**Section 3035.540 Supervision of Public Library Construction Act Projects**

The State Librarian shall exercise general supervision over public library construction projects financed pursuant to the Act.

a) The grantee library will expend in 30% increments. The public library shall submit a letter from an architect and a financial report at the 30, 60 and 90% points of substantial completion. The final 10% will be paid out upon completion of the project and submission of all final reports to the State Librarian.

b) Construction work will be performed under the lump sum (fixed price) contract method.

c) The library will publicly announce all requirements for architectural, engineering and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].

d) Architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].

e) Adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.

f) No person or business shall bid, offer, make a submission, or enter into a contract with the grantee if the person or business assisted the grantee or any agent or employee of the grantee, who by the nature of his or her duties has the authority to participate personally or substantially in the contract specifications, requests for bids or proposals, or otherwise by reviewing, drafting, directing, or preparing any invitation for bids, a request for proposal, or request for information or provided similar assistance except as part of a publicly issued opportunity to review drafts of all or part of these documents. This subsection does not prohibit a person or business from submitting a bid or offer or entering into a contract if the person or business:

1) initiates a communication with an employee to provide general information about products, services, or industry best practices;

2) responds to a communication initiated by an employee of the Library for the purposes of providing information to evaluate new products, trends, services, or technologies; or

3) asks for clarification regarding a solicitation, so long as there is no competitive advantage to the person or business and the question and answer, if material, are publicly posted and made available to other bidders or offerors as an addendum to the solicitation.

g) When, for any reason, any vendor, bidder, offeror, potential contractor, contractor, or other person suspects collusion or other anti-competitive practice among any bidders, offerors, potential contractors, contractors, or employees of the State, that person shall transmit a notice of the relevant facts to the State Librarian.

h) All laborers and mechanics employed by the contractor or subcontractors on all construction projects 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 the Prevailing Wage Act [820 ILCS 130].

i) A copy of the building permit shall be supplied to the State Librarian prior to the actual construction, and the permit shall be posted in a prominent place on the construction site.

j) Any change in the Plans and Specifications requiring a work change order shall be submitted to the State Librarian. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525].  The State Librarian shall be notified of and approve or deny any change orders of $20,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application.  The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.

k) Contractors and subcontractors shall comply with:

1) all applicable provisions of the Illinois Human Rights Act [775 ILCS 5];

2) all federal and State laws, rules and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age and physical or mental disability; and

3) the conflict of interest provisions specified in the Illinois Procurement Code [30 ILCS 500].

l) Construction contracts shall be signed by both the library board and contractors, using the Standard Form of Agreement Between Owner & Contractor A101- 2007, published by the American Institute of Architects, 1735 New York Ave., NW, Washington DC 20006-5292, or a comparable format. No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the State Librarian prior to the start of construction. All subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the library board and the State Librarian. The State Librarian shall have the right to disapprove any contracts between the library board and contractors if:

1) The bidding procedure outlined in subsection (e) was not followed.

2) The conditions and standards specified in the contract between the State Librarian and the library board are not incorporated into the contracts between the library board and the contractors.

3) The requirements of subsections (f) and (k) were not followed.

m) Grant monies awarded are based on the amount specified in the original budget in the grant application; grant awards will not be increased because of subsequent increases in project costs. Decisions shall not affect the time frame imposed unless approved by the Director of the State Library.

n) A sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction and that a plaque will be placed in the completed building stating that State funds administered by the State Librarian were used for the building's construction.

o) Any agent authorized by the State Librarian, upon presentation of credentials and 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.

p) Construction shall not begin until a contract is executed with the State Librarian.

q) Construction will commence within 140 days after the effective date of the grant contract. Construction may not commence until proof of ownership or long-term lease agreement of the affected real estate is received.

r) The following reports and records will be completed and transmitted to the State Librarian: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 36 months after the execution of the contract, unless an extension is granted by the State Librarian; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Librarian. The final financial report shall be signed by the president of the library's board of directors.

1) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.

2) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.

3) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project.  The close-out report shall include a project audit according to Section 3035.140(e).

4) For a project that requires an architect or engineer, the architect or engineer shall certify to the State Librarian when the project reaches the 30%, 60%, 90% and 100% stage of completion.

s) When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State and local requirements.

t) The library shall establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.

u) Any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the public library construction project.

v) Some of the documentation and assurances in this Section may be waived or modified by the State Librarian if the applicant adheres to comparable or stricter requirements, except that subsections (f), (g) and (k) will not be waived.

(Source: Amended at 46 Ill. Reg. 6614, effective April 7, 2022)