

About This Document

This Amended Terms and Conditions is by and between Lowndes County, and the Governor’s Office of Planning and Budget (“OPB”). Lowndes County, and OPB are individually a “party” and collectively, the “Parties.”

The Parties initially entered into a Terms and Conditions Agreement for the American Rescue Plan Act State Fiscal Recovery Fund Broadband Infrastructure Award (“Original Agreement”) on 4/18/2022 8:52 PM and subsequently amended said Terms and Conditions (“Amendment #1”).

On May 17, 2023, the United States Department of the Treasury issued “SLFRF and CPF Supplementary Broadband Guidance.” This new guidance substantially changed the fundamental requirements for the use of State Fiscal Recovery Funds for broadband projects. Therefore, it has become necessary to completely replace, restate, and supersede the Original Agreement with any incorporated Exhibits thereto, and the subsequent Amendment #1 to the Original Agreement with this Amended Terms and Conditions.

Therefore, this Amended Terms and Conditions (“Amended Grant Agreement”) or (“Amended Agreement”) sets forth the terms and conditions applicable to a fixed award grant distributed by the State to Grantee, Lowndes County, from the State of Georgia’s allocation of funds from the State Fiscal Recovery Fund (‘SFRF’) established within 42 U.S.C.A. § 802 via the American Rescue Plan Act of 2021 (hereinafter referred to as “Grant”). The Grantee’s official representative, whose signature appears below, will execute the interest and responsibilities of the Grantee.

These requirements are in addition to those that can be found on the Governor’s Office of Planning and Budget (“OPB”) website. Other State and federal requirements and conditions may apply to the Grant, including but not limited to all applicable federal and State laws, rules, and regulations; the State funding announcement under which Grant payments are distributed; and any applicable documents referenced in the documents listed above.

To the extent the terms and conditions of this Amended Grant Agreement do not address a particular circumstance or are otherwise unclear or ambiguous, such terms and conditions are to be construed consistent with the general objectives, expectations, and purposes of this Amended Grant Agreement and in all cases, according to its fair meaning. The Grantee acknowledges that it and its counsel have reviewed this Amended Grant Agreement and that any rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Amended Grant Agreement. Any vague, ambiguous, or conflicting terms shall be interpreted and construed in such a manner as to accomplish the purpose of the Amended Grant Agreement.