# 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** | R16-NOI-DO-005 |
| **Project Title** | **Center for the Development and Use of Alternative Water Supplies** - A collaborative project between the Bureau of Reclamation and the Regents of New Mexico State University to increase scientific knowledge and research expertise in the area of characterization, treatment, and use of alternative waters for water supply sustainability in New Mexico and the western U.S. |
| **Recipient** | New Mexico State University |
| **Principle Investigator / Program Manager** | Alexander (Sam) Fernald |
| **Anticipated Federal Amount** | $2,100,000 |
| **Cost Share** | N/A |
| **New Award or Continuation?** | Continuation |
| **Anticipated Length of Agreement** | Approximately 5 years |
| **Anticipated Period of Performance** | Approximately 5 years |
| **Award Instrument** | Cooperative Agreement |
| **Statutory Authority** | Public Law 111-11, Section 9509 |
| **CFDA # and Title** | N/A |
| **Single Source Justification Criteria Cited** | (2) Continuation<br>(3) Legislative Intent |
| **Reclamation Point of Contact** | Wilson Orvis, Grants Officer<br>(303) 445-2444<br>worvis@usbr.gov |

## OVERVIEW

Alternative waters are waters of marginal quality and not ready for use, including brackish and produced waters. Alternative waters represent important new water sources for sustainable water supplies in New Mexico and the western US where water scarcity is pervasive. Efficiently and sustainably making use of alternative waters requires: new treatment technology; new methods to dispose of concentrate; improved assessment of the quality and quantity of source waters; and tools to show how all of these approaches can be combined into effective new integrated systems.

The work to be performed under this cooperative agreement is the continuation of research efforts specifically authorized by Congress. In 2008 and 2009, the U.S. Congress authorized and appropriated funds specifically for New Mexico State University (through Reclamation) to better treat and use marginal quality waters, with efforts to include the use of the Brackish Groundwater National Desalination Research Facility (BGNDRF) located in Alamogordo, New Mexico. The initial Federal funds to be obligated for this agreement are unspent Federal funds from the original 5 year cooperative agreement which ended on September 30, 2015.

The objective of this cooperative agreement is to further research in the development and use of alternative waters, including the:

- augmentation of water supplies;
- reduction of environmental impacts;
- encouragement of commercialization of treatment technologies; and
- utilization of the BGNDRF.

Research results will be disseminated and made publically available through final reports and scientific publications.

## RECIPIENT INVOLVEMENT

The Recipient will fund research under the cooperative agreement to improve the development and use of alternative waters for water supply sustainability through a competitive Request for Proposals (RFP) process open to researchers at New Mexico State University as well as through directed research projects jointly developed between Reclamation and the Recipient.

## RECLAMATION INVOLVEMENT

Substantial involvement by Reclamation is anticipated during the performance of activities funded under this cooperative agreement. In support of this Agreement, Reclamation will be responsible for the following:

- Reclamation will participate in the technical review of proposals received under the annual RFP to include, at a minimum, providing at least one technical reviewer for each proposal submitted under the RFP.

- Reclamation technical advisors will be assigned for each research project funded under this agreement. These technical advisors will collaborate with the NMSU researcher throughout the course of the funded research project, including reviewing draft and final reports and providing input at various stages in 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 on the following criteria:

## (2) CONTINUATION

The proposed cooperative agreement is a continuation of efforts previously funded under cooperative agreement R10AC80283, which expired on September 30, 2015.

## (3) LEGISLATIVE INTENT

Award to NMSU is based upon specific congressional direction in conference reports accompanying the FY2008 and FY2009 appropriations:

**Pub. L. 110-161, Section 204:**

*Sec. 204 – Provided further, that the Secretary is also authorized to enter into grants or cooperative agreements with universities or non-profit research institutions to fund water use efficiency research.*

The joint conference report for FY 2008 appropriations, H.R. 2764, p. 553, requests Reclamation provide $3,739,000 to New Mexico State University, as follows:

*Brackish groundwater national desalination research facility.—Of the $5,805,000 provided under this heading, $2,066,000 is provided to undertake operations and maintenance of the newly constructed Brackish Groundwater National Desalination Research Facility in Alamogordo, New Mexico; $1,181,000 is provided to New Mexico State University for research activities undertaken at or associated with the Facility; and $2,558,000 is provided to New Mexico State University to undertake a research program for development and commercialization of water treatment technology in collaboration with Federal agencies, national laboratories, State agencies, local agencies, industry, educational institutions or other water research entities.*

**Pub. L 111-8. Section 205:**

*Sec. 205– Provided further, that the Secretary is also authorized to enter into grants or cooperative agreements with universities or non-profit research institutions to fund water use efficiency research.*

The joint conference report for FY 2009 appropriations, H1940, requested that Reclamation provide $2,000,000 to New Mexico State University, as follows:

*Research and Development, Desalination Research and Development Program* — Within the amounts provided, $2,000,000 shall be provided to New Mexico State University for research activities undertaken at or associated with the National Inland Desalination Research Facility.*

*Former name of the Brackish Groundwater National Desalination Research Facility.

## STATUTORY AUTHORITY

**Public Law 111-11, Section 9509, Research Agreement Authority**.

*The Secretary may enter into contracts, grants, and cooperative agreements, for periods not to exceed 5 years, to carry out research within the Bureau of Reclamation.*