



Oklahoma County, Oklahoma

Medical / Behavioral Health
Services Facility: Memorandum of
Understanding

November 2024

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Memorandum Overview

Obligation Update

Treasurys [FAQ 17.1](#) clarifies how a recipient may incur an obligation.

- Under the rule adopted in 2021, an “obligation” means an order placed for property and services and entering into contracts, subawards, and similar transactions that require payment.
- Under the amendment to the rule adopted in 2023, an obligation also includes a requirement under federal law or regulation or provision of the SLFRF award terms and conditions to which a recipient becomes subject as a result of receiving or expending SLFRF funds.
- Treasury considers an interagency agreement meeting certain conditions to constitute a transaction requiring payment similar to a contract or subaward and therefore an obligation.

Per [FAQ 17.6](#) Treasury considers an interagency agreement, including an agreement in the form of a memorandum of understanding (MOU), to constitute a “transaction requiring payment” similar to a contract or subaward and therefore an obligation for purposes of the SLFRF rule, if the agreement satisfies one of the following conditions:

- it imposes conditions on the use of funds by the agency, department, or part of government receiving funds to carry out the program;
- it governs the provision of funds from one agency, department, or part of government to another to carry out an eligible use of SLFRF funds; or
- it governs the procurement of goods or services by one agency, department, or part of government from another

and the agreement also satisfies each of the following conditions:

- it sets forth specific requirements, such as a scope of work and project deliverables;
- it is signed by the parties to the agreement, or otherwise evidences that each party has assented to the agreement; and
- it does not disclaim any binding effect or state that it does not create rights or obligations

Medical / Behavioral Health Services Facility Obligation

Memorandum

To: Department of Treasury
From: Project Management Office
Date: 11/12/24

I. Introduction

According to the Final Rule, behavioral health care encompasses mental health and substance use treatment along with other related services. Treasury acknowledges that the pandemic has impacted Americans' behavioral health, allowing recipients to provide these services in response. Eligible uses include prevention, outpatient/inpatient treatment, crisis care, diversion programs, outreach, harm reduction, and long-term recovery support, as well as behavioral health facilities and equipment. Services should be considered proportional responses unless excessive. Capital expenditures, unlike services, must meet additional criteria under the Capital Expenditures section to be deemed proportional.

In addition to the acute behavioral health needs, it is well-known that incarceration facilities are significant hotspots for the spread of COVID-19 and its variants since March 2020. Throughout the pandemic, the Oklahoma State Department of Health's Covid-19 Weekly Epidemiology Report listed "Correctional Facilities" among the top three "At-Risk Settings," alongside Long-Term Care facilities and Healthcare facilities.

The federal government also acknowledges incarceration settings as problematic environments. In the Interim Final Rule (IFR), pages 18-19 specifically highlight incarceration settings as target areas for "support for prevention, mitigation, or other services in congregate living facilities (e.g., nursing homes, incarceration settings...)." The Final Rule reaffirms the IFR's concerns about congregate care settings and focuses on medical and behavioral healthcare services and facilities, recognizing the necessity of these services within the justice system.

II. Project Details

Oklahoma County plans to establish a medical and behavioral health facility aimed at addressing the needs of individuals seeking services at the Oklahoma County Detention Center (OCDC). The current OCDC facility, which opened in 1991, was not designed with the provisions for onsite medical and behavioral health needs. As the necessity for such services became more evident, space within the facility was repurposed to deliver these healthcare services. However, during the COVID-19 pandemic, the repurposed areas were pushed beyond their limits and proved inadequate for handling the needs brought on by the pandemic. This inadequacy continues to pose challenges in meeting the growing healthcare demands.

The proposed new facility will include spaces dedicated to healthcare administration, clinical services, medical housing, medical detox housing, acute mental health housing, and sub-acute mental health housing. There will also be approximately 60 fully equipped onsite beds, with potential increases during the design phase. The county aims to offer counseling, medication

management, discharge planning, and community referrals. Enhanced access to medical and behavioral health services is expected to improve overall health outcomes for those treated within the facility.

Additionally, the medical provider will implement discharge planning through a Community Coordinator to ensure continuity of care and reduce recidivism, especially among individuals with severe mental illness. Medically Assisted Treatment for Opioid Use Disorder will be available, having shown success in lowering recidivism rates. Furthermore, once the outpatient mental health treatment program mandated by the courts becomes operational, it will provide a framework for outpatient medical treatment, further reducing recidivism through better fulfillment of basic needs.

It is important to note that many individuals seeking services at the OCDC are pending adjudication of their cases. The uncertainty regarding the outcomes of their cases may cause significant health and stress concerns, which the new facility aims to address. The county acknowledges that individuals awaiting adjudication have not been convicted and retain their right to procedural due process as guaranteed by the Bill of Rights.

III. Conditions on the Use of Funds

Through this memorandum the department will abide by the following conditions:

- a. Any funds not expended as authorized under this agreement must be refunded to the County before December 31, 2026.
- b. Any funds that are not expended by December 31, 2026, are subject to recapture by the County for return to the United States Department of the Treasury
- c. The Department has responsibility for identifying and recovering grant funds that were expended in error, disallowed, or unused.
- d. To ensure compliance with the existing ARPA guidelines set forth by the US Treasury, the department shall provide on a quarterly basis to the COUNTY a comprehensive and detailed list of all ARPA-related expenditures on an itemized invoice and shall also provide any backup documentation to support such expenditures. The department will also provide performance updates for all programs to show they are meeting key performance indicators.
- e. The Department will comply will all closeout procedures for the awards, including full compliance with the agreement terms and conditions, ARPA, SLFRF rule and guidance, and 2 CFR 200. Key tasks will be closeout communications, confirmation for maintenance of records and financial documents, receipt of all final reimbursement requests or payment requests, receipt of all financial reports and performance reports, fulfillment of any requests to reconcile reports and payment requests. The retention period per SLFRF compliance and reporting is 5 years.

IV. Provision of Funds

The Oklahoma Board of County Commissioners has authorized SLFRF funds to the Oklahoma County Engineering Department to carry out ARPA Project 10113: Medical/Behavioral Health Services Facility.

These funds are designated to allow for construction of a new medical/behavioral health center that will serve as part of a significant expansion of the continuum of behavioral health resources

available in Oklahoma County. Facilities and services will include counseling, medications, discharge planning, and community referrals. Plans for the construction of a new medical/behavioral health facility.

Please refer to appendix A for detailed expected costs.

V. Scope of Work

Project 10130: Mental/ Behavioral Health Services Facility

The Engineering Department agrees to the following project conditions:

- All funds must be expended by December 31, 2026, or they will be forfeited back to the Department of Treasury.
- The total authorized amount for this project **is not to exceed \$40,000,000.00**. With \$39,906,530.00 remaining to expend and \$38,960,380.00 remaining to obligate as of 10/31/2024.
- Refer to appendix A for more information regarding scope of work.

VI. Procurement of Goods or Services

The Department will:

- a. Comply with 2 CFR 200 (Uniform Guidance) for accounting standards and cost principles.
- b. Comply with all STATE, COUNTY and 2 CFR 200 laws/rules related to procurement, including the Oklahoma County and 2 CFR 200 standards relating to conflict of interest.
- c. 2 CFR § 200.317 - When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§ 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by § 200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§ 200.318 through 200.327.

VII. Binding Effect

The Oklahoma Board of County Commissioners and the Engineering Department have agreed to the terms within this memorandum of understanding for the continuation of the Medical/Behavioral Health Services Facility Project (10130) until December 31, 2026, with the remaining grant amount of \$ \$39,906,530.00.

VIII. Signatures

Date:

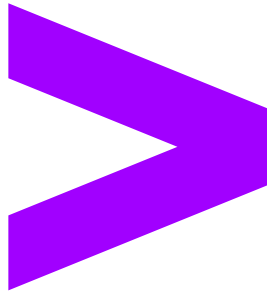
COUNTY ENGINEERING DEPARTMENT
[AGENCY/DEPARTMENT HEAD]

BOARD OF COUNTY COMMISSIONERS OF OKLAHOMA COUNTY
[CHAIRMAN]

ATTESTED BY: COUNTY CLERK
[COUNTY CLERK]

Appendix A

Projected Costs: Medical and Behavioral Health Services Facility



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