

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 296
FIRE STATION REHABILITATION AND CONSTRUCTION GRANT PROGRAM

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20 AUTHORITY: Authorized by Section 2.8 of the State Fire Marshal Act [20 ILCS 2905/2.8].

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22 SOURCE: Adopted at 48 Ill. Reg. _____, effective _____

23
24 **Section 296.10 Definitions**

25
26 The following definitions apply to terms used in this Part:

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28 "Combination fire department" means a fire department that has volunteer
29 firefighting personnel and paid firefighting personnel, including, but not limited
30 to, paid-on-call personnel.

31
32 "Committee" means the Grant Applications Review Committee established in
33 Section 296.50.

34
35 "Fire Department" means a fire department, fire protection district or township
36 fire department that is a unit of local government in Illinois that provides fire
37 suppression within a geographical area. For purposes of this Part, fire department
38 is defined to include volunteer fire departments and volunteer fire protection
39 districts.

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41 "Fire Department Identification Number" or "FDID" means the unique
42 identification number issued by the Office to fire departments that register for
43 participation in the National Fire Incident Reporting System (NFIRS).

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"Fire Station" means a building or a structure set aside for storage of firefighting apparatus (i.e., fire trucks, pumpers, ladder trucks, elevating platforms, rescue trucks, tankers, brush trucks, squad trucks, and related emergency response and other vehicles), personal protective equipment, fire hose and other fire extinguishing equipment. It may also have dormitory living facilities and work areas such as offices, meeting rooms, a workshop, or laundry. The term also includes additions for existing buildings as well as fully new construction.

"Office" means the Office of the State Fire Marshal.

"Program" means the Fire Station Rehabilitation and Construction Grant Program.

"Rehabilitation" means to restore, improve or modify a fire station or portion thereof.

"Units of local government" means counties, municipalities, townships, special districts, and units, designated as units of local government by law, which exercise limited governmental powers or powers in respect to limited governmental subjects, but does not include school districts. [Ill. Const. 1970, Art. VII, Sect. 1]

"Volunteer fire department" means a fire department that has only volunteer firefighting personnel.

Section 296.20 Purpose

The Office shall administer a program to provide grant funds for the rehabilitation and construction of fire stations operated by units of local government. The Office shall determine grant awards based on space needs, financial need, and how recently the applicant has received a previous grant under this program. Grants for the rehabilitation and construction of fire stations shall not exceed \$350,000 in any single fiscal year to any unit of local government under this program.

Section 296.30 Eligibility

- a) Fire department applicants must have participated in the National Fire Incident Reporting System (NFIRS) for a minimum of two years prior to the application for the fire station rehabilitation and construction grant, except that fire departments that were issued a Fire Department Identification Number by the Office less than two years prior to the application are eligible to apply for a fire station rehabilitation and construction grant if they have participated in NFIRS since the date their FDID was issued by the Office. The applicant must have an active registration under the Grant Accountability and Transparency Act (GATA)

88 [30 ILCS 708/1 et seq.] and have a status of "qualified" on the GATA Grantee
89 Portal (<https://grants.illinois.gov/portal>) at the time the application is submitted.
90 The applicant must also have its own FEIN issued by the Internal Revenue
91 Service for federal income tax purposes.
92

93 b) Fire protection entities that are not a unit of local government are not eligible to
94 apply for a grant under this program.
95

96 c) Units of local government that do not operate fire departments are eligible for
97 grants under this program (e.g., a municipality that contracts for fire suppression
98 from another municipality, fire protection district, or for-profit or not-for-profit
99 business); however, if a unit of local government contracts for fire protection
100 service from another unit of local government that has applied for a grant under
101 this program, the unit of local government contracting to receive the services is
102 prohibited from receiving a grant under this program.
103

104 d) Applicants must demonstrate that the fire station for which the grant is sought will
105 continue to be operated by the applicant as a fire station for at least 10 years, or
106 such other period as may be identified in the Notice of Funding Opportunity
107 (NOFO) issued by the Office. If, within 10 years after the completion of the
108 project for which a grant was made under this Part, or within such other period as
109 may be identified in the NOFO issued by the Office, the grant recipient ceases to
110 use the fire station as a fire station, the grant recipient shall refund to the OSFM a
111 prorated amount of the grant based on the number of months the grant recipient
112 was not in compliance (for example, out of a total of 120 months if the
113 compliance period is 10 years). Any partial month of noncompliance shall be
114 included in the repayment amount.
115

116 e) A minimum of 60% of grant funds shall be set aside for volunteer or combination
117 departments. If this percentage cannot be met due to the lack of approved
118 applications from these types of fire departments, the remaining funds may be
119 allocated to non-volunteer or non-combination departments.
120

121 **Section 296.35 Use of Grant Monies**
122

123 a) A recipient of a fire station rehabilitation and construction grant under this Part
124 may use the grant monies to do one or more of the following:
125

126 1) Construction of an addition to or otherwise expanding or the rehabilitation
127 of an existing fire station;
128

129 2) New construction of a fire station or renovations to an existing fire station
130 in order to create a new fire station;

- 131
- 132 3) Acquisition of a fire station;
- 133
- 134 4) Purchase or replacement of real property fixtures; and
- 135
- 136 5) Safety improvements.
- 137
- 138 b) Applicants that seek to purchase a site with a portion of grant monies will be
- 139 required to obtain an appraisal and submit it to the Office to establish the site's
- 140 fair market value. Applicants that seek to rehabilitate or expand a currently
- 141 owned fire station must demonstrate an ownership interest in the property to be
- 142 improved, either fee simple title or other means of legal control and tenure
- 143 (easement, long-term lease, etc.).
- 144

145 **Section 296.40 Grant Application Procedure and Content**

- 146
- 147 a) Application Procedure.
- 148
- 149 1) Subject to the availability of appropriated funds, the Office will make
- 150 application forms for fire station rehabilitation and construction grants
- 151 under this program available to all Illinois fire departments.
- 152
- 153 2) A completed original application form shall be signed by the duly
- 154 authorized officers of the applicant.
- 155
- 156 3) Applications shall be returned, by the date specified on the form, to the
- 157 Office of the State Fire Marshal, Attention: Fire Station Rehabilitation
- 158 and Construction Grant Program, 1035 Stevenson Drive, Springfield,
- 159 Illinois 62703-4259.
- 160
- 161 4) Applications received at the Office shall be logged in as received and
- 162 assigned an application number.
- 163
- 164 b) Application Content. Each grant application shall include the following
- 165 information:
- 166
- 167 1) Identifying information for the applicant fire department and its unit of
- 168 local government.
- 169
- 170 2) A detailed description of the applicant's need for the proposed
- 171 rehabilitation or construction work.
- 172

- 173 3) Identification of fire department or local government personnel to serve as
174 contacts for information.
175
176 4) Information on the applicant's two most recent budgets.
177
178 5) Any other information or documentation the Office may require to
179 demonstrate or support the information submitted by the applicant or to
180 otherwise determine the applicant's eligibility under this Part.
181
182 c) Review of Applications. Applications shall be assessed by blind review, meaning
183 the Committee shall not see the name, address or any specific information that
184 identifies the applicant. The Committee shall review and rank the applications
185 based on assessment of need and information provided in the grant application.
186
187 d) Grant Award. After the Committee's review and ranking of applications, grant
188 awards will be determined, subject to appropriation of the funds being made
189 available by the State for grants under this program.
190

191 **Section 296.50 Grant Applications Review Committee**
192

- 193 a) The State Fire Marshal shall appoint a Grant Review Committee to determine
194 which applicants will receive grants and the amount of the grant. If, for any
195 reason, a successful applicant is unable to fulfill the terms of the grant or
196 withdraws the request after it has been approved, the application's priority shall be
197 used to determine which of the unsuccessful applicants will be next to be offered
198 a grant in place of the withdrawing department.
199
200 b) The Committee shall consist of the following seven members:
201
202 1) The State Fire Marshal, or his or her designee, as Chair;
203
204 2) Three current or former Fire Chiefs (one each from a volunteer
205 department, a combination department and a career/municipal
206 department);
207
208 3) One representative from the Associated Fire Fighters of Illinois;
209
210 4) One member who is a current or former volunteer firefighter; and
211
212 5) One member representing the Illinois Association of Fire Protection
213 Districts.
214

- 215 c) Members shall serve without salary, but may be reimbursed for reasonable
216 expenses by the Office from appropriations for that purpose.
217
- 218 d) Members shall serve a term of four years.
219
- 220 e) Upon the expiration of a member's term, the State Fire Marshal may reappoint
221 that member or appoint a successor who is a representative of the same interests
222 with which his or her predecessor was identified.
223
- 224 f) Replacement of a Member
225
- 226 1) The State Fire Marshal may, at any time, remove any of the respective
227 appointees for inefficiency or neglect of duty in office.
228
- 229 2) A member shall continue to serve only as long as he or she holds the
230 position that made that individual eligible to serve under the criteria
231 prescribed by subsection (b).
232
- 233 3) In the instances described in subsections (f)(1) and (2), or upon the death
234 or incapacity of a member, the State Fire Marshal shall fill the vacancy for
235 the remainder of the unexpired term by appointing a member who is a
236 representative of the same interests with which his or her predecessor was
237 identified.
238
- 239 g) Meetings of the Committee shall occur as often as deemed necessary by the Chair,
240 at a date, time and place to be fixed by the Committee (or by the Chair, should he
241 or she call for the meeting) and at such additional times as the Committee deems
242 necessary to consider any business as may properly come before it.
243
- 244 h) A quorum shall be a majority of the appointed positions that have been filled by
245 appointment. Unfilled positions shall not be counted.
246
- 247 i) No Committee member affiliated with a fire department that has a pending
248 application for a loan under this program shall participate in the review of that fire
249 department's application.
250
- 251 j) Members of the Committee are required to participate in all mandatory annual
252 trainings, including, but not limited to, ethics and harassment & discrimination
253 prevention training. Upon completion of the required training programs, members
254 of the Committee must certify that they have completed the training programs.
255

- 256 k) Members of the Committee are required to execute a confidentiality statement
257 agreeing not to disclose any information gained during the course of their service
258 on the Committee.
259

260 **Section 296.55 Prescreening of Grant Applications by the Office**
261

262 The Office will conduct a prescreening of all grant applications received by the deadline to
263 identify applicants with the greatest need as determined under this Section. The steps of this
264 prescreening are provided in this Section.
265

- 266 a) The Office will evaluate whether each application was received by the deadline,
267 whether the applicant has met the eligibility requirements of Section 296.30 as of
268 the application deadline date, and whether the applicant has fully completed all
269 sections of the application. Only those applicants that meet these eligibility
270 requirements will receive further consideration.
271
- 272 b) To assist the Committee in making final determinations of grant awards, the
273 Office will then rank complete applications of eligible applicants using the
274 following criteria:
275
- 276 1) The Office will use information provided by the applicant on its operating
277 budget, square miles served and population served in developing a ranking
278 of financial need.
279
 - 280 2) The Office will divide each applicant's budget by the square miles served
281 to determine the applicant's budget per square mile and will rank the
282 applicants lowest to highest.
283
 - 284 3) The Office will divide each applicant's budget by the population served to
285 determine the applicant's budget per person and will rank the applicants
286 lowest to highest.
287
 - 288 4) The Office will then average the two rankings of each applicant to reach
289 an overall ranking.
290
- 291 c) Applicants that have previously received a grant from the Office under this
292 program will be ranked against each other according to the criteria in subsection
293 (b), but this group of applicants will be ranked below all applicants that have not
294 previously received a grant under this program.
295
- 296 d) Using the ranking criteria identified in subsections (b) and (c), the Office will
297 rank the applications. Based upon the grant amount requested by each applicant,
298 the Office will provide the Committee with complete application information for

299 the top ranked applications totaling at least 1½ times the amount of available
300 appropriations for the Committee's determination for that grant cycle.

301

302 **Section 296.60 Criteria for Review of Grant Applications**

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304 a) The Committee will consider the following criteria and assign point totals when
305 determining grant recipients. The Committee will only consider applications that
306 have met the eligibility requirements of Section 296.30.

307

308 1) Space Need – 0-50 points

309

310 A) The applicant does not currently own a fire station and desires to
311 have one constructed.

312

313 B) The applicant currently owns a fire station but is requesting funds
314 for its rehabilitation.

315

316 C) The applicant is unable to construct or rehabilitate the fire station
317 without a grant, cannot rent the required space on a consistent or as
318 needed basis (due to geographical distance, availability, etc.), or
319 there are other unique needs involved in the request.

320

321 2) Financial Need – 0-50 points

322

323 A) Will be determined by considering the total budget of the applicant
324 as an available resource.

325

326 B) The cost of the rehabilitation or construction being requested is
327 prohibitively expensive given the applicant's total budget.

328

329 b) Those applicants receiving a grant in the most recent previous grant application
330 cycle will not be considered until all applicants who have never received a grant
331 but are requesting a grant have been considered as provided in Section 296.55(c).

332

333 **Section 296.70 Terms and Conditions of Grant Agreement**

334

335 An applicant that has been approved to receive a grant under this program must enter into a
336 Grant Agreement with the Office. The Grant Agreement shall contain, at a minimum, the
337 following terms:

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339 a) Grant recipients may receive advance payment for part or all of the cost of
340 rehabilitation or construction of a fire station as approved as part of the grant
341 application.

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- b) Grant proceeds shall be used exclusively for the purposes listed in Section 296.20 and shall be expended in accordance with this Part and the Grant Agreement.
 - c) In the event that the grant proceeds are not expended in the manner approved, the grant recipient, upon written notification from the Office, shall refund the full amount of the grant award. Recovery of grant funds shall be accomplished in accordance with the Illinois Grant Funds Recovery Act [30 ILCS 705].
 - d) Use of grant proceeds shall be accounted for in accordance with standard accounting practices. The grant recipient shall provide documentation concerning the rehabilitation or construction of a fire station as specified in the grant application, the cost of the rehabilitation or construction of a fire station, and the completion of the rehabilitation or construction project by the grant recipient's contractor or contractors.
 - e) The grant recipient shall keep adequate records relating to its administration of the grant project, particularly relating to all incurred costs. These records shall be available for audit by appropriate personnel within or on behalf of the Office and the State Auditor General. All records shall be retained in accordance with the State Records Act [5 ILCS 160]. At the conclusion of the grant period, grant recipients shall submit to the Office a report detailing how the grant proceeds were used. This final expenditure report, to be submitted on a form supplied by the Office, shall be due not later than 90 days following completion of the grant project.
 - f) The grant recipient is responsible for monitoring possession, use, condition and final disposition of the fire station constructed or rehabilitated with grant funds.
 - g) Grant proceeds shall be included in the grant recipient's budget.
 - h) The availability of grant proceeds is subject to availability of appropriated State funds.
 - i) The grant recipient shall reference any provisions that the grant recipient is required to include in any publicly bid contract for project work (e.g., scale of wages, liability insurance requirements, adherence to the Employment of Illinois Workers on Public Works Act [30 ILCS 570], etc.);
 - j) In connection with and prior to the rehabilitation or construction and the subsequent operation and maintenance of fire station rehabilitation and construction grant program assisted fire stations, it shall be understood that the grant recipient is responsible for obtaining any and all necessary construction

- 385 permits, licenses or forms of consent, as required by law. Failure to obtain any
386 required permits may jeopardize approved grant funding.
387
- 388 k) The grant recipient and its selected contractors must observe and comply with the
389 provisions of the Prevailing Wage Act [820 ILCS 130/4], which apply to the
390 wages of laborers, mechanics and other workers employed in any public works,
391 and with the prevailing wage requirements of the Illinois Procurement Code [30
392 ILCS 500/25-60].
393
- 394 l) Pursuant to Section 2-105(A)(4) of the Human Rights Act [775 ILCS 5], the grant
395 recipient and any contractors engaged for the project shall maintain a written
396 sexual harassment policy that includes, at a minimum, the following information:
397
- 398 1) the illegality of sexual harassment;
 - 399 2) the definition of sexual harassment under State law;
 - 400 3) a description of sexual harassment utilizing examples;
 - 401 4) the contractor's internal complaint process, including penalties;
 - 402 5) the legal recourse, investigation and complaint process available through
403 the Illinois Department of Human Rights and the Human Rights
404 Commission and directions on how to contact both; and
405
 - 406 6) protection against retaliation as provided by Section 6-101 of the Illinois
407 Human Rights Act [775 ILCS 5]. A copy of the policy shall be provided
408 to the Department of Human Rights upon request.
409
- 410 m) It shall be understood by the grant recipient that a representative or agent of the
411 Office may make periodic inspections of the project as rehabilitation or
412 construction progresses and that a final inspection may be required and if required
413 will be made by a representative or agent of the Office prior to final payment of
414 grant reimbursement to the grant recipient.
415
- 416 n) Projects assisted with fire station rehabilitation and construction grant program
417 funds shall be implemented in accordance with all applicable federal, State and
418 local laws, ordinances and regulations relating to public agency expenditure of
419 funds for public works projects and all other applicable laws.
420
- 421 o) All financial records on approved projects must be maintained and retained, in
422 accordance with the Grant Funds Recovery Act [30 ILCS 705] and the State
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427 Records Act [5 ILCS 160], by the grant recipient for possible State audit after
428 final reimbursement payment is made by the Office.

429
430 p) The grant recipient shall indemnify, protect, defend and hold harmless the Office
431 from any and all liability, costs, damages, expenses, or claims thereof arising
432 under, through or by virtue of the rehabilitation or construction of grant-assisted
433 fire stations.

434
435 q) The grant recipient shall certify that it will comply with the Illinois Works Jobs
436 Program Act Apprenticeship Initiative [30 ILCS 559/20-20] and the Illinois
437 Accessibility Code [71 Ill. Adm. Code 400] as part of the application.

438
439 r) The grant agreement shall also include any other terms or requirements specified
440 in the Notice of Funding Opportunity issued by the Office.

441

442 **Section 296.75 Disbursement of Grant Funds**

443

444 a) A minimum of 50% of a grant awarded by the Office will be paid in advance to
445 the grant recipient after the grant agreement is fully executed in accordance with
446 the policies and procedures of the Office of the State Fire Marshal and the Illinois
447 Comptroller's Office.

448

449 b) The remainder of the grant award will be made subject to the grant recipient's
450 submission and certification of eligible costs incurred, along with any
451 documentation required by the Office. Expenditure of grant funds advanced
452 pursuant to this Part to the grant recipient cannot be claimed for reimbursement
453 payments. However, the grant project may be funded by other grants so long as
454 the same expenses sought for payment are not being reimbursed or covered a
455 second time.

456

457 c) Grant funds paid in advance must be kept in a separate interest-bearing account
458 with a federally or Illinois regulated financial institution that is insured with the
459 Federal Deposit Insurance Corporation (FDIC), and maintained therein until used
460 in the execution of the approved project. All interest earned on grant funds held
461 by a grant recipient shall become part of the grant principal when earned, and be
462 used for and in the same manner as the principal to fulfill the purposes and
463 objectives of the grant.

464

465 d) Pursuant to Section 45 of the State Finance Act [30 ILCS 105/45], for grants
466 awarded for which \$250,000 or more is advanced to a grant recipient for capital
467 construction costs or professional services, the grant recipient must provide
468 written certification that the grant recipient is in compliance with the business
469 enterprise program (BEP) practices for minority-owned businesses, female-owned

470 businesses, and businesses owned by persons with disabilities (see the Business
471 Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS
472 575] and the equal employment practices of Section 2-105 of the Illinois Human
473 Rights Act [775 ILCS 5/2-105]).
474

475 **Section 296.80 Request for Reconsideration**
476

- 477 a) Those applicants whose grant applications are denied by the Committee shall be
478 notified by mail.
479
- 480 b) Notice of denial of a grant shall be deemed received on the date of the postmark.
481 The applicant has 30 calendar days from that date to forward to the Committee a
482 Request for Reconsideration.
483
- 484 c) The Request for Reconsideration of a denial of a requested grant shall be
485 submitted to the Office of the State Fire Marshal, Attention: Fire Station
486 Rehabilitation and Construction Grant Program, 1035 Stevenson Drive,
487 Springfield, Illinois 62703-4259 and shall be deemed submitted on the date of the
488 postmark.
489
- 490 d) The Request for Reconsideration of a denial of a requested grant may be
491 accompanied by supporting documents and information not previously considered
492 by the Committee. The Committee shall review the Request for Reconsideration.
493 A denial of the Request for Reconsideration shall be final. While a Request for
494 Reconsideration is pending, the grant application that is the subject of the Request
495 for Reconsideration shall be deemed denied.