BUREAU OF RECLAMATION

Notice of Funding Opportunity No. R22AS00117

WaterSMART: Desalination Construction Projects Under the WIIN Act

U.S. Department of the Interior January 2022

Mission Statements

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated Island Communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Cover photo: Water Replenishment District of Southern California, Groundwater Reliability Improvement Program (Reclamation).

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Policy and Administration
Funding Opportunity Title:	WaterSMART: Desalination Construction Projects Under the WIIN Act
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	R22AS00117
Catalog of Federal Domestic Assistance (CFDA) Number:	15.504
Dates: (See NOFO Sec. D.4)	Application due date: March 15, 2022 4:00 p.m. Mountain Daylight Time (MDT)
Eligible Applicants: (See NOFO Sec. C.1)	Sponsors of seawater or brackish water desalination projects located in the Western United States or United States Territories as identified in the Reclamation Act of June 17, 1902, as amended that have submitted a Feasibility Study for Reclamation review by the date this NOFO is posted and found to meet all of the requirements of Reclamation Manual Release WTR 11-01 no later than April 30, 2022.
Recipient Cost Share: (See NOFO Sec. C.2)	75 percent or more of total Project costs.
Federal Funding Amount: (See NOFO Sec. B.1)	Up to 25 percent of the total cost of planning, design, and/or construction that has either already been completed or will be conducted before September 30, 2025, up to a maximum of $30 million per project.
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.1)	Approximately 2 to 8 awards, depending on the amount requested by each applicant and the amount of funding available.

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Application Checklist

The following table contains a summary of the information that you are required to submit with your application.

√	What to submit	Required content	Form or format	When to submit
	Mandatory Federal Forms: Application for Federal Assistance Budget Information Assurances Disclosure of Lobbying Activities	See Sec. D.2.2.1	SF-424, SF-424C, SF-424D, and SF-LLL forms may be obtained at www.grants.gov/web/grants/forms/sf-424-family.html	*
	Title page	See Sec. D.2.2.2	Page 11	*
	Table of contents	See Sec. D.2.2.3	Page 11	*
	Technical proposal: Executive summary Project description Evaluation criteria	 See Sec. D.2..2.4.1 See Sec. D.2.2.4.2 See Sec. E.1	 Page 11 Page 11 Page 27	* * * *
	Environmental and cultural resources compliance	See Sec. D.2.2.5	Page 11	*
	Required permits or approvals	See Sec. D.2.2.6	Page 13	*
	Project Budget Funding Plan and Letters of Commitment Budget Proposal Budget Narrative	See Sec. D.2.2.8	Page 13 Page 13 Page 15 Page 16	*
	Letters of support	See Sec. D.2.2.9	Page 19	*
	State-Approved Plan or Governor's Request	See Sec. D.2.2.10	Page 19	
	Official Resolution	See Sec. D.2.2.11	Page 19	**
	Unique Entity Identifier and System for Award Management	See Sec. D.3	Page 21	***

* Submit materials with your application.
** Document should be submitted with your application; however, please refer to the applicable section of the NOFO for extended submission date.
*** Should be completed prior to the application deadline; however, please refer to the applicable section of the NOFO for extended completion date.

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Acronyms and Abbreviations

AOR	Authorized Organizational Representative
ASAP	Automated Standard Application for Payments
ARC	Application Review Committee
BIL	Bipartisan Infrastructure Law
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CIEMAT	Centro de Investigaciones Energeticas, Medioambientales y Tecnologicas
CWA	Clean Water Act
D&B	Dun & Bradstreet
Department	U.S. Department of the Interior
DUNS	Data Universal Number System
EA/FONSI	Environmental Assessment/Finding of No Significant Impact
EIN	Employer Identification Number
EIS	Environmental Impact Statement
E.O.	Executive Order
ESA	Endangered Species Act
FAIR	Financial Assistance Interior Regulation
FAPIIS	Federal Award Performance Integrity Information System
FOIA	Freedom of Information Act
FY	fiscal year
MDT	Mountain Daylight Time
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
OM&R	operations, maintenance, and replacement
P.L.	Public Law
Project	ocean and brackish water desalination project
Reclamation	Bureau of Reclamation
ROD	Record of Decision
SAM	System of Award Management
Title XVI	Title XVI Water Reclamation and Reuse Program
U.S.C.	United States Code
USACE	United States Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WIIN	Water Infrastructure Improvements for the Nation
WaterSMART	Sustain and Manage America's Resources for Tomorrow

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Contents

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Section A. Funding Opportunity Description

A.1. Authority

This NOFO is issued under the authority of the Water Desalination Act of 1996, Public Law (P.L.) 104-298, as amended by section 4009(a) of Title II, Subtitle J of the Water Infrastructure Improvements for the Nation (WIIN) Act, P.L. 114-322.

A.2. Background, Purpose, and Program Requirements

The U.S. Department of the Interior's (Department) WaterSMART (Sustain and Manage America's Resources for Tomorrow) Program provides a framework for Federal leadership and assistance to stretch and secure water supplies for future generations in support of the Department's priorities. Through WaterSMART, the Bureau of Reclamation (Reclamation) leverages Federal and non-Federal funding to support stakeholder efforts to stretch scarce water supplies and avoid conflicts over water.

The WIIN Act was enacted in December 2016 to address water resources infrastructure that is critical to the Nation's economic growth, health, and competitiveness. Section 4009(a) of Subtitle J of WIIN includes amendments to the Water Desalination Act of 1996 that authorize Reclamation to provide funding for construction of desalination projects.

Desalination is an essential tool in stretching the limited water supplies in the Western United States. Desalination projects develop and supplement municipal and irrigation water supplies through the treatment of ocean or brackish water, thereby providing a local supply, providing flexibility during water shortages, and diversifying the water supply portfolio. These projects provide growing communities with new sources of clean water and increase water management flexibility, making our water supply more reliable. Desalination projects are an important part of the Department's WaterSMART Program. For further information on the WaterSMART Program, see www.usbr.gov/watersmart.

A.3. Notice of Funding Opportunity Objective

The objective of this Notice of Funding Opportunity (NOFO) is to invite sponsors of ocean and brackish water desalination projects eligible under section 4009(c) of the WIIN Act (Projects) to request cost-shared funding for planning, design, and/or construction of those Projects.

A.4. Other Funding Opportunities

WaterSMART: Title XVI WIIN Water Reclamation and Reuse Projects—Through this NOFO, funding is available for planning, design, and construction of Title XVI Projects eligible under Section 4009(c) of the WIIN Act.

WaterSMART: Title XVI Congressionally Authorized Water Reclamation and Reuse Projects—Through this NOFO, funding is available for planning, design, and construction of congressionally authorized Title XVI Projects.

Desalination and Water Purification Research and Development: Laboratory and Pilot Scale Projects—Through this NOFO, funding is available for laboratory and pilot scale research studies to determine the viability of a novel process, new materials, or process modifications in conjunction with individuals, institutions of higher education, commercial or industrial organizations, private entities, public entities (including state and local), and Indian tribal governments.

Desalination and Water Purification Research and Development: Pitch to Pilot—Through this NOFO, funding is available to develop innovative and disruptive new technologies or processes at the pilot scale with the goal to augment water supplies and address costs, energy usage, and environmental impacts of water treatment technologies.

Section B. Award Information

B.1. Total Funding

This NOFO will be used to allocate available fiscal year (FY) 2022 enacted appropriations for desalination projects eligible under section 4009(a) of the WIIN Act and funding available under the Bipartisan Infrastructure Law (BIL), Public Law 117-58 in FY 2022. Applications submitted under this NOFO also may be considered if additional funding becomes available in FY 2022 or thereafter. Applicants that are identified for BIL funding will need to meet additional requirements, including Buy American and Wage Rate Requirements (Davis-Bacon Act). This NOFO may be amended during the application period to provide additional details about these requirements. Reclamation will work with selected recipients to address these requirements. See *Section F.2.5. Additional Bipartisan Infrastructure Law Requirements* for more information.

B.2. Expected Award Amount

Maximum Award: $30,000,000
Minimum Award: $0

The Federal share (i.e., Reclamation's share in addition to any other sources of Federal funding) of any desalination project under Section 4009(a) of the WIIN Act, including any funding provided as a result of this NOFO, shall not exceed 25 percent of the total Project cost, up to a maximum of $30 million per project.

Eligible applicants are invited to request funding for planning, design, and/or construction of Projects. This may include work planned through September 30, 2025 or completed work that was conducted after the enactment of the WIIN Act on December 16, 2016. Although the evaluation criteria listed in this NOFO will be applied to the Project as a whole, funding requests submitted under this NOFO must be based on the expenditures already incurred or planned to be incurred by September 30, 2025.

All costs incurred by Reclamation related to the development and administration of any award under this NOFO are considered part of the total Project costs, and the recipient will be required to provide cost share for these costs. All Reclamation administrative costs will also be included in the Federal cost share for the Project.

B.3. Anticipated Announcement and Federal Award Date

Anticipated Award Date: 09/30/2022

Reclamation expects to contact potential award recipients and unsuccessful applicants in the spring of 2022 (or later if necessary), subject to the timing of final FY 2022 appropriations.

Anticipated Project Completion Date: 09/30/2025

B.4. Number of Awards

Approximately 3 to 12 awards, depending on the amount requested by each applicant and the amount of funding available.

B.5. Type of Award

Awards will be made through a grant or cooperative agreement as applicable to the selected Project. If a cooperative agreement is awarded, the recipient should expect Reclamation to have substantial involvement in the Project. Substantial involvement by Reclamation may include:

- Collaboration and participation with the recipient in the management of the Project and close oversight of the recipient's activities to ensure that the program objectives are being achieved. *Note: The development and administration of an award under this NOFO is not considered substantial involvement.*

- Review, input, and approval at key interim stages of the Project.

At the request of the recipient, Reclamation can provide technical assistance after award of an agreement. If you would like to receive Reclamation technical assistance, you must account for these costs in your budget. To discuss available assistance and these costs, contact the program coordinator identified in *Section G. Agency Contacts*.

Section C. Eligibility Information

C.1. Eligible Applicants

Applicants eligible to receive an award under this NOFO include sponsors of seawater and brackish water desalination projects located in the Western United State or United States Territiories as identified in the Reclamation Act of June 17, 1902 that have submitted a feasibility study to Reclamation for review by the date this NOFO is posted. Eligibility does not entitle an applicant to any future Federal funding or create a new project authorization.

C.2. Cost-Sharing or Matching

Applicants must be capable of cost sharing 75 percent or more of the total Project costs. The total Project cost is defined as the total allowable costs incurred under a Federal award and all required cost share and voluntary committed cost-share contributions, including third-party contributions.

Cost share may be made through cash, costs contributed by the applicant, or third-party in-kind contributions. Third-party in-kind contributions is the value of non-cash contributions of property or services that benefit the federally assisted project and are contributed by non-Federal third parties, without charge. Cost-share funding from sources outside the applicant's organization (e.g., loans or state grants) should be secured and available to the applicant prior to award. Please see *Section D.2.2.8 Project Budget* and *Section D.2.2.11 Official Resolution* for more information regarding the documentation required to verify commitments to meet cost sharing requirements.

Other sources of Federal funding may not be counted towards the required cost share. The exception to this requirement is where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost-sharing requirements of other Federal programs, such as awards to tribal organizations under P.L. 93-638, as amended. If it is determined that the Federal funding cannot be applied towards the non-Federal cost share, the work associated with the funding may be removed from the proposed Project.

C.2.1. Cost-Share Regulations

All cost-share contributions must meet the applicable administrative and cost principles criteria established in 2 Code of Federal Regulations (CFR) Part 200, available at the Electronic Code of Federal Regulations at [www.ecfr.gov.](http://www.ecfr.gov)

C.2.2. Third-Party Contributions

Third-party contributions may be in the form of equipment, supplies, and other expendable property, as well as the value of services directly benefiting and specifically identifiable to the proposed Project. The cost or value of third-party in-kind contributions that have been or will be relied on to satisfy a cost-sharing or matching requirement for another Federal financial assistance agreement, a Federal procurement contract, or any other award of Federal funds may not be relied on to satisfy the cost-share requirement for an award under this NOFO. Applicants should refer to 2 CFR §200.434 *Contributions and donations* for regulations regarding the valuation of third-party in-kind contributions.

C.3. Other

Reclamation conducts a review of the SAM.gov *Exclusions database* for all applicant entities and their key project personnel prior to award. Reclamation cannot award funds to entities or their key project personnel identified in the SAM.gov *Exclusions database* as ineligible, prohibited/restricted, or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, as their ineligibility condition applies to this Federal program.

C.4. Eligible Projects

C.4.1. Eligible Projects

Projects eligible for funding under this NOFO include planning, design, and construction of facilities to desalinate ocean or brackish water, including groundwater. In order to be eligible for funding under this NOFO, the Project must meet the following requirements:

- The Project must be constructed, operated, and maintained by an eligble applicant; or the project must be sponsored by an eligible applicant. To sponsor a Project, the eligible applicant must contribute funding for a substantial portion of the capital construction costs of the Project within the timeframe of this NOFO.
- The Project must have a completed Feasibility Study that has been submitted to Reclamation for review by the date that this NOFO is posted, and for which the study is found to meet all of the requirements of Reclamation's Directives and Standards WTR 11-01 *Title XVI Water Reclamation and Reuse Program and Desalination Construction Program Feasibility Study Review Process* by April 30, 2022. If a feasibility study has been reviewed by Reclamation and found to meet the requirements of WTR 11-01, but the review findings have not yet been transmitted to Congress, Reclamation will transmit those findings to Congress either before project selections are made or concurrently with project selections.
- The Project must be located in the Western United States or United States Territories as identified in the Reclamation Act of June 17, 1902, as amended and supplemented; specifically: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands.

- The Project must be included in a state-approved plan. The plan and documentation of state approval must be included with the proposal or submitted to Reclamation prior to the application deadline for this NOFO. In the alternative, if the Project is not included in a state-approved plan, Federal participation in the Project must have been requested by the Governor of the state in which the eligible desalination project is located. The applicant must submit documentation sufficient for Reclamation to make this determination along with their proposal, prior to the application deadline. The state-approved plan or Governor's request will not count toward the page limitation noted in *Section D.2. Content and Form of Application Submission*.

Eligibility does not entitle a project to any future Federal funding or create a new Project authorization.

C.4.2. Ineligible Projects

Projects not eligible for funding under this NOFO include, but are not limited to:

- Projects that reclaim or reuse municipal, industrial, domestic, or agricultural wastewater.
- Desalination projects that include water recycling components, such as municipal, industrial, or agricultural wastewater reuse, or treatment of impaired water supplies where primary targeted contaminants for removal are not brackish or ocean water.
- Projects that do not have a completed feasibility study that includes the information required by Reclamation Manual Directives and Standards WTR 11-01 that has been submitted to Reclamation by the date that this NOFO is posted.
- Projects that are not constructed, operated, and maintained by an eligible entity and do not include a substantial financial contribution to capital construction costs by an eligible entity during the time period of this NOFO.
- Lab-scale research, piloting, or demonstration research focused on the development and commercialization of new advanced water treatment technology, such as studies currently proposed or funded under Reclamation's Desalination and Water Purification Research Program.
- Projects that have already received funding under the WaterSMART Drought Response Program.
- Operations, maintenance, and replacement (OM&R) activities. OM&R is described as system improvements that replace or repair existing infrastructure or function without providing increased efficiency or effectiveness of water distribution over the expected life of the improvement. Examples of ineligible OM&R projects include:
    - Replacing malfunctioning components of an existing facility with the same components
    - Improving an existing facility to operate as originally designed
    - Performing an activity on a recurring basis, even if that period is extended (e.g., a 10-year interval)
    - Sealing expansion joints of concrete lining because the original sealer or the water stops have failed

- Replacing broken meters with new meters of the same type
- Replacing leaky pipes with new pipes of the same type

Applicants that have questions regarding OM&R are encouraged to contact the program coordinator listed in *Section G. Agency Contacts*, prior to the application deadline for further information.

C.4.3. Length of Projects

Applicants can only request funding for work that is already completed or work that is planned through September 30, 2025. Funding for completed work can only be requested if that work was conducted after the enactment of the WIIN Act on December 16, 2016.

Section D. Application and Submission Information

D.1. Address to Request Application Package

This document contains all information, forms, and electronic addresses required to obtain the information required for submission of an application.

If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this NOFO by emailing the Notice of Funding Opportunity Team staff at sha-dro-fafoa@usbr.gov.

D.2. Content and Form of Application Submission

All applications must conform to the requirements set forth below.

D.2.1. Application Format and Length

The total application package shall be no more than **75** consecutively numbered pages. If an application exceeds **75** pages, only the first **75** pages will be evaluated. The font shall be at least 12 points in size and easily readable. Page size shall be 8½ by 11 inches with standard 1-inch margins, including charts, maps, and drawings. Oversized pages will not be accepted. The SF-424 forms, SF-LLL, letters of Project support, state-approved plan or Governor's request, and official resolutions will not be considered in the total page count.

Applications will be prescreened for compliance to the above page number limitation. Excess pages will be removed and not considered in the evaluation of the proposed project.

D.2.2. Application Content

The application must include the following elements to be considered complete:

- Mandatory Federal Forms
  - SF-424 Application for Federal Assistance
  - SF-424C Budget Information—Construction Programs
  - SF-424D Assurances—Construction Programs
  - SF-LLL Disclosure of Lobbying Activities (if applicable)
  - SF-424, SF-424C, SF-424D, and SF-LLL forms may be obtained at www.grants.gov/web/grants/forms/sf-424-family.html.
- Title page

- Table of contents
- Technical proposal and evaluation criteria
    - Executive summary
    - Technical project description
    - Evaluation criteria
- Project budget
    - Funding plan and letters of commitment
    - Budget proposal
    - Budget narrative
- Environmental and cultural resources compliance
- Required permits or approvals
- Letters of Project support (will not count toward the page limitation)
- State approved plan and documentation of approval or Governor's request (will not count toward the page limitation)
- Official Resolution (will not count toward the page limitation)

D.2.2.1. Mandatory Federal Forms

The application must include the following standard Federal forms.

SF-424 Application for Federal Assistance

A fully completed SF-424 Application for Federal Assistance, signed by a person legally authorized to commit the applicant to performance of the Project must be submitted with the application. Failure to submit a properly signed SF-424 may result in the elimination of the application from further consideration.

SF-424C, Budget Information for Construction Programs

A fully completed SF-424C Budget Information—Construction Programs must be submitted with the application.

SF 424D, Assurances for Construction Programs

An SF-424D Assurances—Construction Programs, signed by a person legally authorized to commit the applicant to performance of the Project shall be included. Failure to submit a properly signed SF-424D may result in the elimination of the application from further consideration.

SF-LLL

A fully completed and signed SF-LLL Disclosure of Lobbying Activities is required if the applicant has made or agreed to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action.

D.2.2.2. Title Page
Provide a brief, informative, and descriptive title for the proposed work that indicates the nature of the Project. Include the applicant's name and address and the project manager's name and address, email address, and telephone number.

D.2.2.3. Table of Contents
List all major sections of the proposal in the table of contents.

D.2.2.4. Technical Proposal and Evaluation Criteria
The technical proposal and evaluation criteria include:

(1) Executive summary
(2) Technical project description
(3) Evaluation criteria

Executive Summary

The executive summary should include:

- The date, applicant name, city, county, and state
- A one paragraph summary of the work for which funding is being requested, including how funds will be used to accomplish specific Project activities.

Technical Project Description

The technical project description should describe the Project in its entirety. This description shall have sufficient detail to permit a comprehensive evaluation of the proposal.

Evaluation Criteria

The evaluation criteria portion of your application should thoroughly address each criterion and subcriterion in the order presented to assist in the complete and accurate evaluation of your proposal. The evaluation criteria should be applied to the entire Project. (See *Section E.1. Technical Proposal: Evaluation Criteria* for additional details, including a detailed description of each criterion and subcriterion and points associated with each.)

It is suggested that applicants copy and paste the evaluation criteria and subcriteria in **Section E.1. Technical Proposal: Evaluation Criteria** ***into their applications to ensure that all necessary information is adequately addressed.***

D.2.2.5. Environmental and Cultural Resources Compliance
To allow Reclamation to assess the probable environmental and cultural resources impacts and costs associated with each application, all applicants must respond to the following list of questions focusing on the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and Endangered Species Act (ESA) requirements. Please answer the following questions to the best of your knowledge. If any question is not applicable to the Project, please explain why.

The application should include the answers to:

- Will the proposed Project impact the surrounding environment (e.g., soil [dust], air, water [quality and quantity], animal habitat)? Please briefly describe all earth-disturbing work and any work that will affect the air, water, or animal habitat in the Project area. Please also explain the impacts of such work on the surrounding environment and any steps that could be taken to minimize the impacts.
- Are you aware of any species listed or proposed to be listed as a Federal threatened or endangered species, or designated critical habitat in the Project area? If so, would they be affected by any activities associated with the proposed Project?
- Are there wetlands or other surface waters inside the Project boundaries that potentially fall under Clean Water Act (CWA) jurisdiction as "Waters of the United States"? If so, please describe and estimate any impacts the proposed Project may have.
- When was the water delivery system constructed?
- Will the proposed Project result in any modification of or effects to individual features of an irrigation system (e.g., headgates, canals, or flumes)? If so, state when those features were constructed and describe the nature and timing of any extensive alterations or modifications to those features previously completed.
- Are any buildings, structures, or features in the irrigation district listed or eligible for listing on the National Register of Historic Places? A cultural resources specialist at your local Reclamation office or the State Historic Preservation Office can assist in answering this question.
- Are there any known archeological sites in the proposed Project area?
- Will the proposed Project have a disproportionately high and adverse effect on low income or minority populations?
- Will the proposed Project limit access to and ceremonial use of Indian sacred sites or result in other impacts on tribal lands?
- Will the proposed Project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?

Note: if mitigation is required to lessen environmental impacts, the applicant may, at Reclamation's discretion, be required to report on progress and completion of these commitments. Reclamation will coordinate with the applicant to establish reporting requirements and intervals accordingly.

Under no circumstances may an applicant begin any ground-disturbing activities (including grading, clearing, and other preliminary activities) on a Project before environmental compliance is complete, and Reclamation explicitly authorizes work to proceed. This pertains to all components of the proposed Project, including those that are part of the applicant's non-Federal cost share. Reclamation will provide a successful applicant with information once environmental compliance is complete. An applicant that proceeds before environmental compliance is complete may risk forfeiting Reclamation funding under this NOFO.

D.2.2.6. Required Permits or Approvals

Applicants must state in the application whether any permits or approvals are required and explain the plan for obtaining such permits or approvals.

Note that improvements to Federal facilities that are implemented through any Project awarded funding through this NOFO must comply with additional requirements. The Federal government will continue to hold title to the Federal facility and any improvement that is integral to the existing operations of that facility. Please see P.L. 111-11, section 9504(a)(3)(B). Reclamation may also require additional reviews and approvals prior to award to ensure that any necessary easements, land use authorizations, or special permits can be approved consistent with the requirements of 43 CFR §429, and that the development will not impact or impair project operations or efficiency.

D.2.2.7. Other Federal Funding

Identify any Federal funding, other than Title XVI funding, received for the Project. Include the amount of Federal funds, the amount of non-Federal cost share provided or required, and a description of the work that was or will be funded under the other Federal award(s).

D.2.2.8. Project Budget

The Project budget includes:

(1) Funding plan and letters of commitment
(2) Budget proposal
(3) Budget narrative

The project budget may include costs for planning, design, and/or construction of the Project incurred through September 30, 2025 or completed work that was conducted after the enactment of the WIIN Act on December 16, 2016.

Please note that the costs for preparing and applying in response to this NOFO, including the development of data necessary to support the proposal, are not eligible Project costs under this NOFO and must not be included in the Project budget.

Funding Plan and Letters of Commitment

Describe how the non-Federal share of Project costs will be provided. Reclamation will use this information in making a determination of financial capability.

Project funding provided by a source other than the applicant shall be supported with letters of commitment from these additional sources. Letters of commitment shall identify the following elements:

- The amount of funding commitment
- The date the funds will be available to the applicant
- Any time constraints on the availability of funds
- Any other contingencies associated with the funding commitment

Commitment letters from third party funding sources should be submitted with your application. If commitment letters are not available at the time of the application submission, please provide a timeline for submission of all commitment letters. Cost-share funding from sources outside the applicant's organization (e.g., loans or state grants), should be secured and available to the applicant prior to award.

Reclamation will not make funds available for an award under this NOFO until the recipient has secured non-Federal cost-share funding. Reclamation will execute a financial assistance agreement once non-Federal funding has been secured or Reclamation determines that there is sufficient evidence and likelihood that non-Federal funds will be available to the applicant subsequent to executing the agreement.

Note: Applicants are not required to have non-Federal cost-share funding secured for the entire Project at the time of award. Applicants must demonstrate sufficient evidence that non-Federal cost share for the initial Federal obligation will be available at the time of award and must describe a plan and schedule for securing the remaining non-Federal cost-share funding for the Project.

Please identify the sources of the non-Federal cost share contribution for the Project, including:

- Any monetary contributions by the applicant towards the cost-share requirement and source of funds (e.g., reserve account, tax revenue, and/or assessments)
- Any costs that will be contributed by the applicant
- Any third-party contribution costs (i.e., goods and services provided by a third party)
- Any cash requested or received from other non-Federal entities
- Any pending funding requests (i.e., grants or loans) that have not yet been approved and explain how the project will be affected if such funding is denied.

In addition, please identify whether the budget proposal includes any project costs that have been or may be incurred prior to award. For each cost, describe:

- The project expenditure and amount
- The date of cost incurrence
- How the expenditure benefits the Project

Please include the following chart (Table 1) to summarize all funding sources. Denote in-kind contributions with an asterisk (*).

Table 1. Summary of Funding Sources

Funding Sources	Amount
Non Federal Entities	
1.	
2.	
3.	
Non-Federal Subtotal	
Requested Reclamation Funding	

Budget Proposal

The total project cost is the sum of all allowable items of costs, including all required cost sharing and voluntary committed cost sharing (including third-party contributions) that are necessary to complete the Project. The budget proposal should include detailed information on the categories listed below and must clearly identify ***all*** Project costs, including those that will be contributed as non-Federal cost share by the applicant (required and voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation, and any requested pre-award costs. Unit costs must be provided for all budget items, including the cost of services or other work to be provided by consultants and contractors. Applicants are strongly encouraged to review the procurement standards for Federal awards found at 2 CFR §200.317 through §200.326 before developing their budget proposal.

It is also strongly advised that applicants use the budget proposal format shown in Table 2 or a similar format that provides this information. If selected for award, successful applicants must submit detailed supporting documentation for all budgeted costs.

Table 2. Sample Budget Proposal Format

Budget Item Description	Computation		Quantity Type	Total Cost
	$/Unit	Quantity		
Salaries and Wages				
Employee 1				$
Employee 2				$
Employee 3				$
Fringe Benefits				
Full-Time Employees				$
Part-Time Employees				$
Travel				
Trip 1				$
Trip 2				$
Equipment				
Item A				$
Item B				$
Supplies and Materials				
Item A				$
Item B				$

Budget Item Description	Computation		Quantity Type	Total Cost
	$/Unit	Quantity		
Contractual/Construction				
Contractor A				$
Contractor B				$
Third-party Contributions				
Contributor A				$
Contributor B				$
Other				
Other				$
Total Direct Costs				$
Indirect Costs				
Type of rate	percentage	$base		$
Total Estimated Project Costs				$

Budget Narrative

Submission of a budget narrative is mandatory. An award will not be made to any applicant who fails to fully disclose this information. The budget narrative provides a discussion of, or explanation for, items included in the budget proposal. The types of information to describe in the narrative include, but are not limited to, those listed in the following subsections. Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Part §200.

Salaries and Wages

Indicate the program manager and other key personnel by name and title. The Project Manger must be an applicant's employee or board member. Other personnel should be indicated by title alone. For all positions, indicate salaries and wages, estimated hours or percent of time, and rate of compensation. The labor rates must identify the direct labor rate separate from the fringe rate or fringe cost for each position. All labor estimates must be allocated to specific tasks as outlined in the applicant's technical project description. Labor rates and proposed hours shall be displayed for each task.

The budget proposal and narrative should include estimated hours for compliance with reporting requirements, including final Project and evaluation. Please see *Section F.3. Reporting Requirements and Distribution* for information on types and frequency of reports required.

Generally, salaries of administrative and/or clerical personnel will be included as a portion of the stated indirect costs. If these salaries can be adequately documented as direct costs, they should be included in this section; however, a justification should be included in the budget narrative.

Fringe Benefits

Identify the rates/amounts, what costs are included in this category, and the basis of the rate computations. Federally approved rate agreements are acceptable for compliance with this item.

Travel

Identify the purpose of each anticipated trip, destination, number of persons traveling, length of stay, and all travel costs including airfare (basis for rate used), per diem, lodging, and miscellaneous travel expenses. For local travel, include mileage and rate of compensation. *Note: travel costs incurred by contractors should not be included in this section, but these costs can be included in the contract cost estimate.*

Equipment

If equipment will be purchased, itemize all equipment valued at or greater than $5,000. For each item, identify why it is needed for the completion of the work proposed for funding and how the equipment was priced. Note: If the value is less than $5,000, the item should be included under materials and supplies.

If equipment is being rented, specify the number of hours and the hourly rate. Local rental rates are only accepted for equipment actually being rented or leased.

If the applicant intends to use their own equipment for the purposes of the Project, the proposed usage rates should fall within the equipment usage rates outlined by the United States Army Corps of Engineers (USACE) within their *Construction Equipment Ownership and Operating Expense Schedule* (EP 1110-1-8) at https://www.usace.army.mil/Cost-Engineering/EP1110-1-8/.

Note: If the equipment will be purchased and installed under a construction contract, then the equipment should be included in the construction contract cost estimate.

Materials and Supplies

Itemize supplies by major category, unit price, quantity, and purpose, such as whether the items are needed for office use, research, or construction. Identify how these costs were estimated (i.e., quotes, past experience, engineering estimates, or other methodology).

Note: If the materials/supplies will be furnished and installed under a construction contract, the equipment should be included in the construction contract cost estimate.

Contractual

Identify all work that will be accomplished by subrecipients, consultants, or contractors, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task. For each proposed contract, identify the procurement method that will be used to select the consultant or contractor and the basis for selection. Please note that all contracts with an anticipated value of $10,000 or more must use a competitive procurement method. Only contracts for architectural/engineering services can be awarded using a qualifications-based procurement method. If a qualifcations-based procurement method is used, profit must be negotiated as a separate element of the contract price. See 2 CFR §200.317 through §200.327 for additional information regarding procurements, including required contract content.

Third-Party Contributions

Identify all work that will be accomplished by third-party contributors, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task. Third-party contributions, including contracts, must comply with all applicable administrative and cost principles criteria, established in 2 CFR Part §200 and all other requirements of this NOFO.

Environmental and Regulatory Compliance Costs

Prior to awarding financial assistance, Reclamation must first ensure compliance with Federal environmental and cultural resources laws and other regulations ("environmental compliance"). Every Project funded under this program will have environmental compliance costs associated with activities undertaken by Reclamation and the recipient.

To estimate environmental compliance costs, please contact compliance staff at your local Reclamation Office for additional details regarding the type and costs of compliance that may be required for your project. *Note: Support for your compliance costs estimate will be considered during review of your application.* See *Section G. Agency Contacts* of this NOFO for a list of Reclamation staff by region to contact regarding compliance costs and requirements.

Environmental compliance costs are considered Project costs and must be included as a line item in the Project budget and will be cost shared accordingly. The amount of the line item should be based on the actual expected environmental compliance costs for the Project, including Reclamation's cost to review environmental compliance documentation. Environmental compliance costs will vary based on Project type, location, and potential impacts to the environment and cultural resources.

How environmental compliance activities will be performed (e.g., by Reclamation, the applicant, or a consultant) and how the environmental compliance funds will be spent, will be determined pursuant to subsequent agreement between Reclamation and the applicant. The amount of funding required for Reclamation to conduct any environmental compliance activities, including Reclamation's cost to review environmental compliance documentation, will be withheld from the Federal award amount and placed in an environmental compliance account to cover such costs. If any portion of the funds budgeted for environmental compliance is not required for compliance activities, such funds may be reallocated to the Project, if appropriate.

Costs associated with environmental and regulatory compliance must be included in the budget. Compliance costs include costs associated with any required documentation of environmental compliance, analyses, permits, or approvals. Applicable Federal environmental laws could include NEPA, ESA, NHPA, CWA, and other regulations depending on the project. Such costs may include, but are not limited to:

- The cost incurred by Reclamation to determine the level of environmental compliance required for the Project
- The cost incurred by Reclamation, the recipient, or a consultant to prepare any necessary environmental compliance documents or reports
- The cost incurred by Reclamation to review any environmental compliance documents prepared by a consultant

- The cost incurred by the recipient in acquiring any required approvals or permits, or in implementing any required mitigation measures

Other Expenses

Any other expenses not included in the above categories shall be listed in this category, along with a description of the item and why it is necessary. No profit or fee will be allowed.

Indirect Costs

Indirect costs that will be incurred during the development or construction of a Project, which will not otherwise be recovered, may be included as part of the applicant's Project budget. Show the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for the recipient's organization. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

If the applicant has never received a Federal negotiated indirect cost rate, the budget may include a *de minimis* rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR §200.1

If the applicant does not have a federally approved indirect cost rate agreement and is proposing a rate greater than the *de minimis* 10 percent rate, include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on "Preparing and Submitting Indirect Cost Proposals" is available from the Department's Interior Business Center, and Indirect Cost Services, www.doi.gov/ibc/services/finance/indirect-cost-services. If the proposed project is selected for award, the recipient will be required to submit an indirect cost rate proposal with their cognizant agency within 3 months of award.

Total Costs

Indicate total amount of Project costs, including the Federal and non-Federal cost-share amounts.

D.2.2.9. Letters of Support

Please include letters from interested stakeholders supporting the Project. To ensure your proposal is accurately reviewed, please attach all letters of support/ partnership letters as an appendix. *(Note: this will not count against the application page limit.)* **Letters of support received after the application deadline for this NOFO will not be considered in the evaluation of the proposal.**

D.2.2.10. State-Approved Plan or Governor's Request

Include a state-approved plan that includes the Project and documentation of state approval or a request for Federal participation from the Governor of the state that the Project is located in. One of these must be included with the proposal by the proposal deadline of April 23, 2021 in order for the Project to be eligible for funding under this NOFO. The state approved plan or Governor's request will not be counted toward the page limitation.

D.2.2.11. Official Resolution

Include an official resolution adopted by the applicant's board of directors or governing body, or, for state government entities, a signed statement from an official authorized to commit the applicant to the financial and legal obligations associated with receipt of a financial assistance award under this NOFO, verifying:

- The identity of the official with legal authority to enter into an agreement
- The board of directors, governing body, or appropriate official who has reviewed and supports the application submitted
- The capability of the applicant to provide the amount of funding and/or in- kind contributions specified in the funding plan
- That the applicant will work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement

An official resolution meeting the requirements set forth above is mandatory. If the applicant is unable to submit the official resolution by the application deadline because of the timing of board meetings or other justifiable reasons, the official resolution may be submitted to sha-dro-fafoa@usbr.gov up to 60 days after the application deadline.

D.2.2.12. Conflict of Interest Disclosure

Per the Financial Assistance Interior Regulation (FAIR), 2 CFR §1402.112, applicants must state in their application if any actual or potential conflict of interest exists at the time of submission.

(a) *Applicability*.

(1) This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.

(2) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR 200.318 apply.

(b) *Notification*.

(1) Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the Department awarding agency or pass-through entity in accordance with 2 CFR 200.112.

(2) Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

(c) *Restrictions on lobbying*. Non-Federal entities are strictly prohibited from using funds under a grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR part 18 and 31 United States Code (U.S.C.) 1352.

(d) *Review procedures*. The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

(e) *Enforcement*. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for noncompliance, including suspension or debarment (see also 2 CFR part 180).

D.2.2.13. Single Audit Reporting Statement

All U.S. states, local governments, federally recognized Indian tribal governments, and non-profit organizations expending $750,000 in U.S.dollars or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System. U.S. state, local government, federally recognized Indian tribal government, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the Employer Identification Number (EIN) associated with that report and state if it is available through the Federal Audit Clearinghouse website.

D.2.2.14. Certification Regarding Lobbying

Applicants requesting more than $100,000 in Federal funding must certify to the statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying. If this application requests more than $100,000 in Federal funds, the Authorized Official's signature on the appropriate SF-424, Application for Federal Assistance form also represents the entity's certification of the statements in 43 CFR Part 18, Appendix A.

D.3. Unique Entity Identifier and System for Award Management

D.3.1. Identifier and System for Award Management Registration in SAM.Gov

This requirement does not apply to individuals applying for funds as individual (i.e., unrelated to any business or nonprofit organization you may own or operate) or any entity with an exception approved by the funding bureau or office in accordance with bureau or office policy. All other applicants are required to obtain a Data Universal Numbering System (DUNS) number from Dun & Bradstreet (D&B) and then register in SAM.gov prior to submitting a Federal award application. Federal award recipients must continue to maintain an active SAM.gov registration with current information through the life of their Federal award(s). We may not make a Federal award to an applicant that has not completed the SAM.gov registration. If an applicant selected for funding has not completed their SAM.gov registration by the time the program is ready to make an award, the program may determine that the applicant is not qualified to receive an award. The program can use that determination as a basis for making an award to another applicant.

There is no cost to register with Dun & Bradstreet or SAM.gov. There are third-party vendors who will charge a fee in exchange for registering entities with Dun & Bradstreet and SAM.gov; **please be aware that you can register and request help for free**.

D.3.2. Obtain a DUNS Number

Request a DUNS Number through the Dun & Bradstreet website. For technical difficulties, send an email to the D&B System of Award Management (SAM) Help Desk. Please ensure that you are able to receive emails from SAMHelp@dnb.com. The Grants.gov "Obtain a DUNS Number" webpage also provides detailed instructions. Once assigned a DUNS number, your organization must maintain up-to-date information with Dun & Bradstreet. Applicants must enter their DUNS number in the "Organizational DUNS" field on the SF-424 Application for Federal Assistance form.

D.3.3. Register with the System for Award Management

Register on the SAM.gov website. "Help" tab on the website contains User Guides and other information to assist you with registration. The Grants.gov Register with SAM page also provides detailed instructions. You can also contact the supporting Federal Service Desk for help registering in SAM. Once registered in SAM, entities must renew and revalidate their SAM registration at least once every 12 months from the date previously registered. Entities are strongly encouraged to revalidate their registration as often as needed to ensure their information is up to date and reflects changes that may have been to the entity's DUNS or IRS information.

D.4. Submission Dates and Times

Due Date for Applications: March 15, 2022

Applications must be submitted (not postmarked by) no later than: March 15, 2022, 4:00 p.m. Mountain Daylight Time (MDT). Electronic and Physical Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Reclamation mishandling or technical issues with the Grants.gov application system. Please note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system.

Please note that any application submitted for funding under this NOFO may be subjected to a Freedom of Information Act (FOIA) request (5 U.S.C. §552, as amended by P.L. No. 110-175), and as a result, may be made publicly available. Following awards of funding, Reclamation will post all successful applications on the Reclamation website after conducting any redactions determined necessary by Reclamation, in consultation with the recipient.

Electronically submitted applications must be submitted no later than 4:00 p.m. MDT on the listed application due date.

D.4.1. Application Delivery Instructions

Applications may be submitted electronically through Grants.gov or hard copies may be submitted to either one of the following addresses. Under no circumstances will applications received through any other method (such as email or fax) be considered eligible for award.

By mail or USPS overnight services:

Bureau of Reclamation
Financial Assistance Operations Section
Attn: NOFO Team
P.O. Box 25007, MS 84-27133
Denver, CO 80225

All other express delivery services and courier services:

Bureau of Reclamation Mail Services
Attn: NOFO Team (MS 84-27133)
Denver Federal Center
Bldg. 67, Rm. 152
6th Avenue and Kipling Street
Denver, CO 80225

D.4.2. Instructions for Submission of Project Application

Each applicant shall submit an application in accordance with the instructions contained in this section.

D.4.2.1. Application Delivery Instructions

Please follow these instructions to submit your application by mail, express delivery, or courier services.

- Applicants shall submit one copy of all application documents for hardcopy submissions. Only use a binder clip for documents submitted—do not use staples or other binding.
- Hard copy applications may be submitted by mail, express delivery, or courier services to the addresses identified in this NOFO.
- Materials arriving separately will not be included in the application package and may result in the application being rejected or not funded. This does not apply to funding commitment letters or official resolutions. Letters of support received after the application deadline for this NOFO will not be considered in the evaluation of the proposal.
- Faxed and emailed copies of application documents will not be accepted.
- Do not include a cover letter or company literature/brochure with the application. All pertinent information must be included in the application package.

D.4.2.2. Instructions for Submission of Project Application

If the applicant chooses to submit an electronic application, it must be submitted through Grants.gov. Applications submitted through GrantSolutions will **not** be accepted. Reclamation encourages applicants to submit their applications for funding electronically through the URL: www.grants.gov/applicants/apply-for-grants.html. Applicant resource documents and a full set of instructions for registering with Grants.gov and completing and submitting applications online are available at: www.grants.gov/applicants/apply-for-grants.html.

- Please note that submission of an application electronically requires prior registration through Grants.gov, which may take 7 to 21 days. Please see registration instructions at www.grants.gov/applicants/apply-for-grants.html. **In addition, please note that the Grants.gov system only accepts applications submitted by individuals that are registered in SAM as both a user and an Authorized Organizational Representative (AOR).**
- Applicants have experienced significant delays when attempting to submit applications through Grants.gov. If you plan to submit your application through Grants.gov, you are encouraged to submit your application several days prior to the application deadline.

If you are a properly registered Grants.gov applicant and encounter problems with the Grants.gov application submission process, you must contact the Grants.gov Help Desk to obtain a case number. This case number will provide evidence of your attempt to submit an application prior to the submission deadline.

Regardless of the delivery method used, you must ensure that your proposal arrives by the date and time deadline stated in this NOFO. Applications received after this date and time due to weather or express delivery/courier performance will not be considered for award. Late applications will not be considered unless it is determined that the delay was caused by Reclamation mishandling or by a problem with the ***Grants.gov*** *application system.* Please note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect AOR), uploading documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system.

D.4.2.3. Acknowledgement of Application Receipt

If an application is submitted by mail, express delivery, or courier, Reclamation will notify you in writing that your application was received.

If an application is submitted through Grants.gov, you will receive an email acknowledging receipt of the application from Grants.gov. In addition, Reclamation will notify you via email that your application was successfully downloaded from Grants.gov.

Notification will be sent to the point of contact identified on the applicant SF-424 Application for Federal Assistance.

D.5. Intergovernmental Review

This NOFO is not subject to Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs."

D.6. Funding Restrictions: Pre-award Costs

Indirect Costs for Individuals: None

Indirect Costs for Organizations: None

D.7. Other Submission Requirements

D.7.1. Pre-award Costs

Project costs incurred prior to the date of award may be submitted for consideration as an allowable reimbursable expense or as a non-Federal cost share as long as they were incurred after the date of Reclamation's feasibility study review findings.

Reclamation will review the proposed pre-award costs to determine if they are allowable in accordance with the applicable cost principles. To be considered allowable, any pre-award costs proposed for consideration under the new awards must comply with all applicable requirements under this NOFO.

D.7.2. Automated Standard Application for Payments Registration

All applicants must also be registered with and willing to process all payments through the Department of Treasury Automated Standard Application for Payments (ASAP) system. All recipients with active financial assistance agreements with Reclamation must be enrolled in ASAP under the appropriate Agency Location Code(s) and the DUNS Number prior to the award of funds. Recipients with multiple DUNS numbers must separately enroll within ASAP for each unique DUNS Number and/or agency. Information on the enrollment process for recipients, including the enrollment initiation form, can be requested by e-mail from sha-dro-asap_enr@usbr.gov.

Note: If your entity is currently enrolled in the ASAP system with an agency other than Reclamation, you must enroll specifically with Reclamation in order to process payments.

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Section E. Application Review Information

E.1. Evaluation Criteria

The evaluation criteria portion should be addressed in the technical proposal section of the application. Applications should thoroughly address each criterion and any subcriteria in the order presented below. **Applications will be evaluated against the evaluation criteria listed below.** Note: It is suggested that applicants copy and paste the below criteria and subcriteria into their applications to ensure that all necessary information is adequately addressed.

The evaluation criteria should be applied to the Project as a whole, not just the Project activities that will be completed over the next 3 years.

The evaluation criteria total 100 points as shown in Table 3.

Table 3.—Evaluation Criteria Points

Criterion	Points
Evaluation Criterion 1—Water Supply	35
Evaluation Criterion 2—Environment and Water Quality	18
Evaluation Criterion 3—Economic Benefits	25
Evaluation Criterion 4—Reclamation's Obligations, Benefits to Rural or Economically Disadvantaged Communities, and Watershed Perspective	16
Evaluation Criterion 5—Leveraging State Funding and Experience of International Partners	6

E.1.1. Evaluation Criterion 1—Water Supply (35 points)

E.1.1.1. Subcriterion No. 1a—Stretching Water Supplies (18 points)

Points will be awarded based on the extent to which the Project is expected to secure and stretch reliable water supplies. Consideration will be given to the amount of water expected to be made available by the Project; the extent to which the Project will reduce demands on existing water supplies and/or facilities and/or reduce, postpone, or eliminate the development of new water supplies; and the performance measures that will be used to measure the benefits of the Project.

1. How many acre-feet of water are expected to be made available each year upon completion of the Project? What percentage of the service area's overall water supply will the Project's desalinated water provide upon Project completion? Use the total Project water production, not just water produced by the activities that will be completed over the next three years.

2. Will the Project reduce, postpone, or eliminate the development of other water supplies? Explain.

3. Will the Project alleviate pressure on existing water supplies and/or facilities? If so, please identify the supplies and/or facilities and explain how they will be impacted by the Project, including quantifications where applicable.

4. What performance measures will be used to quantify actual benefits upon completion of the Project?

E.1.1.2. Subcriterion No.1b—Contributions to Drought Resiliency and Water Supply Sustainability (17 points)

Points will be awarded for Projects that contribute to a more reliable water supply, particularly in drought-stricken states.

1. Will the project help create additional flexibility to address drought? Will water made available by this Project continue to be available during periods of drought? To what extent is the water made available by this Project more drought resistant than alternative water supply options? Explain. Has the area served by the Project been identified by the United States Drought Monitor as experiencing severe, extreme, or exceptional drought at any time in the last four years? Has the area served by the Project been designated as a drought disaster area by the state in the last four years?
2. Will the project address climate change? E.O. 14008: *Tackling the Climate Crisis at Home and Abroad* focuses on increasing resilience to climate change and supporting climate resilient development. Please describe how the project will address climate change.
3. Will the Project make water available to address a specific concern? Consider the number of acre-feet of water to be made available. Explain the specific concern and its severity. Also explain the role of the Project in addressing that concern and the extent to which the Project will address it. Specific concerns may include, but are not limited to:
   - Water supply shortages
   - Water supply reliability
   - Groundwater depletion
   - Water quality issues
   - Natural disasters that may impact water supply infrastructure
   - Heightened competition for water supplies
   - Availability of alternative supplies
   - Increasing cost of water supplies

E.1.2. Evaluation Criterion 2—Environment and Water Quality (18 points)

Points will be awarded based on the extent to which the Project will improve surface or groundwater quality and/or will benefit nonlisted species and federally listed threatened or endangered species. Indirect benefits of the project will also be considered under this criterion.

1. Will the Project provide water or habitat for non-listed species? If so, how?
2. Will the Project provide water or habitat for federally listed threatened or endangered species? If so, how?
3. Will the Project reduce reliance on imported water supplies that have an impact on federally listed threatened or endangered species? If so, how?
4. Will steps be taken to minimize the environmental impacts of desalination source water acquisition (intakes or groundwater pumping) and concentrate management as part of the Project? If so, explain.
5. Will the Project protect or improve the quality of surface or groundwater? If so, explain how it will do this and the extent to which it will do this.

E.1.3. Evaluation Criterion 3—Economic Benefits (25 points)

E.1.3.1. Subcriterion No. 3a—Cost Effectiveness (15 points)

Points will be awarded based on the cost per acre-foot of water expected to be delivered upon completion of the Project and how the cost of the Project compares to other potential water supply options. Please use costs related to the entire Project, not just the cost of work over the next three years or the phase that is currently being constructed. Costs should be provided for the entire Project described in the Reclamation approved feasibility study.

1. Reclamation will calculate the cost per acre-foot of water produced by the Project using information provided by Project sponsors. For a description of how this calculation is done please see the Title XVI Program's Frequntly Asked Questions webpage at www.usbr.gov/watersmart/title/faq.htmls.

   Please provide the following information for this calculation:

   (a) The total estimated construction costs, by year, for the Project (include all previous and planned work) as shown in Table 4.

Table 4. Estimated Construction Costs by Year

	Calendar Year	Construction Cost		Calendar Year	Construction Cost
1.			6.		
2.			7.		
3.			8.		
4.			9.		
5.			10.		

   (b) The total estimated or actual costs to plan and design the Project.

   (c) The average annual operation and maintenance costs for the life of the Project. Please do not include periodic replacement costs in the operation and maintenance costs. Periodic replacement costs should be provided separately in response to Question (f) below. *Note: This is an annual cost—not total cost.*

(d) The year the Project will begin to deliver desalinated water.

(e) The Projected life (in years) that the Project is expected to last. Note: this should be measured from the time the Project starts delivering water.

(f) All estimated replacement costs by year as shown in Table 5. If there are multiple replacement costs in one year, or at the same interval, please total them and put them on one line with the year or interval.

Table 5. Replacement Costs by Year

	Description of Replacement Requirement	Year	Cost
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			

(g) The maximum volume of water (in acre-feet) that will be produced annually upon completion of the Project. This volume of water must correspond to the costs provided above. If costs are only provided for a portion of the Project, then only the water produced by that same portion or phase of the Project will be considered.

2. Reclamation will calculate the cost per acre-foot for the Project using the information requested in Question 1 and compare it to the nonreclaimed water alternative and any other water supply options identified by the applicant to evaluate the cost effectiveness of the Project. Please provide the following information for this comparison:

   (a) A description of the conditions that exist in the area and projections of the future with, and without, the Project.

   (b) The cost per acre-foot of other water supply alternatives that could be implemented by the non-Federal Project sponsor in lieu of the Project. This must include, but is not limited to, one non-reclaimed water alternative that would satisfy the same demand as the Project.

   (c) If available, the cost per acre foot of one water supply project with similar characteristics to the Project. This information does not have to be provided if it is not available. It is intended to provide another possible comparison to demonstrate the cost effectiveness of the Project.

   (d) Discussion of the degree to which the Project is cost-effective. Including, where applicable, a discussion of why the Project may be cost effective even if the overall Project cost appears to be high.

E.1.3.2. Subcriterion No. 3b—Economic Analysis and Project Benefits (10 points)

Points will be awarded based on the analysis of the Project's benefits relative to the Project's costs. Please use costs related to the entire Project—not just the cost of work over the next three years.

1. Summarize the economic analysis performed for the Project, including information on the Project's estimated benefits and costs. Describe the methodologies used for the analysis that has been conducted. Points will be awarded based on a comparison of the benefits and costs of the Project. The information provided should include:

   (a) Quantified and monetized Project costs, including capital costs and operations and maintenance costs.

   (b) Quantified and monetized Project benefits. This includes benefits that can be quantified and expressed as a monetized benefit per acre-foot. These may include, but are not limited to, benefits related to water supply quantity and water supply reliability, recreational benefits, ecosystem benefits, water quality, energy efficiency, and environmental compliance and permitting. Benefits may also include the avoided costs of no action (i.e., the costs that would be incurred if the project were not implemented), and the willingness of users or customers to pay for a benefit or to avoid a negative outcome (e.g., the willingness of households to pay for a water supply system that would reduce groundwater overdraft).

   (c) If quantified and/or monetized information for these benefits is not available, they may be addressed in response to Question 2 below.

   (d) A comparison of the Project's quantified and monetized benefits and costs.

   **Please note that information must be included in the proposal to be considered. Scores will not be based on information provided in the Project's feasibility study if the information is not included in the proposal.*

2. Some Project benefits may be difficult to quantify and/or monetize. Describe any economic benefits of the Project that are difficult to quantify and/or monetize. Provide a qualitative discussion of the economic impact of these benefits. Points will be awarded based on the potential economic impact of the Project-related benefits. Some examples of benefits may include, but are not limited to, acres of land or stream miles that may be benefited or not harmed, benefits to habitat or species, flood risk mitigation, local impacts on residents and/or businesses, job creation, and regional impacts. This may also include benefits listed in Question 1, if they have not been monetized (e.g., water reliability, water quality, and recreation).

E.1.4. Evaluation Criterion 4—Reclamation's Obligations, Benefits to Rural or Economically Disadvantaged Communities, and Watershed Perspective (16 points)

E.1.4.1. Subcriterion No. 4a—Legal and Contractual Water Supply Obligations (4 Points)

Points will be awarded for Projects that help to meet Reclamation's legal and contractual obligations. Explain how the Project relates to Reclamation's mission and/or serves a Federal interest. Does the Project help fulfill any of Reclamation's legal or contractual obligations such as providing water for Indian Tribes, water right settlements, river restoration, minimum flows, legal court orders, or other obligations? If so, explain.

Note that a Project may help Reclamation fulfill its obligations even if the project sponsor is not a Reclamation contractor and that indirect benefits to Reclamation will also be considered under this criterion.

The President's memorandum, "Tribal Consultation and Strengthening Nation-to Nation Relationships," asserts the importance of honoring the Federal government's commitments to Tribal Nations. If the project will provide water for a Tribe, identify whether the project will increase water supply sustainability for an Indian Tribe, directly support tribal resilience to climate change or drought impacts, or provide other tribal benefits such as improved public health and safety through water quality improvements or economic growth opportunities.

E.1.4.2. Subcriterion No. 4b—Benefits to Rural or Economically Disadvantaged Communities (8 Points)

Points will be awarded based on the extent to which the Project and Project sponsor serves rural communities or economically disadvantaged communities in rural or urban areas.

1. Does the Project serve a rural community, or are there any rural communities within the Project sponsor's service area? If so, provide supporting information. (A rural community is defined as a community with fewer than 50,000 people.) This may include rural areas that are part of a larger urban area.
2. Does the Project serve an economically disadvantaged community, or are there any economically disadvantaged communities within the Project sponsor's service area? If so, provide supporting information. This may include neighborhoods or census tracts within a larger service area that are economically disadvantaged, and/or rural areas that are part of a larger urban area. A community may be considered disadvantaged based on a combination of variables that may include:
    - Low income, high and/or persistent poverty
    - High unemployment and underemployment
    - Racial and ethnic residential segregation, particularly where the segregation stems from discrimination by government entities
    - Linguistic isolation
    - High housing cost burden and substandard housing
    - Distressed neighborhoods
    - High transportation cost burden and/or low transportation access
    - Disproportionate environmental stressor burden and high cumulative impacts
    - Limited water and sanitation access and affordability
    - Disproportionate impacts from climate change
    - High energy cost burden and low energy access
    - Jobs lost through energy transition
    - Access to healthcare

E.1.4.3. Subcriterion No. 4c-Watershed Perspective (4 Points)

Points will be awarded based on the extent to which the Project promotes or applies a watershed perspective by implementing an integrated resources management approach, implementing a regional planning effort, forming collaborative partnerships with other entities, or conducting public outreach.

A watershed perspective generally means an approach to planning directed at meeting the needs of geographically dispersed localities across a region or a watershed that will take advantage of economies of scale and foster opportunities for partnerships. This approach also takes into account the interconnectedness of water and land resources, encourages the active participation of all interested groups, and uses the full spectrum of technical disciplines in activities and decision making. Does the Project:

1. Implement a regional or state water plan or an integrated resource management plan? Explain.

2. Help meet the water supply needs of a large geographic area, region, or watershed? Explain.

3. Promote collaborative partnerships to address water-related issues? Explain.

4. Include public outreach and opportunities for the public to learn about the project? Explain.

E.1.5. Evaluation Criterion 5—Leveraging State Funding and Experience of International Partners (6 Points)

Points will be awarded based on the extent to which the Project leverages State funding for research and development of desalination technologies and projects and/or the experience of international partners with expertise in desalination.

1. Does the project leverage State funding for research and development of desalination technologies, and/or development and construction of the Project? If so, how?

2. Does the Project leverage the experience of international partners with expertise in desalination, for example, the State of Israel, Middle East Desalination Research Center, European Desalination Society, Centro de Investigaciones Energeticas, Medioambientales y Tecnologicas (CIEMAT) in Spain, or academic and public global institutions? If so, how? Note: Leveraging the experience of international partners does not include hiring an architecture and engineering firm or contractor with international employees or who happen to have done work in other countries.

E.2. Review and Selection Process

The Federal government reserves the right to reject any and all applications that do not meet the requirements or objectives of this NOFO. Awards will be made for Projects most advantageous to the Federal government. Award selection may be made to maintain balance among the eligible Projects listed in this NOFO. The evaluation process will be comprised of the steps described in the following subsections.

E.2.1. Initial Screening

All application packages will be screened to ensure that:

- The applicant meets the eligibility requirements stated in this NOFO.
- The applicant meets the unique entity identifier and SAM registration requirements stated in this NOFO (this may be completed up to 30 days after the application deadline).
- The application meets the content requirements of the NOFO package, including submission of a technical proposal, including responses to the evaluation criteria, a funding plan, budget proposal, and budget narrative.
- The application contains a properly executed form SF-424 Application for Federal Assistance, form SF-424C Budget Information—Construction Programs, and form SF-424D Assurances—Construction Programs.
- The application includes an official resolution, adopted by the applicant's board of directors, governing body, or appropriate authorized official (this may be submitted up to 60 days after the application deadline).
- The application and funding plan meets or exceeds the minimum non-Federal cost-share requirements identified in this NOFO.
- The application includes a state-approved plan that includes the Project or a request for Federal participation from the Governor of the State that the Project is located in.

Reclamation reserves the right to remove an application from funding consideration if it does not pass all of the Initial Screening criteria listed above. An applicant that has submitted an application that is determined to be ineligible for funding will be notified along with other applicants, or sooner, if possible.

E.2.2. Feasibility Study Review

In order to be eligible for funding, the Project must have a completed feasibility study that has been submitted to Reclamation for review by the date that this NOFO is posted, and for which the study is found to meet meet all of the requirements in Reclamation's Directives and Standards WTR 11-01 by April 30, 2022.

E.2.3. Application Review Committee Review

Evaluation criteria will comprise the total evaluation weight as stated in the *Section E. Application Review Information.* Applications will be scored against the evaluation criteria by an Application Review Committee (ARC), made up of experts in relevant disciplines selected from across Reclamation. The ARC will also review the application to ensure that the proposed Project meets the description of eligible Projects, meets the feasibility study requirement and meets the objective of this NOFO.

Prior to and during ARC review, Reclamation may contact applicants to request clarifications to the information provided, if necessary.

E.2.4. Red-Flag Review

Following the results of the ARC review, Reclamation offices will review the top-ranking applications and will identify any reasons why a proposed Project would not be feasible or otherwise advisable, including environmental or cultural resources compliance issues, permitting issues, legal issues, or financial position. Positive or negative past performance by the applicant and any partners in previous working relationships with Reclamation may be considered, including whether the applicant is making significant progress toward completing outstanding financial assistance agreements and whether the applicant is in compliance with all reporting requirements associated with previously funded projects.

In addition, during this review, Reclamation will address any specific concerns or questions raised by members of the ARC, conduct a preliminary budget review, and evaluate the applicant's ability to meet cost share as required.

E.2.5. Managerial Review

Reclamation management will prioritize Projects to ensure the total amount of all awards does not exceed available funding levels. Management will also ensure that all Projects meet the scope, priorities, requirements, and objectives of this NOFO. Management may also prioritize Projects to ensure that multiple project types are represented. After completion of the Managerial Review, Reclamation will notify applicants whose proposals have been selected for award consideration.

E.2.6. Pre-Award Clearances and Approvals

The following pre-award clearances and approvals must be obtained before an award of funding is made. If the results of all pre-award reviews and clearances are satisfactory, an award of funding will be made once the agreement is finalized (approximately 1 to 3 months from the date of initial selection). If the results of pre-award reviews and clearances are unsatisfactory, consideration of funding for the Project may be withdrawn.

E.2.6.1. Environmental and Cultural Review

If the work planned to be completed prior to September 30, 2025, includes construction activities, Reclamation will forward the proposal to the appropriate Reclamation Regional or Area Office for completion of environmental and cultural compliance. However, in most cases, planning and design does not involve ground-disturbing activities and may proceed prior to completion of the environmental and cultural review. The financial assistance agreement will describe how compliance will be carried out and how the costs will be paid. Ground-disturbing activities may not occur until this second level of environmental analysis is completed.

Note: Any construction costs incurred prior to the completion of environmental and cultural compliance are not eligible for reimbursement and cannot be used to meet the non-Federal cost-share requirement.

E.2.6.2. Budget Analysis and Business Evaluation

A Reclamation Grants Officer will also conduct a detailed budget analysis and complete a business evaluation and responsibility determination. During this evaluation, the Grants Officer will consider several factors that are important, but not quantified, such as:

- Allowability, allocability, and reasonableness of proposed costs
- Financial strength and stability of the applicant
- Past performance, including satisfactory compliance with all terms and conditions of previous awards, such as environmental compliance issues, reporting requirements, proper procurement of supplies and services, and audit compliance
- Adequacy of personnel practices, procurement procedures, and accounting policies and procedures, as established by applicable Office of Management and Budget circulars

E.3. Federal Award Performance Integrity Information System

Prior to making an award with a Federal total estimated amount greater than $150,000, Reclamation is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently Federal Award Performance Integrity Information System [FAPIIS]) (see 41 U.S.C. §2313). Applicants, at their option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. Reclamation will consider any comments by applicants, in addition to the other information in FAPIIS, in making a judgment about the applicants' integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR §200.206 *Federal awarding agency review of risk posed by applicants.*

E.4. Anticipated Announcement and Federal Award Date

Reclamation expects to contact potential award recipients and unsuccessful applicants in the spring of 2022 (or later if necessary), subject to the timing of final FY 2022 appropriations.

Section F. Federal Award Administration Information

F.1. Federal Award Notices

Successful applicants will receive a notice of selection signed by a Reclamation Grants Officer by email. This notice is not an authorization to begin performance.

F.2. Administrative and National Policy Requirements

See the "DOI Standard Terms and Conditions" for the administrative and national policy requirements applicable to Department awards.

F.2.1. Environmental and Cultural Resources Compliance

All Projects being considered for award funding will require compliance with the NEPA before any ground-disturbing activity may begin. Compliance with all applicable Federal, state, and local environmental, cultural, and paleontological resource protection laws and regulations is also required. These may include, but are not limited to, the CWA, ESA, NHPA; consultation with potentially affected tribes; and consultation with the State Historic Preservation Office. *Note: Reclamation will be the lead Federal agency for NEPA compliance and will be responsible for evaluating technical information and ensuring that natural resources, cultural, and socioeconomic concerns are appropriately addressed.* As the lead agency, Reclamation is solely responsible for determining the appropriate level of NEPA compliance. Further, Reclamation is responsible to ensure that findings under NEPA, and consultations, as appropriate, will support Reclamation's decision on whether to fund a project. **Environmental and cultural resources compliance costs are considered Project costs and should be included in the Project budget.**

Under no circumstances may an applicant begin any ground-disturbing activities (e.g., grading, clearing, and other preliminary activities) on a Project before environmental and cultural resources compliance is complete and Reclamation explicitly authorizes work to proceed. This pertains to all components of the proposed Project, including those that are part of the applicant's non-Federal cost share. Reclamation will provide a successful applicant with information once such compliance is complete. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this NOFO.

F.2.2. Approvals and Permits

Recipients shall adhere to Federal, state, territorial, tribal, and local laws, regulations, and codes, as applicable, and shall obtain all required approvals and permits. Recipients shall also coordinate and obtain approvals from site owners and operators.

F.2.3. Reclamation Administrative Costs

All costs incurred by Reclamation related to the development and administration of any award under this NOFO are considered part of the total costs of the Project, and the recipient will be required to provide non-Federal cost share for Reclamation's administrative costs. These costs include, but are not limited to, salary, overhead, travel, and other costs directly or indirectly related to the award, as determined by Reclamation. Following the completion of each quarter of the fiscal year, Reclamation will provide the recipient with a statement of Reclamation's costs for the previous quarter. The recipient may request explanations or a review of the costs included in the statement; however, Reclamation's determination as to the validity of the costs will be final. The recipient's required non-Federal cost share for Reclamation's costs will be deducted from payments processed by Reclamation for any award issued under this NOFO.

F.2.4. Real Property, 2 CFR §200.311

Real property, equipment, and intangible property that are acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved (2 CFR §200.316 *Property trust relationship*). Title to real property acquired or improved under a Federal award will vest upon acquisition in the non-Federal entity. Except as otherwise provided by Federal statutes or by the Federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the non-Federal entity must not dispose of or encumber its title or other interests. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from the Federal awarding agency or pass-through entity. As required by 2 CFR §200.329 *Reporting on real property,* recipients will be required to submit reports on the status of real property acquired or improved under a financial assistance agreement issued under this NOFO.

F.2.5. Additional Bipartisan Infrastructure Law Requirements

Wage Rate Requirements (Davis-Bacon Act)—Section 41101 of the Bipartisan Infrastructure Law requires that all laborers and mechanics employed by contractors or subcontractor in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under the Bipartisan Infrastructure Law (P.L. 117-58) shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, U.S.C. (commonly referred to as the Davis-Bason Act).

Application of Buy America Preference—Section 70914 of the Bipartisan Infrastructure Law requires that, unless a waiver is approved, funding made available for Federal financial assistance programs for infrastructure under the law may only be obligated to projects where all of the iron, steel, and manufactured goods used in the project are produced in the United States.

F.3. Reporting Requirements and Distribution

If the applicant is awarded an agreement as a result of this NOFO, the applicant will be required to submit the following reports during the term of the agreement.

F.3.1. Financial Reports

All recipients must use the SF-425, Federal Financial Report form for financial reporting. At a minimum, all recipients must submit a final financial report. Final reports are due no later than 90 calendar days after the award period of performance end date or termination date. For awards with periods of performance longer than 12 months, recipients are required to submit interim financial reports on the frequency established in the Notice of Award.

F.3.2. Interim Performance Reports

Performance reports must contain a comparison of actual accomplishments with the established goals and objectives of the award; a description of reasons why established goals were not met, if appropriate; and any other pertinent information relevant to the project results. Final reports are due no later than 90 calendar days after the award period of performance end date or termination date. For awards with periods of performance longer than 12 months, recipients are required to submit interim financial reports on the frequency established in the Notice of Award.Interim performance reports submitted on at least a semi-annual basis, that include the following information:

- A comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period.
- The reasons why established milestones were not met, if applicable.
- The status of milestones from the previous reporting period that were not met, if applicable.
- Whether the Project is on schedule and within the original cost estimate.
- Any additional pertinent information or issues related to the status of the Project.
- Photographs documenting the Project are also appreciated. *Note: Reclamation may print photos with appropriate credit to the applicant.*

F.3.3. Final Performance Report

Recipients will be required to submit a final performance report encompassing the entire period of performance. The final performance report must include, but is not limited to, the following information:

- A brief description of the components of the Project and the work completed, including each element of the scope of work and the work completed at each stage of the Project
- The goals and objectives of the Project and whether each of these was met, the reasons why goals and objectives were not met (if appropriate), and any problems, delays encountered in completing the Project, and whether or not the Project was completed within cost
- Future tracking of Project benefits

- A description of how the Project demonstrates collaboration, stakeholder involvement or the formation of partnerships, if applicable
- Any other pertinent issues involving the Project

Please note that final reports are public documents and may be made available on Reclamation's website.

F.3.3. Real Property Reports

Recipients and subrecipients are required to submit status reports on the status of real property acquired under the award in which the Federal government retains an interest. The required frequency of these reports will depend on the anticipated length of the Federal interest period. Reclamation will include recipient-specific real property reporting requirements, including the required data elements, reporting frequency, and report due dates, in the Notice of Award when applicable.

F.4. Disclosure

F.4.1. Conflict of Interest

Recipients must notify the program immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term "employee" means any individual engaged in the performance of work pursuant to the Federal award. Recipients may not have a former Federal employee as a key project official, or in any other substantial role related to their award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. See the U.S. Office of Government Ethics website for more information on these restrictions. Reclamation will examine each conflict of interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, Reclamation will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies Reclamation may result in any of the remedies described in 2 CFR 200.338 *Remedies for noncompliance*, including termination of the award.

F.4.2. Other Mandatory Disclosures

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the terms and conditions outlined in 2 CFR 200, *Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters* are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338 *Remedies for noncompliance*, including suspension or debarment.

F.5. Data Availability

F.5.1. Applicability

The Department is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.

F.5.2. Use of Data

The regulations at 2 CFR §200.315 apply to data produced under a Federal award, including the provision that the Federal government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

F.5.3. Availability of Data

The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third- party evaluation and reproduction of:

- the scientific data relied upon;
- the analysis relied upon; and
- the methodology, including models, used to gather and analyze data.

F.6. Releasing Applications

Following awards of funding, Reclamation may post all successful applications on the Reclamation website after conducting any redactions determined necessary by Reclamation, in consultation with the recipient.

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Section G. Federal Awarding Agency Contact(s)

There will be no pre-application conference. Organizations or individuals interested in submitting applications in response to this NOFO may direct questions to the Reclamation personnel identified below.

G.1. Reclamation Financial Assistance Contact

Questions regarding application and submission information and award administration may be submitted to sha-dro-fafoa@usbr.gov.

G.2. Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the attention of Ms. Amanda Erath, Program Analyst, as follows:

By mail: Bureau of Reclamation
Water Resources and Planning Office
Attn: Ms. Amanda Erath
P.O. Box 25007, MS 86-69200
Denver, CO 80225

By e-mail: aerath@usbr.gov

By phone: 303-445-2766

G.3. Application System Technical Support

Name: Grants.gov Customer Support
Telephone: 1-800-518-4726
Email: Support@grants.gov

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Section H. Other Information

The following is a brief overview of NEPA, NHPA, and ESA. This information is only relevant to proposals where the funding request includes ground disturbing activities. While these statutes are not the only environmental laws that may apply to the Project, they are the Federal laws that most frequently do apply. Compliance with all applicable environmental laws will be initiated by Reclamation concurrently, immediately following the initial recommendation to award a financial assistance agreement under this NOFO. The descriptions below are intended to provide you with information about the environmental compliance issues that may apply to your Project and to help you budget appropriately for the associated compliance costs.

H.1. National Environmental Policy Act

NEPA requires Federal agencies such as Reclamation to evaluate, during the decision-making process, the potential environmental effects of a proposed action and any reasonable mitigation measures. Before Reclamation can provide funding for ground disturbing activities under this NOFO, Reclamation must comply with NEPA. Compliance with NEPA can be accomplished in several ways, depending upon the degree and significance of environmental impacts associated with the proposal:

Some projects may fit within a recognized **Categorical Exclusion (CE)** to NEPA (i.e., one of the established categories of activities that generally do not have significant impacts on the environment). If a project fits within a CE, no further NEPA compliance measures are necessary. Use of a CE can involve simple identification of an applicable **Interior CE** or documentation of a **Reclamation CE** using a **Categorical Exclusion Checklist (CEC)**. If a CE is being considered, Reclamation will determine the applicability of the CE and whether extraordinary circumstances (i.e., reasons that the CE cannot be applied) exist. That process can take anywhere from 1 day to about 30 days, depending upon the specific situation.

If the Project does not fit within a CE, compliance with NEPA might require preparation of an **Environmental Assessment/Finding of No Significant Impact (EA/FONSI)**. Generally, where no CE applies but there are not believed to be any significant impacts associated with the proposed action, an EA will be required. The EA is used to determine whether any potentially significant effects exist (which would trigger the further step of an **Environmental Impact Statement (EIS)**, below). If no potentially significant effects are identified, the EA process ends with the preparation of a FONSI. The EA/FONSI process is more detailed than the CE/CEC process and can take weeks or even months to complete. Consultation with other agencies and public notification are part of the EA process.

The most detailed form of NEPA compliance, where a proposed Project has potentially significant environmental effects, is completion of an **EIS** and **Record of Decision (ROD).** An EIS requires months or years to complete, and the process includes considerable public involvement, including mandatory public reviews of draft documents. It is not anticipated that Projects proposed under this program will require completion of an EIS.

During the NEPA process, potential impacts of a Project are evaluated in context and in terms of intensity (e.g., will the proposed action affect the only native prairie in the county? Will the proposed action reduce water supplied to a wetland by 1 percent? or 95 percent?). The best source of information concerning the potentially significant issues in a Project area is the local Reclamation staff that has experience in evaluating effects in context and by intensity.

Reclamation has the sole discretion to determine what level of environmental NEPA compliance is required. If another Federal agency is involved, Reclamation will coordinate to determine the appropriate level of compliance. You are encouraged to contact your regional or area Reclamation office. See https://www.usbr.gov/watersmart/title/contacts.html with questions regarding NEPA compliance issues. You may also contact the Program Coordinator for further information (see *Section G. Agency Contacts*).

H.2. National Historic Preservation Act

To comply with Section 106 of the NHPA, Reclamation must consider whether a proposed Project has the **potential to cause effects to historic properties**, before we can complete an award under this NOFO. Historic properties are cultural resources (historic or prehistoric districts, sites, buildings, structures, or objects) that qualify for inclusion in the National Register of Historic Places. In some cases, water delivery infrastructure that is over 50 years old can be considered a historic property that is subject to review.

If a proposal is selected for initial award, the recipient will work with Reclamation to complete the Section 106 process. Compliance can be accomplished in several ways, depending on how complex the issues are, including:

- If Reclamation determines that the proposed Project does not have the potential to cause effects to historic properties then Reclamation will document its findings and the Section 106 process will be concluded. This can take anywhere from a couple of days to one month.
- If Reclamation determines that the proposed Project could have effects on historic properties, a multi-step process, involving consultation with the State Historic Preservation Officer and other entities, will follow. Depending on the nature of the Project and impacts to cultural resources, consultation can be complex and time consuming. The process includes:
  - Determining whether additional information is necessary
  - Evaluating the significance of identified cultural resources
  - Assessing the effect of the Project on historic properties
  - Determining whether the Project would have an adverse effect and evaluation of alternatives or modifications to avoid, minimize, or mitigate the effects

  A Memorandum of Agreement is then used to record and implement any necessary measures. At a minimum, completion of the multi-step Section 106 process takes about two months.

- Among the types of historic properties that might be affected by projects proposed under this NOFO are **historic irrigation systems** and **archaeological sites.** An irrigation system or a component of an irrigation system (e.g., a canal or headgate) is more likely to qualify as historic if it is more than 50 years old, if it is the oldest (or an early) system/component in the surrounding area, and if the system/component has not been significantly altered or modernized. In general, proposed projects that involve ground disturbance, or the alteration of existing older structures, are more likely to have the potential to affect cultural resources. However, the level of cultural resources compliance required, and the associated cost, depends on a case-by-case review of the circumstances presented by each proposal.

You should contact your State Historic Preservation Office and your local Reclamation office's cultural resources specialist to determine what, if any, cultural resources surveys have been conducted in the Project area. See https://www.usbr.gov/cultural/crmstaff.html for a list of Reclamation cultural resource specialists. If an applicant has previously received Federal financial assistance it is possible that a cultural resources survey has already been completed.

H.3. Endangered Species Act

Pursuant to Section 7 of the ESA, each Federal agency is required to consult with the U.S. Fish and Wildlife Service (USFWS) or the National Oceanic and Atmospheric Administration (NOAA) Fisheries to ensure any action it authorizes, funds, or carries out is not likely to **jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify any designated critical habitat.**

Before Reclamation can approve funding for the implementation of a proposed Project, it is required to comply with Section 7 of the ESA. The steps necessary for ESA compliance vary, depending on the presence of endangered or threatened species and the effects of the proposed Project. A rough overview of the possible course of ESA compliance is:

- If Reclamation can determine that there are no endangered or threatened species or designated critical habitat in the Project area, then the ESA review is complete and no further compliance measures are required. This process can take anywhere from one day to one month.
- If Reclamation determines that endangered or threatened species may be affected by the Project, then a **Biological Assessment** must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may affect a listed species or its designated critical habitat. The Biological Assessment may result in a determination that a proposed action **is not likely to adversely affect** any endangered or threatened species. If the USFWS/NOAA Fisheries concurs in writing, then no further consultation is required and the ESA compliance is complete. Depending on the scope and complexity of the proposed action, preparation of a Biological Assessment can range from days to weeks or even months. The USFWS/NOAA Fisheries generally respond to requests for concurrence within 30 days.

- If it is determined that the Project **is likely to adversely affect listed species**, further consultation (**formal consultation**) with USFWS or NOAA Fisheries Service is required to comply with the ESA. The process includes the creation of a **Biological Opinion** by the USFWS/NOAA Fisheries Service, including a determination of whether the Project would **jeopardize** listed species and, if so, whether any **reasonable and prudent** alternatives to the proposed Project are necessary to avoid jeopardy. Nondiscretionary **reasonable and prudent measures** and **terms and conditions** to minimize the impact of incidental take may also be included. Under the timeframes established in the ESA regulations, the Biological Opinion is issued within 135 days from the date that formal consultation was initiated, unless an extension of time is agreed upon.

The time, cost, and extent of the work necessary to comply with the ESA depends upon whether endangered or threatened species are present in the Project area and, if so, whether the Project might have effects on those species significant enough to require formal consultation.

ESA compliance is often conducted parallel to the NEPA compliance process and, as in the case of a CEC, documented simultaneously. The best source of information concerning the compliance with the ESA in a particular Project area is the local Reclamation environmental staff that can be helpful in determining the presence of listed species and possible effects that would require consultation with the USFWS or NOAA Fisheries. Contact your regional or area Reclamation office with questions regarding ESA compliance issues.