

# summerill

**federal IGA solutions for local jails**

1250 Connecticut Avenue, NW  
Suite 700  
Washington, DC 20036

Office: 202-261-6540

[joseph@summerill.net](mailto:joseph@summerill.net)

May 5, 2023

James H. Gailey, CMM  
County Manager  
Cumberland County  
142 Federal Street  
Portland, Maine 04101

Subject: PROPOSAL TO Assist Cumberland County ME Prepare /  
Submit Application To US Marshals Service and Then Negotiate  
New Per Diem For Intergovernmental Service Agreement

Dear Mr. Gailey:

I appreciate your consideration of the Summerill Law Firm, PLLC for calculating and negotiating a new per diem rate for housing U.S. Marshals Service (USMS) prisoners in the Cumberland County Jail. The following proposal, if accepted, will serve as the contract between the Summerill Law Firm, PLLC and Cumberland County, ME for this project.

## **STATEMENT OF WORK FOR THE CUMBERLAND COUNTY PROJECT.**

- The Summerill Law Firm, PLLC shall work with the County Manager Jim Gailey to collect all allowable and allocable economic data regarding the costs associated with the current and future operation of the Cumberland County Jail. This will include FY 2024 cost data and will project those costs out 36 months, equal to the term of the County's new USMS IGA.
- Mr. Summerill's team will then build the County's new federal per diem rate in compliance with the U.S. Office of Management & Budget Circular 200; Chapter XXVIII – Department of Justice (2 CFR 200) and Section 119 of the Department of Justice Appropriations Act of 2001 (Public Law 106-553). \*\* We will also calculate a new transportation / hospital guard rate, as well as a rate for guards participating in video court. \*\*
- Mr. Summerill will then present to Mr. Gailey a draft application to submit to USMS. We will also research neighboring Federal per diem rates and make a strategic recommendation regarding the submittal of the County's application to USMS.



Cumberland County, ME  
US Marshals Service Per Diem Rate Project  
May 5, 2023  
Page 2

- Upon the County's approval, Mr. Summerill will then upload the supporting cost data and operational data (for the new per diem rate and the new transportation / guard service rate) to USMS through the FBI LEEP (Law Enforcement Enterprise Portal) website and start working with USMS officials to ensure that Cumberland County's application is reviewed and negotiated in a timely manner.
- We will work with the USMS grants officer as she reviews our cost and operational data, answering all questions raised regarding the application and provide her with answers.
- Mr. Summerill will then partner with the Mr. Gailey to conduct the actual negotiations with USMS. Mr. Summerill will supply the Federal government with all necessary data and back up material to support the per diem rate requests.
- Once the County and USMS agree upon new rates, Mr. Summerill will work with the grants officer to answer any remaining questions during the finalization process.
- Mr. Summerill will also review the final draft IGA and recommend whether the County should execute the new agreement or seek changes in the IGA language.

#### **TEAM PROVIDING SERVICES TO CUMBERLAND COUNTY.**

**Joe Summerill is the Managing Principal of Summerill Law Firm, PLLC.** Joe specializes in federal government contracts related to the Department of Justice's Federal Bureau of Prisons, United States Marshals Service and the Department of Homeland Security's Immigration and Customs Enforcement. He has over twenty years of experience in negotiating federal contracts and IGAs.

**Michele Sharpe is the Senior Paralegal & Grants Officer for The Summerill Law Firm, PLLC.** Michele specializes in the preparation and submission of Intergovernmental Service Agreement applications to the US Marshals Service and Immigration & Customs Enforcement. Ms. Sharpe has developed internal algorithms which can assist local government is calculating per diem rates.

#### **COMPENSATION FOR CALCULATING & NEGOTIATING NEW PER DIEM.**

In consideration for the legal services described above, the Parties agree that the Summerill Law Firm, PLLC shall be paid a firm fixed fee of **FIFTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$52, 500.00)**. Payment shall occur as follows:



Cumberland County, ME  
US Marshals Service Per Diem Rate Project  
May 5, 2023  
Page 3

### **Phase One:**

An amount of **TWENTY-SIX THOUSAND, TWO HUNDRED FIFTY DOLLARS (\$26,250.00)** shall be paid to the Summerill Law Firm, PLLC by Cumberland County within 30 days of the complete execution of this retainer agreement.

### **Phase Two:**

The remainder payment\* of **TWENTY-SIX THOUSAND, TWO HUNDRED FIFTY DOLLARS (\$26,250.00)** shall be paid within 30 days after Cumberland County's execution of a new USMS IGA;

\* No additional fee shall be paid to the Summerill Law Firm, PLLC if it is unable to calculate and negotiate a new per diem of at least \$160.00.

The Summerill Law Firm, PLLC will submit invoices which shall not reflect an hourly breakdown of the work performed by Mr. Summerill, but instead state: "For Legal Services Rendered to Cumberland County, Maine In Connection With the Formation and Execution of Intergovernmental Service Agreement Between Cumberland County and the U.S. Marshals Service."

Invoices from the Summerill Law Firm, PLLC shall be paid within 30 days of receipt. Payment to Summerill Law Firm shall be made using ACH electronic payment, were possible.

### **GOAL FRAME FOR THIS PROJECT.**

U.S. Marshals Service prisoners are housed in the Cumberland County Jail pursuant to Inter-Governmental Agreement (IGA) # 36-99-0088 which was last updated July 2010 with a per diem rate of \$130.00 and a transportation / hospital guard service rate of \$30.00.

Our current analysis indicates that Cumberland County can now negotiate a new per diem rate of \$160.00 (or higher). *See attached preliminary per diem rate analysis.* We also anticipate negotiating a new higher guard hourly rate. Based on the Jail housing 25 USMS prisoners, Cumberland County will generate approximately \$1.4 M in annual revenue.

From the date of Summerill's engagement until the date that the local government executes a new USMS IGA is typically 90 to 110 days. If hired in May 2023, Cumberland County will have a new Marshals per diem rate in place in October 2023.

# summerill

Cumberland County, ME  
US Marshals Service Per Diem Rate Project  
May 5, 2023  
Page 4

## **WAIVER.**

In consideration for the legal services described above, the Parties agree that the Summerill Law Firm, PLLC may represent other counties (including those in Maine) seeking to renegotiate IGA per diem rates with U.S. Marshals Service and / or Immigration & Customs Enforcement.

## **EXPIRATION OF OFFER.**

This offer expires on May 31, 2023.

Thank you again for your consideration of hiring the Summerill Law Firm PLLC for this project. Upon your approval, we will move forward. In the meantime, please do not hesitate to contact me with any questions.



JOSEPH SUMMERILL  
202-261-6540

Accepted and agreed to this \_\_\_\_ day of \_\_\_\_\_, 2023 for Cumberland County, Maine.

By: \_\_\_\_\_

Title: \_\_\_\_\_