

**American Rescue Plan Act (ARPA) Grant to Public Libraries**  
**Agreement For FY2022**

This Grant Agreement is entered into on the date of last signature, below, by and between the **New Mexico State Library**, hereinafter called **NMSL**, and **Octavia Fellin Public Library** located in **Gallup, NM**, hereinafter called the Recipient.

WHEREAS, the State Librarian, the division director of NMSL, is required to administer grants-in-aid and encourage local library service and generally promote an effective statewide library system under NMSA 1978, Section 18-2-4;

WHEREAS, Section 18-2-4 also requires the State Librarian to make rules and regulations necessary to administer NMSL and the State Librarian adopted such rules for distributing grants to public libraries, codified as 4.5.9 NMAC; and

WHEREAS, NMSL has determined that Recipient qualifies for a special grant under 4.5.9 NMAC; and

WHEREAS, NMSL is the entity responsible for disbursement of funds to libraries under the grant NMSL received from the Institute of Museum and Library Services (IMLS) American Rescue Plan Act (ARPA) funding program.

THEREFORE, the Parties agree to the following terms and conditions:

- I. Pursuant to an IMLS ARPA funding grant, NMSL has received funding from the IMLS and the U.S. Federal Government to be used in helping communities respond directly and immediately to the pandemic, as well as to related economic and community needs through equitable approaches. Spending priorities for these funds are as follows:
  - A. First, to support digital inclusion efforts to enable libraries to reach residents such as through internet hotspots, accessible Wi-Fi, and digital content and related resources, particularly in support of education, health, and workforce development needs. The following types of data, among others, can inform efforts to reach underserved populations:
    1. Poverty/Supplemental Nutrition Assistance Program (SNAP)
    2. Unemployment
    3. Broadband availability;
  - B. Second, to provide rapid emergency relief to libraries across the country, allowing them to safely respond to the pandemic and implement public health protocols;
  - C. Third, to support library services that meet the needs of communities throughout the U.S., including costs such as personnel, technology, training, materials, supplies, equipment, and associated indirect costs; and
  - D. With respect to (A), (B), or (C), reach tribal and museum partners best positioned to assist with pandemic response efforts, in addition to traditionally eligible library entities, where appropriate.
- II. NMSL agrees to pay the Recipient a grant in the amount not to exceed (\$26,742) on the terms and

conditions set forth in this Grant Agreement.

III. The Recipient agrees to and shall strictly observe the following grant requirements and limitations on expenditures:

A. Use the Grant Funds for the following purposes:

1. To help communities respond directly and immediately to the pandemic, as well as to related economic and communities needs through equitable approaches in digital inclusion and library services;

2. To support the goals of the NMSL Five-Year Plan for FY 2018-2022. In New Mexico, specific goals address:

a) Expanding services for learning and access to information and educational resources, in all types of libraries for individuals of all ages in order to support such individuals' needs for education, lifelong learning, workforce development, and digital literacy skills;

b) Establishing or enhancing interlibrary resource sharing electronically via ILLiad and improve coordination among and between libraries in New Mexico for the purpose of improving the quality of and access to library information services;

c) Providing library services to visually impaired, rural, homebound, and underserved New Mexico residents, and

d) Expanding services for learning and access to information and educational resources, in all types of libraries for individuals of all ages in order to support such individuals' needs for education, lifelong learning, workforce development, and digital literacy skills;

3. Prioritizing the following uses of the Grant Funds:

a. To support digital inclusion efforts to enable libraries to reach residents such as through internet hotspots, accessible Wi-Fi, and digital content and related resources, particularly in support of education, health, and workforce development needs. The following types of data, among others, can inform efforts to reach underserved populations:

- i. Poverty/Supplemental Nutrition Assistance Program (SNAP)
- ii. Unemployment
- iii. Broadband availability;

b. To provide rapid emergency relief to libraries across the country, allowing them to safely respond to the pandemic and implement public health protocols;

c. To support library services that meet the needs of communities throughout the U.S., including costs such as personnel, technology, training, materials, supplies, equipment, and associated indirect costs; and

d. With respect to 3(a), (b), or (c), reach tribal and museum partners best positioned to assist with pandemic response efforts, in addition to traditionally eligible library entities, where appropriate.

B. Continue to comply with 4.5.9 NMAC and other statutes and rules applicable to developing libraries or public libraries;

C. Engage in good communication and the exchange of information with NMSL regarding library activities and the grant's use;

D. Expend the grant according to the rules outlined in 4.5.9 NMAC, attached hereto as **Attachment A**;

E. The expenditure of the Grant Funds is subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards regulations (Uniform Guidance) promulgated by the Office of Management and Budget (2 CFR part 200) and related IMLS guidance. See **Attachment B** attached hereto for the latter referenced IMLS guidance.

F. No later than October 15, 2022, provide NMSL with a report, in a form approved by and acceptable to NMSL, detailing how the grant was spent, which report should be a part of and contained within Recipient's annual reports to NMSL; and

G. Sign and return this Agreement to NMSL within 60 days from receipt of the Agreement, which shall be calculated from the date of postmark or electronic postmark. **If Recipient does not submit this Agreement within the required time period, Recipient forfeits the grant award.**

**H. All Grant Funds must be expended no later than September 30, 2022. Any Grant Funds not expended by this date shall be returned to NMSL no later than October 30, 2022.**

IV. This agreement shall be governed by and construed in accordance with the laws of the state of New Mexico and subject to the federal American Rescue Plan Act

V. If the parties dispute the terms of this Agreement, the Recipient and NMSL hereby agree to and consent to New Mexico state court jurisdiction to decide the dispute.

VI. Termination for Lack of Appropriations. The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. If sufficient appropriations and authorization are not made by the Legislature, this Agreement shall terminate immediately upon written notice being given by NMSL to the Recipient. NMSL's decision as to whether sufficient appropriations are available shall be accepted by the Recipient and shall be final.

**The Recipient by its signature certifies that the Recipient will use the grant money only for the uses specified in this Agreement and will comply with all other applicable requirements of this Agreement.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Official Title: \_\_\_\_\_ Authorized Agent of Recipient

I certify that am the authorized agent who has authority to enter into a legal contract with the State of New Mexico

Signed and Dated: \_\_\_\_\_ By: Eli Guinnee, New Mexico State Librarian

TITLE 4 CULTURAL RESOURCES  
CHAPTER 5 STATE LIBRARY  
PART 9 SPECIAL GRANTS TO PUBLIC LIBRARIES

4.5.9.1 ISSUING AGENCY: Department of Cultural Affairs, New Mexico State Library Division.  
[4.5.9.1 NMAC - N, 7/1/2015]

4.5.9.2 SCOPE: Public libraries and developing public libraries. [4.5.9.2 NMAC - N, 7/1/2015]

4.5.9.3 STATUTORY AUTHORITY: Subsection I of Section 18-2-4 NMSA 1978 directs the state librarian to make rules and regulations necessary to administer the division and as provided by law. Subsection B of Section 18-2-4 NMSA 1978 directs the state librarian to administer grants-in-aid and encourage local library services and generally promote an effective statewide library system.  
[4.5.9.3 NMAC - N, 7/1/2015]

4.5.9.4 DURATION: Permanent. [4.5.9.4 NMAC - N, 7/1/2015]

4.5.9.5 EFFECTIVE DATE: July 1, 2015 unless a later date is cited at the end of a section. [4.5.9.5 NMAC - N, 7/1/2015]

4.5.9.6 OBJECTIVE: The objective of this rule is to describe the special grants program. The special grants program shall provide supplemental assistance to libraries for activities that are not funded by state grants in aid or are not fully funded by state grants in aid and encourage local library service and promote an effective statewide library system.  
[4.5.9.6 NMAC - N, 7/1/2015]

4.5.9.7 DEFINITIONS:

- A. "Developing library" has the same meaning as in 4.5.2 NMAC.
- B. "Grant recipient" means a public library or developing library that the state librarian selects to receive a special grant.
- C. "Public library" has the same meaning as in 4.5.2 NMAC.
- D. "Special grants" means funds awarded by the state librarian for special library programs.
- E. "Special library program" means an activity that is not funded by state grants-in-aid or is not fully funded by state grants-in aid and that encourages local library service and enhances the effectiveness of a statewide library system.

[4.5.9.7 NMAC - N, 7/1/2015]

4.5.9.8 SPECIAL GRANTS INITIATION: The state library or a public library may propose a special library program.

[4.5.9.8 NMAC - N, 7/1/2015]

4.5.9.9 GRANT AVAILABILITY: The state library shall offer special grants when the state librarian identifies the need for state-wide coordination of a special library program and determines that sufficient federal or state funds are available.

[4.5.9.9 NMAC - N, 7/1/2015]

4.5.9.10 FUNDING SOURCE: Special grants may be funded with federal funds, state funds, and

any other funds available to the state librarian and not otherwise restricted. Use of state funds for special grants shall not reduce state grants-in-aid.

[4.5.9.10 NMAC - N, 7/1/2015; A/E, 7/1/2021; A, 12/28/2021]

4.5.9.11 ELIGIBILITY: Public libraries and developing libraries that are eligible for state grants-in-aid in a given fiscal year are also eligible for special grants, unless the grant guidelines provide otherwise.

[4.5.9.11 NMAC - N, 7/1/2015; A/E, 7/1/2021; A, 12/28/2021]

4.5.9.12 GRANT GUIDELINES: When the state librarian identifies the need for state-wide coordination of a special library program and determines that sufficient funding is available, the state librarian shall issue a special grant announcement to all developing libraries and public libraries with grant guidelines. The grant guidelines shall include the following components:

- A. Description of the special library program;
- B. Grant application;
- C. Application timeline;
- D. Special library program's budget-planning worksheet;
- E. Applicable rules and regulations; and
- F. Selection criteria. [4.5.9.12 NMAC - N, 7/1/2015]

4.5.9.13 SELECTION: A committee selected by the state librarian shall review special grant applications and award special grants based on the selection criteria specified in the grant guidelines.

[4.5.9.13 NMAC - N, 7/1/2015]

4.5.9.14 TRANSFER OF FUNDS: Special grants shall only transfer to the grant recipient after the grant recipient signs a contract, agreeing to the terms applicable to the applicable special library program.

[4.5.9.14 NMAC - N, 7/1/2015; A/E, 7/1/2021; A, 12/28/2021]

4.5.9.15 ACCOUNTABILITY:

- A. Grant recipients shall account for special grants separately from other funds.
- B. If a special grant includes federal funds, federal requirements for procurement and record retention shall apply.
- C. The state library shall monitor special library programs. [4.5.9.15 NMAC - N, 7/1/2015]

4.5.9.16 MAINTAINANCE OF EFFORT: A grant recipient's governing body shall not reduce the grant recipient's budget as a result of the grant recipient's receipt of a special grant. Upon demonstrated evidence that such a reduction has occurred, the grant recipient shall be ineligible to receive special grants or state grants-in-aid for one year after the reduction occurs.

[4.5.9.16 NMAC - N, 7/1/2015]

HISTORY OF 4.5.9 NMAC: [RESERVED]

## **IMLS ARPA Funding** **Expenditures Guidance Sheet**

The Institute of Museum and Library Services (IMLS) provides the funding for this grant pursuant to the provisions of the American Rescue Plan Act (ARPA) (Public Law 117-2) and the IMLS authorization statute (20 U.S.C. § 9101 et seq.). The New Mexico State Library (NMSL) is the administrator of the funds.

In order to achieve the purposes of the Act with respect to Grants to States, this funding shall be used to help communities respond directly and immediately to the pandemic, as well as to related economic and communities needs through equitable approaches in digital inclusion and library services, with the following priorities::

1. First, to support digital inclusion efforts to enable libraries to reach residents such as through internet hotspots, accessible Wi-Fi, and digital content and related resources, particularly in support of education, health, and workforce development needs. The following types of data, among others, can inform efforts to reach underserved populations:
  - Poverty/Supplemental Nutrition Assistance Program (SNAP)
  - Unemployment
  - Broadband availability;
2. Second, to provide rapid, emergency relief to libraries across the country, allowing them to safely respond to the pandemic, by implementing public health and safety protocols;
3. Third, to support library services that meet the needs of communities throughout the U.S., including costs such as personnel, technology, training, materials, supplies, equipment, and associated indirect costs; and
4. With respect to (1), (2), or (3), reach tribal and museum partners best positioned to assist with pandemic response efforts, in addition to traditionally eligible library entities, where appropriate.

Expenditures should also be within the goals set forth in the NMSL Five Year Plan 2018-2022, i.e.:

1. Expanding services for learning and access to information and educational resources, in all types of libraries for individuals of all ages in order to support such individuals' needs for education, lifelong learning, workforce development, and digital literacy skills;
2. Establishing or enhancing interlibrary resource sharing electronically via ILLiad and improve coordination among and between libraries in New Mexico for the purpose of improving the quality of and access to library information services;
3. Providing library services to visually impaired, rural, homebound, and underserved New Mexico residents, and
4. Expanding services for learning and access to information and educational resources, in all types of libraries for individuals of all ages in order to support such individuals' needs for education, lifelong learning, workforce development, and digital literacy skills;

### **Grant Requirements**

- Spend all grant funds by September 30, 2022.
- Maintain comprehensive records/invoices to complete the ARPA fund designated section on the FY22 Annual Report.

- The NMSL *may require* invoices for items and/or services specific to ARPA funds.
- Grant records, including receipts, shall be kept by the library for three (3) years after the grant period ends on September 30, 2022.

If there are questions as how to expend ARPA funds, please contact the Library Development Bureau for clarification prior to making purchases – [Carmelita.Aragon@state.nm.us](mailto:Carmelita.Aragon@state.nm.us)

**Allowable Purchases** – IMLS ARPA funds ***can*** be used for (by way of example and not limitation):

- Library Collections
  - Items traditionally available at the library and intended for public use, such as books, e-books, audiobooks, DVDs, CDs, electronic and digital media, licensed databases (e.g., ancestry.com, mango languages), etc.
- Library Staff Salaries
  - Regular library staff salaries for their work involving the library.
- Library Equipment
  - Items associated with meeting the information needs of library patron's such as public computers, printers, wireless routers, Wi-Fi hotspots, scanners, etc.
- Other Operational Expenditures Associated with Delivery of Library Services
  - COVID-19 related expenses for library staff and patrons. This includes PPE, cleaning supplies, movable/temporary plexiglass shields, etc.
  - Expenditures associated with the delivery of library services, such as the library's catalog, programming supplies, electric bills, phone bills, directional signage, copy paper, security costs, etc.
  - Contracts directly related to the delivery of basic library services to patrons, including educational program subject matter experts, etc.

**Non-Allowable Purchases** - IMLS CARES Act funds ***cannot*** be used for:

- Administrative or indirect expenses such as budgeting, accounting, financial management, information systems, data processing, and legal services.
- Food, giveaways/incentives, college classes for library staff (i.e., tuition reimbursement), library decorations, library staff furniture, recreational rentals/purchases (e.g., bouncy houses, party supplies, pony rentals), etc.
- Operational expenditures that do not directly relate to the delivery of basic library services to library patrons, including cost of parties, receptions, fund-raising events, other social functions, maintenance/cleaning supplies, toilet paper, paper towels, cleaning equipment, vacuums, etc.
- Capital improvements and construction, including any permanent COVID-19 related fixtures.

**New Mexico State Library  
1209 Camino Carlos Rey  
Santa Fe, NM 87507**

**FY2022 American Rescue Plan Act (ARPA) Grant ALLOCATION NOTIFICATION**

1.	<b>Recipient Name:</b>	Octavia Fellin Public Library
2.	<b>Remit to Name and Address:</b>	City of Gallup, Octavia Fellin Public Library 115 West Hill Gallup, NM 87301
3.	<b>State of NM Vendor #:</b>	54334
4.	<b>Project Title and Legal and Fiscal Data:</b>	<b>American Rescue Plan Act (ARPA) Grant to Public Library</b> Statute/Administrative Code NMSA 1978 Section 18-2-4 B, 4.5.9 NMAC
5.	<b>State Library Contact:</b>	Carmelita Aragon New Mexico State Library Carmelita.Aragon@state.nm.us
6.	<b>Source of Funding:</b>	<i>Federal American Rescue Plan Act (ARPA) Federal Award ID Number (FAIN) LS-250227-OLS-21</i>
7.	<b>Grant Type and Amount Received:</b>	Library Type Grant: Public Library Branch(es) Grant: \$8914 Total Grant: \$26,742
8.	<b>Allocation Period:</b>	<b><u>ALL ARPA FUNDS MUST BE SPENT BY SEPTEMBER 30, 2022.</u></b>
9.	<b>Terms and Conditions of Allocation:</b>	<p><b><i>American Rescue Plan Act (ARPA) Grant Funds may be used for:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1) library collections;</i></b></li> <li><b><i>2) library staff salaries;</i></b></li> <li><b><i>3) library staff professional development;</i></b></li> <li><b><i>4) library equipment; or</i></b></li> <li><b><i>5) other operational expenditures associated with delivery of library services.</i></b></li> </ol> <p>Libraries must report how funds were spent in their Annual Report(s) and in the provided tracking sheet. A library's local budget shall not be reduced by its governing body as a result of eligibility for the grant. Upon demonstrated evidence that such a reduction has occurred, the library shall be ineligible to receive funds from the library grants award for one year after the reduction has occurred.</p>
10.	<b>Date:</b>	January 20, 2022