



March 8, 2017

To: Public Library System Directors

From: John Thompson, Chair, PLSR Steering Committee

Re: Recommendations for public library system contracts

As the PLSR process moves forward, public library systems are thinking about the long-term results of the process as they consider contracts for services and space. The Steering Committee has prepared this information in response to questions from systems about entering into contracts.

Recommendations from the service workgroups will be provided to the Steering Committee in early 2018. During 2017, the Steering Committee will be considering their own recommendations for governance, administration, and funding, and will finalize their own recommendations around this same time. After that time, the Steering Committee will complete a process to ensure community buy-in for those recommendations and provide final recommendations to DPI by July 2018. DPI will then take the next steps to review, approve, and implement the recommendations. It is impossible at this phase of the process to know what steps will be needed once recommendations are given to DPI.

The Steering Committee understands the challenge for systems of moving forward in absence of a concrete time frame. While the Steering Committee cannot predict when the process will be completed, there are a couple of things that can be definitively stated:

There will be changes

There is unprecedented commitment from DPI, the Steering Committee, the workgroups, and many others in the library community for change to occur as a result of this process. Systems should anticipate that significant change will be recommended and implemented as a result of this process.

Change will not happen overnight

The extent of potential changes to system services and systems themselves is mammoth. It will be impossible for all of the changes to happen overnight. The Steering Committee will be developing a proposed implementation plan, based on the recommendations of the workgroups, that will take into account the large number of changes that may need to happen, and provide a logical and phased-in approach to these changes. Part of the implementation plan will take into account existing contracts, leases, and other obligations of the systems, though systems are strongly discouraged from signing additional long-term contracts that do not have clauses that allow for release from the contracts.

How to proceed

Given the economic and political climate and what has happened to systems in other states, it is recommended that systems entering into contracts that allow for discontinuation of the contract in certain circumstances:

1. The system no longer provides the service, due to a change that is implemented at the state level.
2. The system is no longer funded at the same level.
3. The system no longer exists.

Please don't hesitate to contact me at thompson@ifls.lib.wi.us or by telephone at 1-715-839-5082 (ext 116) to share any concerns or questions you may have about how PLSR process may potentially impact new or renewal contracts.

Thank you,



John Thompson

The following is suggested contract language for these types of terms. This does not constitute legal advice: systems or libraries should consult their own legal counsel before utilizing these terms.

{ENTITY} may terminate this Agreement in whole or part if funding from federal, state, or other sources for {ENTITY} is not obtained and continued at levels sufficient to allow for purchase of the good and/or services in the indicated quantities or term. {ENTITY} shall notify the Contractor as soon as practicable if funds to meet {ENTITY}'s obligations become unavailable. The determination of {ENTITY} as to the insufficiency of funds is conclusive.

Each party may terminate this Agreement by written notice if federal or state laws or rules are modified or interpreted in a way that the services are no longer allowable or appropriate for purchase under this contract or are no longer eligible for the funding proposed for payments authorized by this contract.