

STATE OF ALABAMA        )  
COUNTY OF BALDWIN     )

**RESOLUTION #2025-013  
OF THE  
BALDWIN COUNTY COMMISSION**

**RESOLUTION TO AUTHORIZE EXPENDITURE OF AMERICAN RESCUE PLAN ACT  
FUNDS FOR QUEUING STRUCTURE PROJECT**

**WHEREAS**, Baldwin County, Alabama (the "County") has received American Rescue Plan Act fiscal recovery funds ("ARPA Funds") and is charged with ensuring that such funds are expended in accordance with state and federal law; and

**WHEREAS**, in accordance with the final rule issued by Treasury on January 6, 2022, provides that certain expenditures incurred for capital improvements to mitigate the spread of COVID-19 are eligible uses of ARPA funds, including adaptations to existing public facilities to address mitigation needs; and

**WHEREAS**, CDC guidance regarding COVID-19 mitigation efforts (updated January 26, 2023) include avoiding crowded areas by increasing space and distance and, as possible, moving indoor activities outside; and

**WHEREAS**, the Baldwin County Commission (the "COMMISSION") adopted Resolution # 2023-120, which was reinstated pursuant to Resolution # 2023-178, approving the use of a portion of the County's ARPA funds for the construction of a covered queuing structure at the courthouse (the "Queuing Structure Project") and authorizing the Commission Chair to enter into the design services agreement identified as PH&J #2302GV with PH&J Architects, Incorporated (the "Agreement"); and

**WHEREAS**, in accordance with the final rule, the County has also duly elected to take the standard allowance of revenue replacement funds equal to \$10,000,000 of its ARPA Funds ("ARPA Revenue Replacement Funds"); and

**WHEREAS**, the County may use ARPA Revenue Replacement Funds to cover the costs that it typically bears to provide government services, including for the provision of enhanced security measures in County owned buildings; and

**WHEREAS**, the COMMISSION adopted Resolution #2024-079, allocating up to \$134,062.50 of its ARPA Funds to cover part or all of the eligible costs of the professional design services for the Queuing Structure Project at the Baldwin County Courthouse to be paid to the architectural design firm PH&J Architects Incorporated ("PH&J Architects") pursuant to the Agreement authorized by the COMMISSION; and

**WHEREAS**, this allocation for design fees was based on an estimated construction costs for the project in the amount of \$2,062,500.00; and

**WHEREAS**, as recommended by PH&H Architects, a geographical survey by an independent consultant was needed for the Queuing Structure, which services were acquired by the County from UES in the amount of \$4,332.50; and

**WHEREAS**, the County issued an Advertisement for Bids for the Queuing Structure Project, including an Alternative 1 for enhanced security measures, which was duly advertised as required by the State Public Works Law, incurring a cost to Gulf Coast Media of \$783.05; and

**WHEREAS**, following the issuance and Advertisement for Bids for the Project, in which sealed bids were publicly opened, Tindle Construction, LLC's base bid of \$2,615,600.00 and \$184,400.00 for Alternate 1 was evaluated by PH&J Architects and determined by the COMMISSION to represent the lowest responsive and responsible bid thereto; and

**WHEREAS**, the COMMISSION certifies that the bid was issued, advertised, and is awarded consistent with title 39 of the Code of Alabama (1975); and

**WHEREAS**, due to the total bid cost for the construction of the Queuing Structure Project, including Alternate 1, pursuant to the agreement with PH&J Architects authorized by the COMMISSION, the cost of related design fees has increased to \$188,188.00; and

**WHEREAS**, the COMMISSION has determined that using a combination of ARPA funds and ARPA Revenue Replacement Funds to cover the total design, survey, advertisement, and construction costs associated with the Queuing Structure Project, including the additional security component, is a necessary, eligible, and reasonable use of these funds.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION** as follows:

1) The COMMISSION hereby allocates up to \$2,796,510.00 of its ARPA funds and \$196,793.55 of its ARPA Revenue Replacement Funds, totaling \$2,993,303.55, to cover part or all of the eligible costs for the Queuing Structure Project at the Baldwin County Courthouse.

2) The COMMISSION hereby authorizes the Commission Chair to enter into the construction services agreement (the "Agreement") with Tindle Construction, LLC, attached to this Resolution as Addendum 1, for the provision of renovation and related services, labor, and materials necessary for the implementation and completion of the Queuing Structure Project, including Alternate 1, for a cost not to exceed \$2,800,000.00.

3) The allocation and expenditure of ARPA funds for the purposes described herein shall be contingent on the continued appropriation and availability of ARPA funds for this purpose and in no event shall be used for any expenses not obligated by December 31, 2024, and expended by December 31, 2026.

**IN WITNESS WHEREOF**, the Baldwin County Commission has caused this Resolution to be executed in its name and on its behalf by its Chairman on the 15<sup>TH</sup> day of October 2024.

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Billie Jo Underwood, Chairman  
Baldwin County Commission

ATTEST:

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Roger H. Rendleman  
County Administrator