## Updated Model Legal Opinion[[1]](#footnote-2)

[Date]

Authorized Attorney

Attorney Address

Re: Legal Opinion for Applicant (Name), BEAD Program Application No XXX

Attention Montana Broadband Program:

We are counsel for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, (the "Applicant.").  We are lawyers in good standing and licensed to practice law in the State of Montana. In such capacity, we act as counsel to the Applicant in connection with a legal review of the Applicant’s ability to demonstrate the capability to carry out the funded activities competently and in compliance with all applicable federal, state, and local laws. This legal review is required by the Department and is supported by Montana’s Initial Proposal Volume 2, 2.4.14, p.76-77. *([If legal counsel wishes to require from client]*, attached to this letter is the Applicant’s Certificate of Past and Present Legal Proceedings).

We are of the opinion that:

1. Applicant has the authorization to do business in the state of Montana, either as a governmental unit or as a nongovernmental entity which is duly registered to do business in the state of Montana with the Montana Secretary of State, as required by section 90-1-602(a), MCA.
2. To the best of our knowledge and based on reliance of the Applicant’s attestation to me:
3. Applicant represents that no legal proceedings have occurred in the past or are currently pending, and as such no legal opinion is offered regarding the legal effect of (no) past legal proceedings, OR
4. The legal proceedings which Applicant has identified do not adversely affect Applicant’s ability to do business in the state of Montana, by section 90-1-602(a), MCA, do not disqualify Applicant for BEAD funding or prevent Applicant from performing the duties under the Grant Agreement.

Each legal proceeding is addressed particularly as follows:

1. Legal proceeding No. (X), does not adversely affect Applicant’s ability to qualify do business in the state of Montana, or to perform the duties under the Grant Agreement, because . . .
2. Etc.

*[Attorney will include here any customary exceptions, assumptions and exclusions related to the Applicant’s ability to apply for an award under the Montana BEAD Program and to perform under the BEAD Grant Agreement]*.

Signature of Attorney

MT State Bar License No. \_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

­­­­­­­­­­­­­­­­­­­­The Department does not require the following certificate from applicants. This certificate is offered to attorneys as an example if they choose to require this from their client/applicant.

## Applicant’s Certificate of Past and Present Legal Proceedings

[Date]

Applicant Representative
Applicant Name and address

Re: Certificate of Past and Present Legal Proceedings, BEAD Program Application No XXX

I, (full legal name) \_\_\_\_\_\_\_\_\_\_\_, certify that I am an authorized representative of (Applicant) \_\_\_\_\_\_\_\_. The Applicant is providing the certification set out below and agrees to comply with the requirements of the Department and is supported by Montana’s Initial Proposal Volume 2, 2.4.14, p.76-77.

1. Applicant certifies that neither Applicant nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any federal department or agency or otherwise ineligible to participate in the BEAD grant funding opportunity. (The terms transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 C.F.R. Parts 180, 1200 and 1326).
2. Applicant certifies that to its knowledge there are no legal proceedings which have occurred in the past or are currently pending; OR
3. Applicant discloses the following violations or other adverse legal proceedings against Applicant in the past or which are currently pending:
4. Legal proceeding No. 1,
5. Legal proceeding No. 2, etc.

Applicant understands that if it is later determined that the prospective Applicant knowingly rendered an erroneous certification, which omitted violations or other adverse legal proceedings against Applicant, in addition to other remedies available to the federal government, the State of Montana or the Department of Administration, any of the entities may pursue available remedies against Applicant, including suspension or debarment.

IN WITNESS WHEREOF, the Applicant, (XXX), has caused this Certificate to be duly executed and delivered by its authorized representative, and declares under penalty of perjury that the foregoing is true and correct, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. This represents an updated model legal opinion.  Use of this model is optional, and if an applicant has previously submitted a legal opinion there is no requirement to update. [↑](#footnote-ref-2)