

RECLAMATION

Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation

NOTICE OF INTENT TO AWARD

This Funding Announcement is not a request for applications. This announcement is to provide public notice of the Bureau of Reclamation's intention to fund the following project activities without full and open competition.

ABSTRACT	
Funding Announcement	R13AS20011
Project Title	Battle Creek Salmon and Steelhead Restoration Project, Phase 2
Recipient	California Department of Water Resources (DWR)
Principal Investigator / Program Manager	Jose Alvarado
Anticipated Federal Amount	\$1,147,900.00
Cost Share	\$0.00
Total Anticipated Award Amount	\$1,147,900.00
New Award or Continuation?	New
Anticipated Period of Performance	Date of execution through September 30, 2016
Award Instrument	Cooperative
Statutory Authority	Public Law 102-575, Section 3406(b)(1) and 3407(e)
CFDA # and Title	15.512 Central Valley Project Improvement Act
Single Source Justification Criteria Cited	(2) Continuation; (4) Unique Qualifications
Reclamation Point of Contact	Mr. Kent Perkes

OVERVIEW

The Anadromous Fish Restoration Program (AFRP) was established in response to the Central Valley Project Improvement Act, Public Law 102-575, Section 3406(b)(1). The AFRP identifies needed actions on Battle Creek to restore fisheries in this critical watershed including the development of a comprehensive restoration plan. The Battle Creek Salmon and Steelhead Restoration Project (Restoration Project) was identified through a public solicitation process and selected and approved by the CALFED Policy Group and approved for funding by the Secretary of the Interior as a directed project in February 1999 to benefit public ecosystem restoration goals.

Battle Creek is a tributary of the Sacramento River located in Shasta and Tehama Counties. This spring fed stream has exceptionally high flows during the dry season, making it important habitat for anadromous fish. Battle Creek may be the only remaining stream other than the mainstem of the Sacramento River that can successfully sustain breeding populations of steelhead and all four runs of Chinook salmon. Battle Creek is also unique and biologically important because it provides habitat opportunities during drought years for winter-run Chinook salmon.

The Restoration Project involves the modification of the Battle Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 1121 to restore and enhance fisheries habitat within approximately 42 miles of Battle Creek proper and approximately 6 miles of its tributaries. In general accordance with the terms and conditions of the June 1999 "Memorandum of Understanding (MOU) by and among the National Marine Fisheries Service, U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, California Department of Fish and Game (now Department of Fish and Wildlife), and Pacific Gas and Electric Company for the Proposed Battle Creek Salmon and Steelhead Restoration Project," Reclamation is carrying out project management responsibilities for performing or facilitating the completion of activities including procurement and administration of construction contracts and agreements, environmental compliance, environmental mitigation, maintenance and monitoring during and after construction, and facilitation of related project actions. The Restoration Project is a partnership through the MOU.

As a benefit to the public, the project will restore populations of Chinook salmon and steelhead and their habitat in the Battle Creek watershed.

RECIPIENT INVOLVEMENT

DWR agrees to perform the following:

- Modify or create new plans and specifications to address review comments from project partners, prepare corresponding quantity estimates, respond to Reclamation questions and emails, and attend project meetings.
- Conduct pre-proposal conference: Conference will be conducted for interested prospective offerors. Recipient shall prepare and present brief overview of their design for the project and address any questions or concerns.
- Assist in preparation of amendments to the solicitation. Work will require revisions to existing drawings, development of new drawings, modification of specifications, development of new specifications, estimated changes for update on initial budget proposal, and provide technical advice on potential schedule impacts associated with the work covered by the amendment.

RECLAMATION INVOLVEMENT

Substantial involvement on the part Reclamation is anticipated for the successful completion of the objectives to be funded by this award. In particular, Reclamation will be responsible for the following:

- Direct DWR Engineering and technical support services activity on each task assignment issued by the Grants Officer's Technical Representative. Assignments will clearly define the work scope and time allowed for each task.
- Review and approve deliverables provided by DWR.
- Serve as the responsible party to disseminate information, data, and drawings generated by DWR to the owner, regulators, and contractor as needed.
- Involve DWR by task assignment whenever they are required for meetings, inspections and site visits.
- Confirm the project complies with the National Environmental Policy Act and Endangered Species Act.
- Monitor compliance by the Recipient with Reporting Requirements and the project.

SINGLE-SOURCE JUSTIFICATION

DEPARTMENT OF THE INTERIOR SINGLE SOURCE POLICY REQUIREMENTS
Department of the Interior Policy (505 DM 2) requires a written justification which explains why competition is not practicable for each single-source award. The justification must address one or more of the following criteria as well as discussion of the program legislative history, unique capabilities of the proposed recipient, and cost-sharing contribution offered by the proposed recipient, as applicable.
In order for an assistance award to be made without competition, the award must satisfy one or more of the following criteria: (1) Unsolicited Proposal – The proposed award is the result of an unsolicited assistance application which represents a unique or innovative idea, method, or approach which is not the subject of a current or planned contract or assistance award, but which is deemed advantageous to the program objectives; (2) Continuation – The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity; (3) Legislative intent – The language in the applicable authorizing legislation or legislative history clearly indicates Congress' intent to restrict the award to a particular recipient of purpose; (4) Unique Qualifications – The applicant is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location, property ownership, voluntary support capacity, cost-sharing ability if applicable, technical expertise, or other such unique qualifications; (5) Emergencies – Program/award where there is insufficient time available (due to a compelling and unusual urgency, or substantial danger to health or safety) for adequate competitive procedures to be followed.

Reclamation did not solicit full and open competition for this award based the following criteria:

Single Source Justification Description:

(2) CONTINUATION

The Recipient has been a key player in research, engineering, and design toward collaborative development of the restoration plan for Battle Creek. The Recipient carries the lead responsibility for reconnaissance level designs of fish screen and ladder facilities associated with the development of what ultimately became the Restoration Project. In September 1998, Reclamation and the Recipient entered into a Cooperative Agreement (No. 1425-98-FC-20-17290) to carry out investigative research and prepare preliminary designs for fish passage facilities needed to restore Battle Creek for anadromous fish habitat.

In 2002, the Recipient and Reclamation then entered into a Cooperative Agreement (No. 02FC200033) under statutory authority of Reclamation Projects Authorization and Adjustment Act of 1992 (Pub.L. 102-575), Title 34 (titled the Central Valley Project Improvement Act), Sec. 3406(b)(1) and 3407(e), dated October 30, 1992, and Energy and Water Development Appropriations Act, 1999, H.R. 4060, Pub.L. 105-245, dated October 7, 1998, providing authorization and funding for the Recipient to complete final designs for the fish screen and fish ladder facilities on the PG&E-owned North Battle Creek Feeder Diversion Dam (NBCF), Eagle Canyon Diversion Dam (EC), and Inskip Diversion Dam as a logical extension of their design efforts initiated under Cooperative Agreement 1425-98-FC-20-17290.

Cooperative Agreement No. R10AC20073, the Recipients Engineering and Technical Support Services (ETSS) continued their role as Engineer of Record through construction of NBCF and EC under Phase 1A of the Restoration Project. Cooperative Agreement R10AC20073 further modified to continue the Recipients ETSS in research and development of modified designs for operational enhancements to NBCF and EC.

(4) UNIQUE QUALIFICATIONS

The Recipient remains the Engineer of Record for the Inskip Diversion Dam fish screens and ladders in Phase 2 of the Restoration Project. The Recipient's Lead Engineer role at Inskip Diversion Dam was established in Cooperative Agreement Nos. 1425-98-FC-20-17290 and 02FC200033. Recipient services included in the *Statement of Work for Engineering and Technical Support Services Associated with Construction for Battle Creek Salmon and Steelhead Restoration Project Phase 2* continues their consistent role in research, engineering, and construction support in the implementation of Restoration Project requirements at the Inskip Diversion Dam. The Recipients Engineer of Record and design staff have become intimately familiar with the grueling regulatory demands of the Restoration Project, design criteria, environmental requirements, public agency involvement, private property concerns, working group interests, PG&E facilities and operations, FERC license requirements, and Reclamation's design, engineering, solicitation, and construction processes. No other entity could achieve a similar level of familiarity and expertise without first engaging in a lengthy process of study, investigation, inquisition, analysis, reinvention, and public relations. The Recipient ETSS is essential for design continuity and efficient management of the Inskip Diversion Dam Fish Screens and Ladder project in Phase 2 of the Restoration Project.

STATUTORY AUTHORITY

Central Valley Project Improvement Act, Public Law 102-575,

Section 3406:

(b) FISH AND WILDLIFE RESTORATION ACTIVITIES- The Secretary, immediately upon the enactment of this title, shall operate the Central Valley Project to meet all obligations under State and Federal law, including but not limited to the Federal Endangered Species Act, 16 U.S.C. 1531, et seq., and all decisions of the California State Water Resources Control Board establishing conditions on applicable licenses and permits for the project. The Secretary, in consultation with other State and Federal agencies, Indian tribes, and affected interests, is further authorized and directed to:

(1) develop within three years of enactment and implement a program which makes all reasonable efforts to ensure that, by the year 2002, natural production of anadromous fish in Central Valley rivers and streams will be sustainable, on a long-term basis, at levels not less than twice the average levels attained during the period of 1967-1991; Provided, That this goal shall not apply to the San Joaquin River between Friant Dam and the Mendota Pool, for which a separate program is authorized under subsection 3406(c) of this title; Provided further, That the programs and activities authorized by this section shall, when fully implemented, be deemed to meet the mitigation, protection, restoration, and enhancement purposes established by subsection 3406(a) of this title; And provided further, That in the course of developing and implementing this program the Secretary shall make all reasonable efforts consistent with the requirements of this section to address other identified adverse environmental impacts of the Central Valley Project not specifically enumerated in this section.

Section 3407:

(e) FUNDING TO NON-FEDERAL ENTITIES- If the Secretary determines that the State of California or an agency or subdivision thereof, an Indian tribe, or a nonprofit entity concerned with restoration, protection, or enhancement of fish, wildlife, habitat, or environmental values is able to assist in implementing any action authorized by this title in an efficient, timely, and cost effective manner, the Secretary is authorized to provide funding to such entity on such terms and conditions as he deems necessary to assist in implementing the identified action.