

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-UC-16-N002
Project Title	Colorado Basin States Salinity Control Projects
Recipient	Agriculture, Colorado Department of
Principal Investigator / Program Manager	Kib Jacobson
Anticipated Federal Amount	\$6,000,000.00
Cost Share	None
Total Anticipated Award Amount	\$6,000,000.00
New Award or Continuation?	New Award
Anticipated Period of Performance	5 years
Award Instrument	Cooperative Agreement
Statutory Authority	Pub. L. 93-320 as amended by Pub. L. 110-246, Colorado River Basin Salinity Control Act (<i>hereinafter</i> , "the Act")
CFDA # and Title	15.509 -- Colorado River Basin Salinity Control Program
Single Source Justification Criteria Cited	(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;
Reclamation Point of Contact	Kib Jacobson

OVERVIEW

Reclamation intends to work with the Agriculture, Colorado Department of (Recipient) to expend Basin States Program Salinity Funds for cost effective measures and associated works to reduce salinity from saline springs, leaking wells, irrigation sources, industrial sources, erosion of public and private land, or other sources; studies, planning, and administration of salinity control activities.

RECIPIENT INVOLVEMENT

6.1 Recipient Responsibilities

The Recipient shall adhere to Federal, state, and local laws, regulations, and codes, as applicable, and shall obtain all required approvals and permits. It is contemplated that the scope of work (SOW) will include construction activities; accordingly, the Recipient is responsible for construction inspection, oversight, and acceptance. If applicable, the Recipient shall also coordinate and obtain approvals from site owners and operators.

Work Plan

- a. Develop a yearly Work Plan to be provided to Reclamation by **November 1**, which shall include the following:
 1. Identification of and rationale for studies to be selected.
 2. Identification of and rationale for areas and type of salinity control measures and associated works that will be solicited in a competitive selection process.
 3. Identification of and rationale for habitat replacement measures that will be solicited in a competitive process.
 4. The amounts of funds to be used by studies, salinity control measures, and habitat replacement measures selected.
 5. The Work Plan may be modified during the year as opportunities arise and conditions change.
 6. The Work Plan and modifications of the Work Plan are not final until approved by Reclamation.

Selection of Studies

- a. Shall use a competitive process open to the public approved by Reclamation to solicit, rank, and select studies as identified in the Work Plan.
- b. Shall award agreements with applicants with the highest ranking applications.

Selection of measures and associated works to reduce salinity.

- a. Measures and associated works proposed in the NRCS or Reclamation competitive processes and ranked, but not selected by the NRCS or Reclamation, may be funded by the Recipient.
- b. The Recipient shall use a competitive process approved by Reclamation to solicit, rank, and select measures and associated works to fund as identified in the Work Plan that:
 1. meet technical standards and specifications and cost schedules, approved by Reclamation; and
 2. reduce salinity at a cost effectiveness of less than \$150.00 per ton.
- c. The cost effectiveness shall be determined using:
 1. an annualized cost that shall be determined using the estimated life of the feature, usually either 25 years or 50 years;

2. the current year Federal Plan Formulation and Evaluation Interest Rate; and
3. salt load reduction figures for salinity control measures from Reclamation.

NRCS Competitive Process

The NRCS competitive process fulfills the competitive process requirements of this section. Applications submitted in the NRCS EQIP competitive selection process for on-farm measures and ranked, but not awarded agreements due to EQIP eligibility requirements or insufficient EQIP funding may be awarded agreements executed and funded by the Recipient provided that:

- a. Salt load reduction figures provided by the NRCS to the applicants in the NRC application process are acceptable to Reclamation.
- b. Award agreements with such applicants if their applications have a cost effectiveness of less than \$150 per ton.
- c. Such agreements shall follow the requirements of EQIP for the current year including:
 1. Development of a plan or schedule of operations that specifies the applicable practice and units to be installed as provided in the current EQIP payment schedule.
 2. Practices not listed in the payment schedule are not eligible for payment.
 3. For irrigation practices, the land to be treated must have been irrigated or considered to have been irrigated two of the last five years.

RECLAMATION INVOLVEMENT

Reclamation shall perform the following tasks:

- Notifying the Recipient by email by November 1 of each year the amount of BSP funds available for expenditure.
- Reviewing the yearly Work Plan and any modifications provided by the Recipient, and when satisfied, approving the Work Plan and modifications within 15 calendar days after the final Work Plan and modifications are received.
- Reviewing competitive process plans proposed by the Recipient identified in the Work Plan, and when satisfied, approving the competitive process plan.
- Providing salt load reduction figures for salinity control measures identified in a competitive selection process in accordance with the timeline outlined in the competitive process plan.
- Reviewing agreement formats prepared by the Recipient and when satisfied, approving the agreement format within 15 calendar days after the final agreement format is received.

- If requested by the Recipient, performing an inventory of habitat values that will be lost due to the implementation of the measures and associated works.

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:

- A. Colorado is a basin state with waters of the state flowing into both the upper and lower basins of the Colorado River. As such, Colorado has a very strong interest in the management of the river. Colorado is a member of the Forum and Advisory Council. Having a position on this council allows Colorado to have a voice in actions affecting the

river, but also makes the State of Colorado unique in that it is one of only seven states that have a voice in salinity control. Cities, townships, conservation districts, and other more local governing bodies do not have voice in this council.

- B. Colorado is uniquely qualified to deliver salinity control to individuals and groups of landowners by virtue of the enabling legislation that creates and implements a working, legal agreement with local conservation districts. The Colorado Soil Conservation Act (*hereinafter*, “the Conservation Act”), (Title 35 Article 70) passed in May, 1937, serves as the basis the Conservation Act to provide for the overall conservation of natural resources.
- C. The Conservation Act established local conservation districts. In Colorado, seven Conservation districts are located in areas in which salinity control activities have been performed historically, and these seven districts have directed the implementation of salinity control measures. Colorado law also established water quality control commission which has the authority to develop and enforce water quality parameters and standards.

The above information demonstrates the unique legal authority and qualifications that Colorado possesses to implement salinity control activities in the Colorado River Basin.

STATUTORY AUTHORITY

Pub. L. 110-246:

SEC. 2806. USE OF FUNDS IN BASIN FUNDS FOR SALINITY CONTROL ACTIVITIES UPSTREAM OF IMPERIAL DAM.

(a) IN GENERAL.—Section 202(a) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(a)) is amended by adding at the end the following new paragraph:

(7) BASIN STATES PROGRAM.—

(A) IN GENERAL.—A Basin States Program that the Secretary, acting through the Bureau of Reclamation, shall implement to carry out salinity control activities in the Colorado River Basin using funds made available under section 205(f).

(B) ASSISTANCE.—The Secretary, in consultation with the Colorado River Basin Salinity Control Advisory Council, shall carry out this paragraph using funds described in subparagraph (A) directly or by providing grants, grant commitments, or advance funds to Federal or non-Federal entities under such terms and conditions as the Secretary may require.

(C) ACTIVITIES.—Funds described in subparagraph (A) shall be used to carry out, as determined by the Secretary—

- (i) cost-effective measures and associated works to reduce salinity from saline springs, leaking wells, irrigation sources, industrial sources, erosion of public and private land, or other sources;
- (ii) operation and maintenance of salinity control features constructed under the Colorado River Basin salinity control program; and
- (iii) studies, planning, and administration of salinity control activities.