

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No. _____

| | |
|--|---|
| Originating Department: | 35 Sheriff's Office |
| Division/Program: <i>(i.e. Dept. Division and Program)</i> | 3520 Bureau of LE & Investigations / 352096 Homeland Security |
| Contract or Grant Administrator: | Steve Harris ,Undersheriff |
| Contractor's / Agency Name: | Washington State Military Department |

Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes No Yes No
 If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: WCC#202307023

Does contract require Council Approval? Yes No If No, include WCC: _____
 Already approved? Council Approved Date: _____ (Exclusions see: Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)

Is this a grant agreement? Yes No
 If yes, grantor agency contract number(s): E24-047 CFDA#: 97.067-22HSGP (OSPG)

Is this contract grant funded? Yes No
 If yes, Whatcom County grant contract number(s): _____

Is this contract the result of a RFP or Bid process? Contract _____
 Yes No If yes, RFP and Bid number(s): _____ Cost Center: 1003523003

Is this agreement excluded from E-Verify? No Yes If no, include Attachment D Contractor Declaration form.

If YES, indicate exclusion(s) below:

- Professional services agreement for certified/licensed professional. Goods and services provided due to an emergency
- Contract work is for less than \$100,000. Contract for Commercial off the shelf items (COTS).
- Contract work is for less than 120 days. Work related subcontract less than \$25,000.
- Interlocal Agreement (between Governments). Public Works - Local Agency/Federally Funded FHWA.

Contract Amount:(sum of original contract amount and any prior amendments):
 \$ 97,500.00
 This Amendment Amount:
 \$ 96,525.00
 Total Amended Amount:
 \$ 194,025.00

Council approval required for; all property leases, contracts or bid awards **exceeding \$40,000**, and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, **except when:**

1. Exercising an option contained in a contract previously approved by the council.
2. Contract is for design, construction, r-o-w acquisition, prof. services, or other capital costs approved by council in a capital budget appropriation ordinance.
3. Bid or award is for supplies.
4. Equipment is included in Exhibit "B" of the Budget Ordinance.
5. Contract is for manufacturer's technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.

Summary of Scope:

This amendment adds \$96,525 to the contract amount and updates the grant's personnel contact information. All other terms and conditions stay the same.

Term of Contract: 9/1/2022

Expiration Date: 3/31/2025

- | | | |
|-------------------|---|-----------------------|
| Contract Routing: | 1. Prepared by: <u>D.Duling</u> | Date: <u>1/8/2024</u> |
| | 2. Attorney signoff: <u>Approved via email Bw/AD</u> | Date: <u>1/8/24</u> |
| | 3. AS Finance reviewed: <u>Approved via email AT/AD</u> | Date: _____ |
| | 4. IT reviewed (if IT related): _____ | Date: _____ |
| | 5. Contractor signed: _____ | Date: _____ |
| | 6. Submitted to Exec.: _____ | Date: _____ |
| | 7. Council approved (if necessary): _____ | Date: _____ |
| | 8. Executive signed: _____ | Date: _____ |
| | 9. Original to Council: _____ | Date: _____ |

**Washington State Military Department
AMENDMENT**

| | | | |
|---|--|---|----------------------------------|
| 1. SUBRECIPIENT NAME/ADDRESS: Whatcom County Sheriff's Office 311 Grand Ave Bellingham, WA 98225 | | 2. GRANT NUMBER: E24-047 | 3. AMENDMENT NUMBER: 1 |
| 4. SUBRECIPIENT CONTACT, PHONE/EMAIL: Dawn Pierce 360-778-6600 x6606 dpierce@co.whatcom.wa.us | | 5. DEPARTMENT CONTACT, PHONE/EMAIL: Ben Olson 253-512-7224 benjamin.olson@mil.wa.gov | |
| 6. EIN: 91-6001383 | 7. ASSISTANCE LISTINGS # & TITLE: 97.067 - 22HSGP (OPSG) | 8. FEDERAL AWARD ID # (FAIN): EMW-2022-SS-00056 | |
| 9. FUNDING AUTHORITY: The Washington State Military Department (Department) and the US Department of Homeland Security (DHS) | | | |
| 10. DESCRIPTION/JUSTIFICATION OF AMENDMENT: Funds are added to the award amount from the de-obligation of funds by another subrecipient through a Fragmentary Operations Order (FRAGO). The corresponding FEMA approval letter and Personnel Cap Waiver approval letter added to Attachment E supersede all prior FEMA approval letters. Changes are noted in red font, strikethrough, and grey highlight. | | | |
| 11. AMENDMENT TERMS AND CONDITIONS: 1. Change the Grant Agreement Amount from \$97,500 to \$194,025, an increase of \$96,525, as described on Page 2 of this Amendment. 2. The Grant Agreement End Date of March 31, 2025, remains unchanged . 3. Change the Department Contact, Phone/Email, as described on Page 2 of this Amendment. 4. Change Attachment A, SPECIAL TERMS AND CONDITIONS, Article I-Key Personnel, as described on Page 2 of this Amendment. 5. Change the original Budget, Attachment E, as described on Page 2 of this Amendment. | | | |
| This Amendment is incorporated in and made a part of the Grant Agreement. Except as amended herein, all other terms and conditions of the Grant Agreement remain in full force and effect. Any reference in the original Grant Agreement or an Amendment to the "Grant Agreement" shall mean "Grant Agreement as amended". The Department and Sub-Recipient acknowledge and accept the terms of this Amendment as identified above, effective on the final date of execution below. By signing this Amendment, the signatories warrant they have the authority to execute this Amendment. | | | |
| IN WITNESS WHEREOF, the parties have executed this Amendment: | | | |
| FOR THE DEPARTMENT: | | FOR THE SUBRECIPIENT: | |
| _____ Signature Regan Anne Hesse, Chief Financial Officer Washington State Military Department | | _____ Signature Satpal Sidhu, County Executive Whatcom County | |
| Date | | Date | |
| BOILERPLATE APPROVED AS TO FORM: _____ /Signature on file/ David B. Merchant, Assistant Attorney General | | APPROVED AS TO FORM (if applicable): <i>Approved via email Bw/ks</i> Applicant's Legal Review | |
| 10/11/2021 | | 4/8/24 Date | |

Washington State Military Department Amendments to Agreement E24-047

1. **Change the Grant Agreement Amount from \$97,500 to \$194,025, an increase of \$96,525.**
 - a. Agreement Face Sheet, Box 2. ~~\$97,500~~ **\$194,025**
 - b. Original Budget, Attachment E, with Revision 1 Budget, Attachment E.
2. **Change Department Contact from Courtney Bemus to Ben Olson.**
 - a. Agreement Face Sheet Box 7. ~~Courtney Bemus, 253-512-7141, courtney.bemus@mil.wa.gov~~
Ben Olson, 253-512-7224, benjamin.olson@mil.wa.gov.
3. **Change Attachment A, Article I-Key Personnel.**
 - a. Attachment A, SPECIAL TERMS AND CONDITIONS, Article 1-Key Personnel, under DEPARTMENT:
 - i. Replace Courtney Bemus with Ben Olson (see below).
 - ii. Replace Jackie Chang with Sierra Wardell (see below).

| SUBRECIPIENT | | DEPARTMENT | |
|--------------|---------------------------------|------------|--|
| Name | Dawn Pierce | Name | Courtney Bemus Ben Olson |
| Title | Administrative Assistant | Title | Program Coordinator |
| E-Mail | dpierce@co.whatcom.wa.us | E-Mail | courtney.bemus@mil.wa.gov benjamin.olson@mil.wa.gov |
| Phone | 360-778-6600 x6606 | Phone | 253-512-7141 253-512-7224 |
| Name | Donna Duling | Name | Jackie Chang Sierra Wardell |
| Title | Financial Accountant | Title | Program Manager Financial Operations Section Manager |
| E-Mail | dduling@co.whatcom.wa.us | E-Mail | jacqueline.chang@mil.wa.gov sierra.wardell@mil.wa.gov |
| Phone | 360-778-6600 x6611 | Phone | 253-512-7134 253-512-7121 |
| Name | | Name | Grant Miller |
| Title | | Title | Program Assistant |
| E-Mail | | E-Mail | grant.miller@mil.wa.gov |
| Phone | | Phone | 253-512-7061 |

4. **Change the original Budget, Attachment E.**
 - a. Original Budget, Attachment E, with Revision 1 Budget, Attachment E.

Revision 1 BUDGET

The Budget (Attachment E) consists of the 22OPSG Operation Order Approval Letter and the Personnel Cap Waiver Approval Letter addressed to Adjutant General Daugherty on behalf of the Subrecipient.

| Budget Categories | Original Budget | Modification | Amended Budget |
|--------------------|--------------------|--------------------|---------------------|
| Operational OT | \$75,495.91 | \$76,765.00 | \$152,260.91 |
| Fringe Benefits | \$12,122.73 | \$11,961.00 | \$24,083.73 |
| Equipment | \$0.00 | \$0.00 | \$0.00 |
| Fuel | \$3,700.00 | \$6,985.00 | \$10,685.00 |
| Maintenance | \$0.00 | \$0.00 | \$0.00 |
| Mileage | \$2,525.00 | \$814.00 | \$3,339.00 |
| Travel | \$0.00 | \$0.00 | \$0.00 |
| M&A (Subrecipient) | \$1,950.00 | \$0.00 | \$1,950.00 |
| Indirect | \$1,706.37 | \$0.00 | \$1,706.37 |
| Total | \$97,500.00 | \$96,525.00 | \$194,025.00 |

- Expenditures in excess of the approved Personnel Cap Waiver amount will not be reimbursed until a FRAGO and a revised waiver letter is received by FEMA. A current approved Indirect Cost Rate Agreement must be provided to the SAA prior to requesting reimbursement of indirect costs. If the approved Indirect Cost Rate Agreement is updated, the updated Agreement must be submitted to the SAA before costs will be reimbursed.
- OPSG funds shall not be used to supplant inherent routine patrols and law enforcement operations or activities not directly related to providing enhanced coordination between local, state, tribal, and Federal law enforcement agencies.
- All budget modifications require an approved FRAGO before any funds can be obligated. In addition to the approved FRAGO, cumulative transfers between budget categories more than 10% of the Grant Agreement amount will not be reimbursed without prior written authorization from the Department which includes a budget amendment.



FEMA

December 4, 2023

Bret Daugherty
Adjutant General
Washington Military Department
Militia Drive, Building 20
Camp Murray, Washington 98430-5122

Dear Adjutant General Daugherty,

Based on the Department of Homeland Security, Federal Emergency Management Agency's (FEMA) Operation Stonegarden Grant Program (OPSG) guidelines and special conditions associated with this program, the below referenced Operations Order as submitted is approved:

Operations Order No: FY22 23-BLWBLW-12-001 V1
Fiscal Year: 2022
Amount Approved: \$199,000.00
Operations Order Dates: 09/01/2022 to 08/31/2025
Sub-Recipient: Whatcom County, WA

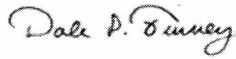
Expenditures from the Operations Order (OPORD) that were reviewed and approved by FEMA and U.S. Customs and Border Protection/Border Patrol (CBP) are outlined below. These expenses will assist the County in conducting border centric, intelligence driven operations with the goal of reduction or elimination of threat, risk and vulnerability along our Nation's borders. Please see below for all approved costs for this OPORD, and refer to the OPORD for specific items.

| Category | Amount |
|----------------|---------------------|
| Overtime: | \$152,260.91 |
| Fringe: | \$24,083.72 |
| Equipment: | \$0.00 |
| Fuel: | \$10,685.00 |
| Maintenance: | \$0.00 |
| Mileage: | \$3,339.00 |
| Travel: | \$0.00 |
| County M&A: | \$1,950.00 |
| State M&A: | \$4,975.00 |
| Indirect Cost: | \$1,706.37 |
| Total | \$199,000.00 |

Please find the below special conditions associated with OPSG and retain this letter for your grant files. If you have any questions, please feel free to contact me at (202) 786-9625.

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

Sincerely,



Dale P. Finney
Preparedness Officer
U.S. Department of Homeland Security
Federal Emergency Management Agency
Grant Programs Directorate

Cc: U.S. Customs and Border Protection/ Border Patrol

The following Special Conditions are associated with this Operation Stonegarden award:

1. Construction and construction-type activities are prohibited.
2. Lethal or less than lethal forces including, but not limited to: weapons, firearms, ammunition and tasers are prohibited.
3. Per the *Personnel Reimbursement for Intelligence Cooperation and Enhancement (PRICE) of Homeland Security Act* (Public Law 110-412), the sum of all personnel related expenses shall not exceed 50% of the recipient's allocation without first obtaining a waiver from the FEMA Administrator.
4. All participating agencies shall monitor, review and track expenditures of OPSG funds under individual Operations Orders issued. Participating agencies shall not obligate, and/or encumber OPSG grant funds beyond the total of their allocation issued by FEMA.
5. The Operations Order has been reviewed and approved under the Environmental and Historic Preservation Program (EHP) guidelines as being categorically excluded from further EHP review.
6. Recipients must submit a letter of justification for all proposed vehicles or equipment items in excess of \$100,000. This justification will be reviewed by CBP and FEMA.

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FEMA

November 2, 2023

Bret Daugherty
Adjutant General
Washington Military Department
Militia Drive, Building 20
Camp Murray, Washington 98430-5122

Dear General Daugherty:

The Federal Emergency Management Agency (FEMA), Grant Programs Directorate has reviewed the request submitted by Whatcom County to waive the 50 percent Personnel Cap imposed by Section 2008 of the *Homeland Security Act of 2002*, Public Law 107-296, as amended (6 U.S.C. § 609).

Whatcom County has requested to expend \$178,294.63, or approximately 92 percent of its total Fiscal Year 2022 Operation Stonegarden allocation of \$194,025, on operational overtime and related personnel costs under Operations Order # OO WA Whatcom FY22 23-BLWBLW-12-001 V1. This request is consistent with the terms and conditions of the grant award and is necessary for the continued success of border security operations. This request is approved pursuant to the waiver authority provided by 6 U.S.C § 609(b)(2)(B).

As a reminder, future personnel waiver requests must be submitted to FEMA for prior approval. Please contact your Preparedness Officer, Dale P. Finney, at dale.finney@fema.dhs.gov or (202) 236-9308 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacey N. Street".

Stacey N. Street
Director
Office of Grants Administration

Cc: Willie Nunn, Regional Administrator, Region X
Kerry L. Thomas, Director, Homeland Security Programs Division
Patrick Marcham, Grants Division Director, Region X
Alexander R. Mrazik, Jr., Branch Chief, Homeland Security Programs Division
Mark Silveira, Branch Chief, Homeland Security Programs Division
Patrick M. Pugh, Section Chief, Homeland Security Programs Division
Dale P. Finney, Preparedness Officer, Homeland Security Programs Division

As a reminder, if any subrecipient's approved or initial revised budget will exceed 85% in personnel costs, they are required to submit a waiver request as described in section III.C.3 of Information Bulletin #421b. Please contact your Preparedness Officer, Lindsey Tomes, at Lindsey.Tomes@fema.dhs.gov if you have any questions.

Sincerely,



Stacey N. Street
Director
Office of Grants Administration

Cc: Willie G. Nunn, Regional Administrator, Region X
Kerry L. Thomas, Director, Preparedness Grants Division
Patrick Marcham, Grants Division Director, Region X
Virginia Warren, Deputy Director, Preparedness Grants Division
Mark Silveira, Branch Chief, Preparedness Grants Division
Michael McGowan, Section Chief, Preparedness Grants Division
Lindsey Tomes, Preparedness Officer, Preparedness Grants Division