

7/13/2023

BCC Agenda Date/Item: _____

Board of County Commissioners
 Clackamas County

Approval of Amendment #4 decreasing funding of a Subrecipient Intergovernmental Grant Agreement with the Oregon Department of Human Services for Older Americans Act and Oregon Project Independence Programs. Agreement value is reduced by \$400,000. Agreement value is now \$10,364,143 for two years. Funding is through the Federal Department of Health and Human Services and the State of Oregon. No County General Funds are involved.

Previous Board Action/Review	Original Agreement Approved: 20211104.B.4 Amendment #1 Approved: 20220421 IV.B.vii Amendment #2 Approved: 20230511 II.C.4 Amendment #3 Approved 20230601 VI.G.6 Briefed at Issues – 7/11/23		
Performance Clackamas	1. This funding aligns with the strategic priority to increase self-sufficiency for our clients. 2. This funding aligns with the strategic priority to ensure safe, healthy, and secure communities by addressing the needs of older adults in the community.		
Counsel Review	Yes	Procurement Review	No
Contact Person	Brenda Durbin, Director	Contact Phone	503-655-8641

EXECUTIVE SUMMARY: The Social Services Division of the Health, Housing and Human Services requests approval of the Subrecipient Intergovernmental Grant Agreement #171482-4 with the State of Oregon, Dept. of Human Services, Aging and People with Disabilities, Community Services, and Supports. This amendment reduces unused grant funding for the Social Services Division to administer Oregon Project Independence (OPI) in Clackamas County. Oregon Project Independence assists approximately 150 older adults in Clackamas County to live safely in their homes and as independently as possible.

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In anticipation of a federal waiver and the launch of an expanded Medicaid-funded OPI program, the State of Oregon allocated additional funding in Fiscal Year 2022-23 for OPI. The federal waiver is still in process, and the program expansion is now expected to begin in FY 2023-24. Due to the delay in the start of the expanded program, a portion of Clackamas County’s previously allocated Oregon Project Independence funding will remain

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unspent in the 2022-23 fiscal year. The proposed amendment allows the state to reallocate these unused funds.

RECOMMENDATION: Staff recommends the Board approve this Intergovernmental Grant Agreement Amendment and authorize the Chair to sign on behalf of the County.

Respectfully submitted,

Rodney A. Cook

Rodney A. Cook
Director of Health, Housing & Human Services



Grant Agreement Number 171482

**AMENDMENT TO
STATE OF OREGON
INTERGOVERNMENTAL GRANT AGREEMENT**

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 is amendment number **04** to Grant Agreement Number **171482** between the State of Oregon, acting by and through its Oregon Department of Human Services, hereinafter referred to as “ODHS” and

**Clackamas County Acting by and through its
Clackamas County Social Services Division (CCSS)
District 2, Type A Serving: Clackamas County
Attention: Brenda Durbin
PO Box 2950 - 2051 Kaen Road
Oregon City, Oregon 97045
Telephone: 503-655-8640
Facsimile: 503-655-8889**

**E-mail address: brendadur@clackamas.us; teresachr@clackamas.us;
ADS-ContractBilling@clackamas.us;**

hereinafter referred to as “Recipient”, “AAA” (or “Agency” when applicable), or “County” interchangeably.

1. This amendment shall become effective on the date it is approved in writing by the Oregon Department of Justice, provided it is (i) when required, approved in writing by the Oregon Department of Administrative Services, and (ii) is signed by all parties, regardless of the date of the parties’ signature. Recipient’s performance of the program described in Exhibit A, Part 1, “Program Description” as amended by this Amendment 04 may start on **July 1, 2022**, shall be governed by the terms and conditions of the amended Agreement, and for such expenses incurred by Recipient may be reimbursed once the amendment is effective in accordance with the schedule of payments in Exhibit A, Part 2, “Disbursement and Financial Reporting”.
2. The Agreement is hereby amended as follows: language to be deleted is ~~struck through;~~

new language is shown **underlined and bold**.

a. Section 3. “Grant Disbursement Generally” as follows:

3. Grant Disbursement Generally. The maximum not-to-exceed amount payable to Recipient under this Agreement, which includes any allowable expenses, is **\$10,364,143.00** ~~\$10,764,143.00~~. ODHS will not disburse grant to Recipient in excess of the not-to-exceed amount and will not disburse grant until this Agreement has been signed by all parties. ODHS will disburse the grant to Recipient as described in Exhibit A, Part 2.

b. Exhibit A, Part 2, “Disbursement and Financial Reporting”, Section 1. “Funding Appropriations”, Subsection b. as follows:

b. Payment for all work performed under this Agreement shall be subject to the provisions of ORS 293.462 and disbursements under this Agreement shall both be based on the allocations as set forth in the table below and made on a reimbursement basis, upon ODHS approval of AAA’s disbursement request.

Older Americans Act	\$4,317,799	CFDA 93.041, 93.043, 93.044, 93.045, 93.052
American Rescue Plan (ARP)	\$1,759,461	CFDA 93.043, 93.044, 93.045, 93.052
Expanding Access to COVID-19 Vaccine (VAC5)	\$63,728	CFDA 93.044
NSIP	\$299,355	CFDA 93.053
IT Admin Funds	\$7,293	
Continued Sequestration Mitigation	\$214,495	
Oregon Project Independence (age 60+ or age under 60 with an Alzheimer’s Disease or related disorder diagnosis)	\$2,097,152 <u>\$1,697,152</u>	
Oregon Project Independence (age 19-59 with disability)	\$0	
Unspent ’19-’21 Biennia Funding: FFCRA (\$0) CARES (\$188,793) HDC5 (\$230,575)	\$419,368	CFDA 93.044, 93.045, 93.052
Other State Funds	\$0	
SLFRF Home Delivered Meals	\$157,233	CFDA 93.045
OPI-M & FCAP Ongoing Case Management	\$1,222,537	CFDA 93.778
Diversity, Equity, and Inclusion Bonus Funding	\$205,722	

Allocation Total	\$10,764,143 \$10,364,143	
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3. Except as expressly amended above, all other terms and conditions of the original Agreement and any previous amendments are still in full force and effect.
4. **Certification.** Without limiting the generality of the foregoing, by signature on this Amendment, the Recipient hereby certifies under penalty of perjury that:
 - a. Recipient acknowledges that the Oregon False Claims Act, ORS 180.750 to 180.785, applies to any “claim” (as defined by ORS 180.750) that is made by (or caused by) the Recipient and that pertains to this Agreement or to the project for which the grant activities are being performed. Recipient certifies that no claim described in the previous sentence is or will be a “false claim” (as defined by ORS 180.750) or an act prohibited by ORS 180.755. Recipient further acknowledges that in addition to the remedies under this Agreement, if it makes (or causes to be made) a false claim or performs (or causes to be performed) an act prohibited under the Oregon False Claims Act, the Oregon Attorney General may enforce the liabilities and penalties provided by the Oregon False Claims Act against the Recipient;
 - b. To the best of the undersigned’s knowledge, Recipient has not discriminated against and will not discriminate against minority, women or emerging small business enterprises certified under ORS 200.055 in obtaining any required subcontracts;
 - c. Recipient and Recipient’s employees and agents connected with the program(s) funded with this grant are not included on the list titled “Specially Designated Nationals” maintained by the Office of Foreign Assets Control of the United States Department of the Treasury and currently found at: <https://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx>;
 - d. Recipient is not listed on the non-procurement portion of the General Service Administration’s “List of Parties Excluded from Federal procurement or Non-procurement Programs” found at: <https://www.sam.gov/SAM>;
 - e. Recipient is not subject to backup withholding because:
 - (1) Recipient is exempt from backup withholding;
 - (2) Recipient has not been notified by the IRS that Recipient is subject to backup withholding as a result of a failure to report all interest or dividends; or
 - (3) The IRS has notified Recipient that Recipient is no longer subject to backup withholding; and
 - f. Recipient hereby certifies that the FEIN or SSN provided to ODHS is true and accurate. If this information changes, Recipient is required to provide ODHS with the new FEIN or SSN within 10 days.

RECIPIENT, BY EXECUTION OF THIS AMENDMENT, HEREBY ACKNOWLEDGES THAT RECIPIENT HAS READ THIS AMENDMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

5. Signatures.

**Clackamas County Acting by and through its
Clackamas County Social Services Division
By:**

Authorized Signature

Printed Name

Title

Date

**State of Oregon acting by and through its Oregon Department of Human Services
By:**

Authorized Signature

Printed Name

Title

Date

Approved for Legal Sufficiency:

Approved via e-mail by

Wendy J. Johnson, Senior Assistant Attorney General
Oregon Department of Justice

June 16, 2023

Date