TO: Mayor and City Council

FROM: Aubrey W. George, Acting Library Director

THROUGH: Terry M. Brechtel, City Manager

COPIES TO: Frances A. Gonzalez; Legal; Finance; Office of Management and Budget; Information Technology Services Department; and Human Resources; File

SUBJECT: AUTHORIZATION TO ACCEPT FUNDS FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION FOR PROVISION OF LIBRARY SYSTEM OPERATIONS IN STATE FY 2005

DATE: September 23, 2004

SUMMARY AND RECOMMENDATIONS

This Ordinance accepts funds and authorizes the personnel complement for State/Federal assistance provided through the Texas State Library and Archives Commission in the amount of $716,349.00. If approved, these funds will be used for public library development in the Alamo Area Library System. The System assists 45 public libraries in 21 counties. State/Federal funds will be received for the purpose of supporting grant administration, consulting, networked resources, services to disadvantaged populations, continuing education, collection development and the purchase of library materials. San Antonio Public Library serves as the Major Resource Center and has received annual grants under this program since 1972. Council authorization to apply for this grant was received on May 13, 2004 by Ordinance #99178.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Since 1972, the Texas State Library and Archives Commission has awarded annual grants to the Alamo Area Library System, of which the San Antonio Public Library is a member. San Antonio Public Library serves as the Major Resource Center for the Alamo Area Library System which includes 45 libraries in a 21-county area. Benefits to Bexar County area library patrons have a value of approximately $250,000.00. Prior grants received from the Library Systems Operations program from FY2000 through FY2004 have ranged from $775,538.00 to $716,838.00.

This grant is for state fiscal year 2005, beginning September 1, 2004 and ending August 31, 2005.
POLICY ANALYSIS

This action is consistent with City Council direction to accept State/Federal Grant Funds to enhance services for local residents. Benefits to Bexar County residents have a value of $250,000.00. City Council has accepted Texas State Library and Archives Commission grants since 1972.

FISCAL IMPACT

This grant is for state fiscal year 2005 in the amount of $716,349.00. The grant provides one hundred percent of personnel, fringe benefits and operating costs associated with the grant. Indirect costs have been provided for and will be paid to the City for administration of the grant as per the City’s Indirect Cost Plan. Staffing remains at the current level of five (5) full-time employees.

COORDINATION

This item has been coordinated with Finance, Office of Management and Budget, Information Technology Services Department, and Human Resources. Staff of these Departments concur with this recommendation.

SUPPLEMENTARY COMMENTS

The Alamo Area Library System's Advisory Council, representing member libraries, supports acceptance of this grant. This action requires no disclosure under the City's Ethics Ordinance. The Discretionary Contracts Disclosure Form is not required.

Aubrey W. George,
Acting Library Director

Frances A. Gonzalez,
Assistant City Manager

RECOMMENDATION APPROVED:

Terry M. Brechtel,
City Manager
LIBRARY SYSTEM OPERATIONS – STATE/FEDERAL GRANT 2004/2005
Fund No. 26-018124
09/01/2004 - 08/31/2005

Index No. 073643

**ESTIMATED REVENUES**
Grant from Texas State Library

**BUDGET APPROPRIATIONS**

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<th>Object Code</th>
<th>Amount</th>
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Total Grant $716,349.00

Fund Only Index Code 000595
Activity 04-01-20

**PERSONNEL COMPLEMENT**
(Activity 04-01-20)

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<td>0874</td>
<td>Accountant II</td>
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<tr>
<td>0889</td>
<td>Department System Supervisor</td>
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</tr>
</tbody>
</table>
August 20, 2004

Aubrey George, Acting Director
San Antonio Public Library
600 Soledad Street
San Antonio, Texas 78205-1200

Dear Mr. George:

Enclosed are two copies of your grant 470-05010 from the Texas State Library and Archives Commission (TSLAC) and the following forms:

1. Certification Regarding Lobbying (for grants exceeding $100,000)
2. Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
3. Standard Form 424B, Assurances - Non-Construction Programs
4. Internet Safety Certification

Please sign and return both copies of the contract and each of the above forms with original signatures, on or before October 15, 2004, to: Grants Accountant, Texas State Library and Archives Commission, P.O. Box 12516, Austin, Texas 78711-2516. One original will be returned for your file once the contracts have been fully executed by TSLAC Staff.

Please note the changes in the following sections:

V. Written Prior Approvals for Fiscal and Programmatic Changes

C. All changes to the items listed under the following cost categories, if any, must have written prior approval. Written prior approval is also required if an item’s cost or features are substantially different from what the approved grant application specifies or from a previously approved Prior Approval Request.

Note: Written prior approval is required for ALL changes involving the purchase of computer equipment or Internet services. In addition, Grantee must comply with Internet Safety Certification requirements, as further outlined in Section XII of this contract.

VII. Reporting Requirements

G. Grantee agrees to conduct Outcome Based Evaluation (OBE), as determined by Grantor, for the grant period of September 1, 2004 to August 31, 2005. Grantee will submit OBE report to Grantor on or before September 30, 2005.

Systems must notify TSLAC in writing within seven days of the employment or resignation of professional staff paid wholly or in part with funds from this grant.

Under separate cover, we will send the System Coordinator a copy of the grant along with electronic copies of these forms:
1. Prior Approval Request
3. FY 2005 Key Performance Target (with instructions)
4. Local/Systems Objectives Report
5. Workshop Reporting Form 2005
7. Request for Advance or Reimbursement (OMB Form 270)
8. Equipment/Property Acquired
9. Certification of Review
10. Narrative Report

Please let me know if you have any questions relating to this grant or the process. I wish you great success in implementing your grant.

Sincerely,

Margaret Whitehead
Library Systems Administrator
Library Development Division
512-936-2236
Margaret.whitehead@tsl.state.tx.us

Enclosures

cc: Kathryn Sturtz, Coordinator

Making information work for all Texans
I. CONTRACTING PARTIES

Grantor: Texas State Library and Archives Commission (TSLAC)
Grantee: City of San Antonio, San Antonio Public Library
600 Soledad Street
San Antonio, Texas 78205-1200

II. TERM OF GRANT

September 1, 2004, to August 31, 2005

III. STATEMENT OF SERVICES TO BE PERFORMED

Grant-funded activities shall support and encourage the active and successful participation by libraries in services offered by the System and the Grantor. The Grantee will comply during the period of this contract and provide services as outlined within the grant application (System Plan of Service for State FY05) as approved by the Grantor. The approved Plan of Services submitted by Grantee becomes part of this contract by this reference.

IV. GRANT AMOUNTS AND DISBURSEMENT REQUIREMENTS

A. The total amount of the grant shall not exceed: $716,349.00

B. Source of funds:

   Federal Funds, CFDA # 45.310
   Institute of Museum and Library Services, State Library Program
   Federal Fiscal Year 2004 Carryover

   General Revenue
   State Fiscal Year 2005

   Of the total amount awarded for all System Operation Grants, 73% is from Federal L.S.T.A. funds (P.L. 104-208), and 27% is from State General Revenue. An individual Grantee’s disbursement may vary.

C. The Grantee is restricted to one of two methods for requesting funds from the Grantor. The Grantee may request an advance payment for estimated expenditures to be incurred for the upcoming 30 days, or request a reimbursement of the actual expenditures for the Grantee’s normal billing cycle.

D. The Grantee must request payments from Grantor on the OMB Standard Form 270, Request for Advance or Reimbursement. Payment requests may be submitted to Grantor monthly, quarterly, or any other standard time period, at the discretion of the Grantee’s governing entity; however, requests may not be submitted more than once per month. A Form 270 is due to the Grantor on or before the 15th of the month to receive payment for the beginning of the following month. Funds will generally be received by the Grantee within 10 days after Grantor receives the funds from the federal government.
E. If requesting a reimbursement, Grantee must use box 11 on the Form 270. Grantor must receive final request for reimbursement on or before October 15, 2005.

F. If requesting an advance, the Grantee must follow procedures that minimize the time elapsing between the receipt and the disbursement of advanced grant funds. Grantees requesting advance funds must use box 12 (rather than box 11) on the Form 270. Requests for advance funds will generally be disbursed by the first working day of the advance period on the request, provided request forms are received by stated deadlines. Grantor must receive final request for advance on or before July 31, 2005.

G. The Grantee will add any program income to the funds committed to the grant, using such program income for the purposes and under the conditions of the grant. The source and amount of the program income must be explained in box 12 of the quarterly Financial Status Report.

H. The Grantee may not obligate grant funds after August 31, 2005. All obligations must be liquidated on or before October 15, 2005. All unexpended funds in excess of $25.00 must be returned to the Grantor along with the Final Financial Status Report (FSR). See Section VII.B. of this contract for FSR due dates.

I. Per the approved grant application, funds are approved according to the following budget:

\[
\begin{array}{ll}
\text{Personnel} & \$190,716 \\
\text{Fringe Benefit} & 69,192 \\
\text{Travel} & 15,400 \\
\text{Equipment/Property} & 0 \\
\text{Supplies} & 251,710 \\
\text{Contractual} & 142,600 \\
\text{Other} & 19,000 \\
\text{Total Direct Costs} & \$688,618 \\
\text{Indirect Costs} & 27,731 \\
\text{Total} & \$716,349 \\
\end{array}
\]

V. WRITTEN PRIOR APPROVALS FOR FISCAL AND PROGRAMMATIC CHANGES

The Grantee must request written prior approval for fiscal and/or programmatic changes as outlined in this Section. Grantee must receive written prior approval before obligating or expending grant funds under any of the following conditions. Grantee must request written prior approval on the Prior Approval Request form. Under no condition can a Grantee request to exceed the total grant amount. Grantor must receive all prior requests on or before July 31, 2005. Approvals received after this date will be considered on a case-by-case basis.

A. Fiscal changes must have written prior approval under the following conditions:
   1. Making cumulative transfers among budget cost categories or projects which are expected to exceed ten (10) percent of the total grant; and/or,
   2. Transferring any funds into a budget cost category that currently equals zero ($0).

B. Programmatic changes to the approved application (System Plan of Service) must have written prior approval under any of the following conditions:
   1. Changing key persons specified in the grant; System Coordinators (or Executive Directors) are considered key personnel for the purpose of this Section.
   2. Obtaining the services of a third party to perform activities that are central to the purposes of the grant; and/or,
3. Changing the scope or objectives of the approved program, regardless of whether there is an associated budget revision. A change in scope is a substantive difference in the approach or method used to reach program objectives.

C. All changes to the items listed under the following cost categories, if any, must have written prior approval. Written prior approval is also required if an item’s cost or features are substantially different from what the approved grant application specifies or from a previously approved Prior Approval Request. **Note:** Written prior approval is required for ALL changes involving the purchase of computer equipment or Internet services. In addition, Grantee must comply with Internet Safety Certification requirements, as further outlined in Section XII of this contract.

**COST CATEGORIES**

1. Preaward Costs
   None
2. Insurance (if not required by the grant)
   None
3. Rearrangements and Alterations of Facilities
   None
4. Equipment/Property
   None

**VI. EQUIPMENT AND PROPERTY REQUIREMENTS**

A. The Grantee agrees to maintain records on all equipment/property with an acquisition cost above governing entity’s capitalization level. Subject to the obligations and conditions set forth in the Uniform Grant Management Standards (UGMS) Section III, Subpart C.32 (a), title to equipment acquired under a grant will vest in the Grantee upon acquisition.

B. Equipment/Property is hereby defined as an article of nonexpendable, tangible personal property having a useful life of more than one year, and an acquisition cost that equals or exceeds the capitalization amount established by Grantee’s governing entity. Grantee must furnish a statement to Grantee certifying the governing entity’s capitalization level with each Prior Approval Request Form for equipment and/or property.

C. The UGMS Subpart C, Sec. 32, (d) (3) requires certain items of equipment (stereo systems, still and video cameras, facsimile machines, VCRs and VCR/TV combinations, and cellular and portable telephones) to be maintained on inventory if the item’s cost is above $500, or if the item could be easily lost or stolen.

D. When property is vested in the Grantee, the Grantee will dispose of equipment/property in accordance with the UGMS Subpart C, Sec. 32, (e). When the Grantee has been given federal or state equipment/property, Grantee will follow the UGMS Subpart C, Sec. 32, (f) will be followed.

E. The Grantee must include any equipment/property acquired with grant funds in the required biannual property inventory, and follow UGMS guidelines for property disposal. The Grantee agrees to submit the Equipment/Property Acquired Form by October 31, 2005, for all equipment/property purchased during the current grant year. This list must balance the equipment/property purchased with prior approval amounts.

F. The UGMS Subpart C, Sec. 32, (d) requires the Grantee to reconcile the equipment/property records with a physical inventory of the equipment/property every two years. This biennial inventory does not need to be submitted to the Grantor, but must be maintained by the grantee and will be subject to review by the grantor.
G. All changes to items listed in the Equipment/Property category outlined in Section V.C.4. of this contract require written prior approval. This category includes equipment, furniture, library materials, etc. purchased wholly or in part with grant funds. The prior approval amount listed in that Section is the total approved capital expenditure amount, which is defined as the cost of the equipment and/or property, including any cost necessary to put the item into service, such as the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make the item usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective in-transit insurance, freight, and installation may be included in, or excluded from, capital expenditure cost in accordance with the Grantee's regular accounting practices.

VII. REPORTING REQUIREMENTS

The State Legislature has charged the Grantor with submitting performance measurement reports that specify the level of services provided by its programs and services. In accepting these grant funds, the Grantee acknowledges responsibility for performing certain services on behalf of the Grantor, as outlined in the approved Plan of Service. Therefore, the Grantee is responsible for submitting periodic reports that reflect the Grantee's level of performance on these services to the Grantor. To comply with these requirements, the Grantee agrees to submit reports that are timely, accurate, auditable, and consistent with definitions.

A. The Grantee agrees to submit the quarterly Legislative Budget Board (LBB) Performance Target Report to the Grantor on or before due dates listed in the following schedule:

<table>
<thead>
<tr>
<th>Reporting Period</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 1, 2004 - November 30, 2004</td>
<td>December 7, 2004</td>
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<tr>
<td>December 1, 2004 - February 28, 2005</td>
<td>March 7, 2005</td>
</tr>
<tr>
<td>March 1, 2005 - May 31, 2005</td>
<td>June 7, 2005</td>
</tr>
<tr>
<td>June 1, 2005 - August 31, 2005</td>
<td>September 7, 2005</td>
</tr>
</tbody>
</table>

B. The Grantee agrees to submit the quarterly Financial Status Report (FSR) for each project funded under this contract on or before the due dates listed in the following schedule. In addition, Grantee must submit with the FSR report, quarterly expenditure summary information for all budget categories listed in Section IV.1 of this contract, in a format to be provided by Grantor.

<table>
<thead>
<tr>
<th>Reporting Period</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 1, 2004 - November 30, 2005</td>
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<td>March 1, 2005 - May 31, 2005</td>
<td>June 30, 2005</td>
</tr>
<tr>
<td>June 1, 2005 - August 31, 2005</td>
<td>September 30, 2005</td>
</tr>
</tbody>
</table>

The final Financial Status Report is due on or before November 15, 2005.

C. The Grantee will send the Grantor a copy of all management letters issued by an auditor with the reporting package (or written notification, as applicable) within 30 days of the audit. The audit's Schedule of Expenditures of Federal and State Awards must list the amount of awards expended for each award year separately.

D. The Grantee will submit the required Local/Systems Objectives Report to the Grantor on a regular schedule. This report may be submitted monthly with the Uniform Statistical Report, or quarterly with the LBB Performance Target Report. Once selected, Grantee must use the same reporting schedule for the entire term of the grant.

E. The Grantee will submit the required Workshop Reporting Form to the Grantor for the period of September 1, 2004 to August 31, 2005, on or before September 30, 2005.
F. The Grantee agrees to submit the required Narrative Report to the Grantor twice during the grant period. The first is due on or before March 31, 2005, and the final report is due on or before September 30, 2005.

G. Grantee agrees to conduct Outcome Based Evaluation (OBE), as determined by Grantor, for the grant period of September 1, 2004 to August 31, 2005. Grantee will submit OBE report to Grantor on or before September 30, 2005.

VIII. GENERAL TERMS AND CONDITIONS

A. The Grantee will comply with the System Plan of Service Program Guidelines for SFY 2005.

B. The Grantee will comply with the Rules for Administering the Library Systems Act, *Texas Administrative Code*, Chapters 1.91 – 1.97. Rule 1.97 (a) will not be applicable during the term of this grant.

C. The Grantee will comply with the following three parts of the Governor’s Office of Budget and Planning, Uniform Grant Management Standards (UGMS), revised June 2004, located at [http://www.governor.state.tx.us/divisions/stategrants/guidelines/files/UGMS062004.doc](http://www.governor.state.tx.us/divisions/stategrants/guidelines/files/UGMS062004.doc):
   1. Cost Principles for State and Local Governments and Other Affected Entities (Adapted from OMB Circular A-87)
   2. State Uniform Administrative Requirements for Grants and Cooperative Agreements (Adapted from OMB Circular A-102)
   3. State of Texas Single Audit Circular (Adapted from OMB Circular A-133)

D. For grants funded with federal funds, the Grantee will also comply with the Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations (revised 6/97), located at [http://www.whitehouse.gov/omb/standards/grants/circulars.html](http://www.whitehouse.gov/omb/standards/grants/circulars.html).

E. The Grantee will comply with the Institute of Museum and Library Services’ 45 Code of Federal Regulations, Part 1183, Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments (adapted from OMB Circular A-102).

F. All publicity relating to the grant award must include acknowledgement of the Institute of Museum and Library Services and the Texas State Library and Archives Commission whenever possible and practical. Publicity includes, but is not limited to press releases, media events, public events, displays in the benefiting library, announcements on the Grantee’s Website, and materials distributed through the grant project. The Grantee will provide the Grantor with one set of all public relations materials produced under this grant.

G. Grantee understands that acceptance of funds under this contract acts as acceptance of the authority of the State Auditor’s Office, or any successor agency, to conduct an audit or investigation in connection with those funds. Grantee further agrees to cooperate fully with the State Auditor’s Office or its successor in the conduct of the audit or investigation, including providing all records requested. Grantee will ensure that this clause concerning the authority to audit funds received indirectly by Sub-grantees through Grantee, and the requirement to cooperate, is included in any sub-grant awarded.

H. The Grantee agrees to maintain all financial and programmatic records, supporting documents, statistical records, and other records relating to this grant award according to Section II, Subpart C.42 of UGMS, and according to IMLS requirements. In general, Grantees must maintain records for a minimum of seven years from the date the Grantee submits to Grantor the last single audit or audit report for the grant period.

I. The Grantee agrees to develop or revise, as necessary, any specific written documentation of its current procedures for (1) collecting and reporting performance measures; (2) conducting a fixed
asset inventory; and/or, (3) any other issues identified in the Grantor’s internal audit report of grant activities. Drafts of this procedural documentation will be submitted to Grantor by dates established mutually between Grantor and Grantee. Grantor will provide review and guidance to enable final versions to be approved on or before established deadlines.

IX. ENFORCEMENT

A. Remedies for noncompliance. If a Grantee or Sub-grantee materially fails to comply with any term of an award, whether stated in a federal or state statute or regulation, an assurance, in a state plan or application, a notice of award, or elsewhere, the Grantor may take one or more of the following actions, or impose other sanctions, as appropriate in the circumstances:

1. Temporarily withhold cash payments pending correction of the deficiency by the Grantee or Sub-grantee, or more severe enforcement action by the Grantor;
2. Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance;
3. Wholly or partly suspend or terminate the current award for the Grantee’s or Sub-grantee’s program;
4. Withhold further awards for the program; or
5. Take other remedies that may be legally available.

B. Hearings, appeals. In taking an enforcement action, the Grantor will provide the Grantee or Sub-grantee an opportunity for such hearing, appeal, or other administrative proceeding to which the Grantee or Sub-grantee is entitled under any statute or regulation applicable to the action involved.

C. Effects of suspension and termination. Costs of Grantee or Sub-grantee resulting from obligations incurred by the Grantee or Sub-grantee during a suspension or after termination of an award are not allowable unless the Grantor expressly authorizes them in the notice of suspension or termination, or subsequently. Other Grantee or Sub-grantee costs during suspension or after termination which are necessary, and not reasonably avoidable, are allowable if:

1. The costs resulting from obligations which were properly incurred by the Grantee or Sub-grantee before the effective date of suspension or termination are not in anticipation of it and, in the case of a termination, are noncancelable; and,
2. The costs would be allowable if the award were not suspended, or expired normally, at the end of the funding period in which the termination takes effect.

D. Relationship to Debarment and Suspension. The enforcement remedies identified in this section, including suspension and termination, do not preclude Grantee or Sub-grantee from being subject to "Debarment and Suspension" under E.O. 12549 (see UGMS Section III, Subpart C, Sec. 35) and state law.

X. CONTACTS AT TSLAC

Questions or concerns about programmatic issues and Prior Approval Requests should be directed to this grant’s Project Manager:

Library Systems Administrator
Phone: 512-936-2236
Fax: 512-463-8800
E-mail: mwhitehead@tsl.state.tx.us
Questions or concerns about regulatory or financial issues should be directed to:

Manager, Accounting and Grants Department
Phone: 512-463-6626
Fax: 512-475-0185
E-mail: llutz@tsl.state.tx.us

Documentation relating to required Requests for Reimbursement/Advance, Financial Status Reports, Workshop Report Forms, Uniform Statistical Reports, annual Property/Inventory Reports, and any other miscellaneous forms and reports should be directed to:

Grants Accountant
Phone: 512-463-5472
Fax: 512-475-0185
E-mail: sjustice@tsl.state.tx.us

Payments from Grantee to the Grantor, such as those for excess advanced funds or for interest earned each quarter on advanced funds, should be mailed along with an explanation of the purpose of the payment and must include the grant number. This information should be directed to:

Grants Accountant
Accounting and Grants Department
Texas State Library and Archives Commission
PO Box 12516
Austin, TX 78711-2516

XI. APPLICABLE AND GOVERNING LAW

A. The laws of the State of Texas shall govern this grant. All duties of either party shall be legally performable in Texas. The applicable law for any legal disputes arising out of this contract shall be the law of (and all actions hereunder shall be brought in) the State of Texas, and the forum and venue for such disputes shall be Travis County, District Court.

B. This grant is subject to availability of funds.

XII. GRANT CERTIFICATIONS

A. The Grantor certifies that: (1) the services specified in the approved grant application, plan of service, and this contract are necessary and essential for activities that are properly within the statutory functions and programs of the affected organizations; (2) the services, supplies or materials contracted for are not required by Section 21 of Article 16 of the Constitution of Texas to be supplied under contract given to the lowest bidder; and, (3) the grant is in compliance with Texas Government Code §441.006, General Powers and Duties, Texas Government Code § 441.135 Grants (Systems Act), P.L. 104-208, the Library Services and Technology Act (LSTA), the State Plan for the LSTA in Texas, and the Uniform Grant Management Standards (UGMS).

B. The Grantee certifies by this contract that it will comply with the Assurances–Non-Construction Programs (OMB Standard Form 424B), the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions, and the Certification Regarding Lobbying, as submitted to the Grantor. Additional assurances are listed in UGMS, Subpart B.14.

C. The Grantee affirms that it has not given, offered to give, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant in connection with this contract. The Grantee further affirms that its employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to any sub-agreements.
D. The Grantee has provided to the Grantor the mandatory Internet Safety Certification (Certification) that it is in compliance with requirements of the Children’s Internet Protection Act (CIPA) for any federal funds under this grant that will be used to purchase computers used to access the Internet or pay for the direct costs of accessing the Internet. Grantee agrees to collect, as required and appropriate, certification forms from all libraries receiving benefits of federal funds expended under this contract.

E. The Grantee further certifies that no federal funds from this grant award will be made available for a public library, or public elementary or secondary school library that does not currently receive E-rate services, to purchase computers used to access the Internet or pay for the direct costs of accessing the Internet, unless the library has certified compliance with the applicable CIPA requirements. Should federal funds awarded as part of this grant be used to purchase computers for a public library, or public elementary or secondary school library that does not currently receive E-rate services, to purchase computers used to access the Internet or pay for the direct costs of accessing the Internet, Grantee will submit a revised Certification form, and ensure revised Certification forms are received from all other libraries receiving benefits of federal funds expended under this contract.

SIGNATURES

GRANTOR

Texas State Library and Archives Commission Library

Edward Seidenberg, Assistant State Librarian

Date

Donna Osborne, Chief Fiscal Officer

Date

GRANTEE

City of San Antonio, San Antonio Public

Signature (Must be an official empowered to enter into contracts)

Typewritten or Printed Name

Title

Date
INTERNET SAFETY CERTIFICATION FOR APPLICANT
Library System Act Grants
FEDERAL PROGRAM YEAR 2004 FUNDS
(AWARDED IN STATE FISCAL YEAR 2005)

As the duly authorized representative of the applicant, I hereby certify that
(check only one of the following boxes)

A. □ The applicant public library has complied with the requirements of Section 9134(f)(1) of
the Library Services and Technology Act.

B. □ The applicant public library has not yet complied with the requirements of Section
9134(f)(1) of the Library Services and Technology Act. However, the applicant library is
undertaking actions, including any necessary procurement procedures, to put into place an
Internet safety policy that meets these requirements. The applicant library will be in compliance
with the requirements of Section 9134(f)(1) before the library receives funding for a subsequent
program year.

C. □ The requirements of Section 9134(f) of the Library Services and Technology Act do not
apply to the applicant library because no funds made available under the LSTA program will be
used to purchase computers used to access the Internet or to pay for direct costs associated with
accessing the Internet for a public library or public elementary school or secondary school
library that does not receive discounted E-Rate services under the Communications Act of
1934, as amended.

D. □ The applicant is not a public library.

I further certify that one of the following is true: either no LSTA funds from the grant award
will be used by the applicant to purchase computers used to access the Internet or to pay for
direct costs associated with accessing the Internet for a public library or public elementary
school or secondary school library served by the applicant; or, if any part of the LSTA grant
funds are used for such purposes, applicant will obtain the appropriate certifications from
libraries receiving such purchases or payments.

I further certify that the applicant will obtain appropriate certifications from any public library
or public elementary school or secondary school library receiving any portion of LSTA grant
funds awarded to the applicant.

__________________________________________________________
Signature of Authorized Representative

__________________________________________________________
Printed Name of Authorized Representative

__________________________________________________________
Title of Authorized Representative

__________________________________________________________
Date

__________________________________________________________
Name of Applicant Library/Program

Q:\System Admin\System\Contracts\2005\CIPA Certification Form

7/2004
CERTIFICATION REGARDING LOBBYING

for
CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

(Required for grants exceeding $100,000)

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. 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 making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid 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 this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form -LLL, 'Disclosure Form to Report Lobbying,' in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed by the Texas State Library when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_________________________  _______________________
Organization Name                              Project

_________________________
Name and Title of Authorized Representative

_________________________  _______________________
Signature                              Date
CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY
EXCLUSION
LOWER TIER COVERED TRANSACTIONS

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participant's responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-12911). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Applicant

Name and Title of Authorized Certifying Official

Signature Date
NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. 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 personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM’s Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. 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 Education Amendments of 1972, as amended (20 U.S.C. §§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. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 82-255), as amended, relating to nondiscrimination 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 nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§5523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§2520 dd-3 and 2520 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.