

STATE OF ALABAMA       )  
COUNTY OF BALDWIN    )

**RESOLUTION #2024-013  
OF THE  
BALDWIN COUNTY COMMISSION**

**RESOLUTION TO RETROACTIVELY ALLOCATE AMERICAN RESCUE PLAN ACT FUNDS FOR  
GOVERNMENTAL SERVICES USING REVENUE REPLACEMENT FUNDS**

**WHEREAS**, Baldwin County, Alabama, (the "County") has received an award of Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act from the U.S. Department of the Treasury ("Treasury"), \$10,000,000 of which have been duly designated as revenue replacement funds ("ARPA revenue replacement funds") in accordance with the final rule issued by Treasury on January 6, 2022; and

**WHEREAS**, the Baldwin County Commission (the "Commission") is charged with ensuring the expenditure of the County's ARPA revenue replacement funds in accordance with state and federal law; and

**WHEREAS**, the County may use Revenue Replacement ARPA funds to cover the costs to provide government services, including the provision of solid waste management and disposal services; and

**WHEREAS**, the Commission has determined that designing and constructing a solid waste material recovery facility located adjacent to the existing Magnolia Landfill at 15093 Landfill Drive, Summerdale, Alabama (the "Baldwin County Material Recovery Project"), to provide for a long-term solution for the recycling needs of the County using Revenue Replacement ARPA funds is a necessary, eligible, and reasonable use of these funds; and

**WHEREAS**, on February 1, 2022, during a Regular Meeting, the Commission approved entering the Professional Services Agreement No. 1895R3 between LaBella Associates, D.P.C. ("LaBella") and the Commission to provide full architectural and engineering services for design and bid support for the Baldwin County Material Recovery Project; and

**WHEREAS**, the Commission has determined that using ARPA revenue replacement funds to cover payments to LaBella to perform architectural and engineering services is a necessary, reasonable, and appropriate expenditure.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION AS FOLLOWS:**

1) The Commission hereby retroactively allocates up to \$620,000 in ARPA funds, so designated as ARPA revenue replacement funds, for the professional architectural and engineering

services provided to the County by LaBella for the design and construction bidding of the Baldwin County Material Recovery Project, those professional services approved by the Commission on February 1, 2022.

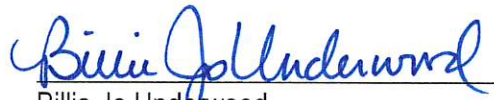
2) The Commission hereby approves entering into an amendment to the Agreement in substantially the same form as attached hereto as Addendum 1, consistent with the County's ARPA award terms and conditions.


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 7<sup>th</sup> day of November 2023.



ATTEST:

  
Billie Jo Underwood  
Chairman, Baldwin County Commission

  
Roger H. Rendleman, County Administrator

**ADDENDUM No. 1 to the  
Professional Services Agreement No. 1895R3**

This Addendum No. 1 is made and entered into by and between Baldwin County Commission ("Commission") on behalf of Baldwin County, Alabama (the "County") and LaBella Associates, D.P.C. ("LaBella"), collectively referred to herein as the "Parties".

**WHEREAS**, Baldwin County, Alabama, (the "County") has received an award of Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act from the U.S. Department of the Treasury ("Treasury"), \$10,000,000 of which have been duly designated as revenue replacement funds ("ARPA revenue replacement funds") in accordance with the final rule issued by Treasury on January 6, 2022; and

**WHEREAS**, the Baldwin County Commission (the "Commission") is charged with ensuring the expenditure of the County's ARPA revenue replacement funds in accordance with state and federal law; and

**WHEREAS**, the County may use Revenue Replacement ARPA funds to cover the costs to provide government services, including the provision of solid waste management and disposal services; and

**WHEREAS**, the Commission has determined that designing and constructing a solid waste material recovery facility located adjacent to the existing Magnolia Landfill at 15093 Landfill Drive, Summerdale, Alabama (the "Baldwin County Material Recovery Project"), to provide for a long-term solution for the recycling needs of the County using Revenue Replacement ARPA funds is a necessary, eligible, and reasonable use of these funds; and

**WHEREAS**, on February 1, 2022, during a Regular Meeting, the Commission approved entering the Professional Services Agreement No. 1895R3 with LaBella to provide full architectural and engineering services for design and bid support for the Baldwin County Material Recovery Project; and

**WHEREAS**, the Commission has determined that using ARPA revenue replacement funds to cover payments to LaBella to perform architectural and engineering services is a necessary, reasonable, and appropriate expenditure.

NOW, THEREFORE, it is agreed by and between County and LaBella that the Agreement is hereby amended to include the following requirements consistent with the County's ARPA award:

I. Section 13-31-9 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. In compliance with Ala. Act No. 2023-409, by signing this contract, Supplier provides written verification that Supplier, without violating controlling law or regulation, does not and will not, during the term of the contract engage in economic boycotts as the term "economic boycott" is defined in Section 1 of the Act. This requirement applies to contracts entered into on or after October 1, 2023 if Supplier employs 10 or more employees and the contract could exceed \$15,000 over the term of the contract. Under Section 2 of the Act, the written verification may be waived if the contracting governmental entity determines based on cost and quality factors that such a waiver is clearly in the best interest of the public.

III. Contractor 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.

IV. Federal regulations which are applicable to this contract include, without limitation, the following:

A. 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.

B. 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.

C. New Restrictions on Lobbying. Contractor 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. Any contractor or subcontractor that will receive \$100,000 or more of federal grant funds must complete and provide the Byrd Anti-Lobbying Certificate.

D. Generally applicable federal environmental laws and regulations. Contractor 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.

E. Generally applicable anti-discrimination laws and regulations. This includes, but is not limited to, 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; 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; 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; 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; 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; and discrimination or retaliation against whistleblowers as provided in 41 USC § 4712.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have executed this Addendum and made the same effective as of this 7<sup>th</sup> day of November 2023.

**LaBella Associates, D.P.C.**

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

**Baldwin County Commission**

By: Billie Jo Underwood  
Name: Billie Jo Underwood  
Title: Chairman of the County Commission

Attest: Roger H. Rendleman  
Roger H. Rendleman, County Administrator

