Arts Capital
FY2024 Guidelines

DEADLINE: February 16, 2024
SUPPORT PERIOD: July 1, 2024-June 30, 2026

NATIONAL ENDOWMENT for the ARTS
arts.gov

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For individuals who are deaf or hard-of-hearing.
TTY: Maryland Relay 1-800-735-2258 or 711

This publication is available as a PDF on the MSAC website: www.msac.org.

Maryland State Arts Council

Overview

The Maryland State Arts Council (MSAC) advances the arts in our state by providing leadership that champions creative expression, diverse programming, equitable access, lifelong learning, and the arts as a celebrated contributor to the quality of life for all the people of Maryland.

The Council comprises an appointed body of 17 citizens from across the state, 13 of whom are named by the Governor to three-year terms that may be renewed once. Two private citizens and two legislators are appointed by the President of the Senate and by the Speaker of the House. All councilors serve without salary.

To carry out its mission, MSAC awards grants to not-for-profit, tax-exempt organizations for ongoing arts programming and projects. MSAC also awards grants to individual artists and provides technical and advisory assistance to individuals and groups. MSAC reserves the right to prioritize grant awards.

MSAC receives its funds from an annual appropriation from the State of Maryland, grants from the National Endowment for the Arts, a federal agency. and, on occasion, contributions from private, non-governmental sources.

Authority

MSAC is an agency of the State of Maryland under the authority of the Department of Commerce, Division of Tourism, Film and the Arts.

Wes Moore, Governor
Aruna Miller, Lieutenant Governor
Kevin Anderson, Secretary
Signe Pringle, Deputy Secretary
Steven Skerritt-Davis, Executive Director, MSAC

Mission and Goals

MSAC's mission is to advance the arts in our state by providing leadership that champions creative expression, diverse programming, equitable access, lifelong learning, and the arts as a celebrated contributor to the quality of life for all the people of Maryland.

MSAC's most recent strategic plan outlines five goals:
1. Increase Participation: Broaden MSAC's constituency, providing avenues designed to increase pathways to engagement.
2. Provide Intentional Support: Embrace thoughtful and targeted approaches to serving known and yet to be known MSAC constituents.
3. Build Capacity: Work strategically to further build organizational and governance capacity to ensure that MSAC is capable of vigorously delivering on its mission.
4. Leverage Connections: Further enhance current relationships and involve additional collaborators, and constituents who will benefit from and advance the work of MSAC.
5. Bolster Maryland Arts: Showcase the high caliber, diverse and relevant work of Maryland's artists and arts organizations; their contributions to community vitality and MSAC's role as a catalyst.

Visit the About Us page at msac.org to read the full strategic plan and learn more about implementation actions.

Equity and Justice Statement

The arts celebrate our state's diversity, connect our shared humanity, and transform individuals and communities. The Maryland State Arts Council (MSAC) and its supporting collaborators are committed to advancing and

modeling equity, diversity, accessibility, and inclusion in all aspects of our organizations and across communities of our state.
MSAC and its grantees are committed to embracing equity and non-discrimination regardless of race, religious creed, color, age, gender expression, sexual orientation, class, language, and/or ability.

The driving goals of MSAC's granting processes are:
- To yield a greater variety of funded projects
- To eliminate biases that may be found in any part of the granting process (e.g., applications, panelist procedures, adjudication systems)
- To acknowledge positions of privilege while questioning practices, shifting paradigms of status quo arts activities, and taking more risks
- To expand deliberations to include criteria beyond current conventions or Western traditions

Accessibility Policy

The Maryland State Arts Council (MSAC) is committed to making sure all Marylanders can access our programs and services. Everyone is welcome, and all events and activities sponsored by or operated within MSAC must be fully accessible both physically and programmatically. MSAC complies with all applicable disability-related statutes and regulations and seeks to ensure meaningful participation by all Marylanders regardless of need or ability.

Feedback Procedures

If guests would like to provide general feedback to MSAC about accessibility for MSAC's programs or programs funded by MSAC, contact MSAC at msac.commerce@maryland.gov.

Grievance Procedures

> **For programs or services provided by MSAC**
> If a program or service operated by MSAC, facilities operated by MSAC, or public meetings conducted by MSAC are inaccessible to persons with a disability or is illegally discriminatory and you want to file a grievance:
> - If you have any questions or would like to discuss the situation before filing a grievance, contact the Accessibility Coordinator.
> - To file a formal grievance, contact Dan Leonard, Director of EEO & Fair Practices and ADA Coordinator: daniel.leonard@maryland.gov
>
> **For programs or services that are not provided by, but are funded by MSAC**
> - Communicate the grievance to the sponsoring organization.
> - If you think your grievance was not handled appropriately by the sponsoring organization, or if you have not received a response from the organization within thirty (30) days, contact MSAC to file a formal grievance at 410-767-6555 or msac.commerce@maryland.gov.
>
> MSAC will work with you to provide assistance as appropriate.

Accessibility Web Page

MSAC has a dedicated accessibility page on msac.org that includes contact information for the accessibility coordinator, federal and state regulations, the organization's Equity and Justice statement, grievance procedures, an emergency preparedness plan, accommodation policies, and other accessibility resources for artists and arts organizations, and PECS images.

Language Access

MSAC makes language accessibility services available. Services include making translations of grant materials, remote American Sign Language (ASL) interpretation, subtitles, braille translation, translation into languages other than English, and more. Please contact msac.commerce@maryland.gov for more information.

En Español/Spanish: MSAC pone a disposición servicios de traducción y accesibilidad de idiomas. Contacte msac.commerce@maryland.gov para más información.

中文普通话/Mandarin Chinese: 马里兰州艺术委员会(MSAC)提供翻译和语言无障碍服务。请联系 msac.commerce@maryland.gov了解更多信息。

한국어/Korean: MSAC 는 한국어 지원을 돕고 있습니다. 자세한 문의사항은 msac.commerce@maryland.gov 로 연락 주시기 바랍니다.

Professional Grants Review Panels

To assist the Council in its decision-making, professionals in the arts are appointed to a variety of grants review panels. The function of panels is to evaluate applications from organizations and individuals and to offer policy recommendations to the Council. Each year, MSAC publishes an open call, and more than 100 individuals serve as grants review panelists for the Council's programs, including Grants for Organizations, Arts in Education, Independent Artist Awards, Public Art Across Maryland, Creativity Grants, Maryland Touring Grants, Maryland Touring Artist Roster, Maryland Traditions grants, and County Arts Development. Anyone wishing to serve should visit msac.org for detailed information and application forms for any open calls.

Staff

MSAC maintains a professional staff to administer its grants programs and Council-initiated programs. Staff members are available to provide technical assistance to the arts community.

Meetings

All Council and Grants Review Panel meetings are open to the public in accordance with the Open Meetings Act set forth in Title 3 of the General Provisions Article of the Annotated Code of Maryland. The dates, times, and locations of Council and Grants Review Panel meetings may be obtained from the MSAC website at www.msac.org or by contacting MSAC offices at (410) 767-6555.

Requirements For Grant Recipients

- Must comply with Title VI, Section 601, of the Civil Rights Act of 1964, which states that no persons, on the grounds of race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination related to, the arts.
- Must comply with Title IX, Section 1681 et seq. of the Education Amendments of 1972, and the Age Discrimination Act of 1975, Section 6101-6107, which prohibit discrimination on the basis of sex or age.
- Must maintain complete and accurate records of all activities connected with the grant.
- Must have filed satisfactory reporting with MSAC for the most recently completed fiscal year.
- Must file a final report in alignment with the program requirements. Necessary reporting methods will be provided by MSAC in ample time to meet the deadline. Failure to report may jeopardize any future grant being received by the organization and may result in the organization being required to repay grant funds.
- Must give credit to MSAC in accordance with the Recognition Guidelines whenever and wherever credit is being given.

- Must notify the appropriate MSAC staff person in writing if a significant change is made in any MSAC-funded program or project.

Accessibility Requirements for Grant Recipients

Grantees must ensure that any programming remains accessible to all, and if needed, conduct programs in accessible venues other than their own organization in order to meet accessibility requirements. Grantees are required to:

1. Comply with Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1991, as amended.
2. Prohibit discrimination on the basis of: (a) political or religious opinion or affiliation, material status, race, color, creed, sexual orientation, or national origin: of (b) gender expression, sex, or age, except when age or sex constitute a bona fide occupational qualification; or (c) the physical or mental disability of a qualified individual with a disability.
3. Designate an Accessibility Point of Contact to ensure compliance, receive accommodation requests, and document grievances, and publish direct contact information for the Point of Contact to the public.
4. Create and publicly share a grievance procedure to allow stakeholders to address any events or programs that are inaccessible.
5. Upon request, submit documentation of operations and compliance with the above.

Notice: Certain personal information requested by the Department of Commerce is necessary in determining eligibility for grants. Failure to disclose this information may result in the denial of one or all of these benefits or services. Availability of this information for public inspection is governed by the provisions of the Maryland Public Information Act, Title 4 of the General Provisions Article of the Annotated Code of Maryland. This information will be disclosed to the appropriate staff of the Department, or to public officials, for purposes directly connected with administration of the program for which its use is intended. Such information is routinely shared with state, federal, or local government agencies.

Appeals Process

MSAC takes great care during the grant review process to ensure fair and equitable distribution of grant monies based on stated criteria. Therefore, dissatisfaction with the denial of an award or with the amount of an award is not sufficient reason for an appeal. However, a grant request may be reconsidered if a procedural impropriety or error has affected its review.

Grounds for such reconsideration are:
- A decision based on review criteria other than those stated in these guidelines.
- A decision based on material provided to panelists and/or Councilors that was substantially incorrect, inaccurate, or incomplete despite the applicant having provided the staff with correct, accurate, and complete application information.

Based on the above, if an applicant believes there is legitimate reason for an appeal, the following steps must be taken:
- The applicant must discuss the problem with the program director who handled the application.
- To pursue an appeal, the applicant must write a letter to the MSAC Executive Director within 60 days following receipt of the grant award or denial letter requesting a reconsideration of the Council's decision and stating the grounds for the request.
- The applicant will receive written notification on the determination of the appeal within 90 days of the receipt of the written request for reconsideration.

Constituent Opportunities

Maryland Arts Directory

All MSAC constituents are invited to create a profile on the Maryland Arts Directory, an online resource for promoting, selling, and raising the profile of the work of Maryland artists and arts organizations. Joining the directory is free and available to all Maryland residents and organizations with a connection to the arts. Browse the directory at msac.org and log in or create a profile here.

Professional Development

MSAC maintains a regular schedule of virtual and in-person professional development offerings, including webinars, networking events, regional meetings, and a statewide symposium. Follow MSAC's Eventbrite page to learn more about upcoming professional development opportunities.

Overview

Purpose

The purpose of the Arts Capital grant program is to provide eligible organizations with funding for capital projects that promote sustainable growth, stability, longevity, and increased access to the arts while reducing the risk of organizational displacement.

Description
Arts Capital provides funding to support capital projects and purchases of equipment that: improve or produce a complete useable and accessible arts facility; integrates energy-efficient technologies; or improves the effective delivery of, or access to, an organization's arts and cultural programming, especially to people with disabilities, people of color, and those living below the poverty line.

Grant Cycle

Funding
In FY2024 individual grant awards range from $5,000 to $300,000. No funding match is required.
All capital project applications must fit within one of the three grant types listed below:

- **Furniture, Fixtures, and Equipment** ($5,000 to $100,000 grants; no match requirement):
- **Design Preparation and Planning** ($5,000 to $100,000 grants; no match requirement):
- **Facility Improvement** ($10,000 to $300,000 grants; no match requirement):

To qualify for funding all proposed projects or equipment must have a useful life expectancy of at least 15 years.

Additional information about allowable expenses under each grant category can be found in **Appendix B: Eligible and Ineligible Expenses**

Support Period
MSAC's Fiscal Year 2024 (FY2024) dates are July 1, 2023 - June 30, 2024.

Eligible organizations may submit one application in FY2024.

If awarded funds, the grantee agrees to spend or obligate all funds within two years. **The deadline to expend FY2024 Arts Capital funding is June 30, 2026.** This means that the funds are expended, encumbered, or otherwise legally committed to be used, such that returning the unspent funds would cause the grantee legal harm. **Grantees unable to complete their proposed project within the two-year window should notify MSAC staff as early as possible.**

Grantees will be eligible to submit a new application for Arts Capital funding in a subsequent fiscal year, after successfully completing their project and reporting requirements. Funding for any phase of a project does not guarantee funding for any future phase of the project. Contact the Arts Capital Program Coordinator for help describing a discrete phase of work or overall project.

Timeline

The Arts Capital grant will have one application deadline per Fiscal Year. As the program is being established, the annual deadline will shift to allow for notifications to be sent before the State's annual legislative session. Below are the dates of the FY2024 grant cycle, and the projected dates for FY2025 & FY2026.

	FY2024	FY2025*	FY2026*
Application Posted	January 2024	June 2024	March 2025
Deadline to Apply	February 16, 2024	August 2024	May 2025
Award Notification (approx)	June 2024	Nov 2024	July 2024
Period of Support	July 1, 2024 to June 30, 2026	December 2024 to November 2026	August 2025 to July 2027

Information for future fiscal years is provided to help organizations plan for future funding cycles. Exact dates in FY2025 and beyond are subject to change.

Eligibility

Applicants to the Arts Capital grant program must meet all of the following criteria:
- Be a Maryland-based 501(c)3 nonprofit organization (an organization with an IRS-designated 501(c)3 status).
    - Or operate under a Model A Fiscal Sponsorship (comprehensive sponsorship, in which the assets, liabilities, and exempt activities collectively referred to as the project are housed within the fiscal sponsor) with an organization that meets the criterion above.
- Have an annual operating budget of less than $3,000,000.
- Currently either:
    - participate in MSAC's Grants for Organizations or County Arts Development programs, *or*
    - be open to the public and provide cultural education or experiences.
- Include arts and cultural education or experiences as a core part of the organization's mission or vision.

Proposed projects involving the demolition, renovation, or construction of real or personal property require the submission of either proof of ownership, option to purchase, or evidence of a long-term lease (with a minimum of 5 years remaining on the lease) within the application.

Ineligible Organizations:
- For-profit businesses and organizations.
- Units of government (including departments or divisions of federal, state, county, or local government).
- Colleges or universities (an established higher education institution in Maryland).
- Schools (a public or private school serving students in grades pre-kindergarten through 12).
- Nonprofit organizations whose primary mission does not include the delivery of arts and cultural education or experiences.
- Auxiliary non-profit organizations (i.e."Friends of groups", economic development organizations, neighborhood organizations, parent-teacher organizations) whose mission is primarily for the benefit

and fundraising of specific activities, programs, or facilities that would otherwise be considered ineligible.

Proposed projects that cannot be completed within the FY24 period of support (July 2024-June 2026) are not considered eligible and applicants should refer to the Timeline section or speak with MSAC staff to determine the best grant cycle to submit their application.

Contact Information

MSAC staff offer the following technical assistance throughout the application process.
- Professional development related to grant writing and program requirements
    - See msac.org/programs/arts-capital under "Resources" for upcoming How to Apply webinars, recordings of past sessions, and other resources.
- One-on-one conversations and feedback
    - Ryan Patterson, Arts Capital Program Coordinator/ Public Art Project Manager
        - Ryan.Patterson1@Maryland.gov
        - 443.721.3085
        - or use this link to schedule a 30-minute virtual meeting or call during regular office hours https://calendar.app.google/sbi6gz6PRn5hYase7
- Grant logistics and technological assistance:
    - Catherine Teixeira, Grants Director
        - catherine.teixeira@maryland.gov
        - 443.799.7256
    - Tammy Oppel, Grants Management Associate
        - tammy.oppel@maryland.gov
        - 443.326.5555
    - Kirk Amaral Snow, Grants Management Associate
        - kirk.amaralsnow@maryland.gov
        - 410.767.8865

Application Process, Review, and Reporting

Process

Before You Apply

Within all three grant types, the grant award of capital money is financed through general obligation bonds issued by the State and governed under State Finance Law. To ensure that State funds are spent equitably and for the benefit of all taxpayers, **MSAC and the Board of Public Works urge applicants and grantees to be mindful of important State policies and requirements while planning and implementing capital projects with State funds.** Failing to comply with requirements, policies, and procedures, and work within the terms of a grant agreement may result in the delay or loss of grant funding. All organizations applying for Arts Capital funding should review **Appendix C. State Policies & Requirements** for bond-funded capital projects, and **D. Competitive Contracting**. Applicants are encouraged to contact program staff with any questions about how these requirements may apply to your proposed project before submitting your application.

SmartSimple

All applications are submitted via the secure online grants management system, SmartSimple. Log in or create a free account at marylandarts.smartsimple.com.

- Applicants are required to complete and submit their applications by electronic means, including the use of an electronic signature.
  - Applicants must click the "Submit" button and SmartSimple must accept the application by 11:59 P.M. on February 16, 2024, to meet the deadline. Upon successful submission, applicants will receive an onscreen confirmation message and an email from SmartSimple with a copy of the application within one hour. Please check spam or junk folders if the messages do not appear in email inboxes within this timeframe.
- Lost, misdirected, or late applications are the sole responsibility of the applicant.
- Technical support for SmartSimple is available during regular office hours, 8:00 AM through 4:00 PM, Monday through Friday.
  - Please note: MSAC staff are available for application assistance during regular business hours only, and will not be available for evening or weekend assistance prior to the deadline.
- Applicants must meet all revision deadlines after submission, as specified in writing, or the application will be withdrawn.

Matching

In the FY2024 grant cycle, there are no matching requirements.

Use of Funds

To qualify for funding, all proposed capital projects or capital equipment purchases must:
- be a new project or phase of work that has not yet been started.
- have a useful life expectancy of at least 15 years;

And contribute towards at least one of the following:
- improving or producing a complete, usable, and accessible facility.
- improving the effective delivery of or access to an organization's arts and cultural programming, education, or experiences.
- Specialized technical services (architecture, engineering, etc.) related to a larger capital improvement.

Arts Capital funds may only be used for a new project or phase of work. Work that is already underway or completed is not eligible for funding.

Arts Capital funds may not be used for:
- Purchase of a building, land, or vehicle.
- Work that is already underway, or has been completed.
- Expenses for which the applicant has been awarded funds through another MSAC grant program (i.e., funds received through the Arts Capital program may not be spent on projects that are supported by funds from MSAC grant programs other than Arts Capital).
- Feasibility studies or Master Plans.
- Non-capital expenses such as research, studies, or predevelopment outside of the capital project.
- Debt service (i.e. mortgage, rent, or loans).
- Employee Salaries.
- Work not properly bid and approved.

Additional information can be found listed in **Appendices B, C, & D.**

Application Types:

Arts Capital grant applications must fit within one of the three grant types listed below.

- **Furniture, Fixtures, and Equipment** ($5,000 to $100,000 grants; no match requirement)
  This grant type supports the purchase and installation of furniture, equipment, information technology, and audiovisual systems that either improve the organization's facility or improve the effective delivery of, or access to, an organization's arts and cultural programming.

- **Design Preparation and Planning** ($5,000 to $100,000 grants; no match requirement):
  This grant category supports predevelopment costs such as studies, surveys, plans and specifications, and architectural, engineering, or other special services directly related to a capital project.

- **Facility Improvement** ($10,000 to $300,000 grants; No Match requirement):
  Can support costs necessary to produce a complete and usable new facility or a complete and usable improvement to an existing facility. This category can also include associated architectural work and other technical service needs, and may include one or more of the following:
  - Demolition;
  - The erection, installation, or assembly of a new facility;
  - The addition to, alteration, conversion, expansion, relocation, renovation, or restoration of an existing facility or structure;
  - The installation, extension, or replacement of utility systems;
  - The fixed equipment installed and made part of a facility;
  - Site development and improvement.

Additional information about allowable expenses under each grant category can be found in **Appendix B: Eligible and Ineligible Expenses**

Review Criteria

Eligible and complete Arts Capital applications are reviewed by a group of grant panelists, composed of members of the public to review and score each application using the scoring criteria rubric. Panelists respond positively to clear writing that provides clear responses that directly and specifically address the scoring criteria. The full list of application questions and the associated scoring criteria are listed in the table below.
Refer to **Appendix A: Scoring Criteria Rubric** to see the full list of criteria.

Location (Tab)	APPLICATION QUESTION	ALIGNS TO SCORING CRITERIA
Overview	● What is the organization's annual operating budget?	Eligibility
	● Please provide the organization's mission and vision statements	1.1
	● Describe the Organization's regular arts or cultural programming, education, or experiences. Describe the community or audiences participating in or served by these activities.	1.1
	● Describe the facility/property in its current state and the challenges faced by the organization that the proposed project aims to address.	1.1

	● Will the proposed capital project take place at the address listed in the organization's SmartSimple profile?	Not scored
	● Does the organization currently own or lease the property where the proposed project will occur? If this location is different from the address listed in the organization's mailing address listed in SmartSimple, please explain.	Not scored
	● Describe the Organization's biggest accomplishments in the last two years.	Not scored
	● Recent Work Samples (optional): Please upload up to 3 examples of recent work (within the last two years) demonstrating the type of arts and cultural programming, education, or experiences provided by the organization.	Not scored
Project Plan	● Use the drop down menu to select which application type your proposed project fits within.	Eligibility
	● Please list the anticipated start and end dates of your proposed capital project. (Note projects must start after July 1, 2024, and end by June 30, 2026.)	Eligibility
	● Describe the neighborhood or geographic area where the proposed project is located.	2.1
	● Provide a detailed description of the proposed project and its intended outcomes. Please address the following in your response: 1) Describe how the proposed project relates to the organization's mission and vision 2) Describe how the proposed project will address the challenges faced by the organization	1.1 2.1
	● Provide a clear, bulleted timeline describing the key steps to accomplishing the project within the proposed time period. The timeline should be your best estimate of time needed to accomplish your project. Program staff and panelists are aware that key dates may change and delays can occur. It is required that all work paid for through the grant must occur within the 24-month "support period" of the grant cycle you are applying for. In FY24, the support period is from July 1, 2024 to June 30, 2026.	1.2
	● Describe how the proposed capital improvement project will improve the local area and provide or expand access to the organization's facility or arts and cultural programs, education, or experiences to people with disabilities, people of color, and people living below the federal poverty level.	2.2

Administrative Capacity	• Describe the organization's previous experience with managing grants and projects requiring reports and financial documentation. Please include any previous experience with construction, renovation, or capital projects.	3.1
	• Describe any organizational partners or outside help that assist the organization in accomplishing the proposed capital improvement project? Please describe the partner's role in the planning or implementation of the project.	3.2 3.3
	• List the key individuals involved in managing the project. Please describe the relevant experience and role of each person, noting if they are affiliated with the organization applying for the grant, a project partner, or someone else.	3.2
	• Describe the organization's inclusionary hiring practices and the impact on the local workforce.	2.3
Budget	• Arts Capital grant amount requested	Eligibility
	• Estimated project budget. Enter your estimated expenses and income associated with your proposed capital project.	Eligibility
Attachments	• Proof of ownership OR long-term lease	Eligibility
	• Two Letters of Support: 1) From a local governing body representing the area where the project will be located; 2) From the State Senator or Delegate representing the area where the project will be located.	Eligibility
	• Supplemental documentation or imagery. Please include any additional materials that help illustrate the needs, urgency, or outcome of the proposed capital improvement project. These may include before photos, drawings, diagrams, plans, renderings, or other material that will assist panelists in understanding the project and the urgency of the request.	Not scored

Financial Requirements

Financial information is an essential part of your application.

All organizations are required to submit the following information as part of their application:
- Estimated Project Budget (entered into SmartSimple application).
- A copy of the organization's current fiscal year operating budget
- A copy of the organization's most recently completed fiscal year Financial Statement
- A copy of the organization's IRS Letter of Determination
- A copy of the organization's most recent IRS Form 990
- A current signed W-9 Form upon application submission. The address on the W-9 Form must match the address of the applicant information entered in SmartSimple.
- Organizations with annual budgets over $600,000 are also required to submit a copy of their most recent financial audit.

All grantees must be in Good Standing as a business with the Maryland State Department of Assessment and Taxation at the time of application submission and, if approved, throughout the term of the grant agreement; status can be found by searching the Maryland Business Express site.

Review

Staff Review
After applications are received electronically, they are reviewed by staff for completeness and adherence to eligibility requirements per the Arts Capital guidelines. Applicants will be notified if their application is incomplete and if additional information or corrections are necessary; applications will be given a specific deadline in writing to provide any revisions and/or other necessary information. **Applications must meet all of these specified deadlines for completing/providing revisions and information or the application will be considered incomplete and withdrawn.**

Panelist Selection and Review
MSAC convenes a group of panelists, composed of members of the public, statewide, representing a range of expertise. Panelists review and score the applications assigned to them in two rounds.

In Round 1: The panel independently reviews, scores, and provides written comments on applications, based on the Scoring Criteria Rubric.

In Round 2: The panel meets virtually as a convened group; presents and participates in discussion over each application; and has the opportunity to re-score the application.

The panel's final scores are then averaged and sorted high to low. Scores and comments are taken into consideration for final grant awards and funding recommendations. At the discretion of MSAC staff, funding recommendations may be made for the full or partial request amount, depending on total budget available and eligibility review of expenses proposed.

If multiple applications receive the same score but budget restrictions prevent all applications with that score from being funded, final selections will be based on which applications most closely align with the published strategic goals of the Maryland State Arts Council, in the determination of the MSAC staff: Increase Participation, Provide Intentional Support, Build Capacity, Leverage Connections, and Bolster Maryland Arts.

Notification and Payment
After the staff and panel reviews are completed, award and funding recommendations are presented to the Executive Director of MSAC for approval. The approved grants are forwarded to the Secretary of Commerce (or their designee) before the slate of recommendations and funding awards is presented to the Maryland Board of Public Works. Once BPW approves the awards, grant agreements will be issued. Grantees should not plan to enter any contracts, begin work, or make purchases for their project until: a) a grant agreement has been signed and b) MSAC staff have reviewed and approved any procurement or contract information.

The individual listed as the primary contact in the application will receive all notifications. Notifications from SmartSimple will be sent from noreply@smartsimple.com.

Unless otherwise notified by MSAC program staff, all funds are issued as reimbursements. MSAC will only release grant funds for contracts and purchases that MSAC deems eligible in furtherance of your grant's purpose

or proposed project. Grant funds will only be disbursed for expenses related to purchases and contracts that have been approved by MSAC program staff. Once a contract or expense is approved by MSAC, grantees may file for reimbursement throughout the two-year period of support. A grantee's total reimbursements may not exceed the total of the approved grant award listed in the Grant Agreement. Detailed information on the reimbursement process will be shared with grantees.

The grantee will receive payment 6 to 8 weeks from the date of receipt and approval of an Interim Report-Reimbursement Request. Please note that at the discretion of MSAC Program staff, grantees experiencing significant organizational change or transition may result in funding installments to be held until requested reports are submitted and approved by the MSAC Program staff. Grantees in such situations will be notified by the MSAC Program staff.

Those who are prior grant recipients can elect to receive grant payments via direct deposit by following the instructions and completing the required GADX-10 form from the [Comptroller of Maryland.](#)

If the grantee owes any Maryland state taxes or other state liabilities, the General Accounting Division (GAD) of the State Comptroller's office may intercept grant payments and hold them until the liability is resolved. Should this be the case, GAD will send written notice of this directly to the grantee via mail. MSAC is not provided further information as it is confidential; grantees will be able to find more info and discuss options with the Central Collections Unit (CCU) at 410-767-1642.

Reporting

Arts Capital grantees must file a final report.

This report requires narrative and project financial totals on the capital improvement project conducted during the period of support. All reports are submitted electronically in Smart Simple. The deadlines to submit reports will be specified in communications from MSAC.

Failure to submit reports by the specified deadlines may jeopardize the current and/or future MSAC grants being received by the organization. Before any funds are distributed, Arts Capital grantees are also required to submit any outstanding reports /requirements for any other MSAC grants they have received. Submitting a late mid-year or final report may cause ineligibility for funding the future years.

List of Appendices
The following documents are attached for further reference:

A. Scoring Criteria Rubric

B. Eligible & Ineligible Expenses

C. State Policies & Requirements

D. Competitive Contracting

E. Contacts & Additional Resources

Appendix A. Scoring Criteria Rubric

| 1. **Project Plan & Budget** (40% of Total Score) | **1.1** The project plan clearly describes the alignment between the proposed capital project and the organization's mission; how the capital project will work to address the challenges described by the organization | **Excellent to Outstanding -11-15 points** The application provides a clear, specific, and thorough explanation of how the project plan relates to the organization's mission and addresses stated challenges. **Good to Very Good - 6-10 points** The application provides a clear explanation of the project plan, with some indication of how it relates to the organization's mission and addresses stated challenges, **Satisfactory- 4-6 points** The application provides some explanation of how the project plan relates to the organization's mission and addresses stated challenges. **Marginal to Fair - 1-3 points** That application is unclear in explaining the project plan and how it relates to the organization's mission and addresses the stated challenges. **No Evidence - 0 points** The application's explanation of the project plan and its relationship to the organization's mission and stated challenges is incomplete or missing. |

Appendix A. Scoring Criteria Rubric

	1.2 The application and budget demonstrate evidence of a well-researched, clear, budget and describe how Arts Capital grant funding will be spent to accomplish the proposed capital improvement project.	**Excellent to Outstanding - 11-15 points** The application and budget demonstrate clear and thorough evidence of researched cost estimates and clearly and specifically describe how grant funding will be spent to accomplish the proposed project. **Good to Very Good -6-10 points** The application and budget demonstrate evidence of researched cost estimates and clearly describe how grant funding will be spent to accomplish the proposed project. Satisfactory- 4-6 points The application and budget describe how grant funding will be spent to accomplish the proposed project. **Marginal to Fair - 1-3 points** The application's descriptions of how cost estimates were determined, and how the grant fund will be spent is unclear **No Evidence - 0 points** The application's descriptions of how cost estimates were determined, and how the grant fund will be spent is incomplete or missing

	1.3 The project plan presents clear and appropriate steps, and a realistic timeline to design, plan, and or implement the proposed project within the period of support	**Excellent to Outstanding - 9-10 points** The application provides a clear and thorough timeline and specific descriptions of the steps the organization will take to complete the project within the period of support. **Good to Very Good - 6-8 points** The application provides a clear timeline and descriptions of the steps the organization will take to complete the project within the period of support. **Satisfactory- 3-5 points** The application provides a timeline and some descriptions of the steps the organization will take to complete the project within the period of support. **Marginal to Fair - 1-2 points** The application's description of the timeline and steps to complete the project are unclear. **No Evidence- 0 points** The application's description of the timeline and steps to complete the project are incomplete or missing.

Appendix A. Scoring Criteria Rubric

Community Impact & Engagement (30% of Total Score)	2.1 The application clearly and specifically describes the anticipated outcomes of the proposed capital improvement project and how it will enhance or positively impact the county and community surrounding the project.	**Excellent to Outstanding - 9-10 points** The application provides a clear and thorough description, and evidence of how the project's outcomes will enhance or positively impact the county or community surrounding the project. **Good to Very Good - 6-8 points** The application provides a clear description and some evidence of how the project's outcomes will enhance or positively impact the county or community surrounding the project **Satisfactory- 3-5 points** The application describes the project's outcomes and their intended enhancement to the county or community surrounding the project **Marginal to Fair - 1-2 points** The application's description of the project's outcomes and their impact the county or community surrounding the project is unclear **No Evidence - 0 points** The application's description of the project's outcomes and their impact on the county or community surrounding the project is incomplete or missing.

	2.2 The application provides a clear description of how the proposed project will provide or expand access to the organization's facility or arts and cultural programs, education, or experiences to people with disabilities, people of color, and people living below the federal poverty level.	**Excellent to Outstanding - 9-10 points** The application provides a clear, specific description of the project's outcomes and evidence of how the project will enhance or positively impact the county or community surrounding the project. **Good to Very Good - 6-8 points** The application provides a description of the project's outcomes, with some evidence of how they will enhance or positively impact the county or community surrounding the project **Satisfactory- 3-5 points** The application describes the project's outcomes, and how they will enhance or impact the county or community surrounding the project **Marginal to Fair - 1-2 points** The application's description of the project's outcomes and the impact they will have on the county or surrounding community is unclear. **No Evidence - 0 points** The application's description of the project outcomes and the impact they will have on the county or surrounding community is incomplete or unclear.

Appendix A. Scoring Criteria Rubric

	2.3	**Excellent to Outstanding - 9-10 points**
	The application provides a clear and specific description of the organization's inclusionary hiring practices and how they increase local workforce opportunities.	The application provides clear, specific, and thorough evidence of the organization's inclusionary hiring practice and the positive impact on local workforce opportunities.
		Good to Very Good - 6-8 points
		The application provides evidence of the organization's inclusionary hiring practice and the positive impact on local workforce opportunities.
		Satisfactory- 3-5 points
		The application provides a description of the organization's inclusionary hiring practice and the impact on local workforce opportunities.
		Marginal to Fair - 1-2 points
		The application is unclear in describing the organization's inclusionary hiring practice and the impact on local workforce opportunities.
		No Evidence - 0 points
		The application's description of the organization's inclusionary hiring practice and the impact on local workforce opportunities is incomplete or is missing.

Appendix A. Scoring Criteria Rubric

| Project Management & Organizational Capacity (30% of Total Score) | 3.1 The application provides clear evidence and specific examples of the Organization's administrative capacity and ability to manage the proposed project through completion. | **Excellent to Outstanding - 9-10 points** The application provides clear evidence and specific examples of the organization's administrative capacity and ability to manage the proposed project through completion **Good to Very Good - 6-8 points** The application provides evidence and examples of the organization's administrative capacity and ability to manage the proposed project through completion **Satisfactory- 3-5 points** The application describes the organization's administrative capacity and ability to manage the proposed project through completion **Marginal to Fair - 1-2 points** The application is unclear in describing the organization's administrative capacity and ability to manage the proposed project through completion. **No Evidence - 0 points** The application's description of the organization's inclusionary hiring practice and the impact on local workforce opportunities is incomplete or is missing. |

Appendix A. Scoring Criteria Rubric

| | 3.2

The application provides a clear description of a diverse and local (when applicable) project team that will be engaged with the project; evidence that they are qualified and experienced to manage and complete the project. | **Excellent to Outstanding - 9-10 points**
The application provides a clear description of the project team and specific evidence that they are qualified and experienced to manage and complete the project.
Good to Very Good - 6-8 points
The application provides a description of the project team and some evidence they are qualified and experienced to manage and complete the project.
Satisfactory- 3-5 points
The application describes the project team and their qualifications or experience to manage and complete the project.
Marginal to Fair - 1-2 points
The application description of the project team and their qualifications or experience is unclear
No Evidence - 0 points
The application description of the project team and their qualifications or experience is incomplete or missing. |

Appendix A. Scoring Criteria Rubric

	3.3 The application provides clear and specific evidence that the organization and any partners have the financial capacity to manage the funding and complete the proposed project within the period of support.	**Excellent to Outstanding - 9-10 points** The application provides clear and specific evidence that the organization and its partners have the financial capacity to manage the grant funds and complete the project if awarded funding. **Good to Very Good - 6-8 points** The application provides some specific evidence that the organization and its partners have the financial capacity to manage the grant funds and complete the project if awarded funding. **Satisfactory- 3-5 points** The application provides some evidence that the organization and its partners have the financial capacity to manage the grant funds and complete the project if awarded funding. **Marginal to Fair - 1-2 points** The application is unclear in providing evidence that the organization and its partners have the financial capacity to manage and complete the project. **No Evidence - 0 points** The application is incomplete or missing information to demonstrate that the organization and its partners have the financial capacity to manage and complete the project.

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NOTE: *The information provided under this Appendix is based upon information provided by the Maryland Capital Grants: Information for [State of Maryland Capital Grant Project Manual](#) published by the Board of Public Works and the Department of General Services; September 2019, 10th Edition (Revised 8/23/23). Any revisions or updates to the Project Manual or the state's policies by BPW or DGS may supersede the information provided here.*

<u>Eligible Expenses</u>

The State may disburse grant funds only to pay for eligible expenses. Your bond bill will state what types of activities your grant funds. In general, to qualify as an eligible use of grant funds, the object of the expenditure must have a useful life expectancy of at least 15 years. This section describes expenditures eligible for grant funding. Consult with DGS before committing to any costs.

I.   **Architectural/Engineering Services**
   A.   Preliminary design; project design; preparing plans/specifications and related contract documents; preparing site plans, floor plans, specifications for architectural, structural, site improvements, civil, mechanical, and electrical work, and related contract documents.
   B.   Construction phase basic engineering; inspection; testing services.
   C.   Post-construction phase start-up services

II. **Construction**
   A.   Work necessary to produce a complete and usable improvement to real property. Examples of construction projects are: erecting, installing, or assembling a new structure; installing, extending, or replacing utility systems; installing fixed equipment that becomes part of the structure; and developing and improving the site. All roofing projects must comply with the State's roofing policy. (See **Appendix C. State Policies & Requirements**)

   B.   **Construction** projects are categorized:

Appendix B. Eligible & Ineligible Expenses

1. Addition/Expansion/Extension: Increasing an existing structure's overall external dimension.
2. Alteration: Modifying or adapting the interior arrangement and other physical characteristics of an existing structure so that it may be better used for its present functions.
3. Conversion: Modifying or adapting the interior arrangement and other physical characteristics of an existing structure so that it may be better used for new functions.

Note: Adjusting exterior space is categorized as addition/expansion/extension and is not normally deemed a conversion.

4. **Relocation:** Moving an existing structure from one site to another including moving utility lines. Relocation of roads, pavements, or similar facilities is excluded. Relocating two or more existing structures resulting in a single structure is deemed a single project.

Note: When a structure is relocated but the structure consists primarily of new components, the project is categorized as a replacement rather than a relocation.

5. **Renovation:** Restoring and modernizing a structure or its systems, including building code compliance work, so that the structure may be effectively used for its present functions.

Note: Renovation is needed to counter deterioration and obsolescence due to age, deferred maintenance, original faulty construction, or damage from natural disasters. Renovation differs from alteration primarily because alteration significantly modifies interior space arrangements, while renovation does not.

6. **Replacement:** Completely reconstructing a structure, or a mechanical or utility system, which, because of age, unsafe conditions, obsolescence, or other causes, cannot be economically repaired or renovated, and cannot be used for its intended function.

***Note:** Reconstructing minor components of a mechanical or utility system is categorized as maintenance and is not normally included as a replacement. Replacement will be allowed as an eligible expenditure only if maintenance or renovation cannot resolve the problem.*

7. **Restoration:** Work required to bring a structure, to the maximum extent possible, to its former state. Ordinarily, restoration is authorized only for historic properties.

8. **Site Development and Improvements:** Includes grading; installing drainage facilities; constructing new roads, walks, parking areas, retaining walls, recreational areas, and fences; standard and essential landscaping; outdoor lighting.

9. **Utilities:** Includes installing, extending or replacing items such as sewer, water and electrical service systems; power plant facilities; heating, ventilating and air conditioning; elevators; fire escapes, sprinklers and fire alarms; and telephone communications and associated control systems.

III. **Equipment and Furnishings**

Some equipment and furnishings are eligible expenditures while others are ineligible. Initial equipment and furnishings are eligible expenditures if they:

- Have a life expectancy of at least 15 years, with normal maintenance
- Are unlikely to become technically obsolete for 15 years
- Are of durable construction
- Are heavy enough to prevent easy removal (chairs, however, may be eligible expenditures even if they do not meet this requirement)
- Are not intended to replace adequate items already on hand [replacement equipment is not eligible for funding]
- Are necessary to accommodate the functions for which the structure is intended AND
- Are not elaborate or extravagant. Review is guided by the reasonableness of the cost, the items' durability, and the items' appropriateness.

Note: In the case of conversion or expansion, only equipment and furnishings needed to support a new function are eligible for funding. In the case of alteration, relocation or renovation, equipment and furnishings will not normally be eligible for funding. Because these projects are related to existing functions, it is expected that existing equipment can be used.

Appendix B. Eligible & Ineligible Expenses

This table aligns which eligible expense categories (listed above) are eligible for each MSAC Arts Capital grant application type.

	Furniture, Fixtures, and Equipment	Design Preparation and Planning	Facility Improvement
Equipment & Furnishings	YES		YES
Architectural & Engineering Services		YES	YES
Construction			YES

Ineligible Expenses

The State will not disburse grant funds for ineligible expenses. This section describes expenditures ineligible for grant funding. This list is not exhaustive. The State will determine eligibility on a case-by-case basis. Consult with DGS before committing to any costs.

I. **Feasibility studies or program development needed before authorizing funds** (e.g., master plans)

II. **Existing debt, interest** (e.g., mortgage, rent, loans)

III. **Fund-raising activities**

IV. **Salaries or wages paid to employees for project work**

V. **Administrative or legal costs**

VI. **Permits, licenses, bonds, reimbursables, and insurance**

VII. **Maintenance**

Appendix B. Eligible & Ineligible Expenses

A. Maintenance is ineligible because it does not have a useful life expectancy of 15 years. Maintenance is the recurring periodic (daily, weekly, monthly, annual) or scheduled upkeep required to maintain or fix a structure or a system, or its components, so that it may continue to be appropriately and effectively used for its intended purpose during its life expectancy. Maintenance includes overhauling, reprocessing, and replacing parts or materials that have deteriorated through normal wear and tear. Maintenance includes work undertaken to prevent damage that otherwise would be more costly to restore.

B. Maintenance includes upkeep necessary to meet prescribed standards and codes. Maintenance does not include major changes necessary to cover new accreditation standards.

C. Maintenance does not include constructing new maintenance sheds or buildings. Maintenance does not include extending or expanding utilities.

D. Following are examples of ineligible maintenance projects:
    1. Painting, decorating, caulking, repainting, or treating masonry and other surfaces
    2. Repairing wall or floor tiles, shingles or siding, and roofs
    3. Sealing asphalt surfaces, ditching, replacing gutters and curbs, patching road surfaces
    4. Repairing sprinklers and alarm systems
    5. Repairing an elevator or escalator
    6. Repairing plumbing, sanitary facilities, or the heating, ventilating and air conditioning system
    7. Repairing lighting and electrical systems components

VIII.   **Non-Capital Furnishings & Equipment**
    A. **Office machines and equipment.** Examples: typewriters; computers, printers, and other computer peripherals, including software; calculators; fax machines; copying machines.

Appendix B. Eligible & Ineligible Expenses

B. **Household furnishings.** Examples: mattresses, pillows, rugs, mats, pads, curtains, draperies, pictures, statutes, interior-design items susceptible to the influence of style and frequent turnover, and other similar furnishings.

C. **Small household furniture, appliances and accessories.** Examples: coat-trees, folding chairs and tables, canisters, wastebaskets, trash cans and receptacles, paper roll dispensers, ironing boards, magazine racks, foot stools, dishes, pans, cutlery, glasses, desk sets, ladders, washing machines, dryers, refrigerators, ovens, stoves, fryers, griddles, hot plates, warmers, including hot food loaders, scales, pegboards, lamps, grills, toasters, irons, clocks, vacuum cleaners, scrubbers and floor polishers, bulletin boards, easels, planter boxes, movable chalkboards, towel racks not fixed, and other similar furniture, equipment, and accessories.

D. **Small equipment, machinery, and appliances.** Examples: power tools, electric fans, movable air conditioning units, paint sprayers and paint mixers, welding machines, movie and slide projectors, portable screens, film splicers, slide viewers, audiovisual aids, CD and DVD players, video cassette recorders, record players, television sets, radios, stereo systems, portable paging systems, and other similar machinery and appliances.

E. **Major medical equipment and medical instruments** - Examples: ophthalmoscopes, cystoscopes, otoscopes, oxygen tents, porta-lifts, bath lifts, cardiac arrest units, autoclaves, blood volume machines, serological baths, cryostat microtome units, ultra-violet lamps, resuscitators, inhalators, suction devices, refraction machines, eye charts, EEG and EKG machines, X-ray equipment, CT scan and MRI equipment, anesthesia units, obstetrical apparatus, whirlpool baths, and other similar equipment.

Note: Exception may be made for major medical equipment and medical instruments that exceed $20,000 if the useful life expectancy exceeds 15 years. Consult with DGS.

F. **Professional, scientific, and controlling instruments.** Examples: photographic and optical equipment such as spectrophotometers,

colorimeters, catheterization trays, fluoroscopes, microscopes, oscilloscopes, balance scales, recorders, lenses, and binoculars.

Note: Exception may be made for professional, scientific, and controlling instruments that exceed $20,000 if the useful life expectancy exceeds 15 years. Consult with DGS.

G. **Glass and glass products, flat, blown, or pressed.** Examples: distilling apparatus, beakers, vials, test tubes, slides, basins, lamps, chinaware, dishes, mirrors, glass-top tables, and other similar products.

H. **Game equipment.** Examples: bowling games, shuffleboards, billiard tables and equipment, ping-pong tables, and game tables.

I. **Vehicular and motorized equipment.** Examples: automobiles, trucks, boats, cleaning trucks, food trucks, heated or refrigerated tray trucks, dumpsters, fork lifts, farming equipment, trailers or carts, wheel chairs, wheeled carts for maintenance use, and other similar equipment.

J. **Supplies and materials.** Examples: blankets, sheets, pillowcases, table linens, janitorial supplies, laboratory supplies, medical products, candle holders, books, flags and bunting, audio or visual tapes or discs, small hand tools, tool boxes, office supplies and other similar supplies and materials.

Appendix C. State Policies & Requirements

NOTE: The information provided under this Appendix is based upon information provided by the Maryland Capital Grants: Information for [State of Maryland Capital Grant Project Manual](#) published by the Board of Public Works and the Department of General Services; September 2019, 10th Edition (Revised 8/23/23). Any revisions or updates to the Project Manual or the State's Policies & requirements by BPW or DGS may supersede the information provided here.

State Policies and Requirements

To ensure that State funds are spent equitably and for the benefit of all taxpayers, the Board of Public Works strongly urges you to be mindful of important State policies and requirements while you plan and implement your capital project. Failing to comply with requirements, policies, and procedures or with the terms of your specific bond bill may result in the delay or loss of grant funds.

Minority Businesses. Minority Business Enterprises (MBEs) are available to provide all kinds of goods and services related to your grant project. The State's goal is to achieve at least 29% certified MBE participation in its own contracting.[1] MSAC encourages grantees to solicit and hire certified MBEs whenever applicable. You may obtain a list of Maryland-certified MBEs from the Maryland Department of Transportation, Office of Minority Business Enterprises at 410-865-1269. Contact the Governor's Office on Minority Affairs at 410-767-8232 for more information about MBE participation on your project.

Resident Businesses. State grants not only benefit the grant recipient but can also serve as an economic engine. We encourage you to solicit and hire Maryland resident businesses to design and construct your grant project. A resident business is a business that has a Maryland address, is registered to do business in the State, employs Maryland residents, and regularly conducts business within Maryland.

Prevailing Wage Requirements. Whenever a capital project in the amount of $1,000,000 or more is at least 25% State-funded, the State Prevailing Wage Law applies.[2] You or your project architect or engineer must obtain the prevailing wage rate

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[1]Annotated Code of Maryland,State Finance and Procurement Article,§§ 14-301-14-308

[2] Annotated Code of Maryland, State Finance and Procurement Article, §§ 17-201-17-202

for the project from the State Commissioner of Labor and Industry. (See the Contacts section at page 20.) When this requirement applies, you will have to certify to the State that you used the appropriate wages. To view the prevailing wage rates visit DLLR website (https://www.dllr.state.md.us/labor/prev/).

Maryland Historical Trust (MHT) Requirements. The MHT Act is a state law requiring the Maryland Historical Trust's review of all projects receiving state funding. MHT determines whether your project will have significant adverse effects on historic properties and will help you develop measures to avoid, mitigate, or reduce significant adverse effects.[3] MHT's consultation and sign-off is key to an organization's capital project receiving funding. **All grantees awarded Facility Improvement grants**, or **conducting projects with a physical impact on their property or facility** will need to be reviewed by MHT. Organizations should plan to submit their project for MHT's review as soon as possible following award notification. No work should begin until MHT's consultation is complete. MHT will respond to the project applicant within approximately 30 days. If historic properties will not be affected by the project, the applicant will receive a response to that effect. If historic properties will be affected, further consultation/coordination with MHT will likely be required, and the project as proposed may need to change in order to avoid adverse effects on historic properties. Once the consultation/coordination with MHT is complete, the application will receive a response to that effect.

- Grantees may submit their projects for review through the MHT e-106 Project Submittal System here:
  mht.maryland.gov/Pages/projectreview/project-review-e106.aspx

- Submitting requires the user to have an email address and create a password. A user guide is also linked through the webpage

- Questions can be directed to: mht.section106@maryland.gov

MSAC will require a copy of MHT's response as a receipt that consultation with MHT is complete before any funds for the project can be released to the grantee.

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[3] Annotated Code of Maryland, State Finance and Procurement. §§17-6A-01 through -06

Appendix C. State Policies & Requirements

Roofs. If you spend grant funds on roofing projects, you must comply with the same State roofing policy that we use for State buildings. Any roof purchased with State funds must have at least a 20-year, no-dollar-limit warranty. In the case of new construction, the proper roofing system is to be determined on the basis of a 60-year life cycle cost analysis. In the case of roof replacement projects, analysis of the proper roofing system must consider all relevant factors, including span dimension, structural condition, foundation design and capacity, roof top equipment, costs, and so forth.

Religious Purposes Prohibited. You may not use any project funds (State or matching) to further sectarian religious instruction or in connection with sectarian religious buildings or programs. If your bond bill includes language prohibiting expenditures for religious purposes, you must sign the Affidavit Not to Use Funds for Religious Purposes.

Forest Conservation. The Forest Conservation Program applies to construction activities on land greater than 40,000 square feet.6[4]
(See **Appendix E. Contacts**)

Debarred Businesses. The Board of Public Works will not permit a grant recipient to spend State funds on an individual or firm that is suspended or debarred from entering into contracts with the State.[5] You must check the debarment list for all prospective contractors. The list of debarred and suspended contractors is available on the Board of Public Works website (https://bpw.maryland.gov/Pages/debarments.aspx).

Maryland Correctional Enterprises. Furniture & Equipment. Maryland Correctional Enterprises - a State organization providing meaningful work experiences for inmates - manufactures and sells various furniture and equipment. If you are purchasing eligible furniture and equipment, please check to see if Maryland Correctional Enterprises can meet your needs. (See **Appendix E. Contacts**)

High-Performance Buildings. The State encourages the use of green building technologies to construct and renovate buildings and other capital projects.[6]

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[4] Annotated Code of Maryland, State Finance and Procurement Article, §§ H02, H02.1
[5] Annotated Code of Maryland, Natural Resources Article,§§ 5-1601-5-1613
[6] Annotated Code of Maryland, State Finance and Procurement Article,§§ 16-101-16-312

Appendix C. State Policies & Requirements

Financial Disclosure. The State requires that every business that enters into contracts, leases, or other agreements with the State or its agencies during a calendar year under which the business is to receive in the aggregate $200,000 or more shall, within 30 days of the time when the aggregate value of the contracts, leases or other agreements reaches $200,000, file with the Maryland Secretary of State certain specified information to include disclosure of beneficial ownership of the business. [7]

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[7] Annotated Code of Maryland, State Finance and Procurement.§ 13-221

<u>Competitive Contracts</u>
"Competition is Key"

Many Arts Capital grantee projects will require the obtaining of contractor services. The State encourages grant recipients to use a competitive procurement process to obtain the best value for the dollar. Paramount to ensuring that State funds are spent responsibly and responsively is for you to competitively select the businesses that will perform the project. When planning a proposed capital project, eligible non-profit organizations should apply a competitive process to ensure they receive the best value for the grant funds expended. Following is a model competitive process that can be followed or applied.

1. **Develop Specifications of Work to Be Performed**
    Begin by drafting precise and thorough "specifications" or a "scope of services" for the work to be performed. Inexact or vague specifications result in bids that do not respond to your needs. You may wish to describe how the products or services will be used, what performance level is required, and what physical characteristics are needed.

2. **Prepare a Bid Package**
    A bid package should include at a minimum:
    -   Detailed Specifications or Scope of Services
    -   Bid Form (if appropriate)
    -   Evaluation factors when contract award basis is other than low bid (if appropriate)
    -   Date, time, and location for bid opening
    -   Project Manager's name and contact information
    -   Prevailing Wage Notice, if applicable

3. **Advertise the Bid**

   Once the bid documents are complete, advertise the opportunity at least thirty days before the bid due date. The advertisement should include a brief description of the project, the due date and time for bids, and the project contact's name and information.

   See the Contacts section of this material for a list of media sources in which to place your advertisement. (This list is not comprehensive, nor does it constitute a State endorsement.)

4. **Bid Evaluation**

   The preferred procurement method is competitive-sealed bidding where the bidders submit sealed envelopes containing their prices to perform the work. The option is to select a contractor based on price and technical factors, such as past performance on similar projects, financial and management resources of the firm, and the firm's approach to the project. <u>Any factors or criteria used in evaluation must be disclosed upfront in the bid package</u>. Please be aware that, if you use a method other than competitive procurement, MSAC may ask you to justify your action.

(**Note**: Grantees are encouraged to share their Bid Package, Advertisement Plan, and Evaluation process with MSAC in advance of requesting approval of a Contract or reimbursement of funds.)

5. **Contract**

   Make sure to include in your contract:
   - **Contract Delivery Schedule:** Establish the interim dates and the final date for delivery of your project's components. A delivery schedule protects your interests and the State by keeping the project on schedule.
   - **Insurance Requirements:** You must ensure that the project is adequately insured during construction.
     - The State must be named as protected for the grant amount.
     - The property (funded by grant funds) must be insured and the State must be listed as an additional loss payee.

Appendix D. Competitive Contracts

- After the project is completed, you must annually provide a fire insurance certificate to the State Treasurer's Office in an amount at least equal to the grant.

Appendix E. CONTACTS & RESOURCES

STATE CONTACTS (outside of MSAC)

Forest Conservation
Department of Natural Resources
State Forest Conservation Program
E-1 Tawes State Office Building
Annapolis, MD 21401
410.260.8511

Furniture and Equipment
Maryland Correctional Enterprises
7275 Waterloo Road
Jessup, MD 20794
410.540.5400

Historic Preservation
Project Review & Compliance team
Maryland Historical Trust
Department of Planning
100 Community Place
Crownsville, MD 21032
410.697.9541
mht.section106@maryland.gov

Grantees can submit projects for MHT review through the E-106 Review Submission Portal at:
https://mht.maryland.gov/Pages/projectreview/project-review-e106.aspx

Minority Business Enterprise Directory
Department of Transportation
7201 Corporate Center Drive
Hanover, MD 21076
410.865.1269
www.mdot.state.md.us/MBE_Program/directory

NON-STATE RESOURCES

Suggested Sources for Advertising Bid Packages & RFPs:
- Baltimore Sun
- Washington Post
- The Afro American
- The Daily Record
- Dodge Reports
- Local Paper in your County or region