

summerill

federal IGA solutions for local jails

1250 Connecticut Avenue, NW
Suite 700
Washington, DC 20036

September 15, 2025

Office: 202-261-6540

joseph@summerill.net

Andy Simmons
Muskogee County Sheriff's Office
220 State Street
Muskogee, Oklahoma 74401

Subject: PROPOSAL TO Assist Muskogee County, OK with Preparing / Submitting
Application to U.S. Marshals Service and then Negotiating New Per Diem
under Intergovernmental Service Agreement # 63-02-0020

Dear Sheriff Simmons:

Thank you for considering the Summerill Law Firm, PLLC for preparing / submitting an application to the U.S. Marshals Service (USMS) and then negotiating a new per diem rate for Intergovernmental Service Agreement (IGA) # 63-02-0020. This proposal, if accepted, will serve as the contract between the Summerill Law Firm, PLLC and Muskogee County, OK for this project.

SCOPE OF WORK FOR THE MUSKOGEE COUNTY PROJECT.

- The Summerill Law Firm, PLLC shall work with Sheriff's Office staff and other county officials to collect all allowable and allocable economic data regarding the costs associated with the current and future operation of the Muskogee County Jail. This will include FY 2026 through FY 2029 cost data, equal to the term of the Sheriff's new USMS IGA.
- Mr. Summerill's team will then build the Jail'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

22 day of Sept 20 25
Chairman _____
Member _____
Member _____
Attest _____ County Clerk

E-MAILED

9/22 9:40

Andy Kumber

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Appropriations Act of 2001 (Public Law 106-553). ** We will also calculate a new transportation / hospital guard rate for the Sheriff's Office. **

- Mr. Summerill will then present to Sheriff Simmons a draft application for submission to USMS. We will also research neighboring county Federal per diem rates and make a strategic recommendation regarding the submittal of the Jail's application to USMS.

If for any reason, Muskogee 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 Summerill.

- Upon the Sheriff's approval, Mr. Summerill will then work with the Sheriff's Office to upload the supporting cost data and operational jail data to USMS through the FBI LEEP (Law Enforcement Enterprise Portal) website and start working with USMS officials to ensure that Sheriff's application is reviewed and negotiated in a timely manner.
- 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 Sheriff Simmons to conduct the actual negotiations with USMS. During these negotiations, Summerill will supply USMS with all necessary data and all 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 Sheriff Simmons and make a recommendation as to whether Muskogee County should accept the offer or, instead, continue negotiations.
- Once Muskogee County and USMS agree upon a new per diem rate, Summerill will work with the USMS grants officer to answer any remaining questions during the finalization process.

If for any reason, Muskogee County chooses not to execute the new IGA with USMS, 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 Summerill.

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ADVISORY TEAM FOR THE MUSKOGEE COUNTY PROJECT.

Joe Summerill is the Managing Principal of the Summerill Law Firm, PLLC. Joe 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, Mr. Summerill was the chief contracts attorney for the U.S. Department of Justice, Federal Bureau of Prisons, where he negotiated contracts and intergovernmental service agreements.

John A. Sullivan will serve as a subcontractor for this project.

GOALS OF MUSKOGEE COUNTY PROJECT.

U.S. Marshals Service (USMS) prisoners are housed in the Muskogee County Jail pursuant to Inter-Governmental Agreement (IGA) # 63-02-0020 which was last negotiated / updated in June 2021. At that time, the County agreed to a per diem rate of \$58 plus a separate transportation / hospital guard service rate. We now predict a new USMS per diem rate of \$80.00, or higher. (We will also calculate a new transport rate for the Sheriff.) Based on an ADP of 55 USMS prisoners, Muskogee County will generate approximately \$500 K in new additional annual revenue. The Sheriff's new IGA with the Marshals will have a term of 36 months, meaning that Muskogee will generate approx. \$1.5 M in new additional revenue over the term of the IGA.

COMPENSATION FOR THE MUSKOGEE 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 Muskogee County invoices the federal government under the new IGA per diem rate and the amount the County would have otherwise invoiced the federal government under its current IGA per diem rate of \$58.00.

If for whatever reason, Muskogee chooses not to submit the application prepared by Summerill or if Muskogee chooses not to execute the new IGA with USMS, then no fee shall be paid to the Summerill Law Firm, PLLC. Further, if the Summerill cannot negotiate a per diem rate higher than the County's current per diem rate of \$58.00, then no fee shall be paid to the Summerill Law Firm, PLLC.

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After ninety (90) calendar days, Muskogee County shall identify for Summerill the number of federal prisoners held in the Criminal Justice Center during the preceding ninety (90) calendar days for which Muskogee County received the increased USMS per diem rate. Using this data, Mr. Summerill will then prepare and submit one invoice which shall state: "For Services Rendered to Muskogee County, Oklahoma In Connection With the Formation and Execution of IGA # 63-02-0020 Between Muskogee County and the U.S. Marshals Service."

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

If hired in September 2025, Summerill will work towards a February 1, 2026 effective date for the Sheriff's new U.S. Marshals per diem and transportation / hospital guard service rates.

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

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



JOSEPH SUMMERILL
202-261-6540

Accepted and agreed to this 22ND day of SEPT., 2025 for Muskogee County, Oklahoma

By: 
Title: SHERIFF



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September 15, 2025

Andy Simmons
Muskogee County Sheriff's Office
220 State Street
Muskogee, Oklahoma 74401

RE: Summerill Law Firm, PLLC

Dear Sheriff Simmons:

This letter is to confirm that our services of calculating; submitting; and negotiating U.S. Marshals Service (USMS) Intergovernmental Agreement per diem rates are sole source professional services, performed exclusively by the Summerill Law Firm, PLLC. We have developed a proprietary algorithm which is specific with regard to calculating USMS federal per diem rates. This algorithm is a trade secret and not known outside our company. It is also the only commercially available evaluation tool which complies 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). No other law firms make a similar or competing algorithm, and there are no agents or dealers authorized to use our algorithm.

Please do not hesitate to contact me at 202-261-6540 with any questions.

JOSEPH SUMMERILL
202-261-6540