RECLAMATION
Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation

NOTICE OF INTENT TO AWARD

This Funding Announcement is not a request for applications. This announcement is to provide public notice of the Bureau of Reclamation's intention to fund the following project activities without full and open competition.

ABSTRACT	
Funding Announcement	R14AS00069
Project Title	Long-Term Curation of Reclamation-Controlled Collections and Archeological Fieldwork for Unanticipated Discoveries of Property Under Reclamation Jurisdiction and Archeological Fieldwork for Unanticipated Discoveries
Recipient	University of Texas, San Antonio (UTSA)
Principal Investigator / Program Manager	Dr. Raymond Mauldin Center for Archaeological Research University of Texas, San Antonio 6900 North Loop 1604 West San Antonio, TX 78249-0658
Anticipated Federal Amount	$100,000.00
Cost Share	$0
Total Anticipated Award Amount	$100,000.00
New Award or Continuation?	New Award
Anticipated Period of Performance	September 3, 2014 – September 30, 2018
Award Instrument	Cooperative Agreement
Statutory Authority	National Historic Preservation Act of 1966, PL 89-665, as amended
CFDA # and Title	**15.511**
Single Source Justification Criteria Cited	(2) Continuation
Reclamation Point of Contact	Leisa Philbin (406)247-6706

OVERVIEW

The purpose of this Agreement between Reclamation and the Center for Archeological Research (**CAR**), University of Texas at San Antonio (**UTSA)** is to provide for the continuity of a long-term curation agreement to include providing educational opportunities for interns and all cultural resource related activities, including fieldwork for Reclamation property/collections throughout the state of Texas.

Currently, the Center for Archeological Research (**CAR**), University of Texas at San Antonio (UTSA) cares for over 500,000 individual federally owned artifacts from Reclamation lands in Texas, some of which are part of collections currently split between the Texas Archeological Research Laboratory (**TARL**), University of Texas at Austin. Through this agreement, the collections at the TRAL will be relocated to the CAR; thereby consolidating the collections at one location, which will make management and care of the collections more streamlined as well as providing better access by the public for research and study purposes. Combined, there are 755 boxes of artifacts, organic samples (ca. 425 cubic feet), and roughly 233 linear feet of associated files/records.

The standard for the long-term curation of Reclamation Collections will be set at those identified in 36 CFR 79 and DM 411, Chapter 3, Standards for Managing Museum Property. Supplementary tasks will be added to this Agreement, through future modification, to specifically deal with the sections in 411 DM Chapter 3 not addressed below.

RECIPIENT INVOLVEMENT

The Recipient will be responsible for all activities associated with the relocation of Reclamation collections from the Texas Archeological Research Laboratory (TARL), University of Texas at Austin to the Center for Archaeological Research (CAR), University of Texas at San Antonio and continue to provide secure long term temperature controlled storage, interns and qualified staff as well as equipment for the curation of collections and research on potential locations of archeological materials and human remains which are exposed by low water or subsequently by erosion vandalism or other means on Reclamation Lands. Curation responsibilities will include packaging, cataloging, data entry or analysis of collections as requested by Reclamation. Additionally, the Recipient will provide qualified staff and equipment for emergency recovery fieldwork and research on archeological materials and human remains which are unexpectedly exposed by erosion vandalism or other means on Reclamation Lands. Since these unanticipated exposures occur under a very wide range of conditions, this recovery work will be completed in accordance with terms that are agreed upon by both parties, at the time of the discovery. These terms will be listed and formalized in a modification to this agreement.

The Recipient shall do the following:

1. Follow these Special Procedures: The Collection may include cultural items defined under NAGPRA. In accordance with Native American Graves Protection and Repatriation Act (NAGPRA) and 43 CFR 10, the ownership and right of control of such

items shall be as provided in the law and regulations. When a portion of the Collection in Reclamation's control is determined to be of religious or cultural importance to an Indian tribe as defined by NAGPRA or its implementing regulations (43 CFR 10), Reclamation in consultation with the CAR shall place terms and conditions on scientific, educational or religious uses of or access to that portion of the Collection in compliance with the relevant law, regulations or policy until final decisions are made with respect to repatriation, disposition, ownership and right of control. Any items which fall under NAGPRA shall be separated and curated in a manner respectful of their special status. The responsibility to consult and repatriate human remains and any funerary objects shall remain with Reclamation.

2. Scientific, Educational and Religious Uses: Maintain a written policy for access of qualified scholars to federally-owned collections. Federal cultural resources staff conducting research on federally owned collections shall be granted access with adequate (three business days) notice to CAR repository staff. Religious remains in a collection shall be made available to persons for use in religious rituals or spiritual activities, when appropriate. Religious remains generally are of interest to medicine men and women, and other religious practitioners and persons from Indian tribes. A written policy will be maintained for religious access to the collections, should any items of sacred importance be identified by Reclamation or CAR. CAR may limit access to the collection by the general public, when such limitations are demonstrably necessary to protect the sites or locations where the collections were obtained; or the religious practice, belief, or tradition of any Indian person, tribe, or religious sect. CAR may utilize parts of the collection as part of an educational or display project either on or off site, when sponsored by CAR. In those cases where part of the collection is to leave the Facility, the Repository shall ensure the protection of the resources involved.

3. Consumptive Analysis: No part of the collection shall in any way be adversely altered or defaced except as may be absolutely necessary in the course of scientific study, analysis, and research, and only after Reclamation has given approval in writing.

4. Sensitive Information: As stated in 36 CFR 79.10d (1), in accordance with section 9 of the Archaeological Resources Protection Act (16 U.S.C. 470hh) and section 304 of the National Historic Preservation Act (16 U.S.C. 470 w-3), CAR shall restrict access to associated records that contain information relating to the nature, location or character of a prehistoric or historic resource, unless CAR determines that such disclosure would not create a risk of harm, theft or destruction to the resource or to the area or place where the resource is located [36 CFR 79.10d (1)].

5. Publications: CAR shall credit Reclamation with ownership of the artifacts when utilized for public display, publications or other use with the credit line such as: "Collections Courtesy of the U.S. Bureau of Reclamation, Oklahoma-Texas Area Office (OTAO) and the Center for Archeological Research, University of Texas at San Antonio". CAR may photograph or otherwise reproduce the objects curated under this agreement. Credit in all photographic reproduction should be the same as above. Any publications resulting from study of the collection are to be provided to OTAO.

6. Inventory and Inspection: Reclamation is required to conduct annual sample inventories of the collection (36 CFR 79.11). CAR will cooperate and assist with these inventories, which shall be scheduled in cooperation with CAR, at least 14 days in advance. In addition, when funded by Reclamation or as required by CAR, inspection of the facilities, the Collection and any other U.S. Government-owned personal property may be scheduled, with at least five days notice, at a time convenient to both parties.

7. Transfer of the Collection: CAR shall not repatriate, mortgage, pledge, assign, transfer, exchange, give, sell, sublet, discard or part with possession of any of the Collection or any other U.S. Government-owned property to any third party either directly or indirectly without the prior written permission of Reclamation. CAR shall redirect any such request to Reclamation for response. In addition, CAR shall not take any action whereby any of the Collection or any other U.S. Government-owned property shall or may be encumbered, seized, taken in execution, sold, attached, lost, stolen, destroyed, or damaged without the prior written permission of Reclamation.

8. Loans: With the concurrence of Reclamation, CAR may lend part of the collection to an agency of the United States, any educational, scientific, or other similar institution, or to a museum for purposes of display or study. Property lent shall be protected in transit and at the display or storage facility of the borrowing institution. To carry out the responsibility of this part, CAR may require the borrowing institutions to post a bond or provide adequate proof of insurance, or take other specific protective measures. CAR shall maintain complete and accurate records of all collections, or portions thereof, and the location of collections which have been removed from the facility. CAR shall use an appropriate loan agreement, as defined in 36CFR79 Part 10 and Part 411. Original manuscripts or records shall not be released, but copies may be made from first generation photocopies and may be made available for loan.

9. Losses: CAR shall, within five (5) days of discovery, report all instances of loss, damage, or destruction of the collection to the Government. If property damaged as a result of negligence on the part of CAR can be repaired and restored to the satisfaction of the Government, then CAR agrees to accomplish such repair and restoration at its own expense to the extent permitted by the laws of Oklahoma.

10. Notification: CAR shall notify Reclamation of any significant planned changes in repository practice, treatment or location of the federally-owned collection, prior to taking said actions.

11. Records: CAR shall maintain complete and accurate records of the Collection and any other U.S. Government-owned personal property, including information on the study, use, loan and location of said Collection which has been removed from the premises of CAR.

12. Curation Services: Provide long-term professional curatorial services for the Collection submitted by Reclamation in accordance with the definition of curatorial services in 36 CFR 79, “Curation of Federally-Owned and Administered Archeological Collections.”

RECLAMATION INVOLVEMENT

Substantial involvement is anticipated for the successful completion of the objectives to be funded by this award. Reclamation archeologists will provide technical and collaborative assistance in the planning of activities. Reclamation will be present and assist during field recoveries. Should any human remains encountered be determined to be of Native American origin, the responsibility to consult and repatriate human remains and any funerary objects shall remain with Reclamation. Reclamation will conduct all notifications, consultations and other activities required by the Native American Graves Protection and Repatriation Act (NAGPRA), for human remains, sacred objects and other items covered under that act, including the documentation of any necessary consultations or permissions.

SINGLE-SOURCE JUSTIFICATION

DEPARTMENT OF THE INTERIOR
SINGLE SOURCE POLICY REQUIREMENTS

Department of the Interior Policy (505 DM 2) requires a written justification which explains why competition is not practicable for each single-source award. The justification must address one or more of the following criteria as well as discussion of the program legislative history, unique capabilities of the proposed recipient, and cost-sharing contribution offered by the proposed recipient, as applicable.

In order for an assistance award to be made without competition, the award must satisfy one or more of the following criteria:

(1) Unsolicited Proposal – The proposed award is the result of an unsolicited assistance application which represents a unique or innovative idea, method, or approach which is not the subject of a current or planned contract or assistance award, but which is deemed advantageous to the program objectives;

(2) Continuation – The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity;

(3) Legislative intent – The language in the applicable authorizing legislation or legislative history clearly indicates Congress' intent to restrict the award to a particular recipient of purpose;

(4) Unique Qualifications – The applicant is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location,

property ownership, voluntary support capacity, cost-sharing ability if applicable, technical expertise, or other such unique qualifications;

(5) Emergencies – Program/award where there is insufficient time available (due to a compelling and unusual urgency, or substantial danger to health or safety) for adequate competitive procedures to be followed.

Reclamation did not solicit full and open competition for this award based the following criteria:

Single Source Justification Description:

(2) CONTINUATION

This Cooperative Agreement is being prepared in response to a proposal from the CAR, received by Reclamation in September 2014, and is a continuation of work initiated under previous financial assistance agreement R12AC60006 for curation and long-term storage of federal collections generated under archeological investigations as identified in Section 106 and Section 110 of the National Historic Preservation Act of 1966, as amended. Archeological investigations have been and will be continued to be conducted on Reclamation administered lands. The collections have been curated and maintained by the recipient for many years, under a series of Reclamation agreements similar to this one. Moving the collections to a new facility would require inventory and packing that would significantly exceed the cost of this agreement.

STATUTORY AUTHORITY

Archaeological and Historic Preservation Act (P.L. 86-523, 16 U.S.C. 469-469c-2)

16 U.S.C. 469, Section 1 states:

> It is the purpose of this Act [16 U.S.C. 469-469c-1] to further the policy set forth in the Act entitled, "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes," approved August 21, 1935 [Historic Sites Act, as amended, 16 U.S.C. 461-467] by specifically providing for the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program.

16 U.S.C. 469, Section 6 states:

In the administration of sections 1 to 8 of this Act [16 U.S.C. 469-469c-1], the Secretary may—

(1) enter into contracts or make cooperative agreements with any Federal or State agency, any educational or scientific organization, or any institution, corporation, association, or qualified individual.