

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Authorizing the City of Lowell, acting through the Pollard Memorial Library Board of Trustees and/or the City Manager to Accept and to Expend Funds from a grant from the Massachusetts Board of Library Commissioners.

-----

The City of Lowell acting through the Pollard Memorial Library Board of Trustees and/or the City Manager agrees to accept and expend the sum of \$1,125.00 in Federal Funds under the State Plan for the Library Services and Technology Act (LSTA) Direct Grant Program entitled "Summer Learning" for the fiscal year 2020; and

This project is being funded through the Massachusetts Board of Library Commissioners with funds from LSTA, a Federal source of library funding and such sums must be expended by 9/30/2020.

NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL:

That the City Council of the City of Lowell hereby authorizes the Pollard Memorial Library Board of Trustees and/or the City Manager, if applicable, to Accept and Expend Funds from the Massachusetts Board Of Library Commissioners to be administered by the Pollard Memorial Library on behalf of the City of Lowell, the sum of \$1,125.00 in Federal Funds under the State Plan for the Library Services and Technology Act (LSTA) Direct Grant Program entitled "Summer Learning".

That the Pollard Memorial Library Board of Trustees or its designee and or the City Manager, if applicable to execute any and all documents necessary in connection therewith.



*Since 1844, Lowell's public library.*

**Victoria B. Woodley**  
*Director*

*Board of Trustees*  
**Eileen Donoghue**  
*City Manager*  
*President Ex-Officio*  
**Donna Richards**  
*Chair*  
**Suzanne Frechette**  
**Marianne Gries**  
**Syed Hasan**  
**Linda Kilbride**  
**Helen Littlefield**  
**Sara Marks**  
**Anne Mulhern**  
**Muriel Parseghian**  
**Amy Wilson**

Date: April 8, 2020  
To: Lowell City Councilors  
E. Donoghue, City Manager  
Cc: J. Keegan, Interim HHS Director  
From: V. Woodley, Library Director  
Re: Acceptance of funds for Summer Learning Grant

---

I request permission to accept a check for \$1,125.00 from the Massachusetts Board of Library Commissioners for the Summer Learning Grant. This grant application has been approved by the City's grant committee.

The Library's Children's department will use these funds to provide programming and equipment for our summer reading programs. The attached document, "Lowell Agreement", spells out the specifics of what the money can be used for and the reporting requirements. It has to be spent by September 2020. The staff will be using the funds to pay for some STEM programming and also special equipment like a cart to store all of the STEM equipment they have plus a few more items they are going to buy with this grant money.

Thank you in advance for your approval of this request.

Attachment: Lowell Agreement



# Massachusetts Libraries

## BOARD OF LIBRARY COMMISSIONERS

### AGREEMENT

The Pollard Memorial Library in Lowell, Hereinafter referred to as "The Library" agrees to accept the allocation of \$1,125.00 in Federal funds under the State Plan for the Library Services and Technology Act (LSTA) Direct Grant Program entitled "Summer Learning" for the fiscal year 2020. This grant is funded by Massachusetts Board of Library Commissioners award LS-00-19-0022-19 and such sum must be expended by September 30, 2020.

IT IS UNDERSTOOD THAT PARTICIPATION IN THIS PROGRAM INVOLVES AN AGREEMENT TO ACCEPT AND ADHERE TO THE FOLLOWING REGULATIONS AND CONDITIONS:

1. The Library will fulfill the program described in the application, which was approved by the recipient's governing body and by the Board of Library Commissioners. In fulfilling this program the Library shall follow all state and local laws, rules, regulations, standards, and procedures required by the Board of Library Commissioners, subject to Federal statutes, and regulations including, but not limited to, those enumerated in this agreement.
2. Prior written approvals from the Board of Library Commissioners' Project Consultant are required:
  - a. for programmatic changes.
  - b. for budget revisions involving, but not limited to, transfers of funding amounts between categories and changes in indirect and direct costs.
  - c. for changes in project scope, objectives or key personnel.
  - d. to continue the project for a continuous period of more than three months without a Project Director. When a new Project Director is appointed, the Project Consultant must be notified in writing.
  - e. to transfer to a third party, by contracting or other means, the actual performance of the substantive programmatic work.

Decisions are rendered within thirty days.

3. The Library ensures equal employment, equal opportunities, and affirmative action, regardless of age, race, color, creed, national origin, gender, sexual orientation, disability, criminal record, or genetic information, in compliance with Title IX of Education Amendments of 1972, as amended (20 U.S.C. ; Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C 2000 et seq.) and as clarified by Executive Order 13166; the Equal Pay Act; the Age Discrimination Act of 1975, as amended (20 U.S.C. 1681-83, 1685-86); American with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 as amended (29

Massachusetts Board of Library Commissioners  
98 N. Washington Street, Suite 401, Boston, MA 02114  
P: 800-952-7403 (in-state only)  
P: 617-725-1860  
F: 617-725-0140

[mass.gov/libraries](http://mass.gov/libraries)  
(consumer portal)

[mass.gov/mblc](http://mass.gov/mblc)  
(agency site)

U.S.C.701 et seq.); Massachusetts General Laws Chapter 151B and Massachusetts Executive Order 526.

4. The Library will comply with the provisions of the Hatch Act (5 U.S.C. sec. 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
5. The Library agrees that it will comply with all applicable IMLS regulations and certifications; The Library has signed and returned these certifications (Appendix A) as part of this agreement.
6. Federal funds for the purchase of materials as part of a Special Project Grant are to be used specifically for instituting new services or to supplement present services as required by the project. Such funds are not to be used as a substitute for local funding.
7. The Library's allocation of Federal funds is in the form of payment-in-advance to the city or town treasurer, or the approved fiscal agent. Disbursement is a term that refers to the actual payment of cash to the Library from the Board of Library Commissioners for goods and services provided in accordance with this award Agreement.
8. The Federal share of the costs of all books, related materials, supplies, equipment, services, etc., purchased under this Agreement may not exceed the amount in the first paragraph of this Agreement. Obligations must not be made before this Agreement has been signed by the Director of the Board of Library Commissioners. Applicable cost principles can be found in Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, 2 CRF 200.
9. The Library will follow the same procurement procedures it uses for non-Federal funds and which reflect applicable local laws and regulations. The Library will comply with a code of conduct requiring that the library's officers, employees, or agents will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors nor will they be in conflict of interest on any procurement.

When using a competitive bid process, The Library will maintain records sufficient to detail, at minimum, the rationale for the method of procurement, selection or rejection of contractor, and for the contract price. No contracts may be entered into with any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, 2CFR180.220, "Debarment and Suspension." The Library shall take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

10. Equipment secured by this grant shall be used for the purposes of the project for the duration of the project. After Federal funding terminates, equipment being used less than full time shall be made available for use in other projects and programs.
11. In the event that interest or other investment income is earned on advances of Federal funds, it shall be remitted to the Federal or state government. The following will be considered debts owed to the Federal government:
  - a. any excess grant funds
  - b. any royalties or other program income that exceeds costs incident to its generation
  - c. any amounts resulting from disposition of equipment acquired with grant funds and not used as a trade-in or offset to the cost of its replacement

- d. any other amounts finally determined to be due by the Board of Library Commissioners or from an audit conducted by local, state or Federal authorities or others so appointed.
12. The Library will separately account for all funds expended for the project. The Library will keep records of such accounting readily available for three years after submitting to the Board of Library Commissioners the last progress report with final expenditures, and after all other pending matters are closed. Accounting records maintained by the city or town treasurer or fiscal agent shall be supported by source documentation such as canceled checks, paid bills, payrolls, time and attendance records, contracts, etc. A copy of all invoices paid shall be kept in The Library. The invoices must be marked with the check or warrant number for identification. For projects that require matching local funds, documentation that the match was met shall be kept in The Library and readily available for the same period of time as above.
13. The Federal grantor agency, the Comptroller General of the U.S. or other duly authorized representative, the Governor, Secretary of Administration and Finance, the Comptroller, and the State Auditor or their designees shall have the right at reasonable notice to examine the books, records and other compilations of data of the library which pertain to the performance of the provisions and requirements of this Agreement per 2 CFR 200.
14. Audits must be conducted and are the responsibility of the grant recipient and its local government in accordance with the Single Audit Act, which apply to all States, local governments, and non-profit organizations expending Federal awards, and the regulations for this program (2 CFR 200.)

External or internal audits shall be made in accordance with generally accepted government auditing standards, issued by the Comptroller General of the United States, which are applicable to financial audits. Local governments, as defined in the Single Audit Act, must meet this audit requirement if total Federal financial assistance to the municipality, from all sources, in a fiscal year exceeds \$750,000. The municipality's audit for the fiscal years during which this grant takes place is usually acceptable for meeting this requirement.

One copy of each audit report for the organization or local government covering the period during which disbursements and expenditures were made must be filed with the Board of Library Commissioners within thirty days of the audit report's completion.

15. The Library will include an acknowledgment of IMLS support in all grant products, publications, and websites developed with IMLS funding. Acknowledgment should include the IMLS credit line, with grant number, and the IMLS logo, where space permits. Posters or brochures about IMLS-funded programs and projects may also include the IMLS logo. Online products, publications, and websites must link to the IMLS website, [www.imls.gov](http://www.imls.gov), include the IMLS logo and/or the credit line or boilerplate.
16. Federal grants should adhere to the Institute of Museum and Library Sciences' (IMLS) acknowledgement requirements and should also acknowledge the MBLC in the credit line. <http://guides.mblc.state.ma.us/mblc-brand-guide/cobrandin>

*Example: LSTA grants. Sample credit lines:*

For a storytime flyer

Anytown Storytime is brought to you with federal funds provided by the Institute of Museum and Library Services and administered by the Massachusetts Board of Library Commissioners.

For an author appearance

John Milton's appearance is brought to you with federal funds provided by the Institute of Museum and Library Services and administered by the Massachusetts Board of Library Commissioners.

17. The library will submit to this agency an electronic version and one copy of any publication, informational materials, survey, videotape, film, union list, or other such materials produced as a result of this LSTA project.
18. The library will submit a progress report and an annual report for each year of the project. The reports will include narrative and financial information. Reports are due no later than April 15 and October 15 of each year of the grant. Report forms are available on the MBLC website <http://mblc.state.ma.us/grants/lsta/manage/index.php>
19. Close-out of the grant does not affect regulations concerning retention of all programmatic and financial records (2 CFR 200).
20. This Agreement may be suspended or terminated upon the recommendation of the Project Consultant and the approval of the Director of the Board of Library Commissioners if there is failure to comply materially with the terms of the grant. New obligations incurred during any period of suspension will not be allowed unless specifically authorized by the Project Consultant. New obligations shall not be incurred after the date of termination.

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:

\_\_\_\_\_  
Library Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairperson, Board of Trustees or  
Governing Authority

\_\_\_\_\_  
Date

AUTHORIZING SIGNATURE FOR THE DEPARTMENT:

\_\_\_\_\_  
Director, Board of Library Commissioners

\_\_\_\_\_  
Date

## Appendix A: Certifications

*The last page requires a signature accepting these certifications.*

1. **DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS** As required by Executive Order 12549 and implemented at 31 C.F.R. Part 3185, the undersigned, on behalf of the applicant, certifies to the best of his or her knowledge and belief that neither the applicant, nor its principals: (a) are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency; (b) have within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction, or in connection with a violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; (c) are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; (d) have within a three year period preceding this application/proposal had one or more public transactions (federal, state, or local) terminated for cause or default. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.
  
2. **DRUG FREE WORKPLACE REQUIREMENTS** As required by the Drug Free Workplace Act of 1988 and implemented at 31 C.F.R. Part 3186, the undersigned, on behalf of the applicant, certifies that the applicant will or will continue to provide a drug free workplace by: (a) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the action that will be taken against employees for violation of such prohibition; (b) establishing an ongoing drug free awareness program to inform employees about:
  - (1) the dangers of drug abuse in the workplace; (2) the grantee's policy of maintaining a drug free workplace; (3) any available drug counseling, rehabilitation, and employee assistance programs; and (4) the penalties that may be imposed on employees for drug abuse violations occurring in the workplace;(c) making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);  
(d) notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will (1) abide by the terms of the statement; and (2) notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace not later than five calendar days after such conviction;  
(e) notifying the agency in writing within ten (10) calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the federal agency has designated a central point for the receipt of such notices. Notices shall include the identification number(s) of each affected grant;  
(f) taking one of the following actions within thirty (30) days of receiving notice under subparagraph (d)(2) with respect to any employee who is so convicted: (1) taking appropriate personnel action against such an employee, up to and including termination consistent with the requirements of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 701 *et seq.*); or (2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health law or other appropriate agency;

(g) making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f). The applicants either shall identify the site(s) for the performance of work done in connection with the project in the application material or shall keep this information on file in its office so that it is available for federal inspection. The street address, city, county, state, and zip code should be provided whenever possible.

3. **LOBBYING** As required by Section 1352, Title 31 of the United States Code, and implemented for persons entering into a grant or cooperative agreement over \$100,000, the applicant certifies to the best of his or her knowledge and belief that: (a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of a federal contract, the making of a federal grant, the making of a federal loan, the entering into of a cooperative agreement, or the extension, continuation, renewal, amendment, or modification of a federal contract, grant, loan, or cooperative agreement. (b) If any funds other than appropriated federal funds have been paid or will be paid to any person (other than a regularly employed officer or employee of the applicant) for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall request, complete, and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
4. **FEDERAL DEBT STATUS** the undersigned, on behalf of the applicant, certifies to the best of his or her knowledge and belief that the applicant is not delinquent in the repayment of any federal debt.

5. **INTERNET SAFETY (CIPA) PUBLIC ELEMENTARY AND SECONDARY SCHOOL LIBRARIES, and CONSORTIA WITH PUBLIC AND/OR PUBLIC SCHOOL LIBRARIES**

The library is either:

- A. CIPA Compliant (The applicant library has complied with the requirements of Section 9134(f) (1) of the Library Services and Technology Act LSTA)
- OR
- B. CIPA requirements do not apply because LSTA funds are **NOT** being used to purchase computers to access the Internet, or to pay for direct costs associated with accessing the Internet.

6. **TRAFFICKING IN PERSONS**

The grantee must comply with Federal law pertaining to trafficking in persons. Any grant, contract, or cooperative agreement entered into by a Federal agency and a private entity shall include a condition that authorizes the Federal agency (IMLS) to terminate the grant, contract, or cooperative agreement, if the grantee, subgrantee, contractor, or subcontractor engages in trafficking in persons, procures a commercial sex act, or uses forced labor. 2 C.F.R. part 175 requires IMLS to include the following award term:

- a. Provisions applicable to a recipient that is a private entity.
  1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not -
    - i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
    - ii. Procure a commercial sex act during the period of time that the award is in effect; or
    - iii. Use forced labor in the performance of the award or subawards under the award.

2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity -
  - i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
  - ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either -

A. Associated with performance under this award; or

B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 C.F.R. part 3185. Library Services and Technology Act 2016 Information and Guidelines 58

Provisions applicable to a recipient other than a private entity: We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity -

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either -
  - i. Associated with performance under this award; or
  - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 C.F.R. part 3185.

C. Provisions applicable to any recipient.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
  - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)), and
  - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

D. *Definitions.* For purposes of this award term:

1. "Employee" means either:
  - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
  - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3. "Private entity":
  - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 C.F.R. part 175.25. 59
  - ii. Includes:
    - a. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 C.F.R part 175.25(b).
    - b. A for-profit organization.
  
4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. § 7102).

**7. CERTIFICATIONS REQUIRED OF SOME APPLICANTS**

The following certifications are required if applicable to the project for which an application is being submitted. Applicants should be aware that additional federal certifications, not listed below, might apply to a particular project.

Native American Human Remains and Associated Funerary Objects:

The authorized representative, on behalf of the applicant, certifies that the applicant will comply with the provisions of the Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. §3001 *et seq.*), which applies to any organization that controls or possesses Native American human remains and associated funerary objects, and which receives federal funding, even for a purpose unrelated to the Act.

Historic Properties:

The authorized representative, on behalf of the applicant, certifies that the applicant will assist the awarding agency in ensuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f), Executive Order 11593, and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469 *et seq.*)

The new *Electronic Code of Federal Regulations* is updated frequently and should be checked.

Signature:

The Pollard Memorial Library in Lowell will comply with the certifications cited above as required by the Institute of Museum and Library Services (IMLS).

Name: \_\_\_\_\_

Signature: \_\_\_\_\_