

Contract Review Sheet

Grant Agreement

BO-4575-22 - Am1

Title: ARPA Radio Communications Project

Contractor's Name: Public Works Department

Department: Board of Commissioners

Contact: Alicia Jones

Analyst: Kathleen George

Phone #: -4388

Term - Date From: Execution

Expires: December 31, 2026

Original Contract Amount: \$ 9,000,000.00

Previous Amendments Amount: \$ -

Current Amendment: \$ 1,830,138.40

New Contract Total: \$ 10,830,138.40

Amd% 20%

Outgoing Funds ☒ Federal Funds ☐ Reinstatement ☐ Retroactive ☐ Amendment greater than 25%

Source Selection Method: 20-0260 Request for Proposal

RFP# 1024

Description of Services or Grant Award

2021 Marion County ARPA Funds Application Round 1 Grant Award for: Radio Communication Project.

Amendment 1 - increases ARPA allocation of \$1,500,000.00 from Detroit Marina Excavation Project, \$230,845.05 from Fargo, and \$99,293.35 from Gates for a new contract total of \$10,830,138.40.

Desired BOC Session Date: 9/30/2026

Contract should be in DocuSign by: 9/9/2026

Agenda Planning Date: 9/17/2026

Printed packets due in Finance: 9/15/2026

Management Update: 9/15/2026

BOC upload / Board Session email: 9/16/2026

BOC Session Presenter(s) Brian Nicholas

Code: Y

REQUIRED APPROVALS


Finance - Contracts 09/14/2026
Date


Contract Specialist 09/14/2026
Date


Legal Counsel 09/14/2026
Date


Chief Administrative Officer 09/14/2026
Date



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: 9/30/2026

Department: Public Works

Title: Amendment 1 to BO-4575-22 ARPA-Radio Communications Project

Management Update/Work Session Date: 9/8/2026 Audio/Visual aids ☐

Time Required: 5 min Contact: Brian Nicholas Phone: x7936

Requested Action:

Approve Amendment No. 1 to BO-4575-22, increasing American Rescue Plan Act (ARPA) funding for the Marion County Radio Communications Project by \$1,830,138.40, from \$9,000,000.00 to \$10,830,138.40.

Issue, Description & Background:

In February 2022, the Board awarded \$9,000,000 in ARPA funds to the Radio Communications Project to construct a single centrally managed and operated radio communications and microwave broadband network for use by all first responders agencies in Marion County under funding agreement BO-4575-22. Amendment No. 1 to BO-4575-22 increased the awarded ARPA funds to \$10,830,138.40.

Financial Impacts:

This amendment would increase the ARPA funds awarded under BO-4575-22 by \$1,830,138.40, from \$9,000000.00 to \$10,830,138.40.

Impacts to Department & External Agencies:

None

List of attachments:

Amendment No. 1 to BO-4575-22

Presenter:

Brian Nicholas

Department Head Signature:

BNicholas Digitally signed by BNicholas
Date: 2026.09.05 11:21:58 -07'00'

County Commissioners
Colm Willis, Chair
Kevin Cameron
Danielle Bethell



Chief Administrative Officer
Jan Fritz

Director
Brian Nicholas, PE

MARION COUNTY PUBLIC WORKS

Memo

To: Jan Fritz, Chief Administrative Officer, Marion County
From: Brian Nicholas, Public Works Director, Marion County
CC: Jeff White, Scott Norris
Date: 6/9/26
Re: Request to Transfer ARPA Funds to the Radio Communications Project

The Public Works Department of Marion County requested and subsequently received American Rescue Plan Act (ARPA) funding in the amount of \$9,000,000 for the Radio Communications Project.

This memo serves as a formal request to transfer ARPA funds from the following projects to the Radio Communications Project:

Project A: Detroit Marina Excavation Project

This request proposes transferring \$1,500,000 from Project A to the Radio Communications Project.

Project B: Fargo

This request proposes transferring \$230,845.05 from Project B to the Radio Communications Project.

Project C: Gates

This request proposes transferring \$99,293.35 from Project C to the Radio Communications Project.

Following these transfers, the new total balance for the Radio Communications Project will be **\$10,830,138.40**.

These transfers will align ARPA resources with current operational needs and support continued progress on the Radio Communications Project. All adjustments will be documented in the county's financial tracking systems in accordance with ARPA compliance requirements.

A handwritten signature in blue ink, appearing to read "Brian Nicholas", is written over a horizontal line.

Brian Nicholas, Public Works Director

Jan Fritz

Jan Fritz (Sep 14, 2026 19:56:23 PDT)

Jan Fritz, Chief Administrative Officer



AMENDMENT 1 to BO-4575-22
the MEMORANDUM OF UNDERSTANDING
between
MARION COUNTY BOARD OF COMMISSIONERS
and PUBLIC WORKS DEPARTMENT

This Amendment No. 1 to the Memorandum of Understanding (as amended from time to time, the “MOU”), dated May 25, 2022, between Marion County Board of Commissioners Office, hereinafter referred to as “Board”, and Marion County Public Works Department, hereinafter referred to as “Department”.

The Memorandum of Understanding is hereby amended as follows (new language is indicated by underlining and deleted language is indicated by ~~strike through~~):

Recitals

- A. WHEREAS, on March 11, 2021, the American Rescue Plan Act (“ARPA”) was signed into law and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, together which make up the Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) program with the Assistance Listing Number (ALN) 21.027. The ARPA/SLFRF program is to provide support to State, territorial, local and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses; and
- B. WHEREAS, the total ARPA/SLFRF funds allocated to Marion County, as published by the U.S. Treasury, is \$67,559,569, may use funds that meet ARPA/SLFRF eligibility requirements; and
- C. WHEREAS, Marion County Public Works, a department within Marion County, submitted an application to the Board for in ARPA/SLFRF relief funds to support the Emergency Radio Project under the U.S. Treasury eligible category Infrastructure; and
- D. WHEREAS, during a meeting on January 26, 2022, the Board approved the application from the Department; and

Agreement

NOW THEREFORE, the parties understand as follows:

1. Incorporation

The foregoing Recitals are incorporated herein by reference, provided, however, that the Recitals are not to be deemed to modify the express provisions hereinafter set forth. This MOU includes the following exhibits which are incorporated herein:

- Exhibit A (The Application)
- Exhibit A.1 (The Amended Application Dated September 3, 2026)
- Exhibit A.2 Amendment and Budget Adjustment Form
- Exhibit B (Required Federal Terms and Conditions)
- Exhibit C (Federal Funding Information for Subrecipients) – Not applicable
- Exhibit D (Federal Funding Accountability and Transparency Act Certification)
- Exhibit E (ARPA/SLFRF Capital Expenditure Justification Form)

- Exhibit F (ARPA/SLFRF Reporting Requirements Form)
- Exhibit G (Marion County Disbursement Request)

4. Consideration; Reporting

- a. The Board has agreed to make an award of funds to the Department not-to-exceed amount of ~~Nine Million Dollars (\$9,000,000)~~ **Ten Million Eight Hundred Thirty Thousand One Hundred Thirty-Eight Dollars and Forty Cents (\$10,830,138.40)** (the “Grant”). Grant disbursements shall be a reimbursement of funds to Department, based on the budget submitted in Exhibit A, under the following U.S. Treasury eligible category: Infrastructure.

MARION COUNTY SIGNATURES BOARD OF COMMISSIONERS:

Chair	Date
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Commissioner	Date
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Commissioner	Date
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Authorized Signature: <u>Jan Fritz</u> Jan Fritz (Sep 14, 2026 19:56:23 PDT)	09/14/2026
Chief Administrative Officer	Date

Reviewed by Signature: <u>Andrew Wittendorf</u>	09/14/2026
Marion County Legal Counsel	Date

Reviewed by Signature: <u>[Signature]</u>	09/14/2026
Marion County Contracts & Procurement	Date

PUBLIC WORKS DEPARTMENT SIGNATURE

Authorized Signature: <u>Brian Nicholas</u> Brian Nicholas (Sep 14, 2026 16:00:15 PDT)	09/14/2026
	Date

Title: Public Works Director



2021 MARION COUNTY ARPA FUNDS APPLICATION ROUND 1 Amended (September 4, 2026)

Organization Name: Marion County Public Works Department

Project Title: Marion County Radio Communication Project

ARPA Funding Category: Infrastructure and Revenue Replacement

I. Organization Information

Legal Name of the Organization: * Marion County Public Works Department

Doing Business As (DBA) Name (if applicable): _____

Employer Identification Number (EIN): * 93-6002307

DUNS Number: ** 167258529

**Organization must be able to obtain a DUNS Number by the time the Contract is executed

Organization Street Address: * 5155 Silverton Road NE

City: Salem State: Oregon Zip Code: 97305

Organization Mailing Address: _____
(if different from street address)

City: _____ State: _____ Zip Code: _____

Organization Website: * <https://www.co.marion.or.us/PW>
(Please enter "N/A" if none)

Applicant Name: * Brian Nicholas

Applicant Title: * Public Works Director

Applicant Mailing Address: _____
(if different from organization mailing address)

City: _____ State: _____ Zip Code: _____

Applicant Phone: * (503) 588-7943 Applicant E-mail: * bnicholas@co.marion.or.us

Project Contact: _____
(If different from applicant)

Project Contact Phone: (_____) _____ Project Contact E-mail: _____
* Response required for application to be considered complete

II. Project Information *(not exceed a total of 25 single-sided, 8.5" x 11" numbered pages)*

1. Describe the organization that will manage the project and include the following:

This project will construct a new public safety radio and microwave broadband communications network serving police and fire agencies throughout Marion County. The project will be managed and delivered by the Marion County Public Works Department on behalf of user agencies throughout. The resulting fully-operable RF and microwave broadband communications network will be managed and maintained by the Public Works Department as a long-term service to user agencies.

- a. Total estimated project budget is ~~\$12,700,000.00~~\$18,930,608.00, which includes all engineering, permitting, procurement, construction, commissioning and administrative costs.
- b. Estimated start date and completion dates

Task	Start	End
Alternatives Analysis and Concept Design	Complete	Complete
Final Design of Radio Site Improvements	January 2022	August 2022
Bidding of Radio Site Improvements for Construction	September 2022	December 2022*
Construction of Radio Site Improvements	January 2023	September 2023
Final Development of Radio System Procurement Specifications (Performance Specs)	January 2022	July 2022
Bidding of Radio System Procurement	August 2022	December 2022*
Radio System Procurement, Installation and Commissioning	January 2023	July 2024 <u>March 2027</u>
Switch Over From Existing Radio System to New Radio System	August 2024	July 2025 <u>April 2027</u>
Project Complete and System Fully Operable		July 2025 <u>2027**</u>

*Demonstrates all construction and procurement activities will be under contract and associated costs incurred two years prior to December 31, 2024 deadline

**All ARPA funds will be fully expended prior to December 31, 2026

- c. List the project team. Include the name, title, employer, and a high-level overview of their role in the project.

- **Brian Nicholas, PE**, Marion County Public Works Director
 - i. Role in Project: Project Director
- ~~**Dennis Mansfield**, Marion County Administration Division Manager~~
 - i. ~~Role in Project: Manager of Marion County's Radio Communications Program~~
- ~~**Jason Sykes**~~ **Michael Pierce**, Marion County Fleet Supervisor
 - i. Role in Project: Marion County Radio Communications Program Supervisor

- **Richard Grabotin**, Marion County Senior Electronics Technician
 - i. Role in Project: Maintenance of County Radio Infrastructure
- **Sheriff Nicholas Hunter**, Marion County Sheriff's Office
 - i. Role in Project: Law Enforcement Advisor
- ~~**Susan Renning**, ADCOMM Engineering, LLC~~
 - i. Role in Project: Engineering Manager, Radio System Design, Radio Site Improvements and FCC Licensing
- ~~**Roger Jungmann**, ADCOMM Engineering, LLC~~
 - i. Role in Project: Radio System Governance and Development
- **Technical Advisory Committee**, 12-member advisory council consisting of three (3) law enforcement representatives, three (3) fire representatives, three (3) project delivery leaders and three (3) Sheriff's office representatives.
 - i. Role in Project: Advise Project on Required Outcomes to Ensure the Completed System Meets End Use Needs

2. Describe the project need and the impact the project will have on the local community and Marion County.

Marion County lacks a coherent and reliable public safety radio and microwave broadband communications network for use by first responder agencies. Marion County operates a 2-channel analog VHF radio system, which the Marion County Sheriff's Office uses for field coverage for deputies on patrol, and various fire departments operate their own similar radio systems in small pockets of the county. These systems use an ad hoc system of microwave trunk, fiber optic and copper phone line connections to receive and distribute centralized radio communications, but none of the existing stand-alone radio systems are interoperable and they are all prone to frequent system failures (multiple times per month), which frequently places first responders in jeopardy. These systems are not centrally managed, which means they are haphazardly maintained and updated, leading to persistent failures and coverage degradation each time an element of the fragile network of systems is replaced or updated. None of the existing communication infrastructure complies with FCC public safety radio communications standards.

This project will construct a single, centrally managed and operated radio communication and microwave broadband network for use by all first responder agencies in Marion County. The microwave broadband network will serve as the backhaul system for the interoperable radio network and will provide smaller cities and rural fire districts direct access to a high capacity, high speed data trunk that can be used for other city purposes. The resulting systems will be fully interoperable, allowing first responder agencies to communicate with each other effectively and reliably during field response events, will have adequate capacity to handle the communication volumes and internet data needs generated by first responder agencies within Marion County and will fully comply with FCC public safety radio standards. The system will be maintained by the Marion County Public Works Department to protect the public's investment for the long term.

This project is critical to the life safety of Marion County first responders and the public they serve. These agencies do not have the financial resources to contribute to the initial capitalization and construction of such a system. This critical infrastructure will not be constructed without the use of ARPA funds.

3. Describe the project proposal to be accomplished. Identify each project element and include a timeline and key team member(s) who will work on the project.

This project will construct an FCC-compliant public safety radio system and microwave broadband backhaul network to serve the field communication needs of the Marion County Sheriff's Office, eight (8) city police agencies, nineteen (19) fire districts, two (2) rural ambulance districts and Marion County's rural 911 call center. This project consists of the following key elements:

- Design, permit and bid for construction the physical improvements to thirteen (13) existing radio broadcast sites to accommodate installation of the new radio and microwave broadband systems.
- Construct physical improvements at the thirteen (13) existing radio broadcast sited.
- Acquire lease access to three (3) additional radio sites needed to correct coverage gaps associated with the county's existing radio broadcast sites.
- Design, permit and procure the new radio and microwave broadband system hardware.
- Install and commission the new radio and microwave broadband systems.
- Program and deploy mobile and portable radios and transition to the new system.
- Decommission and remove the old system components no longer used.

Project Element	Timeline	Key Team Members
Design and Permit Site Improvements	January 2022 – August 2022	ADCOMM* Regulatory Agency: DSL, MCPW
Bid Site Improvement Construction Contract	September 2022 – December 2022	MCPW
Construct Site Improvements	July 2025 3 – September 2023 July 2026	MCPW assisted by ADCOMM*, construction contractor TBD by low bid
Acquire Lease Agreements for New Radio Broadcast Sites	January 2022 – December 2025 2022	MCPW assisted by ADCOMM*
Design, Permit and Prepare Acquisition Specifications for Radio and Microwave Broadband Systems	January 2022 – July 2022 December 2023	ADCOMM* Regulatory Agency: FCC, MCPW
Procure, Install and Commission Radio and Microwave Broadband Systems	August 2022 January 2024 – July 2027 2024	MCPW assisted by ADCOMM*, MCIT, Systems contractor TBD by low bid
Deploy Mobile and Portable Radios and Transition to New System	August 2026 2024 – July 2027 2025	MCPW, First Responder Agencies
Decommission Old Systems	August 2027 2025 – October 2027 2025	MCPW, MCIT

* ADCOMM Engineering, LLC (ADCOMM) is the radio engineering consultant engaged by Marion County Public Works to deliver this project.

4. Describe how the project meets the ARPA eligible categories and the specific category requirements according to U.S. Treasury Guidelines, see [State and Local Fiscal Recovery Funds \(marion.or.us\)](https://www.co.marion.or.us/BOC/CD/Pages/fiscalrecoveryfunds.aspx).
<https://www.co.marion.or.us/BOC/CD/Pages/fiscalrecoveryfunds.aspx>

There are four eligible statutory categories identified in the referenced U.S. Treasury Guidelines that meet the ARPA requirements.

1. *To respond to the COVID-19 public health emergency or its negative economic impacts;*
2. *To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to such eligible workers of the recipient, or by providing grants to eligible employers that have eligible workers who performed essential work;*
3. *For the provision of government services, to the extent of the reduction in revenue of such recipient due to the COVID-19 public health emergency, relative to revenues collected in the most recent full fiscal year of the recipient prior to the emergency; and*
4. *To make necessary investments in water, sewer, or broadband infrastructure.*

The Marion County Radio Communication Project is eligible under Expenditure Category 6.1 Provisions of Government Services (Maintenance or Capital Projects/Building Infrastructure and Provisions of Police, Fire and other Public Services) and Expenditure Category 15.17 Broadband (Other Projects) as defined in Appendix 1 in the U.S. Department of the Treasury Coronavirus State and Local Fiscal Recovery Funds guidance. Grant funds will be used to construct new digital radio and microwave broadband infrastructure (Capital Project) that will provide essential communications service to nine (9) police and nineteen (19) fire agencies within Marion County as well as two (2) rural ambulance districts and Marion County's rural 911 call center.

- a. Describe how the project meets the ARPA period of performance.

The deadline for the obligation of funds is December 31, 2024, and all funds must be fully expended by December 31, 2026. Because of the alternatives analysis and preliminary system configuration already completed by Marion County, we are ready to begin the design of site improvements and system procurement specifications in January 2022. In fact, the consultant, ADCOMM Engineering, is already under contract is awaiting Notice to Proceed from Marion County to begin this work. The proposed project schedule is both reasonable and achievable. Construction contracts and radio / microwave systems procurement contracts will be executed by December 2022 and all ARPA funds will be fully expended by ~~October 2025~~ November 2026.

5. Is this project included in an adopted City/County or organization's plan or another documented community need? For example: City Infrastructure Master Plan, City Economic Development Plan, City Transportation Plan or City Strategic Plan, etc.

The project is fully documented in Marion County's Concept Design and Next Steps Final Report, Marion County Radio Communications (MCRC) Project prepared by ADCOMM Engineering on behalf of the Marion County Public Works Department.

6. Describe the organization's experience as a subrecipient. Describe the capacity to successfully manage and submit reporting requirements for the proposed project as a subrecipient of federal awards.

Marion County has extensive experience in successfully managing and reporting as a subrecipient for federal projects. Procurement of goods and services is completed in compliance with the Marion County Contract Review Board Rules and Regulations (MC/CRBRR) and the ORS. Marion County is Certified by ODOT in: Design; Advertising, Bid, & Award; Construction Contract Administration, Direct Appoint Consultant Selection, and Formal/Informal Consultant Selection for federal projects. Marion County has 15 federal-aid projects to deliver in the current Statewide Transportation Improvements Program (STIP). A single audit for federal projects conducted for FY2019-20 financial transactions resulted in no findings. The county also follows retention record requirements and successfully submits numerous grant reimbursement requests annually. Each grant is closely monitored to ensure expenses are appropriately accounted for.

7. Identify and describe partnerships the organization has secured to assist with the project?

This project currently does not require external partnerships.

8. Describe how the operations will be funded after the project is complete.

The project, once completed, will generate revenue from the thirty one (31) user agencies within Marion County in the form of subscriber fees. These fees will be affordable and will generate sufficient revenue to fund the operation and maintenance of the system, as well as build capital reserves for future incremental system improvement and replacement. The system will be maintained long-term by the Marion County Public Works Department.

9. Identify and describe other Federal, State, or local government funding the organization has applied for, including ARPA funds from governments. Include the source(s) and amount(s) applied for, and any awards received.

Currently the only funding which has been applied for is ARPA funds, Round 1.

10. Identify and describe other non-governmental funding sources (e.g. fees, donations, grants) the organization has applied for. Include the source(s) and amount(s) applied for, and any awards received.

No other funding sources have been applied for or awarded at this time.

11. If the total ARPA funding request is not granted, how will the organization be able to complete the project?

This critical project will not be completed if ARPA funds are not awarded.

12. Describe how the project will meet project deadlines – include engineering. Identify any reports or other information related to the project such as completed engineering, architectural, or design studies or other technical studies required for the project. Identify the name and a brief description of the completed study. Marion County will request copies of these studies during the technical review period.

Marion County has engaged ADCOMM Engineering, the leading radio engineering firm in the Pacific Northwest, to deliver this project. ADCOMM has successfully delivered projects of this type and size for more than 30 years. The bid documents prepared by ADCOMM will include performance guarantees obligating the awarded contractors to deliver this project on time to avoid penalties such as liquidated damages.

ADCOMM has already prepared the county's preliminary design report for this project and is simply awaiting notice to proceed for the county to begin the preparation of bid documents. All construction and procurement contracts will be bid in 2022.

13. Provide any additional information related to the project.

Attachment 1. Attestation Form

APPLICANT NAME: Brian Nicholas, Marion County Public Works Director

ADDRESS: Marion County Public Works Department, 5155 Silverton Road NE, Salem, Oregon, 97305

PHONE NUMBER: 503.588.5036 EMAIL: bnicholas@co.marion.or.us WEB SITE: www.co.marion.or.us/PW

TAXPAYER ID NUMBER: _____ DATE/STATE OF INCORPORATION: _____

BUSINESS DESIGNATION: ☐ Corporation ☐ Sole Proprietor ☐ Partnership
☐ S Corporation ☐ Non-Profit ☒ Government
☐ Other: _____

CERTIFICATION/LICENSE NUMBER: _____

The undersigned further acknowledges, attests and certifies individually and on behalf of the Applicant that:

1. That this proposal is, in all respects, fair and without fraud; that it is made without collusion with any official of the county; and that the proposal is made without any collusion with any person making another proposal on this Contract.
2. Information and prices included in this proposal shall remain valid for ninety (90) days after the proposal due date or until a Contract is approved, whichever comes first.
3. The Applicant acknowledges receipt of all Addenda issued under the Application.
4. The Applicant certifies that it does not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap, financial ability, age or other non-job-related factors as per ORS 659 and USC 42 2000e.
5. The Applicant, acting through its authorized representative, has read and understands all Application instructions, specifications, and terms and conditions contained within the Application and all Addenda, if any;
6. The Applicant agrees to and shall comply with, all requirements, specifications and terms and conditions contained within the Application, including all Addenda, if any;
7. The proposal submitted is in response to the specific language contained in the Application, and Applicant has made no assumptions based upon either (a) verbal or written statements not contained in the Application, or (b) any previously-issued Application, if any.
8. The Applicant agrees that if awarded the Agreement, Applicant shall be authorized to do business in the State of Oregon at the time of the award;
9. The signatory of this Application Form is a duly authorized representative of the Applicant, has been authorized by Applicant to make all representations, attestations, and certifications contained in this proposal document and all Addenda, if any, issued, and to execute this proposal document on behalf of Applicant.
10. By signature below, the undersigned Authorized Representative hereby certifies on behalf of Applicant that all contents of this Application Form and the submitted proposal are truthful, complete and accurate. Failure to provide information required by the Application may ultimately result in rejection of the proposal.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY

MATTERS - The Applicant certifies to the best of its knowledge and belief that neither it nor any of its principals:

1. Are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from submitting bids or proposals by any federal, state or local entity, department or agency;
2. Have within a five-year period preceding the date of this certification been convicted of fraud or any other criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) contract, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are presently indicted for or otherwise criminally charged with commission of any of the offenses enumerated in item number 2 of this certification;
4. Have, within a five-year period preceding the date of this certification had a judgment entered against contractor or its principals arising out of the performance of a public or private contract;

5. Have pending in any state or federal court any litigation in which there is a claim against contractor or any of its principals arising out of the performance of a public or private contract; and
6. Have within a five-year period preceding the date of this certification had one or more public contracts (federal, state, or local) terminated for any reason related to contract performance.

Where Applicant is unable to certify to any of the statements in this certification, Applicant shall attach an explanation to their offer. The inability to certify to all of the statements may not necessarily preclude Applicant from award of an agreement under this procurement.

IF THE PROPOSAL IS MADE BY A JOINT VENTURE, IT SHALL BE EXECUTED BY EACH PARTICIPANT OF THE JOINT VENTURE.

THIS APPLICATION SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE APPLICANT; ANY ALTERATIONS OR ERASURES TO THE OFFER SHALL BE INITIALED IN INK BY THE UNDERSIGNED AUTHORIZED REPRESENTATIVE.

SIGNATURE OF APPLICANT'S DULY AUTHORIZED REPRESENTATIVE FOR ALL SECTIONS:

Authorized Signature: Brian Nicholas

Print Name: Brian Nicholas

Title: Public Works Director

Contact Person (Type or Print): Brian Nicholas

Telephone Number: (503) 588-7943

Email: bnicholas@co.marion.or.us

The Applicant will notify the County representative on the cover page of this Application within 30 days of any change in the information provided on this form.

Exhibit A.2 - ARPA Amendment and Adjustment Request Form
Narrative

	Organization Name:	Marion County
	Project Title:	ARPA Radio Communications Project
	Date of Request:	9/4/26
	Name of Person Completing Request:	Brian Nicholas
	Title of Person Completing Request:	Public Works Director
	Phone # of Person Completing Request:	503-588-7943
	Original MC ARPA Award/Contract:	\$9,000,000
	MC ARPA Award/Contract Number:	BO-4575-22

Step 1: Please respond to each question/statement below.		
#	Question	Answer
1	Why are you requesting a program amendment (What circumstances impact this request)?	The original ARPA application was submitted with a budget of \$12,700,000 and was approved for \$9,000,000 in ARPA funding. This amendment increases the ARPA portion of the total project budget to \$10,830,138.40. The requested increase in ARPA funding comes from two projects that came in under budget (City of Gates and MCPW Fargo Sewer Collection System Improvements) and replaces \$1.5M in alternative funding previously allocated to ARPA Radio Communications Project but subsequently redirected to another capital project. Reclassification of funding is allowable as outlined in the US Treasury Department's SLFRF FAQ 17.19.
2	Using the approved contract, specifically identify the text requested to be edited/removed. Enter the original text from the contract with strikeouts for text to be removed and bold text for text to be added. <i>Option: If it would help for clarity, submit the pertinent section of the approved contract with strike outs and bold text as described above .</i> If Marion County requires a contract scope change, use Tab 3 "Scope Change Request" to answer this question.	No change in scope or contract text is needed. The requested change would only change the ARPA funding amount.
3	How will the requested change affect the project?	There will be no change in project scope. The requested change would simply replace alternative funding redirected to another capital project.
4	Will the requested change maintain the integrity of the original ARPA category (e.g. Negative Economic Impact, Water & Sewer Infrastructure, Public Health)?	Yes, there is no scope change. Amendment is to add additional ARPA funds to complete the project.
5	How will the requested change affect the original contractual timeline?	No change.
Step 2: If a budget adjustment is also being requested, answer Question #6 and complete Tab 2.		

Exhibit A.2 - ARPA Amendment and Adjustment Request Form

Narrative

6	How will the requested change affect the original MC ARPA budget?	The change would increase the amounty of ARPA funding approved for the ARPA Radio Communications Project by \$1,830,138.40, from \$9,000,000 to \$10,830,138.40
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By completing this request, person completing this form certifies and attests that, to the best of my knowledge, all information provided in this form is true and accurate and I have the authority to represent the organization in this request.

Submit via email to: ARPArecovery@co.marion.or.us

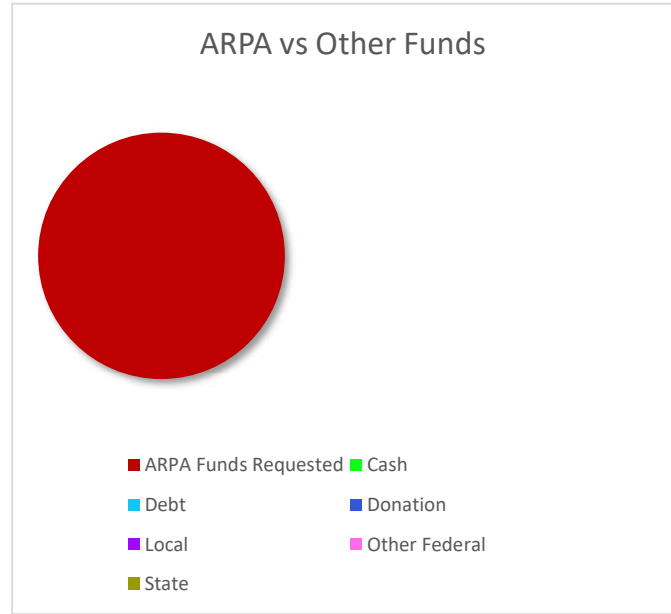
ARPA Amendment and Budget Adjustment Request Form
Project Budget Worksheet

Organization Name: Marion County			Date: 9/4/2026		
Project Title: ARPA Radio Communications Project					
Please provide a line item detailed budget for the project costs.					
CATEGORY	ORIGINAL ARPA BUDGET	REVISED ARPA REQUEST	OTHER FUNDS (if applicable)		TOTAL
			AMOUNT	SOURCE	
Materials and Services					
Design, Engineering and Permitting	925,000	3,371,000	200,000	130 Roads	3,571,000
Site Lease Acquisition	55,000	55,000			55,000
Develop User Agreements and System Governance	65,000	65,000			65,000
Construction Bidding	22,000	22,000			22,000
Site Construction	2,285,500	2,954,330	80,470	DOE Grant	3,034,800
Radio / Microwave System Installation and Commissioning	980,000		2,666,400	130 Roads	2,666,400
			500,000	Opal Creek	500,000
			2,000,000	OTHER	2,000,000
Radio Deployment	230,000		503,600	130 Roads	503,600
Decommissioning of Old Systems	28,000	28,000			28,000
Totals	\$ 4,590,500	\$ 6,495,330	\$ 5,950,470		\$ 12,445,800
Equipment or Capital Purchases					
Radio / Microwave System Acquisition	4,523,982	3,478,408	950,000	DAS ARPA	4,428,408
Mobile / Portable Radio Purchase	3,018,518	66,400	1,200,000	DOJ Grant	1,266,400
					-
					-
					-
					-
					-
Totals	\$ 7,542,500	\$ 3,544,808	\$ 2,150,000		\$ 5,694,808
Personnel Costs					
Project Management and Oversight	385,000	228,000			228,000
Contract and Legal Administration	62,000	62,000			62,000
Construction Observation	120,000	500,000			500,000
					-
Totals	\$ 567,000	\$ 790,000	\$ -		\$ 790,000
Administrative					
					-
					-
Totals	\$ -	\$ -	\$ -		\$ -
Grand Totals:					
	\$ 12,700,000.00	\$ 10,830,138.00	\$ 8,100,470.00		\$ 18,930,608.00

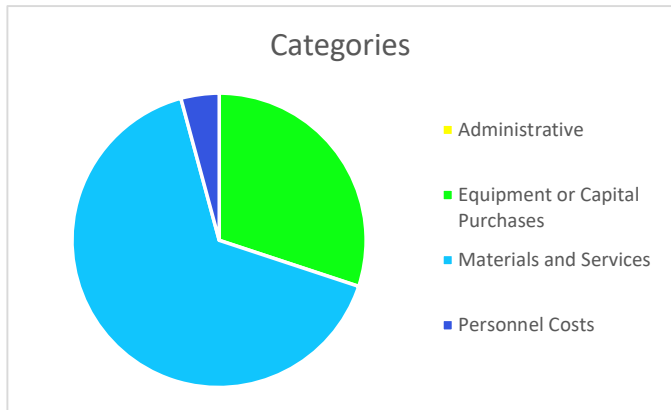
	Yes	No (explain)	Explanation
Confirm that the new total MC ARPA Budget is equal to or less than the total original MC ARPA award.		X	See question 1 of the Narrative section for full explanation of award increase.

Project Budget Summary

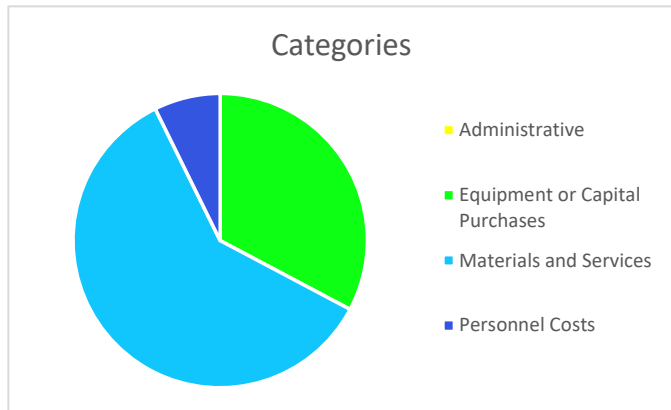
Total Project Budget	\$ 18,930,608
ARPA Funds Requested	\$ 12,700,000
Other Funds	\$ 12,150,705
Cash	\$ -
Debt	\$ -
Donation	\$ -
Local	\$ -
Other Federal	\$ -
State	\$ -



Total Project Budget	\$ 18,930,608
Categories	
Administrative	\$ -
Equipment or Capital Purchases	\$ 5,694,808
Materials and Services	\$ 12,445,800
Personnel Costs	\$ 790,000



Total ARPA Project Budget	\$ 10,830,138
Categories	
Administrative	\$ -
Equipment or Capital Purchases	\$ 3,544,808
Materials and Services	\$ 6,495,330
Personnel Costs	\$ 790,000



B)-4575-22 Am1 ASP MCPW ARPA (Radio Comms Project)

Final Audit Report

2026-09-15

Created:	2026-09-14
By:	Kathleen George (kgeorge@co.marion.or.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAVqQu3mEQNe3MokyDh7r1pUFBlyse0X_8

"B)-4575-22 Am1 ASP MCPW ARPA (Radio Comms Project)" History

-  Document created by Kathleen George (kgeorge@co.marion.or.us)
2026-09-14 - 10:20:07 PM GMT
-  Document emailed to Alicia Jones (ajones@co.marion.or.us) for signature
2026-09-14 - 10:23:45 PM GMT
-  Email viewed by Alicia Jones (ajones@co.marion.or.us)
2026-09-14 - 10:33:02 PM GMT
-  Document e-signed by Alicia Jones (ajones@co.marion.or.us)
Signature Date: 2026-09-14 - 10:33:18 PM GMT - Time Source: server - Signature Appearance Selected: IMAGE
-  Document emailed to Kathleen George (kgeorge@co.marion.or.us) for signature
2026-09-14 - 10:33:20 PM GMT
-  Email viewed by Kathleen George (kgeorge@co.marion.or.us)
2026-09-14 - 10:47:43 PM GMT
-  Document e-signed by Kathleen George (kgeorge@co.marion.or.us)
Signature Date: 2026-09-14 - 10:48:02 PM GMT - Time Source: server - Signature Appearance Selected: IMAGE
-  Document emailed to bnicholas@co.marion.or.us for signature
2026-09-14 - 10:48:04 PM GMT
-  Email viewed by bnicholas@co.marion.or.us
2026-09-14 - 10:59:09 PM GMT
-  Signer bnicholas@co.marion.or.us entered name at signing as Brian Nicholas
2026-09-14 - 11:00:13 PM GMT





Document e-signed by Brian Nicholas (bnicholas@co.marion.or.us)

Signature Date: 2026-09-14 - 11:00:15 PM GMT - Time Source: server - Signature Appearance Selected: MOBILE_TYPE



Document emailed to amittendorf@co.marion.or.us for signature

2026-09-14 - 11:00:18 PM GMT



Email viewed by amittendorf@co.marion.or.us

2026-09-14 - 11:00:39 PM GMT



Signer amittendorf@co.marion.or.us entered name at signing as Andrew Mittendorf

2026-09-14 - 11:16:20 PM GMT



Document e-signed by Andrew Mittendorf (amittendorf@co.marion.or.us)

Signature Date: 2026-09-14 - 11:16:22 PM GMT - Time Source: server - Signature Appearance Selected: IMAGE



Document emailed to jfritz@co.marion.or.us for signature

2026-09-14 - 11:16:25 PM GMT



Email viewed by jfritz@co.marion.or.us

2026-09-15 - 2:55:15 AM GMT



Signer jfritz@co.marion.or.us entered name at signing as Jan Fritz

2026-09-15 - 2:56:21 AM GMT



Document e-signed by Jan Fritz (jfritz@co.marion.or.us)

Signature Date: 2026-09-15 - 2:56:23 AM GMT - Time Source: server - Signature Appearance Selected: MOBILE_TYPE



Agreement completed.

2026-09-15 - 2:56:23 AM GMT



Contract Review Sheet

BO-4575-22

Grant Agreement #: BO-4575-22 Amendment #: _____

Contact: Camber Schlag Department: Board of Commissioners

Phone #: (503) 566-3944 Date Sent: Friday, May 6, 2022

Title: ARPA - Emergency Radio Communications Project

Contractor's Name: Marion County Public Works

Term - Date From: Execution Expires: December 31, 2026

Contract Total: \$ 9,000,000.00 Amendment: \$ - New Total: \$ 9,000,000.00

☐ Incoming Funds ☒ Federal Funds ☐ Reinstatement ☐ Retroactive ☐ Amendment greater than 25%

Source Selection Method: RFP CMS # 1024

Description of Services or Grant Award

2021 Marion County ARPA Funds Grant Award for Radio Communication Project, to construct a new public safety radio and microwave broadband communications network serving police and fire agencies throughout Marion County.

Desired BOC Session Date: 5/25/2022 BOC Planning Date: 5/12/2022

Files submitted in CMS: 5/4/2022 Printed packet & copies due in Finance: 5/10/2022

BOC Session Presenter(s) Camber Schlag, Debbie Gregg, Chris Eppley

FOR FINANCE USE

Date Finance Received: _____ Date Legal Received: _____

Comments: Y

REQUIRED APPROVALS

DocuSigned by:
Camber Schlag
C5B2F3DF257F444... 5/6/2022

Finance - Contracts Date

DocuSigned by:
Jane E Vetto
D0CFC5B04B9F483... 5/11/2022

Legal Counsel Date

DocuSigned by:
Carrie Graham
C56F30F42D03469... 5/11/2022

Contract Specialist Date

DocuSigned by:
Jan Fritz
DC16351248DE4EC... 5/11/2022

Chief Administrative Officer Date



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: May 25, 2022

Department: Board of Commissioners

Agenda Planning Date: May 12, 2022

Time required:

☐ Audio/Visual aids

Contact: Camber Schlag

Phone: 503-566-3944

Department Head Signature:

DocuSigned by:

 DC16351248DE4EC...

TITLE

Approval of the Beneficiary Agreement and Memorandum of Understanding for the American Rescue Plan Act (ARPA) funded projects.

Issue, Description & Background

In June 2021, Marion County received the federal ARPA Allocation of \$67M. Through a grant application process, the BOC approved various eligible projects and awarded funds to county departments.

Financial Impacts:

All projects are funded through the American Rescue Plan Act, Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund

Impacts to Department & External Agencies

Several departments and a not for profit are receiving funding to support critical programs and infrastructure.

Options for Consideration:

A) Approve award allocation to attached applicants
 B) Decline award allocation to these applicants
 C) Take no action at this time

Recommendation:

A) Approve award allocation to attached applicants

List of attachments:

For 8 applications each, a review sheet, an agreement, the application, and attached exhibits B,C,D,E,F,G

Presenter:

Camber Schlag, Debbie Gregg and Chris Eppley

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to:

Camber Schlag, cschlag@co.marion.or.us

MARION COUNTY
MEMORANDUM OF UNDERSTANDING
BO-4575-22

American Rescue Plan Act of 2021
Coronavirus State and Local Fiscal Recovery Funds

This Memorandum of Understanding ("MOU") is entered into between **Marion County Board of Commissioners Office**, hereinafter referred to as "Board", and **Marion County Public Works**, hereinafter referred to as "Department".

Recitals

- A.** WHEREAS, on March 11, 2021, the American Rescue Plan Act ("ARPA") was signed into law and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, together which make up the Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") program with the Assistance Listing Number (ALN) 21.027. The ARPA/SLFRF program is to provide support to State, territorial, local and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses; and
- B.** WHEREAS, the total ARPA/SLFRF funds allocated to Marion County, as published by the U.S. Treasury, is \$67,559,569, may use funds that meet ARPA/SLFRF eligibility requirements; and
- C.** WHEREAS, Marion County Public Works, a department within Marion County, submitted an application to the Board for \$9,000,000 in ARPA/SLFRF relief funds to support Radio Communications Project under the U.S. Treasury eligible category Public Health; and
- D.** WHEREAS, during a meeting on January 26, 2022, the Board approved the application from the Department; and

Agreement

NOW THEREFORE, the parties understand as follows:

1. Incorporation

The foregoing Recitals are incorporated herein by reference, provided, however, that the Recitals are not to be deemed to modify the express provisions hereinafter set forth. This MOU includes the following exhibits which are incorporated herein:

- Exhibit A (The Application)
- Exhibit B (Required Federal Terms and Conditions)
- Exhibit C (Federal Funding Information for Subrecipients) – Not applicable
- Exhibit D (Federal Funding Accountability and Transparency Act Certification)
- Exhibit E (ARPA/SLFRF Capital Expenditure Justification Form)
- Exhibit F (ARPA/SLFRF Reporting Requirements Form)
- Exhibit G (Marion County Disbursement Request)

2. Term of MOU

This MOU covers the period **March 3, 2021 through December 31, 2026**. Department's costs must be obligated by December 31, 2024 and must be expended by December 31, 2026.

3. Work to be Performed

Department shall perform the work described in Exhibit A, The Application (the “Work”) in accordance with the terms and conditions of this MOU and other applicable law whether or not described in this MOU. Department shall perform its obligations hereunder efficiently, effectively and within applicable grant timelines, all to the satisfaction of Board.

Changes to the Work by the Department shall require the prior written approval of Board. Requests for and justification of any change must be submitted in writing to the Board and be approved in writing by the Board prior to commencement of the requested change.

4. Consideration; Reporting

- a. The Board has agreed to make an award of funds to the Department not-to-exceed amount of **Nine Million Dollars (\$9,000,000.00)** (the “Grant”). Grant disbursements shall be a reimbursement of funds to Department, based on the budget submitted in Exhibit A, under the following U.S. Treasury eligible category: Public Health.
- b. Grant distributions will be made by the Board and Designee to Department monthly with receipt of Exhibit G, Marion County Disbursement Request, that includes supporting documentation and attestation by Department’s authorized signer. The exhibit and supporting documentation shall be sent to ARPArecovery@co.marion.or.us or.
- c. Any desired use of funds by Department that differs from the Work must first be approved in writing, by Board. 100% of the Grant must be used to provide services as indicated in the Work.
- d. The Board and Designee shall provide the report templates to the Department no later than June 15, 2022. See Exhibit F for reporting due dates and requirements.

5. Confidentiality

Department shall and shall require and cause its Subcontractors and vendors to protect the confidentiality of all information concerning clients and other applicants for and recipients of services funded by this MOU. Neither it nor they shall release or disclose any such information except as necessary for the administration of the program(s) funded under this MOU, as authorized in writing by the client, applicant or recipient of such services, or as required by law. All records and files shall be appropriately secured to prevent access by unauthorized persons.

Department shall and shall require and cause its Subcontractors and vendors to ensure that all its officers, employees and agents are aware of and comply with this confidentiality requirement.

6. Subcontractor Monitoring Requirements

Department shall monitor Subcontractor to ensure that the procurement, receipt, and payment for goods and services comply with Federal statutes, regulations, and the terms and conditions of Federal awards. The Department, at a minimum, shall review Subcontractors records and if necessary, perform onsite visits to monitor the activities and expenditures as is reasonable to ensure compliance with applicable ARPA/SLFRF program requirements or as otherwise directed by the Board, but in no case less than at least once during the term of this MOU.

The activities of any Subcontractor shall be monitored to ensure, *inter alia*, that grant funds are used only for authorized purposes in compliance with this MOU, including but not limited to specific program requirements, and that performance goals are achieved as specified in the Work.

7. Expenditures Properly Supported

Expenditures and Requests for Funds shall be supported by Department with properly executed payroll and time records, invoices, contracts, vouchers, orders, canceled checks and/or any other accounting documents pertaining in whole or in part to the MOU (or in the case of Subcontractors, under their respective contracts with Department) in accordance with generally accepted accounting principles and applicable state and federal requirements, including as specified herein and as outlined in 2 CFR 200. The Board or it's Designee may require such other information or clarification as it deems necessary or appropriate in its sole discretion.

8. Disallowance of Costs

Department shall cooperate and shall cause its Subcontractors to cooperate with the Board and all appropriate investigative agencies when unallowed or disallowed costs are discovered. The Department shall assist with recovering said costs.

9. Subcontractor Agreements

Department shall require and cause its subcontractors to comply with all applicable provisions of this MOU between the Board and Department, each of which must be specifically incorporated into the Subcontractor contracts in a manner satisfactory to the Board.

All of Department's subcontractor agreements related to this Agreement must include language specifying that such agreements are subject to termination upon such a directive to Department by the Board and that the Board shall not be liable to any of the parties of that agreement or to other persons for directing that such agreement be terminated.

Department shall have a written contract with each subcontractor that is listed in and consistent with the Department's Work that identifies:

- a. The services that the Subcontractor must provide related to the project.
- b. The laws and regulations with which the Subcontractor must comply under the terms of the agreement (including but not limited to program specific requirements such as eligibility criteria, public policy for protecting civil rights and the environment, Subcontractor government-wide administrative mandates affecting the Subcontractor's accounting and record keeping systems, and local laws imposed by Department).
- c. The Department's and the Board's monitoring rights and responsibilities and the methods used by Department for monitoring.
- d. A provision to certify that the Subcontractor is an independent contractor and not an agent of the Board or of Department.
- e. Department may enter into agreements with contractors or subcontractors (collectively, "Subcontracts") for performance of the Project.

Department shall take all reasonable steps to cause its contractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the Board and its officers, employees and agents (“Indemnatee”) from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys’ fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Department’s contractor or any of the officers, agents, employees or subcontractors of the contractor (“Claims”). It is the specific intention of the parties that the Indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, be indemnified by the contractor from and against any and all Claims.

- f. Department shall include Exhibits B, D, E, F, and G on all procurement and contract documents and require all contractors or subcontractors to comply.

10. Department Procurements

Departments are responsible for ensuring that any procurement using ARPA/SLFRF funds, or payments under procurement contracts using such funds, are consistent with the procurement standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327, as applicable. All procurement transactions for property or services must be conducted in a manner providing full and open competition. Department must ensure adherence to all applicable local, State, and federal procurement laws and regulations.

11. Prevailing Wage

If this project meets the requirements under U.S. Treasury’s FAQ dated April 27, 2022, section 6.15, the Davis-Bacon Act requirements (prevailing wage rates) do not apply to projects funded solely with ARPA awarded funds. Departments and Subcontractor(s) may be otherwise subject to the requirements of Davis-Bacon Act, when APRA funds are used on a construction project in conjunction with funds from another federal program that requires enforcement of the Davis-Bacon Act. State of Oregon Prevailing Wage Laws will apply to these funds.

- a. The prevailing wage rate requirements that may apply to the Project are set forth in ORS 279C.800 through 279C.870, the administrative rules promulgated thereunder (OAR Chapter 839, Division 25) and Oregon Laws 2021, chapter 678, section 17 (collectively, state “PWR”), or, if applicable, 40 U.S.C. 3141 et seq. (federal “Davis-Bacon Act”). If applicable, Department shall:
 - i. comply with PWR, require its contractors and subcontractors to pay the applicable PWR or Davis-Bacon Act rates, as applicable, and to comply with all other Oregon Bureau of Labor and Industries (“BOLI”) requirements pursuant to the PWR, including on all contracts and subcontracts and in filing separate public works bonds with the Construction Contractors Board;
 - ii. pay to BOLI, within the required timeframe and in the appropriate amount, the project fee required by OAR 839-025-0200 to 839-025-0230, including any additional fee that may be owed upon completion of the Project; and
 - iii. unless exempt under Section 17(2) of Oregon Laws 2021, chapter 678, if Department is a “public body” and the Project is a “qualified project,” as those terms are defined in Section 17(3) of Oregon Laws 2021, chapter 678, Department shall require each contractor in a contract with an estimated cost of \$200,000 or greater to:

- 1) Enter into a project labor agreement that, at a minimum, provides for payment of wages at or above the prevailing rate of wage;
 - 2) Employ apprentices to perform 15 percent of the work hours that workers in apprenticeable occupations perform under the contract, in a manner consistent with the apprentices' respective apprenticeship training programs;
 - 3) Establish and execute a plan for outreach, recruitment and retention of women, minority individuals and veterans to perform work under the contract, with the aspirational target of having at least 15 percent of total work hours performed by individuals in one or more of those groups; and
 - 4) Require any subcontractor engaged by the contractor to abide by the requirements set forth in subparagraphs (i), (ii) and (iii) above, if the work to be performed under the subcontract has an estimated cost of \$200,000 or greater.
- b. Department represents and warrants that it is not on the BOLI current List of Contractors Ineligible to Receive Public Works Contracts and that it will not contract with any contractor on this list.
 - c. Pursuant to ORS 279C.817, Department may request that the Commissioner of BOLI make a determination about whether the Project is a public work on which payment of the prevailing rate of wage is required under ORS 279C.840.

12. Amendments

This MOU may be amended only by a written instrument executed by the parties or by their successors.

(Remainder of this page intentionally left blank)

**MARION COUNTY
BOARD OF COMMISSIONERS:**



Chair



Date

Not Present At Meeting

Commissioner

Date





Commissioner

Date

Authorized Signature:

DocuSigned by:



DC16351248DE4EC...

5/11/2022

Chief Administrative Officer

Date

DocuSigned by:



9793BA7ACD6D443...

5/10/2022

Authorized Signature:

Department Head or Designee

Date

DocuSigned by:



D0CFC5B04B9F483...

5/11/2022

Reviewed by Signature:

Marion County Legal Counsel

Date

DocuSigned by:



C5B2F3DF257F444...

5/6/2022

Reviewed by Signature:

Marion County Contracts & Procurement

Date

EXHIBIT A
THE APPLICATION

[The Application on Next Page]



2021 MARION COUNTY ARPA FUNDS APPLICATION ROUND 1

Organization Name: Marion County Public Works Department

Project Title: Marion County Radio Communication Project

ARPA Funding Category: Infrastructure and Revenue Replacement

I. Organization Information

Legal Name of the Organization: * Marion County Public Works Department

Doing Business As (DBA) Name (if applicable): _____

Employer Identification Number (EIN): * 93-6002307

DUNS Number: ** 167258529

**Organization must be able to obtain a DUNS Number by the time the Contract is executed

Organization Street Address: * 5155 Silverton Road NE

City: Salem State: Oregon Zip Code: 97305

Organization Mailing Address: _____
(if different from street address)

City: _____ State: _____ Zip Code: _____

Organization Website: * <https://www.co.marion.or.us/PW>
(Please enter "N/A" if none)

Applicant Name: * Brian Nicholas

Applicant Title: * Public Works Director

Applicant Mailing Address: _____
(if different from organization mailing address)

City: _____ State: _____ Zip Code: _____

Applicant Phone: * (503) 588-7943 Applicant E-mail: * bnicholas@co.marion.or.us

Project Contact: _____
(If different from applicant)

Project Contact Phone: (_____) _____ Project Contact E-mail: _____

* Response required for application to be considered complete

II. Project Information *(not exceed a total of 25 single-sided, 8.5" x 11" numbered pages)*

I. Describe the organization that will manage the project and include the following:

This project will construct a new public safety radio and microwave broadband communications network serving police and fire agencies throughout Marion County. The project will be managed and delivered by the Marion County Public Works Department on behalf of user agencies throughout. The resulting fully-operable RF and microwave broadband communications network will be managed and maintained by the Public Works Department as a long-term service to user agencies.

- a. Total estimated project budget is **\$12,700,000.00**, which includes all engineering, permitting, procurement, construction, commissioning and administrative costs.
- b. Estimated start date and completion dates

Task	Start	End
Alternatives Analysis and Concept Design	Complete	Complete
Final Design of Radio Site Improvements	January 2022	August 2022
Bidding of Radio Site Improvements for Construction	September 2022	December 2022*
Construction of Radio Site Improvements	January 2023	September 2023
Final Development of Radio System Procurement Specifications (Performance Specs)	January 2022	July 2022
Bidding of Radio System Procurement	August 2022	December 2022*
Radio System Procurement, Installation and Commissioning	January 2023	July 2024
Switch Over From Existing Radio System to New Radio System	August 2024	July 2025
Project Complete and System Fully Operable		July 2025**

*Demonstrates all construction and procurement activities will be under contract and associated costs incurred two years prior to December 31, 2024 deadline

**All ARPA funds will be fully expended prior to December 31, 2026

- c. List the project team. Include the name, title, employer, and a high-level overview of their role in the project.
 - **Brian Nicholas, PE**, Marion County Public Works Director
 - i. Role in Project: Project Director
 - **Dennis Mansfield**, Marion County Administration Division Manager
 - i. Role in Project: Manager of Marion County's Radio Communications Program
 - **Jason Sykes**, Marion County Fleet Supervisor
 - i. Role in Project: Marion County Radio Communications Program Supervisor

- **Richard Grabotin**, Marion County Senior Electronics Technician
 - i. Role in Project: Maintenance of County Radio Infrastructure
- **LT Nicholas Hunter**, Marion County Sheriff's Office
 - i. Role in Project: Law Enforcement Advisor
- **Susan Ronning**, ADCOMM Engineering, LLC
 - i. Role in Project: Engineering Manager, Radio System Design, Radio Site Improvements and FCC Licensing
- **Roger Jungmann**, ADCOMM Engineering, LLC
 - i. Role in Project: Radio System Governance and Development
- **Technical Advisory Committee**, 12-member advisory council consisting of three (3) law enforcement representatives, three (3) fire representatives, three (3) project delivery leaders and three (3) Sheriff's office representatives.
 - i. Role in Project: Advise Project on Required Outcomes to Ensure the Completed System Meetings End Use Needs

2. Describe the project need and the impact the project will have on the local community and Marion County.

Marion County lacks a coherent and reliable public safety radio and microwave broadband communications network for use by first responder agencies. Marion County operates a 2-channel analog VHF radio system, which the Marion County Sheriff's Office uses for field coverage for deputies on patrol, and various fire departments operate their own similar radio systems in small pockets of the county. These systems use an ad hoc system of microwave trunk, fiber optic and copper phone line connections to receive and distribute centralize radio communications, but none of the existing stand-alone radio systems are interoperable and they are all prone to frequent system failures (multiple times per month), which frequently places first responders in jeopardy. These systems are not centrally managed, which means they are haphazardly maintained and updated, leading to persistent failures and coverage degradation each time an element of the fragile network of systems is replaced or updated. None of the existing communication infrastructure complies with FCC public safety radio communications standards.

This project will construct a single, centrally managed and operated radio communication and microwave broadband network for use by all first responder agencies in Marion County. The microwave broadband network will serve as the backhaul system for the interoperable radio network and will provide smaller cities and rural fire districts direct access to a high capacity, high speed data trunk that can be used for other city purposes. The resulting systems will be fully interoperable, allowing first responder agencies to communicate with each other effectively and reliably during field response events, will have adequate capacity to handle the communication volumes and internet data needs generated by first responder agencies within Marion County and will fully comply with FCC public safety radio standards. The system will be maintained by the Marion County Public Works Department to protect the public's investment for the long term.

This project is critical to the life safety of Marion County first responders and the public they serve. These agencies do not have the financial resources to contribute to the initial capitalization and construction of such a system. This critical infrastructure will not be constructed without the use of ARPA funds.

3. Describe the project proposal to be accomplished. Identify each project element and include a timeline and key team member(s) who will work on the project.

This project will construct an FCC-compliant public safety radio system and microwave broadband backhaul network to serve the field communication needs of the Marion County Sheriff's Office, eight (8) city police agencies, nineteen (19) fire districts, two (2) rural ambulance districts and Marion County's rural 911 call center. This project consists of the following key elements:

- Design, permit and bid for construction the physical improvements to thirteen (13) existing radio broadcast sites to accommodate installation of the new radio and microwave broadband systems.
- Construct physical improvements at the thirteen (13) existing radio broadcast sited.
- Acquire lease access to three (3) additional radio sites needed to correct coverage gaps associated with the county's existing radio broadcast sites.
- Design, permit and procure the new radio and microwave broadband system hardware.
- Install and commission the new radio and microwave broadband systems.
- Program and deploy mobile and portable radios and transition to the new system.
- Decommission and remove the old system components no longer used.

Project Element	Timeline	Key Team Members
Design and Permit Site Improvements	January 2022 – August 2022	ADCOMM* Regulatory Agency: DSL, MCPW
Bid Site Improvement Construction Contract	September 2022 – December 2022	MCPW
Construct Site Improvements	January 2023 – September 2023	MCPW assisted by ADCOMM*, construction contractor TBD by low bid
Acquire Lease Agreements for New Radio Broadcast Sites	January 2022 – December 2022	MCPW assisted by ADCOMM*
Design, Permit and Prepare Acquisition Specifications for Radio and Microwave Broadband Systems	January 2022 – July 2022	ADCOMM* Regulatory Agency: FCC, MCPW
Procure, Install and Commission Radio and Microwave Broadband Systems	August 2022 – July 2024	MCPW assisted by ADCOMM*, MCIT, Systems contractor TBD by low bid
Deploy Mobile and Portable Radios and Transition to New System	August 2024 – July 2025	MCPW, First Responder Agencies
Decommission Old Systems	August 2025 – October 2025	MCPW, MCIT

* ADCOMM Engineering, LLC (ADCOMM) is the radio engineering consultant engaged by Marion County Public Works to deliver this project.

4. Describe how the project meets the ARPA eligible categories and the specific category requirements according to U.S. Treasury Guidelines, see [State and Local Fiscal Recovery Funds \(marion.or.us\)](https://www.co.marion.or.us/BOC/CD/Pages/fiscalrecoveryfunds.aspx).
<https://www.co.marion.or.us/BOC/CD/Pages/fiscalrecoveryfunds.aspx>

There are four eligible statutory categories identified in the referenced U.S. Treasury Guidelines that meet the ARPA requirements.

1. *To respond to the COVID-19 public health emergency or its negative economic impacts;*
2. *To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to such eligible workers of the recipient, or by providing grants to eligible employers that have eligible workers who performed essential work;*
3. *For the provision of government services, to the extent of the reduction in revenue of such recipient due to the COVID-19 public health emergency, relative to revenues collected in the most recent full fiscal year of the recipient prior to the emergency; and*
4. *To make necessary investments in water, sewer, or broadband infrastructure.*

The Marion County Radio Communication Project is eligible under Expenditure Category 6.1 Provisions of Government Services (Maintenance or Capital Projects/Building Infrastructure and Provisions of Police, Fire and other Public Services) and Expenditure Category 15.17 Broadband (Other Projects) as defined in Appendix 1 in the U.S. Department of the Treasury Coronavirus State and Local Fiscal Recovery Funds guidance. Grant funds will be used to construct new digital radio and microwave broadband infrastructure (Capital Project) that will provide essential communications service to nine (9) police and nineteen (19) fire agencies within Marion County as well as two (2) rural ambulance districts and Marion County's rural 911 call center.

- a. Describe how the project meets the ARPA period of performance.

The deadline for the obligation of funds is December 31, 2024, and all funds must be fully expended by December 31, 2026. Because of the alternatives analysis and preliminary system configuration already completed by Marion County, we are ready to begin the design of site improvements and system procurement specifications in January 2022. In fact, the consultant, ADCOMM Engineering, is already under contract is awaiting Notice to Proceed from Marion County to begin this work. The proposed project schedule is both reasonable and achievable. Construction contracts and radio / microwave systems procurement contracts will be executed by December 2022 and all ARPA funds will be fully expended by October 2025.

5. Is this project included in an adopted City/County or organization's plan or another documented community need? For example: City Infrastructure Master Plan, City Economic Development Plan, City Transportation Plan or City Strategic Plan, etc.

The project is fully documented in Marion County's Concept Design and Next Steps Final Report, Marion County Radio Communications (MCRC) Project prepared by ADCOMM Engineering on behalf of the Marion County Public Works Department.

6. Describe the organization's experience as a subrecipient. Describe the capacity to successfully manage and submit reporting requirements for the proposed project as a subrecipient of federal awards.

Marion County has extensive experience in successfully managing and reporting as a subrecipient for federal projects. Procurement of goods and services is completed in compliance with the Marion County Contract Review Board Rules and Regulations (MC/CRBRR) and the ORS. Marion County is Certified by ODOT in: Design; Advertising, Bid, & Award; Construction Contract Administration, Direct Appoint Consultant Selection, and Formal/Informal Consultant Selection for federal projects. Marion County has 15 federal-aid projects to deliver in the current Statewide Transportation Improvements Program (STIP). A single audit for federal projects conducted for FY2019-20 financial transactions resulted in no findings. The county also follows retention record requirements and successfully submits numerous grant reimbursement requests annually. Each grant is closely monitored to ensure expenses are appropriately accounted for.

7. Identify and describe partnerships the organization has secured to assist with the project?

This project currently does not require external partnerships.

8. Describe how the operations will be funded after the project is complete.

The project, once completed, will generate revenue from the thirty one (31) user agencies within Marion County in the form of subscriber fees. These fees will be affordable and will generate sufficient revenue to fund the operation and maintenance of the system, as well as build capital reserves for future incremental system improvement and replacement. The system will be maintained long-term by the Marion County Public Works Department.

9. Identify and describe other Federal, State, or local government funding the organization has applied for, including ARPA funds from governments. Include the source(s) and amount(s) applied for, and any awards received.

Currently the only funding which has been applied for is ARPA funds, Round 1.

10. Identify and describe other non-governmental funding sources (e.g. fees, donations, grants) the organization has applied for. Include the source(s) and amount(s) applied for, and any awards received.

No other funding sources have been applied for or awarded at this time.

11. If the total ARPA funding request is not granted, how will the organization be able to complete the project?

This critical project will not be completed if ARPA funds are not awarded.

12. Describe how the project will meet project deadlines – include engineering. Identify any reports or other information related to the project such as completed engineering, architectural, or design studies or other technical studies required for the project. Identify the name and a brief description of the completed study. Marion County will request copies of these studies during the technical review period.

Marion County has engaged ADCOMM Engineering, the leading radio engineering firm in the Pacific Northwest, to deliver this project. ADCOMM has successfully delivered projects of this type and size for more than 30 years. The bid documents prepared by ADCOMM will include performance guarantees obligating the awarded contractors to deliver this project on time to avoid penalties such as liquidated damages.

ADCOMM has already prepared the county's preliminary design report for this project and is simply awaiting notice to proceed for the county to begin the preparation of bid documents. All construction and procurement contracts will be bid in 2022.

13. Provide any additional information related to the project.

Attachment 1. Attestation Form

APPLICANT NAME: Brian Nicholas, Marion County Public Works Director

ADDRESS: Marion County Public Works Department, 5155 Silverton Road NE, Salem, Oregon, 97305

PHONE NUMBER: 503.588.5036 EMAIL: bnicholas@co.marion.or.us WEB SITE: www.co.marion.or.us/PW

TAXPAYER ID NUMBER: _____ DATE/STATE OF INCORPORATION: _____

BUSINESS DESIGNATION: ☐ Corporation ☐ Sole Proprietor ☐ Partnership
☐ S Corporation ☐ Non-Profit ☒ Government
☐ Other: _____

CERTIFICATION/LICENSE NUMBER: _____

The undersigned further acknowledges, attests and certifies individually and on behalf of the Applicant that:

1. That this proposal is, in all respects, fair and without fraud; that it is made without collusion with any official of the county; and that the proposal is made without any collusion with any person making another proposal on this Contract.
2. Information and prices included in this proposal shall remain valid for ninety (90) days after the proposal due date or until a Contract is approved, whichever comes first.
3. The Applicant acknowledges receipt of all Addenda issued under the Application.
4. The Applicant certifies that it does not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap, financial ability, age or other non-job-related factors as per ORS 659 and USC 42 2000e.
5. The Applicant, acting through its authorized representative, has read and understands all Application instructions, specifications, and terms and conditions contained within the Application and all Addenda, if any;
6. The Applicant agrees to and shall comply with, all requirements, specifications and terms and conditions contained within the Application, including all Addenda, if any;
7. The proposal submitted is in response to the specific language contained in the Application, and Applicant has made no assumptions based upon either (a) verbal or written statements not contained in the Application, or (b) any previously-issued Application, if any.
8. The Applicant agrees that if awarded the Agreement, Applicant shall be authorized to do business in the State of Oregon at the time of the award;
9. The signatory of this Application Form is a duly authorized representative of the Applicant, has been authorized by Applicant to make all representations, attestations, and certifications contained in this proposal document and all Addenda, if any, issued, and to execute this proposal document on behalf of Applicant.
10. By signature below, the undersigned Authorized Representative hereby certifies on behalf of Applicant that all contents of this Application Form and the submitted proposal are truthful, complete and accurate. Failure to provide information required by the Application may ultimately result in rejection of the proposal.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY

MATTERS - The Applicant certifies to the best of its knowledge and belief that neither it nor any of its principals:

1. Are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from submitting bids or proposals by any federal, state or local entity, department or agency;
2. Have within a five-year period preceding the date of this certification been convicted of fraud or any other criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) contract, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are presently indicted for or otherwise criminally charged with commission of any of the offenses enumerated in item number 2 of this certification;
4. Have, within a five-year period preceding the date of this certification had a judgment entered against contractor or its principals arising out of the performance of a public or private contract;

5. Have pending in any state or federal court any litigation in which there is a claim against contractor or any of its principals arising out of the performance of a public or private contract; and
6. Have within a five-year period preceding the date of this certification had one or more public contracts (federal, state, or local) terminated for any reason related to contract performance.

Where Applicant is unable to certify to any of the statements in this certification, Applicant shall attach an explanation to their offer. The inability to certify to all of the statements may not necessarily preclude Applicant from award of an agreement under this procurement.

IF THE PROPOSAL IS MADE BY A JOINT VENTURE, IT SHALL BE EXECUTED BY EACH PARTICIPANT OF THE JOINT VENTURE.

THIS APPLICATION SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE APPLICANT; ANY ALTERATIONS OR ERASURES TO THE OFFER SHALL BE INITIALED IN INK BY THE UNDERSIGNED AUTHORIZED REPRESENTATIVE.

SIGNATURE OF APPLICANT'S DULY AUTHORIZED REPRESENTATIVE FOR ALL SECTIONS:

Authorized Signature: Brian Nicholas

Print Name: Brian Nicholas

Title: Public Works Director

Contact Person (Type or Print): Dennis Mansfield

Telephone Number: (503) 365-3111

Email: dmansfield@co.marion.or.us

The Applicant will notify the County representative on the cover page of this Application within 30 days of any change in the information provided on this form.

Attachment 3

Project Budget - Brooks Water Improvements (Block 1)Please provide a line item detailed budget for the project for the months of **October 2021 through December 2024**.

CATEGORY	Int / Ext	ARPA FUNDS REQUEST	OTHER FUNDS (if applicable)		TOTAL
			AMOUNT	SOURCE	\$ 12,700,000.00
Materials and Services					\$ 4,590,500.00
Design, Engineering and Permitting	External	\$ 925,000.00			\$ 925,000.00
Site Lease Acquisition	Internal	\$ 55,000.00			\$ 55,000.00
Develop User Agreements and System Governance	External	\$ 65,000.00			\$ 65,000.00
Construction Bidding	Internal	\$ 22,000.00			\$ 22,000.00
Site Construction	External	\$ 2,285,500.00			\$ 2,285,500.00
Radio / Microwave System Installation and Commissioning	External	\$ 980,000.00			\$ 980,000.00
Radio Deployment	External	\$ 230,000.00			\$ 230,000.00
Decommissioning of Old Systems	Internal	\$ 28,000.00			\$ 28,000.00
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -

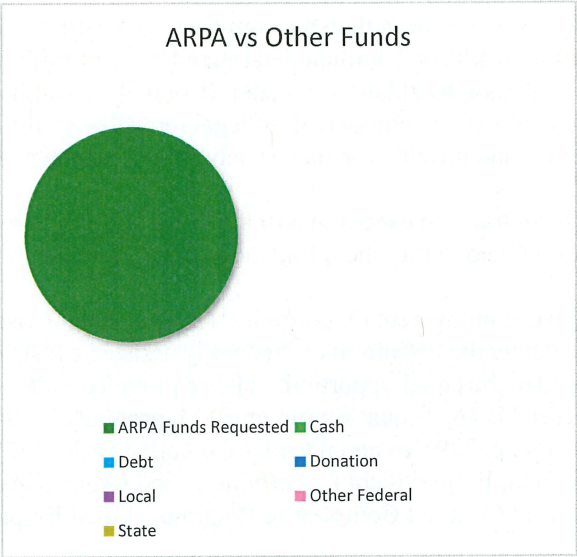
Equipment or Capital Purchases					\$ 7,542,500.00
Radio / Microwave System Acquisition	External	\$ 4,523,982.00			\$ 4,523,982.00
Mobile / Portable Radio Purchase	Internal	\$ 3,018,518.00			\$ 3,018,518.00
					\$ -
					\$ -
					\$ -
					\$ -

Personnel Costs					\$ -
					\$ -
					\$ -
					\$ -
					\$ -
					\$ -

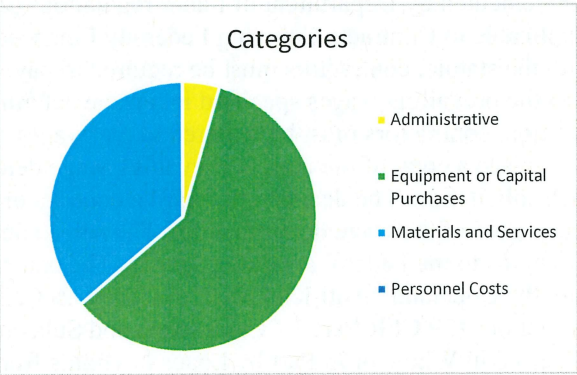
Administrative					\$ 567,000.00
Project Management and Oversight	Internal	\$ 385,000.00			\$ 385,000.00
Contract and Legal Administration	Internal	\$ 62,000.00			\$ 62,000.00
Construction Observation	Internal	\$ 120,000.00			\$ 120,000.00

Brooks Water Improvements (Block 1) Costs

Total Project Budget	\$ 12,700,000.00
ARPA Funds Requested	\$ 12,700,000.00
Other Funds	\$ -
Cash	\$ -
Debt	\$ -
Donation	\$ -
Local	\$ -
Other Federal	\$ -
State	\$ -



Total Project Budget	\$ 12,700,000.00
Categories	
Administrative	\$ 567,000.00
Equipment or Capital Purchases	\$ 7,542,500.00
Materials and Services	\$ 4,590,500.00
Personnel Costs	\$ -



Total Project Budget	\$ 12,700,000.00
Internal	\$ 3,690,518.00
External	\$ 9,009,482.00

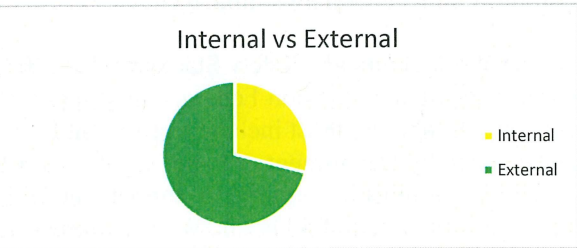


EXHIBIT B
**APPENDIX II TO PART 200—CONTRACT PROVISIONS FOR NON-FEDERAL
ENTITY CONTRACTS UNDER FEDERAL AWARDS**

- Contracts for more than the simplified acquisition threshold currently set at \$100,000, which is the inflation adjusted amount determined by the Civilian County Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be affected and the basis for settlement.
- Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
- Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These

requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

- Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or Department wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or Department must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
- Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- See §200.322 Domestic preference for procurements.
- Audit Requirements of 2 CFR §200.5XX (Subpart F)
 - Department must comply, and require any subcontractor to comply, with applicable audit requirements and responsibilities set forth in this MOU and applicable state or federal law.
 - If Department expends federal awards in excess of \$750,000 in a fiscal year, Department is subject to audit conducted in accordance with the provisions of 2 CFR part 200, subpart F. Copies of all audits must be submitted to Board within 30 days of completion.
 - Department must save, protect and hold harmless Board from the cost of any audits or special investigations performed by the Secretary of State with respect to the funds expended under this MOU. Department acknowledges and agrees that any audit costs incurred by Department as a result of allegations of fraud, waste or abuse are ineligible for reimbursement under this or any

other agreement between Department and Board.

- System for Award Management. Department must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov>. This includes applicable requirements regarding registration with SAM, as well as maintaining current information in SAM. Department must also comply with applicable restrictions on subawards ("subgrants") to first tier subcontractors (first-tier "Subcontractors"), including restrictions on subawards to entities that do not acquire and provide (to the Board) the unique entity identifier required for SAM registration.
- Whistleblower Protection Act. Department must comply and ensure the compliance by subcontractors, with 41 U.S.C. 4712, Program for Enhancement of Employee Whistleblower Protection. Department must inform subcontractors, contractors and employees, in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 USC § 4712.
- See § 200.216 Prohibition on certain telecommunications and video surveillance services or equipment.
- See § 200.323 Procurement of recovered materials.
- Recordkeeping Requirements. Department must maintain records and financial documents for five years after all funds have been expended or returned to the Board. Board may request transfer of records of long-term value at the end of such period. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.
- Department must agree to provide or make available such records to the Board upon request, and to the Government Accountability Office ("GAO"), U.S. Treasury's Office of Inspector General ("OIG"), and their authorized representative in order to conduct audits or other investigations.
- Civil Rights Compliance. Recipients of Federal financial assistance from the U.S. Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the U.S. Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23.
- In order to carry out its enforcement responsibilities under Title VI of the Civil Rights Act, U.S. Treasury will collect and review information from non-Tribal recipients to ascertain their compliance with the applicable requirements before and after providing financial assistance. U.S. Treasury's implementing regulations, 31 CFR part 22, and the Department of Justice (DOJ) regulations, Coordination of Non-discrimination in Federally Assisted Programs, 28 CFR part 42, provide for the collection of data and information from recipients (see 28 CFR 42.406). U.S. Treasury may request that recipients submit data for post-award compliance reviews, including information such as a narrative describing their Title VI compliance status. This collection does not apply to Tribal

governments.

- Equipment and Other Capital Expenditures. Department shall, and shall cause its Subrecipients to, maintain policies and procedures for the management of property and equipment that comply with all requirements of the applicable Uniform Guidance at 2 CFR Part 200, Subpart D, 2 CFR Part 200.311, 200.313 and 200.439, and specific requirements of the source of funds. These regulations shall apply to all equipment purchased with federal funding.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014; 85 FR 49577, Aug. 13, 2020]

Exhibit C – Federal Funding Information For Subrecipients
As Required By 2 CFR 200.331(a)¹

1. Federal Award Identification

(i) Subrecipient Name:	
(ii) Subrecipient DUNS #:	
(iii) Federal Award Identification Number (FAIN):	
(iv) Federal Award Date:	
(v) Subaward Period of Performance (Start & End Date):	
(vi) Federal Funding Obligation	
a) Total Amount of Federal Funds Obligated by this Agreement:	
a.1)	
a.2)	
a.3)	
a.4)	
b) Total Amount of Federal Funds Obligated to Subrecipient by Pass-Through Entity (PTE), including this agreement:	
c) Total Amount of Federal Award committed to Subrecipient by PTE	
(vii) Federal Award Project Description:	
(viii) Identify the following:	
a) Federal awarding agency	
b) Pass-Through Entity,	
c) Contact info for awarding official:	
(ix) Identify Program Information	
a) Catalog of Federal Domestic Assistance (CFDA) #:	
b) Program Name:	
c) Is the award Research & Development? (Yes/No)	
d) Indirect Cost Rate for Federal award:	

2. Subrecipient Indirect Cost Rate

Indirect cost rate passed through to subrecipient:	
--	--

3. Additional Requirements or Comments (if any)

Identify in this section additional conditions concerning closeout of award or required financial/performance reports or any other comments regarding the federal award. If no additional information is necessary, please delete this section or mark N/A.

¹Subrecipient will comply with Federal statutes, regulations and terms and conditions of the Federal award in accordance with 2 CFR 200.331 (a)(2). Subrecipient will permit the pass-through entity and auditors to have access to subrecipient's records and financial statements as necessary for the PTE to meet requirements of 2 CFR 200.331 (a)(5). Subrecipient will also permit the pass-through entity to have access to subrecipient's records for monitoring the activities of the subrecipient, as necessary, to ensure that the subaward is used for the authorized purposes. Such monitoring will include reviewing the financial and performance reports required by the pass-through entity as well as following up and ensuring the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient in order to meet the requirements of 2 CFR 200.331(d).

Exhibit D

Federal Funding Accountability and Transparency Act (FFATA) Certification*

Organization Name:		CMS Number:	
---------------------------	--	--------------------	--

Did your organization have a gross income, from all sources, of less than \$300,000 in your previous tax year?

- ☐ Yes (Skip questions "A" and "B" and finish the certification)
- ☐ No (Proceed to questions "A" and "B")

A. Certification Regarding % and Amount of Annual Gross Revenue from Federal Awards

Did your organization (1) receive 80% or more of its annual gross revenue **AND** (2) \$25 million or more from federal awards and contracts during the preceding fiscal year?

- ☐ Yes If "Yes," proceed to question "B".
- ☐ No If "No," skip question "B" and finish the certification.

B. Certification Regarding Public Access to Compensation Information.

Does the public have access to information about the compensation of the senior executives in your business or organization (including parent organization, all branches, and all affiliates worldwide) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

- ☐ Yes If "Yes", where can this information be accessed?
- ☐ No If "No", you must provide the names and total compensation of the top five highly compensated executives below. (For example: *John Blum: \$500,000; Mary Redd: \$50,000; etc.*)

1 _____	\$ _____
2 _____	\$ _____
3 _____	\$ _____
4 _____	\$ _____
5 _____	\$ _____

As the duly authorized representative (Signor) for the Organization, I hereby certify that the statements made by me in this certification form are true, complete and correct to the best of my knowledge.

Print Name of Authorized Representative

Print Title of Authorized Representative

Signature of Authorized Representative

Date

Federal Funding Accountability and Transparency Act (FFATA) Certification*

Background on FFATA Requirements

Under the requirements of the Federal Funding Accountability and Transparency Act (Pub. L. No. 109-282), as amended by Section 6202 of Public Law 110-252, that are codified in 2 CFR Part 170, direct recipients of federal grants or cooperative agreements are required to report first-tier subawards and subcontracts of \$30,000 or more to the Federal Funding Accountability and Transparency Act (FFATA) Subaward Reporting System (FSRS).

Organizations that are requested to complete the FFATA Certification have been identified by Marion County as either a first tier subaward or subcontract and therefore, FFATA requirements are applicable.

Definition of Compensation

Total compensation means the cash and noncash dollar value earned by the executive during the Organizations preceding fiscal year and includes the following: (1) Salary and bonus; (2) Awards of stock, stock options, and stock appreciation rights; (3) Earnings for services under non-equity incentive plans; (4) Change in pension value; (5) Above-market earnings on deferred compensation which is not tax-qualified; and (6) Other compensation, as further defined in FAR 52.204-10(a) and 17 CRF 229.402(c)(2).

**Organizations that receive first tier subawards or subcontracts >\$30,000 are required to comply with FFATA requirements per 2 CFR Part 170 and FAR 52.204-10.*

Exhibit E

**American Rescue Plan Act (ARPA) /
Coronavirus State and Local Fiscal Recovery Funds (SLFRF)
Capital Expenditure Justification Form**

Purpose: To ensure recipient complies with the terms, conditions and requirements of the U.S. Treasury 31 CFR Part 35 SLFRF Final Rule. Recipients must complete and meet the requirements of a written justification for capital expenditures equal to or greater than \$1 million.

Capital Expenditures: Per the Uniform Guidance 2 CFR 200.1, the term "*capital expenditures*" means "expenditures to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life."

Organization Name:	Marion County - Public Works	
Organization Contact Completing Form:		
Date:		
Project Name:	Radio Communications Project	
Expenditure Category:	1.7 Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)	
Type of Capital Expenditure ¹ :	Emergency operations centers and acquisition of emergency response equipment	
Specify "Other" Expenditure Type:		
Project Amount:	\$	9,000,000
Project Threshold Per Table 1:	\$1M to < \$10M	
CMS # (Marion County to Complete)	4575	

Black shaded cells DO NOT need to be filled out.

1 Describe the harm or need to be addressed.

2 Explanation of why a capital expenditure is appropriate. (*For example, recipients should include an explanation of why existing equipment and facilities, or policy changes or additional funding to pertinent programs or services, would be inadequate.*)

3 Was there a comparison performed of the approved capital project against at least two alternative capital expenditures?

☐ YES

☐ NO

a) If yes, please demonstrate why the approved capital expenditure is superior.

b) If no, please explain why.

¹ Coronavirus State and Local Fiscal Recovery Funds Project and Expenditures Report User Guide - Appendix H

Marion County to complete this section

Grant Reviewer:

Date Reviewed:

Comments:

Exhibit E

Table 1 (U.S. Treasury Final Rule, General Provisions: Other, b. Capital Expenditures)

If a project has total expected capital expenditures of	and the use is enumerated in (b)(3), then	and the use is not enumerated in (b)(3), then
Less than \$1 million	No Written Justification required	No Written Justification required
Greater than or equal to \$1 million, but less than \$10 million	Written Justification required but recipients are not required to submit as part of regular reporting to Treasury	Written Justification required and recipients must submit as part of regular reporting to Treasury
\$10 million or more	Written Justification required and recipients must submit as part of regular reporting to Treasury	

EXHIBIT F

ARPA/SLFRF REPORTING REQUIREMENTS FORM

A.1 Project and Expenditure Report

Department shall complete the Project and Expenditure Report as outlined in the Project and Expenditure Report User Guide dated April 1, 2022, according to the awarded eligibility category. The Board and Designee shall provide the Project and Expenditure Report template to the Department no later than June 15, 2022. Once the Department's total project expenditures have been occurred and the project has completed, a final report shall be submitted, and quarterly reporting requirements will no longer be required.

Project and Expenditure Reports are due according to the following table:

Report	Year	Quarter	Period Covered	Due Date
1	2022	2	Project Commence - June 30	July 15, 2022
2	2022	3	July 1 - September 30	October 15, 2022
3	2022	4	October 1 - December 31	January 15, 2023
4	2023	1	January 1 - March 31	April 15, 2023
5	2023	2	April 1 - June 30	July 15, 2023
6	2023	3	July 1 - September 30	October 15, 2023
7	2023	4	October 1 - December 31	January 15, 2024
8	2024	1	January 1 - March 31	April 15, 2024
9	2024	2	April 1 - June 30	July 15, 2024
10	2024	3	July 1 - September 30	October 31, 2024
11	2024	4	October 1 - December 31	January 15, 2025
12	2025	1	January 1 - March 31	April 15, 2025
13	2025	2	April 1 - June 30	July 15, 2025
14	2025	3	July 1 - September 30	October 15, 2025
15	2025	4	October 1 - December 31	January 15, 2026
16	2026	1	January 1 - March 31	April 15, 2026
17	2026	2	April 1 - June 30	July 15, 2026
18	2026	3	July 1 - September 30	October 15, 2026
19	2026	4	October 1 - December 31	March 15, 2027

A.2 Recovery Plan Performance Report

Department shall complete the Recovery Plan Performance Report. The Board and designee shall provide the Recovery Plan Performance Report template to the Department no later than June 15, 2022.

Recovery Plan Performance Reports are due according to the following table:

Report	Period Covered	Due Date
1	Award Date - June 30, 2022	July 15, 2022
2	July 1, 2022 - June 30, 2023	July 15, 2023
3	July 1, 2023 - June 30, 2024	July 15, 2024
4	July 1, 2024 - June 30, 2025	July 15, 2025
5	July 1, 2025 - June 30, 2026	July 15, 2026
6	July 1, 2026 - December 31, 2026	March 15, 2027

A.3 Federal Funding Accountability and Transparency Act Certification

Department shall require its contractor(s) and subcontractor(s), to complete and include Exhibit D. Federal Funding Accountability and Transparency Act Certification as part of the contract.

A.4 ARPA/SLFRF Capital Expenditure Justification Form

Department shall require its contractor(s) and subcontractor(s) to complete and include Exhibit E. ARPA/SLFRF Capital Expenditure Justification Form as part of the contract.

Exhibit G - Marion County Disbursement Request



Recipient:

Project Number:

Project Name:

Date:

Funding Program:

Final Draw? ☐ Yes ☐ No

Assistance Listing (CFDA#):

Reporting Period:

to

(A) Category	Marion County Funds (Enter Whole Dollars Only)				Other / Matching Funds (Enter Whole Dollars Only)				All Funds
	(B) Approved Budget	(C) Prior Disbursements	(D) Current Request	(E) = [B-C-D] Balance	(F) Approved Budget	(G) Prior Expenditures	(H) Current Expenditure	(I) = [F-G-H] Balance	(J) = [C+D+G+H] Disbursed & Expended
Personnel Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Materials and Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Equipment or Capital Purchases	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Administrative	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Certification: I certify that the data is correct and that the amount requested is not in excess of current needs, nor has been already reimbursed by federal, state, or other resources.

Authorized Signature and Title		Date
Authorized Signature and Title (if necessary)		Date
Project Contact for Payment Notification		Phone Number
Email Address		

For Marion County Use Only: I have reviewed this request and approve payment to the above mentioned recipient in the amount(s) listed below.

Dollar Amount	Costing	PO #
\$ -		CMS #
Authorized Signature and Title		
		Date
Authorized Signature and Title		
		Date
Authorized Signature and Title		
		Date

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject us to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).

Additional Information Required:

Supporting documentation (e.g. invoice(s), GL reports, timekeeping records, etc.) must be recorded on Detail worksheet.

Upon completion, print Disbursement Request and Detail to PDF, sign electronically, and attach copies of supporting documentation.

Submit to ARPArecovery@co.marion.or.us for review and processing of reimbursement.

Questions about this form can also be directed to ARPArecovery@co.marion.or.us.

Marion County Disbursement Request Detail

Recipient:	Date:	1/0/1900
Project Name:	Project Number:	0
Funding Program:		

[illegible]