library users and circulation of library materials; the number of library staff; the number of hours per week that the library is open; the current library operating budget;

B. the requirements for the new, expanded, or renovated library building, taking into account the population to be served and the services to be offered; a description of library site; the present and projected size of the library collection indicating all different formats of materials, shelving space required, and proximity relationships among adult, children's, reference, and audiovisual materials collections, user accommodations including circulation desk, numbers of tables and chairs, type and size of library catalog, number of study carrels, audiovisual equipment, photocopiers, toilet facilities, exhibit spaces, and number of meeting rooms; the staff accommodations including offices, work rooms, maintenance rooms, provisions for delivery of library materials, provisions for bookmobile service if provided; the number of parking spaces, signs, heating and air conditioning systems needed, characteristics of lighting and floor coverings, number and location of telephones, types and location of conduit needed for cable television and computer terminals; and

C. a general summary with statement of need, library goals, and statement of how the project would meet the goals and project criteria in parts 3530.2624 and 3530.2630.

Subp. 4. **Engineer's report.** When the project is the remodeling of an existing building or expansion of an existing building, the applicant must provide a report by an engineer licensed in Minnesota which evaluates the structural soundness, fire, and safety hazards of the existing building.

Subp. 5. **Architect's certification.** The applicant must provide a certification by a Minnesota registered architect that the project's facilities are designed to make them accessible to and useable by physically disabled persons as required by Code of Federal Regulations, title 34, section 75.610, and Minnesota Statutes, sections 471.465 to 471.469.

Subp. 6. **Relationship to historic buildings.** The applicant must provide a statement of the relationship of the project to, and probable effect on, any historic district site, building, structure, or object that is included in the National Register of Historic Places as required in United States Code, title 16, section 470f or eligible under criteria established by the Secretary of the Interior for inclusion in the National Register of Historic Places, as required in Code of Federal Regulations, title 34, section 75.602.

Subp. 7. **Preliminary plans.** The applicant must provide preliminary plans for the project, prepared by a Minnesota registered architect, including a site plan and vicinity maps, subsurface soil analysis, schematic design studies, and outlined specifications.

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Subp. 8. **Flood hazard evaluation.** The applicant must provide an evaluation of flood hazards in accordance with Executive Order 11988 and, as far as practicable, avoid uneconomic, hazardous, or unnecessary use of flood plains in connection with the project, as required in Code of Federal Regulations, title 34, section 75.611.

Subp. 9. **Impact on the environment.** The applicant must provide its assessment of the impact of the project on the quality of the environment in accordance with the National Environmental Policy Act of 1969, United States Code, title 42, section 4332(2)(c), and Executive Order 11514, as required by Code of Federal Regulations, title 34, section 75.601.

Subp. 10. **Budget.** The applicant must provide the project budget including estimated expenditures for site acquisition and preparation, consultant fees, planning costs, administration costs; contracts for the construction of a new building, expansion or remodeling of an existing building; architectural, engineering, and inspection costs; initial equipment, furniture, utilities, and floor coverings, and moving expenses for existing collection, equipment, and furniture.

The budget must also include a statement of sources of revenue which must include the nature and source of all funds available for the project and of all funds to be made available and dates when the funds will be available.

If the project is for a library in a multi-purpose building, the costs of the entire building must be prorated so that the costs attributable to the library bears the same ratio to the total budget as the number of square feet of library space bears to the total number of square feet in the building, excluding the shared space. Costs of shared space such as lobbies, restrooms, and meeting rooms must be prorated with the same ratio. The project budget shall include only the prorated share of costs attributable to the library.

Subp. 11. **Evidence of title to land.** The applicant must provide evidence that it holds fee title to the project site including right of access, or that the applicant can complete negotiations for fee title to the site within 30 days of approval of the application. In obtaining fee title, provisions of Code of Federal Regulations, volume 34, part 15 apply.

Subp. 12. **Assurances.** The applicant must give written assurance of compliance with all applicable state and federal laws and rules, including the law and rules in items A to J.

A. The applicant must comply with each specific assurance listed on Part V, Assurances, on the Application for Federal Assistance for Construction Programs, Federal Register, volume 42, pages 45878 to 45879. The list is also included in the application form as specified in part 3530.2612, subpart 2.

B. As required by the General Education Provisions Act, United States Code, title 20, section 1232b, the applicant must comply with the Davis-Bacon Act, United States Code, title 40, sections 276a to 276a-7 as supplemented by Department of Labor regulations in Code of Federal Regulations, title 29, part 5. This applies to all construction contracts and subcontracts awarded by the recipients and subrecipients of more than \$2,000. Under this act contractors and subcontractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in wage determination made by the secretary of labor. In addition, contractors and subcontractors shall be required to pay wages not less than once per week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor, as published periodically in the Federal Register, in each solicitation and the award of contract or subcontract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the federal sponsoring agency.

C. As required by the General Education Provisions Act, United States

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Code, title 20, section 1232b, the applicant must comply with the Copeland Antikick Back Act, United States Code, title 18, section 874, as supplemented in Department of Labor regulations in Code of Federal Regulations, title 29, part 3. This applies to all construction and repair contracts and contracts of recipients and subrecipients in excess of \$2,000. It provides that each contractor or subcontractor shall be prohibited from inducing by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The recipient shall report all suspected or reported violations to the federal sponsoring agency.

D. The applicant must comply with Minnesota Statutes, sections 177.41 to 177.43, relating to prevailing wage rates.

E. For an applicant whose project site is in an area subject to recurrent flooding in a local government unit identified by Minnesota Statutes, section 104.08, subdivision 2, the applicant must comply with Minnesota Statutes, section 104.08, subdivision 3.

F. An applicant shall assure that it will display a sign at the project site stating that federal funds provided under LSCA are being used for the project.

G. An applicant shall assure that there will be a plaque in the completed building indicating the date of completion and source of funds, and that the plaque will state that funds were provided under LSCA.

H. The applicant shall assure that the funds allotted to it for public library construction will be used solely for the following purposes:

- (1) erection costs for new buildings for public library services;
- (2) costs for expansion, remodeling, and alteration of existing buildings for public library services;
- (3) site grading and improvement of land on which facilities are located,
- (4) architectural, engineering, and inspection expenses incurred after site selection;
- (5) moving expenses for existing collection, equipment, and furniture;
- (6) expenses related to acquisition and installation of initial equipment including all necessary building fixtures, utilities, furniture;
- (7) services of consultants related to the project; and
- (8) expenses other than interest and the carrying charges on bonds related to the acquisition of an existing building or of land on which there is to be construction of new buildings or expansion of existing buildings to be used for public library facilities. The expenses must constitute an actual cost or transfer of public funds

I. The applicant shall assure that the funds allotted to it as a recipient for public library construction shall not be used for the purchase of books or other library materials or library supplies.

J. The applicant must comply with the federal laws and regulations the state is made responsible for enforcing in Code of Federal Regulations, title 34, parts 74, 76, and 770; and sections 75.600 to 75.616.

Subp. 13. Additional information. The director of LDS may request additional information from the applicant to clarify and evaluate the application. If the additional information requested has not been received at LDS within ten working days after the request for additional information, the grant application shall be evaluated and approved or disapproved solely on the basis of the information it contains.

Statutory Authority: *MS s 121.09, 121.11 subd 12; 134.32 subd 8*

History: *10 SR 2075*

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3530.2616 APPLICATION DATES.

For state fiscal year 1986 only, the grant application must be filed on or before June 1, 1986. In subsequent years, applications for public library construction grants must be filed on a date established by the State Board of Education and published in the State Register and in the newsletter of LDS not less than 120 days before the application date:

Statutory Authority: *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

History: *10 SR 2075*

3530.2618 NOTICE OF INTENT.

Not less than 90 days before the application date, the applicant shall file with LDS a notice of intent to apply on a form available from LDS. The notice of intent shall contain a brief description of the project, the estimated cost, and the amount of the grant to be requested. No less than 60 days before the application date, LDS shall send application forms to all governmental units filing a notice of intent if their project, based on the information contained in the notice of intent, is eligible under federal and state law and rules and regulations. LDS shall send to all other applicants a statement indicating why the project is not eligible.

Statutory Authority: *MS s 121.09; 121.11 subd 12, 134.32 subd 8*

History: *10 SR 2075*

3530.2620 REGIONAL LIBRARY SYSTEM ASSISTANCE.

A city or county applicant shall request that the staff of the regional public library system in which the applicant participates provide assistance in developing the building program, preliminary plans, the project budget, and the grant application.

Statutory Authority: *MS s 121.09, 121.11 subd 12, 134.32 subd 8*

History: *10 SR 2075*

3530.2622 REGIONAL REVIEW.

A city or county applicant shall provide a copy of the application to the board of the regional public library system in which the applicant participates no less than 15 working days prior to the application date. The system board may provide written comment to the director of LDS by the application date.

Statutory Authority: *MS s 121.09, 121.11 subd 12; 134.32 subd 8*

History: *10 SR 2075*

3530.2624 MINIMUM PROJECT SIZES.

Subpart 1. **New construction.** For erection of a new building, remodeling of an existing building for use as a public library, or expansion of a public library building, the minimum project size is a total project cost of at least \$50,000. The resultant building shall have a minimum total interior floor space in relation to population to be served as follows:

Population	Minimum Total Floor Space
Up to 4,999	2,500 square feet or 0.7 square feet per capita, whichever is greater
5,000 to 9,999	3,500 square feet or 0.7 square feet per capita, whichever is greater
10,000 to 24,999	7,000 square feet or 0.7 square feet per capita, whichever is greater
25,000 to 49,999	15,000 square feet or 0.6 square feet per capita, whichever is greater
50,000 and above	0.6 square feet per capita

If the library functions of acquisitions, cataloging, and processing are provided elsewhere, the minimum total floor space may be reduced by five percent. If

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a community meeting room is available for library use in a nonlibrary portion of the building or in an adjacent building, or if heating and cooling equipment are housed outside the library building, or both, the minimum total floor space may be reduced by five percent.

If the project is for a library in a multi-purpose building, shared space such as lobbies, restrooms, and meeting rooms may be attributed to the library based on the ratio of the number of square feet of library space to the total number of square feet of space in the building, excluding the shared space.

Subp. 2. Construction for removal of architectural barriers or energy efficiency. For projects solely for removal of architectural barriers for physically disabled persons, or renovation for energy efficiency, the minimum project size is a total project cost of at least \$10,000. The resultant building shall have a minimum total interior floor space in relation to population served as established in subpart 1.

Statutory Authority: *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

History: *10 SR 2075*

3530.2626 RECENT CONSTRUCTION INELIGIBLE.

No grant shall be made for a project involving a public library building on which construction was completed during the five years preceding the application date, unless the project involves a public library building destroyed or damaged by a major fire, flood, or other catastrophe.

Statutory Authority: *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

History: *10 SR 2075*

3530.2628 MAXIMUM GRANT.

Grant funds provided under this grant program may constitute up to 33 percent of the total project cost. No grant shall exceed \$200,000.

Statutory Authority: *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

History: *10 SR 2075*

3530.2630 PROJECT CRITERIA.

Subpart 1. Scope. The project site, design, and size as proposed in the application must meet the criteria in part 3530.2624 and this part.

Subp. 2. Site. The library site must provide maximum convenient access to the greatest number of people in the community during the normal course of their daily activities by being:

A. located at or near the center of highest density of daily activity and near such facilities as post offices and retail stores;

B. located on a primary street, preferably at an intersection;

C. highly accessible to pedestrian traffic within the area;

D. convenient to parking; and

E. convenient to public transportation in cities where it is available.

Subp. 3. Exterior. The exterior of the library must be:

A. easily identifiable as a library with an exterior sign with the name of the library in letters at least 12 inches high;

B. lighted on the exterior for safe access during evening hours;

C. designed so that the single public entrance or major public entrance is convenient for pedestrian traffic and to parking lots, and is barrier-free for physically disabled persons; and

D. designed for convenient delivery of library materials.

Subp. 4. Interior. The interior of the library must be:

A. designed to be as flexible and open as possible with a minimum of

load bearing walls to allow for major rearrangement of services within existing spaces for future expansion;

B. designed to be completely accessible to physically disabled persons;

C. designed to be in compliance with state and local building, fire, safety, and other codes;

D. provided with year-round humidity and temperature control, and in construction of new library buildings, natural ventilation in all parts of the building to be occupied by people;

E. designed to include one circulation desk to serve the entire building and to serve as the control point for maximum sight supervision of the building;

F. designed, with a functional arrangement of all public and nonpublic areas, for ease of movement through the building for users and staff, and for economical use of space;

G. lighted at 50 to 70 sustained foot-candles at table-top height in public service areas and 30 to 50 sustained foot-candles at table-top height in storage areas, with lights in both areas evenly distributed and of a quality to provide adequate light without glare;

H. in a new library building, designed on a single ground floor level, unless the new library building exceeds 20,000 square feet, when a second floor is permitted; and

I. for additions to an existing building, designed so that at least the square footage required in part 3530.2624 is on a single level, or a maximum required of 20,000 square feet on a single level.

Statutory Authority: *MS s 121.09; 121 11 subd 12; 134 32 subd 8*

History: *10 SR 2075*

3530.2632 APPLICATION RATING.

To measure relative need, all applications shall be rated by staff of LDS using the scales established in this part:

A. A numerical rating shall be determined for each project based on the capacity of the applicant governmental unit to raise revenue. The per capita state average adjusted assessed valuation, as determined by the equalization aid review committee under Minnesota Statutes, section 124.2131, shall be calculated for the most recent three years. The per capita average adjusted assessed valuation for each applicant government unit shall be calculated for the most recent three years. Projects will be awarded points as follows:

(1) projects where the average adjusted assessed valuation per capita is more than 50 percent below the state average for the most recent three years, 20 points;

(2) projects where the average adjusted assessed valuation per capita for the most recent three years is more than 25 percent below but less than 50 percent below the state average, 15 points;

(3) projects where the average adjusted assessed valuation per capita for the most recent three years is below the state average but less than 25 percent below the state average, ten points; and

(4) projects where the average adjusted assessed valuation for the most recent three years is at or above the state average, zero points.

B. A numerical rating of zero to ten points shall be assigned based on the age of the existing public library facility. The age of the facility will be determined by the date that construction was completed or the date that the most recent major renovation, remodeling, or expansion of the facility was completed. The date of completion of the most recent remodeling shall be used when the remodeling affected 50 percent or more of the total square footage of the library. The date of completion of the most recent expansion shall be used when the

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expansion increases the total square footage of the library by 50 percent or more. Projects will be awarded points as follows:

- (1) no existing building or library in leased facility, ten points;
- (2) 50 years or more, ten points;
- (3) 40 years but less than 50 years, eight points;
- (4) 30 years but less than 40 years, six points;
- (5) 20 years but less than 30 years, four points;
- (6) 10 years but less than 20 years, two points; and
- (7) less than ten years, zero points.

C. A numerical rating of one to ten points shall be assigned based on the relationship of the size of the present public library facility to the minimum project sizes established in part 3530.2624, as follows:

- (1) there is no present building or the size of the present facility is up to ten percent of the minimum project size, ten points;
- (2) the size of the present facility is 11 percent to 20 percent of the minimum project size, nine points;
- (3) the size of the present facility is 21 percent to 30 percent of the minimum project size, eight points;
- (4) the size of the present facility is 31 percent to 40 percent of the minimum project size, seven points;
- (5) the size of the present facility is 41 percent to 50 percent of the minimum project size, six points;
- (6) the size of the present facility is 51 percent to 60 percent of the minimum project size, five points;
- (7) the size of the present facility is 61 percent to 70 percent of the minimum project size, four points;
- (8) the size of the present facility is 71 percent to 80 percent of the minimum project size, three points;
- (9) the size of the present facility is 81 percent to 90 percent of the minimum project size, two points; and
- (10) the size of the present facility is more than 90 percent of the minimum project size, one point.

D. A numerical rating of zero to 12 points shall be assigned based on the relationship of the size of the project to the minimum project sizes established in part 3530.2624, as follows:

- (1) if the project is up to ten percent larger than the minimum project size, two points,
- (2) if the project is from 11 to 20 percent larger than the minimum project size, four points;
- (3) if the project is from 21 to 30 percent larger than the minimum project size, six points,
- (4) if the project is from 31 to 40 percent larger than the minimum project size, eight points;
- (5) if the project is from 41 to 50 percent larger than the minimum project size, ten points; and
- (6) if the project is more than 50 percent larger than the minimum project size, 12 points.

E. If the project replaces a public library building destroyed or damaged by a major fire, flood, or other catastrophe, five points shall be assigned.

F. If the project is for a public library facility in a city or neighborhood that does not now have a public library, and it is located at least ten miles from another Minnesota public library facility, and it will serve a population of 2,500 or more, five points shall be assigned.

G. If the public library building meets or exceeds the number of hours open per week in the following table, five points shall be assigned.

Service Area Population	Hours Per Week
Up to 4,999	20
5,000 to 9,999	40
10,000 to 24,999	50
25,000 or more	68

H. A numerical rating of zero to five points shall be assigned based on the average per capita expenditure of the library for library materials as reported to LDS on annual report forms for the most recent three years. The per capita state average expenditure for library materials by all public libraries shall be calculated for the same three year period and projects shall be awarded points as follows:

- (1) projects where the average expenditure per capita for library materials is 100 percent or more above the state average for the most recent three years, five points;
- (2) projects where the average expenditure per capita for library materials is at least 75 percent but less than 100 percent above the state average for the most recent three years, four points;
- (3) projects where the average expenditure per capita for library materials is at least 50 percent but less than 75 percent above the state average for the most recent three years, three points;
- (4) projects where the average expenditure for library materials is at least 25 percent but less than 50 percent above the state average for the most recent three years, two points;
- (5) projects where the average expenditure for library materials is at or above the state average but less than 25 percent above the state average for the most recent three years, one point; and
- (6) projects where the average expenditure for library materials is below the state average for the most recent three years, zero points.

I. A numerical rating of one to five points shall be assigned based on the population to be served by the new facility as follows:

- (1) up to 4,999, one point;
- (2) 5,000 to 9,999, two points;
- (3) 10,000 to 24,999, three points;
- (4) 25,000 to 49,999, four points; and
- (5) 50,000 and above, five points.

J. A numerical rating of zero to five points shall be assigned based on the percentage of the population to be served by the new facility that is over the age of 65 years, according to the most recent United States census. The percentage must be based on the most recent United States census, the 1980 Census of Population, volume 1: Characteristics of the Population, chapter B: General Population Characteristics, part 25: Minnesota, which is incorporated by reference. The census is available at the State Law Library. It is not subject to frequent change. Points must be assigned to the projects as follows:

- (1) projects where the percentage of population over the age of 65 years is 100 percent or more above the state average, five points;
- (2) projects where the percentage of population over the age of 65 years is 75 to 99 percent above the state average, four points;
- (3) projects where the percentage of population over the age of 65 years is 50 to 74 percent above the state average, three points;
- (4) projects where the percentage of population over the age of 65 years is 25 to 49 percent above the state average, two points;

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(5) projects where the percentage of population over the age of 65 years is at the state average to 24 percent above the state average, one point; and

(6) projects where the percentage of population over the age of 65 years is below the state average, zero points.

K. If the project is a new or expanded headquarters for a regional public library system, five points shall be assigned.

L. If the project, when completed, will contain books and other library materials that will serve individuals with limited English-speaking proficiency, as evidenced by the building program, three points shall be assigned.

M. If the project, when completed, will contain books and other library materials that will serve individuals who are illiterate, as evidenced by the building program, three points shall be assigned.

N. If the project, when completed, will provide facilities for use of telecommunications and computer technology, as evidenced by the building program, three points shall be assigned.

O. In case of a tie, the project or projects having the lowest average per capita adjusted assessed valuations for the most recent three years shall be awarded grants in order from lowest to highest average until all funds have been granted.

Statutory Authority: *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

History: *10 SR 2075*

3530.2634 PROJECT PRIORITIES.

All projects shall be funded in order by total points assigned in the application rating until all available funds have been granted.

In order to ensure the use of all available funds, the first priority project for which insufficient funds remain to award the amount of grant requested shall be offered a grant amount less than the dollar amount requested. The applicant shall then be requested to indicate whether or not the project as proposed could be implemented with a smaller grant amount, and shall be requested to show how the project could be modified, if necessary, to meet all criteria with a smaller project budget. That applicant shall have 60 days to modify its project to comply with parts 3530.2610 to 3530.2644 and applicable law. If the applicant is unable to so modify the project, the same request shall be made to applicants in descending order of priority until all funds are granted.

Statutory Authority: *MS s 121.09, 121.11 subd 12; 134.32 subd 8*

History: *10 SR 2075*

3530.2636 CONSTRUCTION GRANTS REVIEW COMMITTEE.

The library building program and the preliminary plans for the project shall be evaluated by a construction grants review committee of five persons appointed by the chairperson of the advisory council to LDS as required by LSCA. At least one member of the committee shall be an architect registered in the state of Minnesota and at least two members shall be public librarians. The committee shall evaluate each of the programs and plans in terms of the degree to which program requirements are met by the preliminary plans, indicating any program requirements which are not included in the preliminary plans; and the degree to which the preliminary plans meet project criteria established in parts 3530.2624 and 3530.2630, indicating any project criteria which are not met and suggesting modifications to the plans so that criteria can be met.

Within ten working days after the application date, the committee shall present its evaluations to the director of LDS. Within five working days after receiving the committee evaluation, the director of LDS shall report all deficiencies to the applicant. The applicant may modify building plans to correct the

deficiencies identified. The modification must be received at the LDS within ten working days after receiving the report of deficiencies. No project shall be submitted to the State Board of Education for funding unless the project is modified to comply with parts 3530.2610 to 3530.2644 and applicable law. No grant shall be made to a project unless the building plans have been modified to meet the building program and the project criteria.

Statutory Authority: *MS s 121.09, 121.11 subd 12, 134.32 subd 8*

History: *10 SR 2075*

3530.2638 APPROVAL OF PROJECTS.

The director of LDS shall advise the State Board of Education of applications meeting the project criteria specified in part 3530.2630, and the results of application rating performed as specified in part 3530.2632. The State Board of Education shall award grants in order by total points assigned in the application rating until all available funds have been granted. The commissioner of education shall notify the United States Department of Education of the approved projects for which federal funds are to be used.

Statutory Authority: *MS s 121.09, 121.11 subd 12; 134.32 subd 8*

History: *10 SR 2075*

3530.2640 HEARINGS.

An applicant whose application for funds is denied may, within ten days of receipt of notification of denial from the State Board of Education, request a hearing on the denial in accordance with Code of Federal Regulations, title 34, section 770.50.

Statutory Authority: *MS s 121.09, 121.11 subd 12, 134.32 subd 8*

History: *10 SR 2075*

3530.2642 GRANT AGREEMENTS.

Subpart 1. Grant contract required. A grant contract shall be offered to each applicant whose project application is approved for funding by the State Board of Education. The contract must be signed by a person authorized to commit the applicant to legally binding agreements and to execute the contract.

Subp. 2. Contents of grant contract. The grant contract shall include:

A. a work program which indicates completion dates for major parts of the project and the projected budget supporting the work program;

B. a description of the manner in which payments will be made to grant recipients;

C. a clause providing that the books, records, documents, and accounting procedures of the recipient, relevant to the contract, are subject to examination by the LDS and the state auditor, as required by Minnesota Statutes, section 16B.06;

D. provision for an audit of the receipts and disbursements of all funds for the project, to be performed by the staff of the state auditor's office, a certified public accountant, or a public accountant, under procedures in Minnesota Statutes, sections 6.64 to 6.71;

E. assurance that the grant recipient will comply with all applicable state and federal laws, including the federal laws or regulations for which the state is made responsible for enforcement in Code of Federal Regulations, title 34, parts 74, 76, and 770; and sections 75.600 to 75.616;

F. assurance that final working drawings and specifications will be submitted for review for compliance with the state building code as required in Minnesota Statutes, section 16B.61, subdivision 4;

G. assurance that the grant recipient will supply to LDS a tabulation of all bids received, showing the bids accepted;

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H. assurance that construction on the project shall be initiated by having workers on the job placing materials on the job, within 150 days of notification by the department that the grant has been awarded;

I. assurance that construction on the project will be completed within:

(1) 15 months from the project initiation date for projects with budgets of less than \$500,000;

(2) 18 months from the project initiation date for projects with budgets of less than \$1,000,000; and

(3) 24 months from the project initiation date for projects with budgets exceeding \$1,000,000;

J. assurance that LDS shall be supplied with weekly payroll reports submitted by contractors and subcontractors;

K. assurance of compliance with Public Law Number 98-480, section 202, subpart (c);

L. assurance that if the grant recipient discontinues participation in, or is unable to qualify for participation in, the regional library basis system support grant program under provisions of Minnesota Statutes, section 134:34, it shall refund to the state five percent of the grant amount for each year from the year of discontinuation of participation to the year that is 20 years after the project completion date; and

M. assurance that LDS will be notified of project completion within 30 days after project completion so that it may notify the United States Department of Education as required by Code of Federal Regulations, title 34, section 770.21(a)(2).

Statutory Authority: *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

History: *10 SR 2075*

3530.2644 RETURN OF GRANT FUNDS.

If a project is completed for an amount lower than the amount in the project budget in the application, the recipient shall amend its grant contract and return any unexpended funds to the State Department of Education. The grant amount shall be reduced by the same percentage as the total project budget has been reduced. The State Board of Education shall first offer those returned funds to the first recipient under part 3530.2634 whose project was funded at less than the requested amount. That recipient shall have 60 days to modify its project to the satisfaction of the director of LDS to expend an increased grant amount up to the amount in its application. If additional funds remain, grants shall be offered to remaining applicants, in priority order as established in part 3530.2634, provided that projects still meet all criteria and provisions of federal and state rules and regulations as determined by the director of LDS:

Statutory Authority: *MS s 121.09, 121.11 subd 12; 134.32 subd 8*

History: *10 SR 2075*