

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	R15AN20035
Project Title	Long Term Conveyance of Water to the Kern National Wildlife Refuge
Recipient	Buena Vista Water Storage District
Principal Investigator / Program Manager	Maurice Etchechury, Project Manager
Anticipated Federal Amount	FY15 \$560,439.00; Mod #0025 \$100,000.00
Cost Share	none
Total Anticipated Award Amount	\$3,625,939.00
New Award or Continuation?	Continuation
Anticipated Period of Performance	2 years
Award Instrument	Cooperative Agreement
Statutory Authority	Public Law 102-575, Central Valley Project Improvement Act (CVPIA), Title XXXIV, Section 3406(d)(5); and Basic Agreement Section C.15, Modifications and Amendments
CFDA # and Title	15.512—CVPIA
Single Source Justification Criteria Cited	(2) Continuation
Reclamation Point of Contact	Sonya Nechanicky / Thelma Sadler

OVERVIEW

In 2003, Reclamation and the Buena Vista Water Storage District (District) entered into long-term Agreement #R10AC20683 (formerly #03-FC-20-3035) to utilize the District's conveyance facilities for the conveyance of water supplies to the boundary of the Kern National Wildlife Refuge, due to its geographical proximity to this refuge. The Secretary of the Interior is authorized and directed to enter into agreements to provide firm water supplies of suitable quality to certain wildlife habitat areas of the Central Valley in accordance with the Level 2 and Level 4 "Dependable Water Supply Needs" table contained within the 1989 Report on Refuge Water Supply Investigations, Central Valley Hydrologic Basin, California.

The District is required to meet water delivery schedules established by the refuge manager 12 months of the year. An initial schedule is developed by the refuge manager at the beginning of the contract water year, which is provided to the District. These schedules are adjusted throughout the water year to meet refuge wetlands management needs. The refuge manager may submit daily/weekly delivery requests/changes to the District staff, adjusting water volume requirements as needed for wetlands habitat management. Generally, the District must provide water deliveries within 72 hours of the delivery request. The District is required to coordinate with the refuge manager if necessary facilities maintenance/repairs or other issues will result in delayed deliveries, and identify strategies to minimize potential impacts from these delays.

This modification is for the sole purpose of adding additional funding for fiscal year 2015 due to the increased conveyance rate for the continuation of supplying suitable quality refuge water to Kern National Wildlife Refuge.

RECIPIENT INVOLVEMENT

1. The District shall deliver up to 25,000 acre-feet (AF) of Refuge Water to the Point(s) of Delivery during any one (1) Water Year, pursuant to requests for deliveries by Reclamation or the Refuge Manager (on Reclamation's behalf).
2. The District shall accept on a daily and/or weekly basis direct requests for delivery of Refuge Water from Reclamation or the Refuge Manager.
3. The District shall deliver Refuge Water pursuant to this Agreement within a seventy-two (72) hour advance notice to the District.
4. The District will immediately notify the Refuge Manager of scheduled outages for normal maintenance of facilities that will affect Refuge Water deliveries to the Refuge particularly those outages that will adversely impact deliveries during the months of September through December. The District will provide the date of the outage and anticipated duration. The District will attempt to minimize outages during the months of September through the end of December.
5. The Secretary of the Interior is authorized and directed to enter into agreements to provide firm water supplies of suitable quality to certain wildlife habitat areas of the Central Valley in accordance with the Level 2 and Level 4 "Dependable Water Supply

Needs" table contained within the 1989 Report on Refuge Water Supply Investigations, Central Valley Hydrologic Basin, California.

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:

Reclamation shall make available at the Point(s) of Acceptance sufficient water for the District to deliver the amount requested, including conveyance losses.

Reclamation will submit an Annual Delivery Schedule for monthly water deliveries, specifying each Refuge and each Point(s) of Delivery.

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:

(2) CONTINUATION:

Single Source Justification Description:

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. This agreement does not expire until 2023 and the sole purpose of this modification is to add federal funds for the continuation of supplying water deliveries to Kern National Wildlife Refuge. No scope changes to the existing agreement have been made.

STATUTORY AUTHORITY

Central Valley Project Improvement Act (CVPIA), Public Law 102-575, Title XXXIV Section 3406 (d)(5).

3406 (d) CENTRAL VALLEY REFUGES AND WILDLIFE HABITAT AREAS.— In support of the objectives of the Central Valley Habitat Joint Venture and in furtherance of the purposes of this title, the Secretary shall provide, either directly or through contractual agreements with other appropriate parties, firm water supplies of suitable quality to maintain and improve wetland habitat areas on unite of the National Wildlife Refuge System in the Central Valley of California; on the Gray Lodge, Los Banos, Volte, North Grasslands, and Mendota state wildlife management areas; and on the Grasslands Resources Conservation District in the Central Valley of California.

3406 (d) (5) The Secretary is authorized and directed to construct or to acquire from non-Federal entities such water conveyance facilities, conveyance capacity, and wells as are necessary to implement the requirements of this subsection; Provided, That such authorization shall not extend to conveyance facilities in or around the Sacramento-San Joaquin Delta Estuary. Associated construction or acquisition costs shall be reimbursable pursuant to existing law in accordance with the cost allocations set forth in paragraph (3) of this subsection.