

**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.

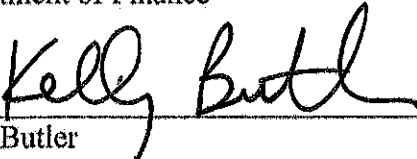
(c). In the event of any dispute between the parties, senior officials of both parties shall meet and engage in a good faith attempt to resolve the dispute. Should that effort fail, and the dispute involves the payment of money, a party's sole remedy is the filing of a claim with the Board of Adjustment 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]

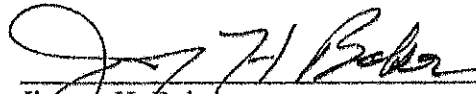
In witness whereof, the parties hereto have caused this Agreement to be executed by those officers, officials, and persons thereunto duly authorized on this 17th day of August, 2020.

State of Alabama
Department of Finance



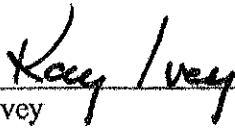
Kelly Butler
Finance Director

State of Alabama
Alabama Community College System



Jimmy H. Baker
Chancellor

APPROVED:



Kay Ivey
Governor of Alabama

Date: 8-24-2020

ALABAMA COMMUNITY COLLEGE SYSTEM CARES ACT REQUEST - FINAL 8/6/2020

Item Description	Estimated Cost	Implementation Deadline	Justification for need	Colleges to be supported	Additional Notes
TECHNOLOGY/REMOTE LEARNING AND INSTRUCTION					
Learning Management System	\$250,000 (4th Quarter 2020 Cost)	12/31/2020	Will allow for easier administration and consistency for students and faculty. Overall cost savings for the colleges.	ALL	The ACCS will make announcement of the vendor no later than 09/30/2020. The ACCS will enter into a contract with the vendor no later than 10/01/2020. Any CARES Act funding received would fund the time period of 10/01/2020 through 12/31/2020. An alternate funding source will be used to fund the remainder first year (01/01/2021 - 09/30/2021).
Online Proctoring Solution	\$222,500 (4th Quarter 2020 Cost)	12/31/2020	Will allow for easier administration and consistency for students and faculty. Overall cost savings for the colleges.	ALL	The ACCS will make announcement of the vendor no later than 09/30/2020. The ACCS will enter into a contract with the vendor no later than 10/01/2020. Any CARES Act funding received would fund the time period of 10/01/2020 through 12/31/2020. An alternate funding source will be used to fund the remainder of the first year (01/01/2021 - 09/30/2021).
Online Tutoring Solution	\$187,500 (4th Quarter 2020 Cost)	12/31/2020	Online tutoring is a powerful tool that can help students unable to walk onto a college campus due to COVID-19 a college degree. Having tutoring available both on-site and online also allows the colleges of the ACCS to create social-distancing without create an obstacle of learning for the student. Combining online tutoring with the already established 8:00am to 5:00pm tutoring services provided on campus will allow online students to have the needed access to tutoring during the hours that benefit them. The factory working that is working 3:00pm to 11:00pm will have the ability to receive the same level of tutoring at 1:00am as the student that enters the tutoring center on campus at 10:15am. Online tutoring allows for personalized learning that is critical for the success of an online college student. A learner's need drives access to tutoring support regardless of the day or time. Learners need to have access to digital education resources such as tutoring that meet their needs. Learners can access tutoring support when and where they have a need.	ALL	The ACCS will make announcement of the vendor no later than 09/30/2020. The ACCS will enter into a contract with the vendor no later than 10/01/2020. Any CARES Act funding received would fund the time period of 10/01/2020 through 12/31/2020. An alternate funding source will be used to fund the remainder of the first year (01/01/2021 - 09/30/2021).
Quality Matters	\$15,000 (4th Quarter 2020 Cost)	12/31/2020	Because of COVID-19, most professors and students find themselves forced to use technology as they teach and learn. Quality Matters can help faculty leverage their expertise of online course development and delivery and enable students to continue their education such that this pandemic does not derail their future plans in the same way it's limiting their present. Quality Matters is a faculty-driven review process that ensures the quality of courses offered in an online or blended format. Quality Matters processes benefit students, faculty, and institutions in the following ways. 1. Improved student learning outcomes and retention. 2. Adoption of a systematic and comprehensive continuous quality assurance process that includes faculty training, course development, and course revisions that are aligned with accreditation standards. 3. Incorporation of new technologies and research findings. 4. Opportunity to engage in benchmarking activities with peer institutions. 5. Ongoing faculty professional development. 6. Increased flexibility, creativity, and divergent thinking. 7. Increased efficiency in using institutional resources	ALL	
System-wide Video Capture Software	\$250,000 (4th Quarter 2020 Cost)	12/31/2020	Allow faculty and students to create and upload videos into the LMS for course work, course delivery, faculty engagement, student engagement. Students will have the same video application regardless of course, program, or school.	ALL	The ACCS will make announce the vender no later than 09/30/2020. Teh ACCS will enter into a contract with the vendor no later than 10/01/2020. Any CARES Act funding received would fund the time period of 10/01/2020 through 12/31/2020. An alternate funding source will be used to fund the remain first year (01/01/2021 - 09/30/2021).

Massive Online Open Courses (MOOCs)	\$200,000 (4th 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 ACCS, 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 colleges campuses. This support can continue using MOOCs for our students to access that are scattered across the state and want to social-distance due to the COVID-19 pandemic. Additionally, the development and deployment of MOOCs for our developmental/remedial and adult education students help them prepare for college and works to reduce the chances of these individuals along with faculty that would deliver such programs on campus from the COVID-19 virus. As we continue to see the growth and demand for online learning due to this pandemic, we must work to ensure online students have the same tools 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 Loaner Program	\$8,000,000.00	11/1/2020	ACCS 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. ACCS serves approximately 160,000 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	ACCS will provision and support a state wide virtual desktop environment(VDI) that will allow students to utilize institution owned software to students anywhere, at any time. A minor broadband connection is required to utilize the system. Less than 300 kbps. ACCS will utilize Cares 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. Those institutions serve roughly 10% of our student population and the total cost will be \$2.75 million. This service will allow ACCS 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	
Video Conferencing Equipment In the Classroom	\$2,920,000 (\$40,000 per classroom/one classroom per community college campus/instructional site)	10/1/2020	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/instructional 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 failover to eliminate single points of failure	ALL	

TOTAL AMOUNT

\$27,345,000.00