

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No. _____

Originating Department:	35 Sheriff's Office
Division/Program: (i.e. Dept. Division and Program)	3520 Bureau of LE & Investigations / 352020 Patrol and Overtime
Contract or Grant Administrator:	Doug Chadwick, Undersheriff
Contractor's / Agency Name:	Washtington State Military Department

Is this a New Contract? Yes No If not, is this an Amendment or Renewal to an Existing Contract? Yes No
 If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: 202007008

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): E20-206 CFDA#: 97.067 - 19HSGP (OPSG)

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? Yes No If yes, RFP and Bid number(s): _____ Contract _____
 Cost Center: 1003519005

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): \$ <u>400,725.00</u> This Amendment Amount: \$ <u>54,069.48</u> Total Amended Amount: \$ <u>454,794.48</u>	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:	

Amendment #2 extends the expiration date of the grant agreement from March 31, 2023 to July 31, 2023, adds \$54,069.48 to be used in the overtime and mileage budget categories, and updates the contact information. All other terms and conditions remain unchanged and are in full force and effect.

Term of Contract: 9/1/19	Expiration Date: 7/31/23
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Contract Routing:	1. Prepared by: <u>Donna Duling</u> DMD	Date: <u>12/29/22</u>
	2. Attorney signoff: <u>Approved via email BW/DD</u>	Date: <u>12/29/22</u>
	3. AS Finance reviewed: <u>Approved via email BB/DD</u>	Date: <u>1/12/23</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: Whatcom County Sheriff's Office 311 Grand Avenue Bellingham, WA 98225-4048	2. GRANT NUMBER: E20-206	3. AMENDMENT NUMBER: 2
4. SUBRECIPIENT CONTACT, PHONE/EMAIL: Doug Chadwick, 360-778-6618 dchadwic@co.whatcom.wa.us	5. DEPARTMENT CONTACT, PHONE/EMAIL: Joshua Castillo, 253-316-6432 joshua.castill@mil.wa.gov	
6. EIN: 91-6001383	7. ASSISTANCE LISTINGS # & TITLE: 97.067 – 19HSGP (OPSG)	8. FEDERAL AWARD ID # (FAIN): EMW-2019-SS-00044-S01
9. FUNDING AUTHORITY: The Washington State Military Department (Department) and the US Department of Homeland Security (DHS)		
10. DESCRIPTION/JUSTIFICATION OF AMENDMENT: <p>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 2 supersede all prior FEMA approval letters. Additionally, funds are being realigned between budget categories to ensure the full expenditure of the award.</p> <p>The end date is extended to ensure expenditures remain within the allowable period of performance.</p> <p>Changes are noted in red font, strikethrough, and grey highlight.</p>		
11. AMENDMENT TERMS AND CONDITIONS: <ol style="list-style-type: none"> 1. Change the Grant Agreement Amount from \$400,725 to \$454,794.48, an increase of \$54,069.48, as described on Page 2 of this Amendment. 2. Change the Grant Agreement End Date from March 31, 2023, to July 31, 2023, as described on Page 2 of this Amendment 3. Change Exhibit A, SPECIAL TERMS AND CONDITIONS, Article I-Key Personnel, as described on Page 2 of this Amendment 4. Change Revision 1, Attachment 2, as described on Page 2 of this Amendment 		
<p>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.</p>		
IN WITNESS WHEREOF, the parties have executed this Amendment:		
FOR THE DEPARTMENT: <hr/> Signature _____ Date _____ Regan Anne Hesse, Chief Financial Officer Washington State Military Department BOILERPLATE APPROVED AS TO FORM: _____/Signature on file/_____ David B. Merchant, Assistant Attorney General 10/11/2021	FOR THE SUBRECIPIENT: <hr/> Signature _____ Date _____ Satpal Singh Sidhu, County Executive Organization/Agency _____ _____ Signature _____ Date _____ Bill Elfo, Sheriff Organization/Agency _____ APPROVED AS TO FORM (if applicable): _____ Applicant's Legal Review 12/29/22 _____ Date _____	

Washington State Military Department Amendments to Agreement E20-206

1. **Change the Grant Agreement Amount from \$400,725 to \$466,455.88 an increase of \$54,069.48**
 - a. Agreement Face Sheet, Box 2. ~~\$400,725~~ \$454,794.48
2. **Change the Grant Agreement End Date from March 31, 2023, to July 31, 2023.**
 - a. Agreement Face Sheet, Box 6. ~~March 31, 2023~~ July 31, 2023.
3. **Change Exhibit A, Article I-Key Personnel.**
 - a. Attachment A, SPECIAL TERMS AND CONDITIONS, Article 1-Key Personnel, under DEPARTMENT:
 - i. Replace Zoie Choate with Gail Cram (see below).

SUBRECIPIENT		DEPARTMENT	
Name	Dawn Pierce		Joshua Castillo
Title	Sr. Administrative Assistant		Program Coordinator
E-Mail	dpierce@co.whatcom.wa.us		joshua.castillo@mil.wa.gov
Phone	360-778-6606		253-316-6432
Name	Doug Chadwick		Zoie Choate Gail Cram
Title	Undersheriff		Program Manager
E-Mail	dchadwick@co.whatcom.wa.us		zoie.choae@mil.wa.gov gail.cram@mil.wa.gov
Phone	360-778-6618		253-512-7461 253-512-7472
Name	Donna Duling		Courtney Bemus
Title	Financial Accountant		Program Assistant
E-Mail	dduling@co.whatcom.wa.us		courtney.bemus@mil.wa.gov
Phone	360-778-6611		253-316-6438

4. **Change the Revision 1 Attachment 2.**
 - a. Revision 1, Attachment 2, with Revision 2, Attachment 2.
 - i. Revised budget E20-206-2
 - ii. Work Plan/Budget

**FFY19 Homeland Security Grant Program (HSGP)
Operation Stonegarden (OPSG)**

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 FY19 Preparedness Grants Manual, 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 Border Patrol and the State Administrative Agency (SAA), when applicable, in the proper format and within established timeframes;
- Ensure applicable OPSG derived data is shared with the designated fusion center in the state or high-risk urban areas;
- 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 consists of the 19OPSG Operation Order Approval Letter and the Personnel Cap Waiver Approval Letter addressed to Adjutant General Daugherty on behalf of the Subrecipient.

- Personnel expenditures will not exceed 50% of the agreement award unless a waiver has been approved by FEMA. Once a Personnel Cap Waiver Approval Letter is received, the Subrecipient will be held to the personnel amount indicated in the letter. Expenditures above the approved amount will not be reimbursed unless and only after a revised approval letter is received from 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.
- 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. All budget modifications must be validated by USBP concurrence and any applicable approvals.

Revised Budget E20-206-2

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

Budget Categories	Original	Amend 1 Budget	Modification	Amend 2 Budget
Operational OT	\$268,362.30	\$268,362.30	\$58,020.50	\$326,382.80
Fringe	\$44,536.08	\$44,536.08	\$8,908.09	\$53,444.17
Equipment	\$33,580.02	\$33,580.02	-\$5,052.66	\$28,527.36
Fuel	\$16,785.00	\$16,785.00	\$2,062.16	\$18,847.16
Maintenance	\$0.00	\$0.00	\$0.00	\$0.00
Mileage	\$23,625.60	\$23,625.60	-\$9,868.61	\$13,756.99
Travel	\$0.00	\$0.00	\$0.00	\$0.00
County M&A	\$13,836.00	\$13,836.00	\$0.00	\$13,836.00
Indirect Costs	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL	\$400,725.00	\$400,725.00	\$54,069.48	\$454,794.48

Revision 2 Work Plan / BudgetU.S. Department of Homeland Security
Washington, DC 20472**FEMA**

September 19, 2022

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

Dear Adjutant General Daugherty:

Please be advised that, 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 Fragmentary Operations Order (FRAGO) is approved:

Operations Order No: 20-BLWBLW-10-008 V2**Fiscal Year:** 2019**Amount Approved:** \$466,455.88**Operations Order Dates:** 09/01/2019 to 08/31/2023**Sub-Recipient:** Whatcom County, WA

Expenditures from the FRAGO 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 FRAGO, and refer to the FRAGO for specific items.

Category	Amount
Overtime:	\$326,382.80
Fringe:	\$53,444.17
Equipment:	\$28,527.36
Fuel:	\$18,847.16
Maintenance:	\$0
Mileage:	\$13,756.99
Travel:	\$0
County M&A:	\$13,836.00
State M&A:	\$11,661.40
Indirect Costs:	\$0
Total	\$466,455.88

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.

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

Sincerely,

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.

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



FEMA

September 19, 2022

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

Dear Adjutant General Daugherty:

The Federal Emergency Management Agency (FEMA), Grant Programs Directorate has reviewed the request submitted by the Washington State Emergency Management Division, on behalf of 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 \$393,662.97, or approximately 87 percent, of its total Fiscal Year 2019 Operation Stonegarden allocation of \$454,794.48, on operational overtime and related personnel costs under Operations Order # 20-BLWBLW-10-008 V2. 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, Lindsey Tomes, at lindsey.tomes@fema.dhs.gov or (202) 802-2755 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 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

Revision 2
Whatcom County Sheriff's Office
19OPSG Timeline

Date	Task
September 1, 2019	Grant Agreement Start Date
April 7, 2020	Operations Order approved by FEMA
January 1, 2021	Estimated date work will begin
NLT April 30, 2021	Submit Reimbursement Request
NLT July 31, 2021	Submit Reimbursement Request
NLT October 31, 2021	Submit Reimbursement Request
NLT January 31, 2022	Submit Reimbursement Request
NLT February 25, 2022	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.
NLT April 30, 2022	Submit Reimbursement Request
NLT July 31, 2022	Submit Reimbursement Request
NLT October 31, 2022	Submit Reimbursement Request
NLT January 31, 2023	Submit Reimbursement Request
NLT April 30, 2023	Submit Reimbursement Request
March 31, 2023 July 31, 2023	Grant Agreement End Date. All work ceases.
NLT May 15, 2023 September 14, 2023	Submit Final Reimbursement Request and Closeout Report. Reports are due before final invoice will be reimbursed.

Grant Performance Period: September 1, 2019 - August 31, 2023