

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE STATE OF ALABAMA DEPARTMENT OF FINANCE AND  
THE ALABAMA COMMUNITY COLLEGE SYSTEM  
FOR THE DISTRIBUTION OF CARES ACT CORONAVIRUS RELIEF FUNDS**

This Memorandum of Understanding (“Agreement”) is made by and between the State of Alabama Department of Finance, at 600 Dexter Avenue, Montgomery, Alabama 36130, hereinafter referred to as “DOF” and the Alabama Community College System, at 135 South Union Street, Montgomery, Alabama 36104-4340, hereinafter referred to as “ACCS.” DOF and ACCS are hereinafter collectively referred to as the “parties.” This Agreement becomes effective upon approval of the parties and the Governor.

**1. PURPOSE AND SCOPE**

(a). The federal Coronavirus Aid, Relief, and Economic Security Act, hereinafter referred to as the CARES Act, established the Coronavirus Relief Fund, hereinafter referred to as CRF. The CARES Act appropriated \$150,000,000,000 to the CRF to make payments to state, local, and tribal governments for the purposes enumerated in the CARES Act, namely to respond to and mitigate the coronavirus pandemic. The State of Alabama received approximately \$1,900,000,000 from the CRF. CRF funds may only be used to cover costs that 1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); 2) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and 3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

(b). Alabama Act 2020-199 divided the State of Alabama’s share of CRF funds into ten categories and charged DOF with the responsibility of administering the funds on behalf of the people of Alabama. One such category provides, “Up to \$300,000,000 for expenditures related to technology and infrastructure related to remote instruction and learning.” ACCS is requesting, and DOF agrees to provide, \$27,345,000 from this category of CRF funds to support the purchase of technology hardware and software to facilitate distance education and remote learning at the State’s community colleges. A detailed description of the items to be purchased and the proposed budget is attached hereto as Appendix A.

(c). As the proposed expenditures have been presented to DOF by ACCS, DOF has concluded that said expenditures are necessary to respond to and mitigate the coronavirus pandemic in Alabama. Further, DOF concludes that utilizing the State’s CRF funds is an appropriate use of the funds under both federal and state law. DOF fully supports ACCS in its efforts to support and protect the citizens of Alabama.

**2. PARTIES’ RESPONSIBILITIES**

(a). DOF agrees to the following:

(i). To provide written notice to the Legislature at least fourteen days prior to providing funds to ACCS under this agreement as required by Act 2020-199;

(ii). To provide \$27,345,000 to ACCS from the State's CRF funds as described herein to fund the purchases described in Appendix A and for no other purpose; and

(iii). To provide ACCS with forms required by DOF to be completed by ACCS and the community colleges that receive CRF funding or the benefits thereof under this agreement.

(b). ACCS agrees to the following:

(i). To cause the purchase, implementation, and deployment for its intended use of the items described in Appendix A no later than December 15, 2020;

(ii). To obtain completed forms required by DOF from ACCS and the colleges receiving CRF funding or the benefits thereof under this agreement and to audit and validate the data provided by the colleges prior to distributing said funds;

(iii). To provide to the State Finance Director's Office, on the fifteenth of every month, beginning September 15, 2020 until the project concludes by either completion or termination, a report detailing the progress made and an itemized list of expenditures for these programs for the preceding month;

(iv). To use the funds provided by DOF under this Agreement in accordance with federal and state law and for the purposes set forth in this Agreement and for no other purpose;

(v). To ensure ACCS and the colleges receiving funds under this Agreement are using the funds in accordance with federal and state law and for the purposes set forth in this Agreement and for no other purpose; and

(vi). To spend or return any funds provided by DOF under this Agreement by December 15, 2020.

### 3. AMENDMENT OR TERMINATION OF AGREEMENT

(a). This Agreement may be amended only by a writing signed by each party or representatives of each party.

(b). Except as set forth in this section, this Agreement may be terminated only by a writing signed by each party or representatives of each party. If DOF concludes, after a reasonable investigation and in its sole discretion as administrator of the funds under Act 2020-199, that the funds provided hereunder have been used in a manner inconsistent with federal or state law, DOF may terminate this Agreement immediately upon written notice to ACCS. In the event that this agreement is terminated under this section, ACCS agrees to immediately return to DOF any unspent funds provided to ACCS under this agreement.

#### 4. MISCELLANEOUS PROVISIONS

(a). The terms and commitments contained herein shall not constitute a debt of the State of Alabama, which is prohibited by Section 213 of the Official Recompilation of the Constitution of Alabama, 1901, as amended by Amendment No. 26.

(b). By signing this contract, the contracting parties affirm, for the duration of this 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 this Agreement and shall be responsible for all damages resulting therefrom.

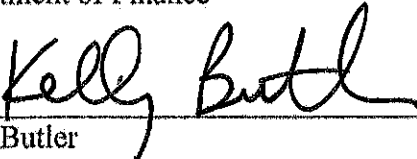
(c). In the event of any dispute between the parties, senior officials of both parties shall meet and engage in a good faith attempt to resolve the dispute. Should that effort fail, and the dispute involves the payment of money, a party's sole remedy is the filing of a claim with the Board of Adjustment of the State of Alabama. For any and all other disputes arising under the terms of this contract which are not resolved by negotiation, the parties agree to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation. Such dispute resolution shall occur in Montgomery, Alabama, utilizing where appropriate, mediators selected from the roster of mediators maintained by the Center for Dispute Resolution of the Alabama State Bar.

(d). In order to comply with federal requirements relating to the administration of grants and other federal assistance funds, DOF provides the following information to ACCS: This subaward is provided to ACCS through a grant to the State of Alabama in the amount of \$1,901,262,000 from the U.S. Treasury via Section 601(a)(1) of the Social Security Act (42 U.S.C. 301 et seq.), known as the Coronavirus Relief Fund, as created by Section 5001 of the CARES Act, Pub. L. No. 116-136 (March 27, 2020) under Federal Award Identification Number SLT0002 and SLT0223, CFDA #21.019 Coronavirus Relief Fund for the period March 1, 2020 to December 30, 2020. This subaward is provided in accordance with the requirements set forth in the CARES Act and other applicable federal and state law and policy, and ACCS affirms that all information it has provided to DOF relating to this subaward is true and accurate. This subaward does not include research and development. The parties acknowledge and understand that each subrecipient of CRF funds will be evaluated in accordance with Code of Federal Regulations, Title 2, § 200.331(b) for risk of noncompliance with federal statutes, regulations, and the terms and conditions of the subaward. Further, each subrecipients' activities will be monitored as necessary to ensure that the subaward is used for authorized purposes, in compliance with law, and that subaward performance goals are achieved. Other monitoring tools may be implemented depending on the level of risk posed by the subrecipient.

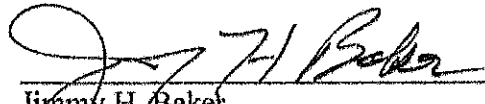
[SIGNATURES APPEAR ON THE NEXT PAGE]

In witness whereof, the parties hereto have caused this Agreement to be executed by those officers, officials, and persons thereunto duly authorized on this 17<sup>th</sup> day of August, 2020.

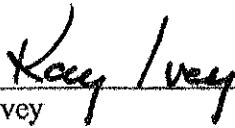
State of Alabama  
Department of Finance

  
\_\_\_\_\_  
Kelly Butler  
Finance Director

State of Alabama  
Alabama Community College System

  
\_\_\_\_\_  
Jimmy H. Baker  
Chancellor

APPROVED:

  
\_\_\_\_\_  
Kay Ivey  
Governor of Alabama

Date: 8-24-2020

Mastering Online Open Courses (MOOCs)	\$200,000 (1st Quarter 2020 Cost)	12/31/2020	MOOCs can provide resources for schools attempting the conversion of entire academic programs to online learning. For the students of the ACS, college consists of more than the courses students take to earn a degree. Because of this, MOOCs allow us to provide the needed career counseling, mental health, and general student support that is available on our college campuses. This support can continue using MOOCs for our students to access that are scattered across the state and want to work distance due to the COVID-19 pandemic. Additionally, the development and deployment of MOOCs for our developmental/transfer and adult education students help them prepare for college and work to reduce the chances of these individuals along with health that would deliver such programs on campus from the COVID-19 virus. As we continue to see the growth of demand for online learning due to this pandemic, we must work to ensure online students have the same level of success that have been created over the years for our on-campus students. COVID-19 has created a world of social distancing and fear. The deployment of MOOCs to provide support to prospective and current students related to areas outside of the classroom such as advising, financial aid, student clubs, program opportunities can help to address the need of social-distancing and help to reduce the fear of going to college.	ALL	This would be for the creation of 3 MOOCs between 10/01/2020 and 12/31/2020.
Laptop Lendnet Program	\$8,000,000.00	11/1/2020	ACS will procure a laptop for 1/16th of our student population to assist low-income and other students within special populations with remote based learning caused by the pandemic. ACS serves approximately 250,000 credit and non-credit students across all of our programs each year. The laptops will be assigned to colleges based on headcount so an even percentage of laptops will be available for use across the state. 10,000 laptops at a budget price of \$800 each.	ALL	
Virtual Computers	\$10,000,000.00	12/15/2020	ACS will provision and support a state-wide virtual desktop environment(VDI) that will allow students to utilize institutions owned software to students anywhere, at any time. A minor broadband connection is required to utilize the system. ACS will utilize Caret Act funding to purchase the hardware and licenses needed to deploy the system. Reoccurring expenses like support and maintenance will utilize operations and maintenance funding. Several colleges are interested in pursuing this on their own. These institutions serve roughly 20% of our student population and the total cost will be \$2.75 million. This service will allow ACS to provision VDI across 100% of our population at a significantly reduced cost per user due to the economies of scale. This service is imperative if colleges remain limited in providing in person instruction. Without the service students will be unable to access the labs and materials necessary to complete the requirements of the programs they are enrolled in.	ALL - Technical Programs and Information System Programs	
Webex Conferencing Equipment In Cos Classroom	\$2,810,000 (\$40,000 per Classroom/One Classroom per Community college Community/Institutional sites)	10/7/2020	Allow faculty delivering hybrid and web enhanced courses to use the same technology that is used for online course delivery. This would create a higher quality of instruction. This funding would retrofit one classroom at each community college campus (73 campuses/institutional sites) with video conferencing equipment	ALL	
Zoom Rooms	\$2,800,000.00	11/30/2020	Installation of Zoom Rooms, Team Rooms, etc to support remote and online face to face instruction	ALL	
Next Generation Firewalls	\$2,500,000.00	10/31/2020	Installation of next generation security platforms to support and secure online and remote based learning with firewalls to eliminate single points of failure	ALL	
<b>TOTAL AMOUNT</b>	<b>\$37,345,000.00</b>				