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	BOR-MP-16-N010
Project Title	Friant-Kern Canal (FKC) Reverse Pump-Back Project
Recipient	Friant Water Authority
Principal Investigator / Program Manager	Steve Ottemoeller, Water Resources Manager
Anticipated Federal Amount	$2,300,000
Cost Share	$7,006,747
Total Anticipated Award Amount	$9,306,747
New Award or Continuation?	New
Anticipated Period of Performance	Approximately 3 years and 3 months
Award Instrument	Cooperative
Statutory Authority	Title IX, Subtitle F of Public Law 111-11, Omnibus Public Land Management Act of 2009, Section 9504 (a)(1)(C) and (D)
CFDA # and Title	15.507 WaterSMART
Single Source Justification Criteria Cited	(4) Unique Qualifications
Reclamation Point of Contact	Kellye Kennedy/Christina Muñoz

OVERVIEW

Decreased reliability of surface water deliveries combined with four years of drought conditions in California have resulted in the over pumping of groundwater by water districts in the San Joaquin Valley. With such large volumes of water being removed from the groundwater basin, compaction of the overlying soils is occurring causing subsidence—an actual drop in the land's elevation. Land surface elevation changes can have serious consequences for infrastructure, including the loss of conveyance capacity in canals, diminished levee effectiveness, and damage to roads, bridges, building foundations, and pipelines.

The Friant-Kern Canal (FKC) is a Reclamation facility, operated and maintained by the Recipient pursuant to Contract No. 8-07-20-X0356, as amended and supplemented, dated March 1, 1998. The Canal carries water over 151.8 miles in a southerly direction from Millerton Lake on the San Joaquin River (25 miles northeast of Fresno) to the Kern River, four miles west of Bakersfield, for agricultural and urban uses. The Friant Water Authority (FWA) has installed temporary pumping facilities which are used to deliver water purchased during dry years on the open market, deliver Kern River and State Water Project (SWP) water under a Warren Act contract, or convey water recovered from banking projects on the Kern River fan. The temporary pump-back facilities are 80 cfs at the Shafter-Wasco Check Structure and 50 cfs at the Poso Creek Check Structure.

The FWA proposed an alternative that would permanently increase the pumping capacities to 200 cfs at the Shafter Check Structure and 75 cfs at the Lake Woollomes and Deer Creek Check Structures for the additional benefit of accessing water banks or other water supplies available via the California Aqueduct during times of drought, such as is being experienced currently.

RECIPIENT INVOLVEMENT

Friant Water Authority agrees to:

- Regular meetings with Reclamation to review project status, discuss designs, and other aspects.
- Responsibility for National Environmental Policy Act (NEPA) compliance, and any necessary state and local permits for completion of this work.
- Execution of the Preferred Alternative:
  - Design: completion of design work following Reclamation's identification of a project as necessary to develop the final plans, specifications, and cost estimates. Reclamation will review and provide final approval to designs, plans, specifications and cost estimates prior to construction.
  - Bidding: complying with all contracting requirements for competition in the bidding process and selection.
  - Construction: Constructing the pump back projects, including putting the final designs out to bid and overseeing the construction of the projects, ensuring quality of work to Reclamation's standards, and allowing Reclamation review, approval and inspection.

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:

- Coordinating with the Recipient to ensure compliance with NEPA, Endangered Species Act, and National Historic Preservation Act.
- Finalization of the Findings of No Significant Impact (FONSI).
- Applying for and obtaining all necessary Federal permits and approvals for the project.
- Review and approval of all Designs delivered.
- Approval of the project for construction after receiving environmental compliance and permits.

- Providing additional review and coordination with the Recipient as described in the Scope of Work.
- Reviewing and accepting final construction and installation.

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:

(4) UNIQUE QUALIFICATIONS

Single Source Justification Description:

Recipient has been the operating non-federal entity of the Friant-Kern Canal (FKC) since 1986 and as of March 1, 1998, the "Agreement to Transfer the Operation, Maintenance and Replacement (OM&R) and Certain Financial and Administrative Activities Related to the Friant-Kern Canal and Associated Works" (hereinafter Transfer Agreement) became effective for the Friant Water Users Authority (FWUA). The Transfer Agreement was assigned to Friant Water Authority (FWA) on June 30, 2004. Under the Transfer Agreement, the FWA operates and maintains the FKC with funds collected directly from Friant Division water contractors. As described above, the Recipient is the responsible entity for OM&R of the FKC for the benefit of all Friant Division contractors receiving water from these facilities. They are in the unique position to be able to represent the interests of all of the water districts in carrying out this scope of work.

The Recipient has a unique and detailed understanding of the FKC and its daily operations, maintenance requirements, site specific issues, security and safety knowledge, and access to the site. The Recipient provides technical expertise on the canal and all appurtenant facilities and can collect and provide detailed data necessary to determine the size and location of reverse pump facilities. The Recipient's field experience operating the canal, including temporary reverse pump facilities, is critical input to the design process, providing a reality check of how designs would work on the ground and suggestions for changes that would improve future operation and maintenance.

STATUTORY AUTHORITY

SEC. 9504. WATER MANAGEMENT IMPROVEMENT.

(a) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.-

(1) AUTHORITY OF SECRETARY.-The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement-

(A) to conserve water;

(B) to increase water use efficiency;

(C) to facilitate water markets;

(D) to enhance water management, including increasing the use of renewable energy in the management and delivery of water;

(3) REQUIREMENTS OF GRANTS AND COOPERATIVE AGREEMENTS.-

(A) COMPLIANCE WITH REQUIREMENTS. - Each grant and agreement entered into by the Secretary with any eligible applicant under paragraph (1) shall be in compliance with each requirement described in subparagraphs (E) through (F).

(B) AGRICULTURAL OPERATIONS.-In carrying out paragraph (1), the Secretary shall not provide a grant, or enter into an agreement, for an improvement to conserve irrigation water unless the eligible applicant agrees not-

(i) to use any associated water savings to increase the total irrigated acreage of the eligible applicant;

or

(ii) to otherwise increase the consumptive use of water in the operation of the eligible applicant, as determined pursuant to the law of the State in which the operation of the eligible applicant is located.

(C) NONREIMBURSABLE FUNDS.- Any funds provided by the Secretary to an eligible applicant through a grant or agreement under paragraph (1) shall be nonreimbursable.

(D) TITLE TO IMPROVEMENTS.- If an infrastructure improvement to a federally owned facility is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1), the Federal Government shall continue to hold title to the facility and improvements to the facility.

(E) COST SHARING.-

(i) FEDERAL SHARE.-The Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of the cost of the infrastructure improvement or activity.

(ii) CALCULATION OF NON-FEDERAL SHARE.-In calculating the non-Federal share of the cost of an infrastructure improvement or activity proposed by an eligible applicant through an application submitted by the eligible applicant under paragraph (2), the Secretary shall-

(I) consider the value of any in-kind services that substantially contributes toward the completion of the improvement or activity, as determined by the Secretary; and

(II) not consider any other amount that the eligible applicant receives from a Federal agency.

(iii) MAXIMUM AMOUNT.- The amount provided to an eligible applicant through a grant or other agreement under paragraph (1) shall be not more than $5,000,000.

(iv) OPERATION AND MAINTENANCE COSTS.-The non-Federal share of the cost of operating and maintaining any infrastructure improvement that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall be 100 percent.

(F) LIABILITY.-

(i) IN GENERAL.-Except as provided under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved under this section, the title of which is not held by the United States.

(ii) TORT CLAIMS ACT.- Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").