

**MINIMUM TERMS AND CONDITIONS, INCLUDING RELEVANT AMERICAN RESCUE PLAN ACT
REQUIREMENTS, FOR BROADBAND USING FUNDS
ENUMERATED FOR BROADBAND INFRASTRUCTURE**

Provider shall comply will all applicable federal, state, and local laws relating to the expenditure of funds provided pursuant to this grant including, but not limited to, the following:

- I. Section 31-13-9 of the Code of Alabama 1975 imposes conditions on the award of County Contracts, including grant projects. Firms must agree to fully comply with the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990, and the Beason-Hammon Alabama Taxpayer and Citizen Protection Act. "By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.
- II. Provider agrees to comply with the requirements of section 603 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) (the "Act"), regulations adopted by Treasury pursuant to section 603(f) of the Act, codified as 31 C.F.R. Part 35, and guidance issued by Treasury regarding the foregoing. Provider shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this project.
- III. Federal regulations which may be applicable to this contract may include, without limitation, the following:
 1. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this award and subject to such exceptions as may be otherwise provided by Treasury.
 2. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension Non-procurement, 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 80 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 3. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 4. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 5. New Restrictions on Lobbying, 31 C.F.R. Part 21. Provider must certify that it will not, and has not, used federal appropriated funds to any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress,

officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant, or any other award covered by 31 U.S.C 1352.

6. Generally applicable federal environmental laws and regulations. Provider must comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). All violations must be reported to the County, Treasury, and the Regional Office of the Environmental Protection Agency.
7. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
 - A. Title VI of the Civil Rights Act of 1964 (42 USC §§ 2000d, *et seq.*) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
 - B. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 USC §§ 3601, *et seq.*), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - C. Section 504 of the Rehabilitation Act of 1973, as amended (29 USC § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - D. The Age Discrimination Act of 1975, as amended (42 USC §§ 6101, *et seq.*), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - E. Title II of the Americans with Disabilities Act of 1990, as amended (42 USC §§ 12101, *et seq.*), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
8. Provider agrees to comply, as applicable, with requirements of the Hatch Act (5 USC §§ 1501-1508 and 7324-7328), which limit certain political activities of state or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
9. Provider understands that making false statements or claims in connection with the use of ARPA funds is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment F.R. from participating in federal awards or contracts, and/or any other remedy available by law.
10. In accordance with 41 USC § 4712, Provider may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of

gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

The list of persons and entities referenced in the paragraph above includes the following:

- A. A member of Congress or a representative of a committee of Congress;
- B. An Inspector General;
- C. The Government Accountability Office;
- D. A Treasury employee responsible for contract or grant oversight or management;
- E. An authorized official of the Department of Justice or other law enforcement agency;
- F. A court or grand jury; or
- G. A management official or other employee of the County, Provider, or subcontractor who has the responsibility to investigate, discover, or address misconduct.

Providers shall inform their employees in writing of the rights and remedies provided for whistleblowers in the predominant native language of the workforce.

- 11. Pursuant to Executive Order 13043, 62 F.R. 19217 (Apr. 18, 1997), Provider is encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles.
 - 12. Pursuant to Executive Order 13513, 74 F.R. 51225 (Oct. 6, 2009), is encouraged to adopt and enforce policies that ban text messaging while driving, and Provider should establish workplace safety policies to decrease accidents caused by distracted drivers.
- IV. Provider must use strong labor standards, including payment of a competitive and prevailing wage in the County.
 - V. Provider must adopt and follow high safety standards and provide training based upon the appropriate licensures, certifications, and industry standards.
 - VI. Provider should prioritize local hiring consistent with the racial, gender, geographic, urban, rural, and economic diversity of the County.
 - VII. For contracts/subcontracts over \$100,000, work performed by mechanics and laborers are subject to the provisions of the Contract Work Hours and Safety Standards Act (40 USC 3702 and 3704), as supplemented by 29 C.F.R. Part 5, including, specifically, safety standards, limitations on hours in a work week and overtime for any work spent over 40 hours, and proper documentation for all employees.
 - (1) A Provider, contractor, or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall not require or permit any laborer or mechanic, in any workweek in which the laborer or mechanic is employed on that work, to work more than 40 hours in that workweek, except as provided 40 USC Chapter 37; and

(2) when a violation of clause (1) occurs, the Provider and any contractor or subcontractor responsible for the violation are liable—

(A) to the affected employee for the employee's unpaid wages; and

(B) to the Government, the District of Columbia, or a territory for liquidated damages as provided in the contract.

VIII. All ARPA funds provided pursuant to this award must be obligated by no later than December 31, 2024, and expended by December 31, 2026.

IX. ARPA funds provided pursuant to this award shall only be used to support the broadband infrastructure project as described in the **[NOTICE OF FUNDING OPPORTUNITY/SOLICITATION]**. In no event shall the funds be used for any of the following:

1. For special deposits into pension funds, retirement accounts, or rainy-day funds;
2. For legal settlements;
3. To pay debt service;
4. In any manner that would frustrate guidance issued from the Centers for Disease Control relating to the prevention or mitigation of COVID-19;
5. To support lobbying activities; or
6. For expenses that have been or will be reimbursed by federal or state funds.

MINIMUM TERMS AND CONDITIONS, INCLUDING RELEVANT AMERICAN RESCUE PLAN ACT REQUIREMENTS, FOR BROADBAND USING REVENUE REPLACEMENT FUNDS

Provider shall comply will all applicable federal, state, and local laws relating to the expenditure of funds provided pursuant to this grant including, but not limited to, the following:

- I. Section 31-13-9 of the Code of Alabama 1975 imposes conditions on the award of County Contracts, including grant projects. Firms must agree to fully comply with the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990, and the Beason-Hammon Alabama Taxpayer and Citizen Protection Act. “By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.
- II. Provider agrees to comply with the requirements of section 603 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) (the “Act”), regulations adopted by Treasury pursuant to section 603(f) of the Act, codified as 31 C.F.R. Part 35, and guidance issued by Treasury regarding the foregoing. Provider shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this project.
- III. Federal regulations which may be applicable to this contract may include, without limitation, the following:
 1. Portions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200 as Treasury has determined are applicable to the use of Revenue Replacement Funds. Pursuant to guidance from Treasury, compliance specifically includes obligations under §§ 200.203 to comply with the U.S. Constitution, federal statutes, regulations, and the terms and conditions of the ARPA award and to take prompt action in instances of non-compliance.
 2. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension Non-procurement, 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 80 and Treasury’s implementing regulation at 31 C.F.R. Part 19.
 3. New Restrictions on Lobbying, 31 C.F.R. Part 21. Provider must certify that it will not, and has not, used federal appropriated funds to any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant, or any other award covered by 31 U.S.C 1352.
 4. Generally applicable federal environmental laws and regulations. Provider must comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act

(42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). All violations must be reported to the County, Treasury, and the Regional Office of the Environmental Protection Agency.

5. Generally applicable laws prohibiting discrimination including:
 - A. Title VI of the Civil Rights Act of 1964 (42 USC §§ 2000d, *et seq.*) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
 - B. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 USC §§ 3601, *et seq.*), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - C. Section 504 of the Rehabilitation Act of 1973, as amended (29 USC § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - D. The Age Discrimination Act of 1975, as amended (42 USC §§ 6101, *et seq.*), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - E. Title II of the Americans with Disabilities Act of 1990, as amended (42 USC §§ 12101, *et seq.*), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
 - F. Protection from retaliation or discrimination for whistleblowers as provided in 41 USC § 4712.
6. For contracts/subcontracts over \$100,000, work performed by mechanics and laborers are subject to the provisions of the Contract Work Hours and Safety Standards Act (40 USC 3702 and 3704), as supplemented by 29 C.F.R. Part 5, including, specifically, safety standards, limitations on hours in a work week and overtime for any work spent over 40 hours, and proper documentation for all employees.
 - (1) A Provider, contractor, or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall not require or permit any laborer or mechanic, in any workweek in which the laborer or mechanic is employed on that work, to work more than 40 hours in that workweek, except as provided 40 USC Chapter 37; and
 - (2) when a violation of clause (1) occurs, the Provider and any contractor or subcontractor responsible for the violation are liable—
 - (A) to the affected employee for the employee's unpaid wages; and
 - (B) to the Government, the District of Columbia, or a territory for liquidated damages as provided in the contract.

- IV. Provider must use strong labor standards, including payment of a competitive and prevailing wage in the County.
- V. Provider must adopt and follow high safety standards and provide training based upon the appropriate licensures, certifications, and industry standards.
- VI. Provider should prioritize local hiring consistent with the racial, gender, geographic, urban, rural, and economic diversity of the County.
- VII. All ARPA funds provided pursuant to this award must be obligated by no later than December 31, 2024, and expended by December 31, 2026.
- VIII. ARPA funds provided pursuant to this award shall only be used to support the broadband infrastructure project as described in the **[NOTICE OF FUNDING OPPORTUNITY/SOLICITATION]**. In no event shall the funds be used for any of the following:
 - 1. For special deposits into pension funds, retirement accounts, or rainy-day funds;
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 - 3. To pay debt service;
 - 4. In any manner that would frustrate guidance issued from the Centers for Disease Control relating to the prevention or mitigation of COVID-19;
 - 5. To support lobbying activities; or
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