Office of
Library &
Information
Services

Library Services

Rhode Island Department of Administration

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http://www.lori.ri.gov

State of Rhode Island
Public Library Construction Reimbursement Program

Rhode Island General Law 29-6-6 provides for reimbursement funding for library construction projects approved by the Rhode Island Office of Library and Information Services. The regulations for the Public Library Construction Reimbursement Program stipulate the requirements libraries must meet to qualify for reimbursement funds from the state of Rhode Island. Among the requirements, the library must ensure that the project complies with specific regulations that impact architects and contractors working on such projects. Architects and contractors can facilitate the process by familiarizing themselves with the following appendices to the regulations of the Public Library Construction Program that directly affect their participation in the project:

- Appendix C: Assurances for the Public Library Construction Reimbursement Program in accordance with Rhode Island General Law 29-6-6.
  Section 2 and Sections 5 through 13 should be reviewed carefully.
- Appendix I: Sample Letter to the Successful Bidder
- Appendix J: RIGL 28-5.1, Equal Opportunity and Affirmative Action
  Sample Equal Employment Opportunity Certificate of Compliance
  Sample Contract Compliance Checklist
- Appendix K: RIGL 37-14.1, Minority Business Enterprise
  Sample Minority Business Enterprise Utilization Plan
- Appendix L: Drug-Free Workplace Policy Contractor Certificate of Compliance
- Appendix L2: RIGL 28-20-35, Safety Awareness Program Required

Additional information about the Public Library Construction Reimbursement Program can be found at http://www.lori.state.ri.us/construction/

If you have additional questions, please contact:

Karen Mellor
Library Program Specialist
(401)222-6886
email: KarenM@gw.doa.state.ri.us

Appendix C

Assurances for the Public Library Construction Reimbursement Program in accordance with Rhode Island General Law 29-6-6.

As the duly authorized representative, I certify that the applicant:
(Please check each item below, that you are certifying.)

1. ☐ Has the legal authority to apply for State assistance, and the institutional, managerial and financial capability, including funds sufficient to pay the State share of project costs, to ensure proper planning, management and completion of the project described in this application.

2. ☐ Will give the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or State agency directives.

3. ☐ Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the State agency. Will record the State interest in the title of real property in accordance with State agency directives and will include a covenant in the title of real property acquired in whole or in part with State funds to assure nondiscrimination during the useful life of the project.

4. ☐ Will comply with the requirements of the State agency with regard to the drafting, review and approval of construction plans and specifications.

5. ☐ Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the State agency.

6. ☐ Will initiate and complete the work within three years of signing a construction agreement with the State agency.

7. ☐ Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or a personal gain.

8. ☐ Will comply with all Federal and State statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Educational Amendments of 1972, as amended (20 U.S.C. paragraph 1681-1683, and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. paragraph 794) which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. paragraph 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255), as amended, relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to non-discrimination on the basis of alcohol abuse or alcoholism; (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. paragraph 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (h) any other non-discrimination provisions in the specific statute(s) under which application for State assistance is being made, and (i) the requirements on any other non-discrimination statute(s) which may apply to the application.

9. ☐ Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. paragraphs 276a-276a-7), the Copeland Act (40 U.S.C. paragraph 276c and 18 U.S.C. paragraph 874), the Contrast Work Hours and Safety Standards Act (40 U.S.C. paragraphs 327-333) regarding labor standards for state-assisted construction sub-agreements.

10. ☐ Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P. L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodprints in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. paragraphs 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. paragraph 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P. L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P. L. 93-205).

11. ☐ Will comply with the Federal Anti-Drug Abuse Act of 1988, R.I General Law 28-6.5, Executive Order 89-14, entitled Drug-Free Workplace and all subsequent rules/regulations promulgated related to this drug-free workplace policy.

12. ☐ Will comply with Rhode Island General Law 37-14.1 and Executive Order 85-4 and all subsequent rules/regulations promulgated related to the Minority Business Enterprises Program, to support the fullest possible participation of firms owned and controlled by minorities and women in state funded and directed construction projects, requiring that minority business enterprises be awarded a minimum (10%) of the dollar value of the entire project.

13. ☐ Will comply with all applicable requirements of all other State laws, Executive Orders, regulations, and policies governing this program.

Signature of Authorized Certifying Official: _____

Title: _____

Applicant Organization: _____

Date Submitted: _____

Appendix I

Sample letter to the successful bidder (on library or city/town letterhead)

(date)

(company name)
(company address)

Dear _____:

You have been tentatively awarded the contract for the (name of the library) construction project, in the amount of (contract amount). The STATE OF RHODE ISLAND EQUAL OPPORTUNITY COMPLIANCE CERTIFICATE AND AGREEMENT is required before the contract is signed. The Contract Compliance Officer will notify you within three (3) days to arrange for a conference and necessary compliance signatures to this agreement.

Within ten (10) working days, you will prepare a Minority Business Enterprise Utilization Plan and submit it to the designee (listed below) of the Director of the Rhode Island Department of Administration. The Director's designee will review and approve plans that reasonably ensure compliance with the ten percent (10%) requirement. A contractor's failure to have an approved Minority Business Enterprise Utilization Plan constitutes non-compliance.

The DRUG-FREE WORKPLACE POLICY CONTRACT CERTIFICATE OF COMPLIANCE must be signed and filed with the library; a copy will be forwarded to the Office of Library and Information Services, Rhode Island Department of Administration, to the attention of LIBRARY CONSTRUCTION with a reference to the name of the library. All onsite employees must have successfully completed OSHA'S "TEN-HOUR CONSTRUCTION SAFETY PROGRAM;" documentation must be available on the jobsite during construction.

Sincerely

(name and signature of appropriate library or city/town officer)

cc: Romelle Aucone, Contract Compliance Officer
State of Rhode Island Equal Opportunity Office
One Capitol Hill, 2nd Floor, Providence, RI 02908
Tel: (401) 222-3090

Louis Francis, Administrator
Minority Business Enterprise Compliance Office
One Capitol Hill, 2nd Floor, Providence, RI 02908
Tel: (401) 222-6670
Fax: (401) 222-5799

Karen Mellor, Library Program Specialist
Rhode Island Department of Administration
Office of Library and Information Services
One Capitol Hill, 4th Floor, Providence, RI 02908
Tel: (401) 222-6886
Fax: (401) 222-4260

Appendix J

RHODE ISLAND GENERAL LAWS 28-5.1
Equal Opportunity and Affirmative Action

§ 28-5.1-1 Declaration of policy. – (a) Equal opportunity and affirmative action toward its achievement is the policy of all units of Rhode Island state government, including all public and quasi-public agencies, commissions, boards and authorities; and in the classified, unclassified, and nonclassified services of state employment. This policy shall apply in all areas where the state dollar is spent, in employment, public service, grants and financial assistance, and in state licensing and regulation. ….

§ 28-5.1-2 State equal opportunity office. –

> (a) There shall be a state equal opportunity office. This office, under the direct administrative supervision of the director of administration/human resources, shall report to the governor and to the general assembly on state equal opportunity programs. The state equal opportunity office shall be responsible for assuring compliance with the requirements of all federal agencies for equal opportunity and shall provide training and technical assistance as may be requested by any company doing business in Rhode Island and all state departments as is necessary to comply with the intent of this chapter.
>
> (b) The state equal opportunity office shall issue such guidelines, directives or instructions as are necessary to effectuate its responsibilities under this chapter, and is hereby authorized to investigate possible discrimination, hold hearings, and direct corrective action thereto.

§ 28-5.1-15 State financial assistance. – State agencies disbursing financial assistance, including, but not limited to, loans and grants, shall hereafter require recipient organizations and agencies to undertake affirmative action programs designed to eliminate patterns and practices of discrimination. At the request of the state equal opportunity office, state agencies disbursing assistance shall develop, in conjunction with the state equal opportunity office, regulations and procedures necessary to implement the goals of nondiscrimination and affirmative action and shall be reviewed for compliance according to state policy.

Sample

Department of Administration
R.I. State Equal Opportunity Office

Equal Employment Opportunity Certificate of Compliance

The undersigned contractor agrees and certifies that it is in compliance with applicable requirements of Federal Executive Order #1 1246, as amended - Certification of Non-segregated Facilities, State of Rhode Island General Law 28-5.10, and other regulations as issued by the Rhode Island Department of Administration, Office of Library and Information Services, as set forth below, or will take steps to comply with such requirements prior to acceptance of any contract from the State of Rhode Island.

A. The contractor will not discriminate against any employee or applicant for employment because of race age, handicap, color, religion, sex, national origin, or veteran status. The contractor will take affirmative action to ensure that applicants for a employment and employees are treated equitably, without regard to their race, age, handicap, color, religion, sex, national origin, or veteran status.

B. The contractor, in all solicitations or advertisements for a employees, placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to their race, age, handicap, color, religion, sex, national origin, or veteran status.

C. The contractor agrees to obtain Compliance Certifications from proposed subcontractors prior to the award of subcontractors exceeding $ 10,000.

NOTICE TO ALL CONTRACTORS

If it should be determined by the R.I. State Equal Opportunity Office that any contractor doing business with the State of Rhode Island is guilty of non-compliance with the provisions of this document, said contractor will be given two written warnings. If the said contractor does not comply immediately after the second written notice, then the State Equal Opportunity Office will notify the Rhode Island Department of Administration, Office of Library and Information Services, who shall have the authority to have the contract revoked and all contractual obligations of the State dealing with the contract in question will be null and void.

Signature required prior to award to successful bidder. Failure shall be cause for rejections of bid.

_____
Signature & Title

_____
Print Name

_____
Company Date

SAMPLE

CONTRACT COMPLIANCE CHECKLIST

_____ 1. Affirmative Action Plan

_____ 2. Equal Opportunity/Affirmative Action Policy Statement

_____ 3. Copy of Policy Statement submitted to all employees

_____ 4. Name and Address and Workforce Analysis of Subcontractors to be used (RIEEO 1 CC7-89)

_____ 5. Name, address of all minority and non-minority subcontractors invited to submit bids

_____ 6. Copy of employment application

_____ 7. Copy of newspaper advertisement with "Equal Employment Opportunity" clause

_____ 8. Identification by name, sex, race, date of hire, position held, and date of all minorities and females hired since your last bid review

_____ 9. Copies of all late 257 Monthly Employment Utilization Reports

_____ 10. Copy of the Section of the Union Contract with the EEO Clause included

_____ 11. Employee handbook, if compliance information and policy statement is included

_____ 12. Criteria used for recruitment and hiring:

a) labor organizations _____

b) minority organizations _____

c) word of mouth _____

d) walk-ins _____

Summary of Discussion or Action

_____

COMPANY

_____

SIGNATURE AND TITLE OF COMPANY REPRESENTATIVE DATE

_____

SIGNATURE AND TITLE OF STATE E.O. REPRESENTATIVE DATE

CC-2
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Appendix K

RHODE ISLAND GENERAL LAWS 37-14.1
Minority Business Enterprise

§ 37-14.1-6 Minority business enterprise participation. – Minority business enterprises shall be included in all procurements and construction projects under this chapter and shall be awarded a minimum of ten percent (10%) of the dollar value of the entire procurement or project. The director of the department of administration is further authorized to establish by rules and regulation formulas for giving minority business enterprises a preference in contract and subcontract awards.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Minority Business Enterprise Compliance Office
Minority Business Enterprise Utilization Plan

Company Name: _____

Representative's Name who administers MBE Program: _____

Street Address: _____

City, State, Zip: _____

Bid or Project #: _____ Date Bid Opened: _____

Project Location: _____

Description of Work: _____

Contract Value: _____ MBE % Assigned: _____

# of Subcontractors/Suppliers used:_____ # of MBE Subcontractors/Suppliers used:_____

List MBE Subcontractors/Suppliers – Total Dollar Amounts – Scope of Work:

MBE Firms	Dollar Award	Scope/Description of Work

*Note: Dollar value of work must be performed by Minority Business Enterprises certified by the Rhode Island Department of Administration. Contractor may count towards it MBE goal 60% of expenditures for material and supplies required under a contract and obtained from a **MBE regular dealer/supplier**, and 100% of such expenditures when obtained from a MBE Manufacturer.*

The above referenced contract will not be released until this plan has been approved by the Director of the Department of Administration or its designee.

For assistance and advice in identifying MBE firms, please call the Minority Business Enterprise Compliance Office at 401-222-6670 (Note: MBE Listing are available at (www.mbe.ri.gov).

Signature of Authorized Agent of Business:_____

Date:_____

Send Completed Form to: Attention: Louis S. Francis Jr.
Minority Business Enterprise Compliance Office
Department of Administration
One Capitol Hill 2nd Floor
Providence, RI 02908

Fax: 401-222--5799
Web site: www.mbe.ri.gov

Appendix L

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Drug-Free Workplace Policy
Contractor Certificate of Compliance

I, _____, a contractor doing business with the State of Rhode Island hereby acknowledge that I have received a copy of the State's policy regarding the maintenance of a drug free workplace. I have been informed that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance (to include but not limited to such drugs as marijuana, heroin, cocaine, PCP, and crack, and may also include legal drugs which may be prescribed by a licensed physician if they are abused), is prohibited on the State's premises or while conducting state business. I acknowledge that my employees must report for work in a fit condition to peform their duties.

As a condition for contracting with the State, as a result of the Federal Omnibus Drug Act, I will require my employees to abide by the State's policy. Further, I recognize that any violation of this policy may result in termination of the contract.

_____ _____
Contractor Date

Comments, if any:

_____ _____
Department /Agency Signature Date policy reviewed with contractor

(Note: This document is reviewed with the contractor by the State EEO Office.)

Appendix L2

RHODE ISLAND GENERAL LAWS 28-20-35
Labor and Labor Relations, Division of Occupational Safety.

§ 28-20-35 Safety awareness program required. [Effective January 1, 2002.].
– (a) All contractors who bid on municipal and state construction projects with a total project cost of one hundred thousand dollars ($100,000) or more, shall have an OSHA "ten hour construction safety program" for their on-site employees. The training program shall utilize instructors trained by the occupational safety and health administration, using an OSHA approved curriculum. Graduates shall receive a card from the U.S. department of labor occupational safety and health administration certifying the successful completion of the training course.

(b) The director of the department of labor and training shall promulgate rules, regulations, and penalties to enforce the provisions of this section.