

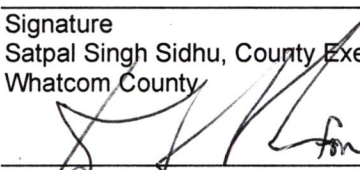
**WHATCOM COUNTY CONTRACT  
INFORMATION SHEET**

Whatcom County Contract No.  
**201805001-2**

Originating Department:	Sheriff's Office
Division/Program: <i>(i.e. Dept. Division and Program)</i>	3520 Bureau of LE & Investigations / 352020 Patrol and Overtime
Contract or Grant Administrator:	Doug Chadwick, 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 <input checked="" type="radio"/> No <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: <u>201805001</u>	
Does contract require Council Approval? Yes <input checked="" type="radio"/> No <input type="radio"/> 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 <input checked="" type="radio"/> No <input type="radio"/> If yes, grantor agency contract number(s): <u>E18-177</u> CFDA#: <u>97.067-HSGP (OPSG FY17)</u>	
Is this contract grant funded? Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, Whatcom County grant contract number(s): _____	
Is this contract the result of a RFP or Bid process? Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, RFP and Bid number(s): _____ Contract _____ Cost Center: _____	
Is this agreement excluded from E-Verify? No <input type="radio"/> Yes <input checked="" type="radio"/> If no, include Attachment D Contractor Declaration form.	
If YES, indicate exclusion(s) below: <input type="checkbox"/> Professional services agreement for certified/licensed professional. <input type="checkbox"/> Contract work is for less than \$100,000. <input type="checkbox"/> Contract for Commercial off the shelf items (COTS). <input type="checkbox"/> Contract work is for less than 120 days. <input type="checkbox"/> Work related subcontract less than \$25,000. <input checked="" type="checkbox"/> Interlocal Agreement (between Governments). <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.	
Contract Amount:(sum of original contract amount and any prior amendments): \$ <u>345,000</u> This Amendment Amount: \$ _____ Total Amended Amount: \$ <u>345,000</u>	Council approval required for; all property leases, contracts or bid awards <b>exceeding \$40,000</b> , and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, <b>except when:</b> 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: _____	
Amendment #2 replaces Revised Attachment 2, Work Plan/Budget. The amounts within budget categories were amended to reallocate \$31,176 from subrecipients to Sheriff's Office, but the total grant amount remains unchanged. In addition, the approval letter and Personnel Cap Waiver were also replaced. All other terms and conditions remain unchanged and are in full force and effect.	
Term of Contract: <u>9/1/17</u>	Expiration Date: <u>5/15/20</u>

Contract Routing:	1. Prepared by: <u>J. Korn</u>	Date: <u>4/23/20</u>
	2. Attorney signoff: <u>Brandon Waldron</u>	Date: <u>4/23/20</u>
	3. AS Finance reviewed: <u>Brad Bennett</u>	Date: <u>4/24/20</u>
	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: <b>Whatcom County Sheriff's Office 311 Grand Avenue Bellingham, WA 98225-4048</b>		2. GRANT AGREEMENT NUMBER: <b>E18-177</b>	3. AMENDMENT NUMBER: <b>B</b>
4. SUBRECIPIENT CONTACT, PHONE/EMAIL: <b>Dawn Pierce, (360) 778-6606 dpierce@co.whatcom.wa.us</b>		5. DEPARTMENT CONTACT, PHONE/EMAIL: <b>Zoie Choate, (253) 512-7461 zoie.choate@mil.wa.gov</b>	
6. TIN or SSN: <b>N/A</b>	7. CATALOG OF FEDERAL DOMESTIC ASST. (CFDA) #: <b>97.067 17HSGP (17OPSG)</b>	8. FUNDING SOURCE NAME/AGREEMENT #: <b>EMW-2017-SS-00101-S01</b>	
9. FUNDING AUTHORITY: <b>Washington State Military Department (Department) and US Department of Homeland Security (DHS)</b>			
10. DESCRIPTION/JUSTIFICATION OF AMENDMENT: Due to partners being unable to fully expend allotments, funds were moved between partners in a Fragmentary Operations Order and subsequently approved by FEMA. The modification impacts the budget and the Personnel Cap. The approval letters are added to Attachment 2 and supersede the original FEMA approval letters.			
11. AMENDMENT TERMS AND CONDITIONS: 1. The Grant Agreement End Date of May 15, 2020 remains <b>unchanged</b> 2. <b>Replace</b> Amendment A, Attachment 2, <b>with</b> the attached Revised Attachment 2, 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	Date	Signature Satpal Singh Sidhu, County Executive Whatcom County	Date
BOILERPLATE APPROVED AS TO FORM: Brian E. Buchholz Assistant Attorney General	7/30/2018	 Signature Bill Elfo, Sheriff Whatcom County	09-23-20 Date
		APPROVED AS TO FORM (if applicable):	
		Applicant's Legal Review	Date

## Jacque Korn

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**From:** Brad Bennett  
**Sent:** Friday, April 24, 2020 12:15 PM  
**To:** Jacque Korn  
**Subject:** RE: WC# 201805001-2

Look fine to me

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**From:** Jacque Korn  
**Sent:** Friday, April 24, 2020 8:09 AM  
**To:** Brad Bennett <[BBennett@co.whatcom.wa.us](mailto:BBennett@co.whatcom.wa.us)>  
**Subject:** FW: WC# 201805001-2  
**Importance:** High

Hi Brad,

Attached is Amendment #2 for the WC #201805001. Please let me know if you have any questions or edits and if you approve this amendment.

Thanks,

Jacque Korn  
Financial Accountant  
Whatcom County Sheriff's Office  
311 Grand Avenue, Bellingham, WA 98225  
360-778-6607

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**From:** Brandon Waldron  
**Sent:** Friday, April 24, 2020 7:58 AM  
**To:** Jacque Korn  
**Subject:** RE: WC# 201805001-2

Approved.

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**From:** Jacque Korn  
**Sent:** Thursday, April 23, 2020 3:54 PM  
**To:** Brandon Waldron  
**Subject:** WC# 201805001-2  
**Importance:** High

Hi Brandon,

Attached is Amendment #2 for the WC #201805001. Please let me know if you have any questions or edits and if you approve this amendment.

Thanks,

Jacque Korn  
Financial Accountant

**Washington State Military Department  
Amendments to Agreement E18-177**

1. The Grant Agreement End Date of May 15, 2020 remains unchanged.
2. The Grant Agreement Amount of \$345,000 remains unchanged.
3. **Replace Revised Attachment 2, Work Plan/Budget**
  - a. **Replace** Revised Attachment 2, Work Plan/Budget, **with** Revised Attachment 2, Work Plan/Budget, attached to this amendment.
    - ~~February 14, 2018 Operations Order approval letter from George Mitchell to Bret Daugherty, Adjutant General~~  
April 16, 2020 Operations Order approval letter from Lindsey Tomes to Bret Daugherty, Adjutant General
    - ~~February 14, 2018 Personnel Cap Waiver approval letter from Thomas DiNanno to Bret Daugherty, Adjutant General~~  
April 15, 2020 Personnel Cap Waiver approval letter from Bridget Bean to Bret Daugherty, Adjutant General

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## **FFY17 Homeland Security Grant Program (HSGP) Operation Stonegarden (OPSG)**

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The OPSG Program provides funding to support joint efforts to secure the United States' borders along routes of ingress from international borders to include travel corridors in states bordering Mexico and Canada, as well as states and territories with international water borders.

Per the FY17 Notice of Funding Opportunity, responsibilities of the Subrecipient include:

- Conduct operations, on an as-needed basis throughout the length of the grant performance period;
- Integrate law enforcement partners from contiguous counties and towns into their tactical operations to expand the layer of security beyond existing areas;
- Ensure all required reports, including reports from friendly forces, are submitted to the Border Patrol and the SAA, when applicable, in the proper format and within established timeframes;
- Ensure applicable Operation Stonegarden derived data is shared with the designated fusion center in the state and/or Urban Area.
- Request instruction and information from the SAA, when applicable, and/or Border Patrol and other federal law enforcement agencies regarding techniques, methods, and trends used by transnational criminal organizations in the area; and
- Provide the SAA and Border Patrol a single point of contact that maintains subject-matter expertise in OPSG who can coordinate, collect, and report operational activities within the established reporting procedures.

Attachment 2 includes the Work Plan/Budget and Timeline.

The Work Plan/Budget is made up of the 17OPSG Operation Order Approval Letter and the Personnel Cap Waiver Approval Letter (if required) addressed to Adjutant General Daugherty on behalf of the Subrecipient.

- Personnel expenditures will not exceed 50% of the agreement award stipulated by the grant. If the amount for personnel costs allocated in the budget is greater than 50%, the personnel costs over 50% will not be reimbursed unless a personnel cap waiver has been approved by DHS. Once a Personnel Cap Waiver Approval Letter is received, the Subrecipient will be held to the approved amount. If the total personnel expenditure amount exceeds the DHS approved amount, a revised Personnel Cap Waiver request will need to be submitted and approved by DHS, and the expenditures above the approved amount will not be reimbursed unless and until a revised approval letter is received from DHS.
- 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.
- Cumulative transfers between budget categories in excess of 10% of the Grant Agreement amount will not be reimbursed without prior written authorization from the Department.

**Revised budget E18-177B**

The below table compiles and summarizes the Budget Category modifications that are outlined in the following Work Plan/Budget.

<b>Budget Categories</b>	<b>Original</b>	<b>Modification</b>	<b>Amended Budget</b>
<b>Operational OT/ Fringe</b>	\$232,166.68	\$1,823.98	\$233,990.66
<b>Fringe</b>	\$35,153.32	\$2,872.70	\$38,026.02
<b>Equipment</b>	\$51,205.00	(\$500.00)	\$50,705.00
<b>Fuel</b>	\$5,000.00	(\$3,561.70)	\$1,438.30
<b>Maintenance</b>	\$0	\$0	\$0
<b>Mileage</b>	\$21,475.00	(\$634.98)	\$20,840.02
<b>Travel</b>	\$0	\$0	\$0
<b>County M&amp;A</b>	\$0	\$0	\$0
<b>TOTAL</b>	\$345,000.00	\$0	\$345,000.00

**Work Plan/Budget**

U.S. Department of Homeland Security  
Washington, DC 20472



**FEMA**

April 16, 2020

Bret Daugherty  
Adjutant General  
Washington Military Department  
Militia Drive, Building 1  
Camp Murray, WA 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:** 18-BLWBLW-11-001 V1  
**Fiscal Year:** 2017  
**Amount Approved:** \$345,000.00  
**Operations Order Dates:** 09/01/2017-08/31/2020  
**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.

<b>Category</b>	<b>Amount</b>
Overtime:	\$233,990.66
Fringe:	\$38,026.02
Equipment:	\$50,705.00
Fuel:	\$1,438.30
Maintenance:	\$0
Mileage:	\$20,840.02
Travel:	\$0
County M&A:	\$0
<b>Total</b>	<b>\$345,000.00</b>

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) 802-2755.

Sincerely,

**FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE**

*Lindsey Tomes*

Lindsey Tomes  
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.

**FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE**



U.S. Department of Homeland Security  
Washington, DC 20472



**FEMA**

April 15, 2020

Bret Daugherty  
Adjutant General  
Washington Military Department  
Militia Drive, Building 1  
Camp Murray, WA 98430-5122

Dear General Daugherty:

The Federal Emergency Management Agency (FEMA) has reviewed the request submitted by Whatcom County, WA 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 \$272,016.68, or approximately 79 percent of its total FY 2017 Operation Stonegarden allocation of \$345,000, on operational overtime and related personnel costs under Operations Order # 18-BLWBLW-11-001 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 therefore approved pursuant to the waiver authority provided by 6 U.S.C § 609(b)(2)(B).

As a reminder, future personnel waiver requests must also be submitted to FEMA Grant Programs Directorate for prior approval. Please contact your Preparedness Officer, Lindsey Tomes, at (202) 802-2755 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Bridget Bean".

Bridget Bean  
Assistant Administrator  
Grant Programs Directorate

CC: Mike O'Hare, Regional Administrator, Region X  
Stacey Street, Director, Office of Grant Administration  
Kerry L. Thomas, Director, Preparedness Grants Division  
Patrick Marcham, Grants Division Director, Region X  
Lindsey Tomes, Preparedness Officer

[www.fema.gov](http://www.fema.gov)

## Whatcom County Sheriff's Office 17OPSG Timeline

Date	Task
September 1, 2017	Grant Agreement Start Date
February 14, 2018	Operations Order approved by FEMA
June 1, 2018	Estimated date work will begin
NLT July 31, 2018	Submit Reimbursement Request
NLT October 31, 2018	Submit Reimbursement Request
NLT January 31, 2019	Submit Reimbursement Request
NLT April 30, 2019	Submit Reimbursement Request
NLT July 31, 2019	Submit Reimbursement Request
NLT October 31, 2019	Submit Reimbursement Request
NLT January 31, 2020	Submit Reimbursement Request
NLT February 28, 2020	In collaboration with U.S. Border Patrol, assess status of award. Determine if additional time is needed to complete operations and/or if there is a need to submit a FRAG Order changing the approved Operations Order.
May 15, 2020	Grant Agreement End Date. All work ceases.
NLT June 29, 2020	Submit Final Reimbursement Request and Closeout Report. Reports are due before final invoice will be reimbursed.

***Grant Performance Period: September 1, 2017 - August 31, 2020***