

**AMENDMENT #1 TO BUILD AGREEMENT BETWEEN  
Lowndes County AND Windstream Georgia Communications, LLC,  
and Kinetic Fiber, LLC (collectively “WIN”)**

WHEREAS, the County and WIN are parties to a Build Agreement, dated March 28, 2023, pursuant to which the County agreed to utilize the proceeds of a Georgia State and Local Fiscal Recovery Fund (SLFRF) Grant awarded to the County by the Georgia Office of Planning and Budget (“OPB”) for the purpose of enabling WIN to develop valuable broadband facilities for community residents, and

WHEREAS, the parties acknowledge that they entered into this Build Agreement prior to the United States Treasury’s (“Treasury”) updated SLFRF Supplementary Broadband Guidance published May 17, 2023, and

WHEREAS, the parties acknowledge that pursuant to this updated Treasury guidance, OPB amended its Terms and Conditions with the County concerning the OPB’s administration of its SLFRF grant program to reflect the updated Treasury guidance and to designate the County’s SLFRF grant as a Fixed Amount Subaward.

NOW THEREFORE, the parties agree that the Grant Funds awarded to WIN by the County, as a pass-through entity, are classified as a Fixed Amount Subaward, exempt from cost principles and procurement practices of the Uniform Guidance and that the updated Treasury guidance regarding the application of the Uniform Guidance to broadband infrastructure projects and the designation of Grant Funds as a Fixed Amount Subaward applies to this Build Agreement.

IN WITNESS WHEREOF, this Amendment has been duly executed by the authorized representatives of the parties.

**County**

**By:** \_\_\_\_\_  
**Name:** \_\_\_\_\_  
**Title:** \_\_\_\_\_

**WIN**

**By:** \_\_\_\_\_  
**Name:** \_\_\_\_\_  
**Title:** \_\_\_\_\_