

March 3, 2022

Board of County Commissioner
Clackamas County

Members of the Board:

Approval of Amendment #5 to the Intergovernmental Agreement with the State of Oregon, acting by and through its Oregon Health Authority (OHA) for Operation as the Local Public Health Authority for Clackamas County.

Contract not to exceed \$10,636,087.64 Funding is provided by the State of Oregon.
No County General Funds are involved.

Purpose/Outcomes	Amendment #5 adds \$131,887.50
Dollar Amount and Fiscal Impact	Bringing the contract maximum value to \$10,636,087.64
Funding Source	Funding through the State - No County General Funds are involved.
Duration	Effective December 1, 2021 and terminates on June 30, 2023
Previous Board Action	The Board previously reviewed and approved this agreement on July 22, 2021, Agenda item 072221-A8, October 14, 2021, Agenda item 20211014 A14, February 3, 2022, Issues item March 1, 2022.
Strategic Plan Alignment	1. Funding through this Amendment allows the Clackamas County Public Health Division (CCPHD) to provide public health related services to Clackamas County residents, such as, HIV Prevention Services, Tobacco Prevention and Education, and Women's, Infants, and Children (WIC) Program, and School Based Health Centers 2. Ensure safe, healthy and secure communities
Counsel Review	County counsel has reviewed and approved this document on February 07, 2022 KR
Procurement Review	1. Was the item processed through Procurement? yes <input type="checkbox"/> no <input checked="" type="checkbox"/> 2. This item is an IGA
Contact Person	Philip Mason-Joyner, Public Health Director – (503)742-5956
Contract No.	10213-05

BACKGROUND:

The Clackamas County Public Health Division (CCPHD) of the Health, Housing & Human Services Department requests the approval of Amendment #5 that adds \$131,887.50. Bringing the contract maximum value to \$10,636,087.64

Per the States directive in the Amendment, this Amendment is effective December 1, 2022 and continues through June 30, 2023 regardless of the date the Amendment is fully executed.

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RECOMMENDATION:

Staff recommends the Board approval Amendment #5 to the IGA with the State of Oregon.

Respectfully submitted,

Rodney Cook

Rodney A. Cook, Director
Health, Housing, and Human Services

Agreement #169503



**FIFTH AMENDMENT TO OREGON HEALTH AUTHORITY
2021-2023 INTERGOVERNMENTAL AGREEMENT FOR THE
FINANCING OF PUBLIC HEALTH SERVICES**

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio recordings, Web-based communications and other electronic formats. To request an alternate format, please send an e-mail to dhs-oha.publicationrequest@state.or.us or call 503-378-3486 (voice) or 503-378-3523 (TTY) to arrange for the alternative format.

This Fifth Amendment to Oregon Health Authority 2021-2023 Intergovernmental Agreement for the Financing of Public Health Services, effective July 1, 2021, (as amended the “Agreement”), is between the State of Oregon acting by and through its Oregon Health Authority (“OHA”) and Clackamas County, (“LPHA”), the entity designated, pursuant to ORS 431.003, as the Local Public Health Authority for Clackamas County. OHA and LPHA are each a “Party” and together the “Parties” to the Agreement.

RECITALS

WHEREAS, OHA and LPHA wish to modify the Fiscal Year 2022 (FY22) Financial Assistance Award set forth in Exhibit C of the Agreement.

WHEREAS, OHA and LPHA wish to modify the Exhibit J information required by 2 CFR Subtitle B with guidance at 2 CFR Part 200;

NOW, THEREFORE, in consideration of the premises, covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

AGREEMENT

1. This Amendment is effective on December 1, 2021, regardless of the date this amendment has been fully executed with signatures by every Party and when required, approved by the Department of Justice. However, payments may not be disbursed until the Amendment is fully executed.
2. The Agreement is hereby amended as follows:
 - a. Exhibit A “Definitions”, Section 18 “Program Element” is amended to add Program Element titles and funding source identifiers as follows:

<u>PE NUMBER AND TITLE</u> • SUB-ELEMENT(S)	FUND TYPE	FEDERAL AGENCY/ GRANT TITLE	CFDA#	HIPAA RELATED (Y/N)	SUB-RECIPIENT (Y/N)
<u>PE 44-03</u> COVID COAG Funds	FF	CDC/Public Health Emergency Response: Cooperative Agreement for Emergency Response: Public Health Crisis Response	93.354	N	Y

- b. Section 1 of Exhibit C of the Agreement, entitled “Financial Assistance Award” for FY22 is hereby superseded and replaced in its entirety by Attachment A, entitled “Financial Assistance Award (FY22)”, attached hereto and incorporated herein by this reference. Attachment A must be read in conjunction with Section 3 of Exhibit C.
 - c. Exhibit J of the Agreement entitled “Information required by 2 CFR Subtitle B with guidance at 2 CFR Part 200” is amended to add to the federal award information datasheet as set forth in Attachment B, attached hereto and incorporated herein by this reference.
3. LPHA represents and warrants to OHA that the representations and warranties of LPHA set forth in Section 4 of Exhibit F of the Agreement are true and correct on the date hereof with the same effect as if made on the date hereof.
4. Capitalized words and phrases used but not defined herein shall have the meanings ascribed thereto in the Agreement.
5. Except as amended hereby, all terms and conditions of the Agreement remain in full force and effect.
6. This Amendment may be executed in any number of counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates set forth below their respective signatures.

7. Signatures.

STATE OF OREGON, ACTING BY AND THROUGH ITS OREGON HEALTH AUTHORITY

Signature: _____

Name: /for/ Carole L. Yann

Title: Director of Fiscal and Business Operations

Date: _____

CLACKAMAS COUNTY LOCAL PUBLIC HEALTH AUTHORITY

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Approved as to form: *Kathleen Rastetter 2/7/2022*

DEPARTMENT OF JUSTICE – APPROVED FOR LEGAL SUFFICIENCY

Approved by Wendy Johnson, Senior Assistant Attorney General on July 27, 2021. Copy of emailed approval on file at OHA, OC&P.

REVIEWED BY OHA PUBLIC HEALTH ADMINISTRATION

Signature: _____

Name: Derrick Clark (or designee)

Title: Program Support Manager

Date: _____

**Attachment A
Financial Assistance Award (FY22)**

State of Oregon Oregon Health Authority Public Health Division		
1) Grantee Name: Clackamas County Street: 2051 Kaen Rd., Suite 637 City: Oregon City State: OR Zip: 97045-4035	2) Issue Date Wednesday, December 1, 2021	This Action Amendment
	3) Award Period From July 1, 2021 through June 30, 2022	

4) OHA Public Health Funds Approved				
Number	Program	Previous Award Balance	Increase / Decrease	Current Award Balance
PE01-01	State Support for Public Health	\$506,336.00	\$0.00	\$506,336.00
PE01-07	ELC ED Contact Tracing	\$0.00	\$0.00	\$0.00
PE01-08	COVID Wrap Direct Client Services	\$19,724.87	\$0.00	\$19,724.87
PE01-09	COVID-19 Active Monitoring - ELC	\$3,791,764.12	\$0.00	\$3,791,764.12
PE01-10	OIP - CARES	\$1,827,896.15	\$0.00	\$1,827,896.15
PE02	Cities Readiness Initiative	\$46,630.00	\$0.00	\$46,630.00
PE07	HIV Prevention Services	\$134,973.00	\$0.00	\$134,973.00
PE12-01	Public Health Emergency Preparedness and Response (PHEP)	\$205,543.00	\$0.00	\$205,543.00
PE13-01	Tobacco Prevention and Education Program (TPEP)	\$416,803.00	\$0.00	\$416,803.00
PE40-01	WIC NSA: July - September	\$199,234.00	\$0.00	\$199,234.00
PE40-02	WIC NSA: October - June	\$579,703.00	\$31,795.00	\$611,498.00
PE40-03	BFPC: July - September	\$19,101.00	\$0.00	\$19,101.00
PE40-04	BFPC: October - June	\$57,302.00	\$0.00	\$57,302.00
PE40-05	Farmer's Market	\$8,924.00	\$0.00	\$8,924.00

4) OHA Public Health Funds Approved				
Number	Program	Previous Award Balance	Increase / Decrease	Current Award Balance
PE42-03	MCAH Perinatal General Funds & Title XIX	\$10,975.00	\$0.00	\$10,975.00
PE42-04	MCAH Babies First! General Funds	\$35,071.00	\$0.00	\$35,071.00
PE42-06	MCAH General Funds & Title XIX	\$20,592.00	\$0.00	\$20,592.00
PE42-11	MCAH Title V	\$117,810.00	\$0.00	\$117,810.00
PE42-12	MCAH Oregon Mothers Care Title V	\$0.00	\$0.00	\$0.00
PE43-01	Public Health Practice (PHP) - Immunization Services	\$92,665.00	\$0.00	\$92,665.00
PE43-06	CARES Flu	\$0.00	\$0.00	\$0.00
PE44-01	SBHC Base	\$300,000.00	\$0.00	\$300,000.00
PE44-02	SBHC - Mental Health Expansion	\$373,500.00	\$0.00	\$373,500.00
PE44-03	COVID COAG Funds	\$0.00	\$100,092.50	\$100,092.50
PE46-05	RH Community Participation & Assurance of Access	\$46,174.00	\$0.00	\$46,174.00
PE50	Safe Drinking Water (SDW) Program (Vendors)	\$176,970.00	\$0.00	\$176,970.00
PE51-01	LPHA Leadership, Governance and Program Implementation	\$981,094.00	\$0.00	\$981,094.00
PE51-03	ARPA WF Funding	\$382,120.00	\$0.00	\$382,120.00
PE62	Overdose Prevention-Counties	\$153,295.00	\$0.00	\$153,295.00
		\$10,504,200.14	\$131,887.50	\$10,636,087.64

5) Foot Notes:	
PE01-01	5/1/21: Bridge funding for July-Sept 2021. Additional funds to be awarded once budgets are final.
PE01-01	9/1/21: Prior comment null and void. Funding is now for FY22 7/1/2021-6/30/2022.
PE01-07	9/1/2021: Funds are available 07/01/2021 - 06/30/2023
PE01-08	9/1/2021: Funds are available 07/01/2021 - 06/30/2023
PE01-09	9/1/2021: Funds are available 7/1/2021 - 06/30/2023
PE01-10	Awarded funds can be spent on allowable costs for the period of 7/1/2021 - 6/30/2024. Any unspent funds as of 6/30/22 will be rolled over into the FY23 award. Please see provided budget guidance for more details on roll over information.
PE40-01	5/2021: All SFY2022 Q1 funding award needs to be spent down by 9/30/2021. No unspent funds carryover to Q2-4 period is allowed.
PE40-02	5/2021: SFY2022 Q2-4 funds need to be spent by 6/30/2022.
PE40-02	12/2021: December grant adjustment for one-time funding.
PE40-03	SFY2022 WIC BFPC grant amount is to be spent by 9/30/2021. Unspent amount is not allowed to be carried over to the following period.
PE40-04	SFY2022 WIC BFPC grant amount is to be spent by 6/30/2022. Unspent amount is not allowed to be carried over to the following period.
PE40-05	7/2021: Funds will be paid in two installments in August and October of 2021.
PE43-06	9/1/2021: Activities funded under PE43-06 are the same as PE01-10. Please use PE43-06 funds first and if possible, use by 6/30/2022. No additional funds will be added to PE43-06. Current FY22 awards are a rollover of unspent FY21 awards.
PE51-01	5/1/21: Bridge funding for July-Sept 2021. Additional funds to be awarded once budgets are final.
PE51-01	9/1/21. Prior comment null and void. Award is for FY22 7/1/2021-6/30/2022.

6) Comments:	
PE01-08	9/2021: Rollover of unspent FY21 award to FY22
PE01-09	9/2021: Rollover of unspent funds from FY21 to FY22
PE01-10	9/2021: Rollover of Unspent funds 1,244,678.15 from FY21 to FY22
PE02	10/2021: SFY21 unspent funds \$4,507 must be spent by 06/30/2022. 7/2021: Award increase
PE12-01	10/2021: SFY22 award of unspent funds from SFY21 - must be spent by 06/30/2022 and an updated Budget is required by 12/31/2021
PE13-01	07/2021: increase award from 310,126 by 106,677 to 416,803
PE40-01	5/2021: SFY22 Q1 funding: Spend \$39,847 on Nutrition Ed, \$6,245 on BF Promotion
PE40-02	12/2021: increase of award; 5/2021: SFY2022 Q2-4 funding: spend \$115,941 on Nutrition Ed, \$18,736 on BF Promotion.
PE40-03	07/2021: SFY2022 Q1 funding
PE40-04	07/2021: SFY2022 Q2-4 grant award
PE40-05	07/2021: WIC FDNP Season 2021. Funds must be spent by 12/31/2021.
PE42-12	10/2021: SFY22 award amount of \$9,482 will be allocated to Providence Help Me Grow
PE44-02	7/2021: Funding for 21-23 Youth-Led Grants
PE44-03	12/2021: SBHC COVID Money
PE51-01	9/2021: added funding for FY22
PE62	10/2021: \$113,256 available October 1, 2021-June 30,2022; 08/2021: Prior comment null and void. \$12,584 available September 1- 30, 2021 only. \$27,455 must be spent between July 1-August 31, 2021 only and is not eligible for carry forward; 5/2021: This award is for July 1-August 31, 2021 only.

7) Capital outlay Requested in this action:				
Prior approval is required for Capital Outlay. Capital Outlay is defined as an expenditure for equipment with a purchase price in excess of \$5,000 and a life expectancy greater than one year.				
Program	Item Description	Cost	PROG APPROV	

Attachment B
Information required by CFR Subtitle B with guidance at 2 CFR Part 200

PE40-02 WIC NSA: October - June			
Federal Award Identification Number:	217OROR7W1003	217OROR7W1003	217OROR7W1003
Federal Award Date:	5/1/2021	5/1/2021	5/1/2021
Budget Performance Period:	FFY2022	FFY2022	FFY2022
Awarding Agency:	USDA FNS	USDA FNS	USDA FNS
CDFA Number:	10.557	10.557	10.557
CFDFA Name:	WIC NSA Grant	WIC NSA Grant	WIC NSA Grant
Total Federal Award:	\$26,840,000	\$26,840,000	\$26,840,000
Project Description:	WIC Admin	WIC Admin	WIC Admin
Awarding Official:	Dilson Oliveira	Dilson Oliveira	Dilson Oliveira
Indirect Cost Rate:	17.56%	17.56%	17.56%
Research and Development (T/F):	FALSE	FALSE	FALSE
PCA:	52257	52255	52256
Index:	50331	50331	50331

Agency	DUNS No.	Amount	Amount	Amount	Grand Total:
Clackamas	096992656	\$122,300.00	\$470,462.00	\$18,736.00	\$611,498.00

PE44-03 COVID COAG Funds	
Federal Award Identification Number:	NU90TP922194
Federal Award Date:	09/29/2021
Budget Performance Period:	7/1/2021 - 6/30/2023
Awarding Agency:	DEPARTMENT OF HEALTH AND HUMAN SERVICES
CDFA Number:	93.354
CFDFA Name:	Cooperative Agreement for Emergency Response: Public Health Crisis Response - 2018
Total Federal Award:	25,667,917
Project Description:	Cooperative Agreement for Emergency Response: Public Health Crisis Response - 2018
Awarding Official:	Carolyn Tunstall
Indirect Cost Rate:	17.64%
Research and Development (T/F):	FALSE
PCA:	52370
Index:	50333

Agency	DUNS No.	Amount	Grand Total:
Clackamas	096992656	\$100,092.50	\$100,092.50