


**ORDER: ACCEPT PROPOSAL FROM SUMMERILL LAW FIRM PLLC FOR  
RENEGOTIATING US MARSHALS PER DIEM RATE FOR THE LAFAYETTE  
COUNTY DETENTION CENTER**

Motion was made by Brent Larson, duly seconded by Larry Gillespie, to accept proposal from Summerill Law Firm PLLC for renegotiating US Marshals per diem rate for the Lafayette County Detention Center.

The vote on the motion was as follows:

Supervisor Brent Larson, voted yes  
Supervisor Larry Gillespie, voted yes  
Supervisor David Rikard, voted yes  
Supervisor Chad McLarty, voted yes  
Supervisor Mike Roberts, voted yes

After the vote, President Roberts, declared the motion carried, this the 2<sup>nd</sup> day of October, 2023.

  
\_\_\_\_\_  
Mike Roberts, President  
Board of Supervisors

  
\_\_\_\_\_  
Sherry Wall, Chancery Clerk

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**federal IGA solutions for local jails**

1250 Connecticut Avenue, NW  
Suite 700  
Washington, DC 20036

September 26, 2023

Office: 202-261-6540

joseph@summerill.net

Sheriff Joey East  
Lafayette County Sheriff's Department  
711 Jackson Ave East  
Oxford, MS 38655

Subject: PROPOSAL TO: Assist Lafayette County MS Prepare / Submit Application  
To U.S. Marshals For Out of Cycle Economic Rate Adjustment For Housing  
Federal Prisoners in Lafayette County Detention Center

Dear Sheriff East:

Thank you for considering this proposal from the Summerill Law Firm, PLLC for preparing / submitting an application to the U.S. Marshals Service (USMS) and then negotiating an out of cycle economic rate adjustment for housing federal prisoners in the Lafayette County Detention Center.

## **SCOPE OF WORK FOR THE LAFAYETTE COUNTY PROJECT.**

- The Summerill Law Firm, PLLC shall work with Lafayette County staff to collect all allowable and allocable economic data regarding the costs associated with the current and future operation of the Detention Center.
- Summerill will build the Detention Center'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).
- Summerill will then present to Sheriff East a draft application to submit to USMS. Upon the Sheriff's approval, Summerill will upload the application along with the supporting cost data and operational data (for the new per diem rate and the new transportation / guard service rate) through the FBI LEEP (Law Enforcement Enterprise Portal) website and start working with the USMS grants officer to ensure that the application is reviewed and negotiated in a timely manner.

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**If Lafayette County chooses not to submit to USMS the application prepared by Summerill, then no fee shall be paid to the Summerill Law Firm, PLLC. Under such circumstances, all our work product shall remain the exclusive property of the Summerill Law Firm, PLLC.**

- The USMS grants officer will represent the federal government in the negotiation of the new per diem rate. Typically, she needs at least 30 days to review our cost data, during which time we answer all questions raised by her regarding the application.
- Mr. Summerill will then partner with the Sheriff to conduct the actual negotiations with USMS. During these negotiations, Summerill will supply USMS with all necessary data and back up material to support the per diem rate request.
- Once the USMS grants officer determines a new per diem rate, Summerill will review that offer with the Sheriff and make a recommendation as to whether or not Lafayette County should accept the offer or, instead, continue negotiations. Once the County and USMS agree upon new rates, Summerill will work with the USMS grants officer to answer any remaining questions during the finalization process.

**If Lafayette County chooses not to execute the new IGA with USMS for whatever reason, then no fee shall be paid to the Summerill Law Firm, PLLC. Under such circumstances, all our work product shall remain the exclusive property of the Summerill Law Firm, PLLC.**

## **GOALS FOR THIS PROJECT.**

Approximately 98 USMS prisoners are housed in the Lafayette County Jail under Intergovernmental Agreement (IGA) # 42-99-1036. The County's per diem rate is \$54 and was last updated in July 2016. At that time, the County was also awarded a transportation / hospital guard service rate of \$28.85.

Based on our current algorithm and extensive experience, we believe we can now negotiate a new higher Marshals per diem rate for Lafayette County; we also anticipate negotiating a new higher transportation rate. These new rates will generate new additional annual revenue for the County in 2024 and substantial new revenue for the County over the 36-month term of the new IGA.

From the date of engagement until the date that Lafayette County executes a new USMS IGA is typically 90 to 110 days. If hired in September 2023, Mr. Summerill anticipates the new per diem rate in place in January 2024.

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## **ADVISORY TEAM FOR THE LAFAYETTE COUNTY PROJECT.**

**Joe Summerill** – Mr. Summerill specializes in federal government contract legal issues related to the DOJ's United States Marshals Service and the DHS' Immigration and Customs Enforcement. Before entering private practice, Joe was the chief contracts attorney for the Federal Bureau of Prisons. To date, Joe has negotiated new Marshals per diem rates for over 6,500 beds in local Detention Centers across 30 states.

**Amanda Jones Tollison** of the law firm **Butler Snow LLP** will serve as local counsel on this project. Ms. Jones is a member of the Mississippi Bar and the Lafayette County Bar Association. She is admitted to practice before U.S. Court of Appeals, Fifth Circuit; U.S. District Courts of Northern & Southern Mississippi.

## **COMPENSATION FOR THE LAFAYETTE COUNTY PROJECT.**

In consideration for the scope of work described above, the Parties agree that the Summerill Law Firm, PLLC shall be paid a fee equal to ninety (90) calendar days' worth of the difference between the amount the Lafayette County invoices the federal government under the new IGA per diem rate / transport / hospital guard service rate, and the amount the County would have otherwise invoiced the federal government under its current IGA per diem rate of \$54.00 and current guard hour rate.

If the Summerill Law Firm, PLLC cannot negotiate a per diem rate higher than \$54.00, then no fee shall be paid to them.

After ninety (90) calendar days, Lafayette County shall identify for the Summerill Law Firm, PLLC the number of federal prisoners held in the Lafayette County Detention Center during the preceding ninety (90) calendar days for which Lafayette County received the increased per diem rate. The County shall also provide to Mr. Summerill the number of transportation / hospital guard service hours performed by the Sheriff's Department during that same ninety (90) day period.

Using this data, Mr. Summerill will then prepare and submit one invoice which shall state: "For Services Rendered to Lafayette County, Mississippi In Connection With the Formation and Execution of an Intergovernmental Agreement Between Lafayette County and the U.S. Marshals Service."

Lafayette County shall pay Mr. Summerill's invoice within thirty (30) days of receipt.

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## EXPIRATION OF OFFER.

This Offer expires on October 26, 2023.

Thank you again for your consideration of hiring the Summerill Law Firm, PLLC for this project. Upon your approval, we will move forward.

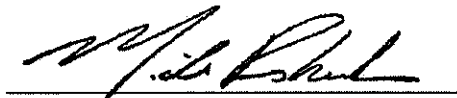
Sincerely,



JOSEPH SUMMERILL  
202-261-6540

Accepted and agreed to this 2 day of October, 2023 for Lafayette County, MS.

By:



Title:

President, Board of Supervisors