NATIONAL PARK SERVICE
FINANCIAL ASSISTANCE: NOTICE OF INTENT TO AWARD

This announcement is not a request for applications.
This announcement is to provide public notice of the National Park Service's intention to award a modification to a previously single source justified cooperative agreement.

ABSTRACT	
Funding Announcement Number	NPS-18-NERO-0012
Project Title	Implement Upper Delaware River Management Plan through the Upper Delaware Council, Inc.
Recipient	Upper Delaware Council, Inc. (UDC)
Anticipated Federal Funding	$107,700
Non-federal Cost Share	$0
Anticipated Period of Performance	Through 09/30/2018
Award Instrument	Cooperative Agreement
Statutory Authority	54 U.S.C. §101702(a); Section 704 of Public Law 95-625; Section 10 of Public Law 90-542
CFDA # and Title	15.962 National Wild and Scenic Rivers System
Single Source Justification Criteria	(2) Continuation (3) Legislative intent
Point of Contact	Patrick Reidy, Grants Management Specialist, ph 215-597-5949

BACKGROUND AND OBJECTIVES

The goals of the Upper Delaware Council and the National Park Service are, in furtherance of Section 704, the River Management Plan and applicable state and locals laws.

The Upper Delaware Council, Inc. is classified as a tax-exempt organization under Section 501(c)(3) of the IRS Code, and is incorporated in the Commonwealth of Pennsylvania as a non-profit organization and authorized to conduct business in the State of New York. Contributions are tax-deductible to the extent allowed by law. On September 29, 1987, the Secretary of the Interior approved a River Management Plan for the Upper Delaware Scenic and Recreational River. The River Management Plan recommends the establishment of an intergovernmental Upper Delaware Council to coordinate the cooperative management system envisioned by the Act, to ensure effective implementation of the plan and to oversee its administration on a continuing basis, utilizing the existing authorities of its members who will work together in a cooperative fashion.

STATEMENT OF JOINT OBJECTIVES/PROJECT MANAGEMENT PLAN

The objectives of the Cooperative Agreement include, but are not limited to:

1. Conducting timely review of all relevant local plans, laws, ordinances, ordinance amendments, challenges and variances, and significant projects for the purpose of initial determination of whether they substantially conform to the Land and Water Guidelines and River Management Plan.

2. Conduct an annual review of the adequacy of the enforcement of local plans, laws, and ordinances.

3. Provide recommendations to the National Park Service for the purpose of making a final determination regarding whether local plans, laws, and ordinances, ordinance amendments, challenges and variances, and significant projects substantially conform to the Land and Water Use Guidelines and River Management Plan.

STATEMENT OF WORK

RECIPIENT AGREES TO:

1. Review, coordinate, and provide direction for all aspects of plan implementation. Functions and management responsibilities of the UDC are described in the Final River Management Plan. On an annual basis, the UDC will submit a consolidated annual work plan representing the proposed specific activities of the Council and UDC Committees that is consistent with the functions and management responsibilities described in the Final River Management Plan, to be mutually agreed upon prior to obligation of annual funds.

2. Review all relevant local plans, laws, and ordinances for the purpose of recommending to the Secretary whether such local plans, laws, and ordinances substantially conform to the River Management Plan. There are five parts to this review process:
   (a) The determination of substantial conformance
   (b) The review of ordinance amendments
   (c) The review of significant projects
   (d) The review of challenges and variances
   (e) The review of enforcement programs (see #4 below)

3. Provide recommendations to the National Park Service for the purpose of making a final determination regarding whether local plans, laws, and ordinances, ordinance amendments, challenges and variances, and significant projects substantially conform to the Land and Water Use Guidelines and River Management Plan. Recommendations will include town and township compliance, noncompliance, or compliance with modifications recommended by the UDC. Recommendations as provided for in the River Management Plan will also be provided to the National Park Service regarding enforcement if the Council finds that a substantially conforming ordinance(s) is not being adequately enforced and is unable to effectively resolve the problem.

4. Make an annual review of the adequacy of each town's enforcement program within the river corridor area, by examining building permits issued, variances granted, and any patterns of ordinances, amendments or project approvals which may have a bearing on the purposes for which the Upper Delaware was designated a Scenic and Recreational River. Most importantly, the Council will examine the pattern of actual land use changes which have occurred as compared to the Land and Water Use Guidelines and the towns' ordinances, subject to the availability of funding.

5. If the Council finds that a substantially conforming ordinance(s) is not being adequately enforced, it shall notify the town and make appropriate recommendations for correction of the problems which have occurred. It shall also offer to provide the town such legal and technical assistance as may be required to effectively resolve the problem. No later than six months

following any such notification (but not before the town has had sufficient opportunity to respond), the Council shall make a follow-up evaluation to ascertain if the situation has been corrected.

6. Maintain all permanent and current records of the plan including development approvals, letters of interpretation, meeting records, transcripts, minutes, substantial conformance and project review documentation, and other information related to plan preparation and implementation.

NATIONAL PARK SERVICE AGREES TO:

1. Participate actively in the discussions, deliberations, activities and proceedings of the UDC.

2. Provide technical and planning assistance to the Council as appropriate and necessary.

3. Provide final determinations of substantial conformance of local plans, laws, ordinances, ordinance amendments, challenges and variances, and significant projects with the Land and Water Guidelines and River Management Plan taking into consideration the recommendations of the UDC.

4. Work closely with the UDC to resolve issues associated with enforcement of local plans, laws, and ordinances if the Council finds that a substantially conforming ordinance(s) is not being adequately enforced.

5. Assume responsibility for key decisions in Section 704 (e)(1-4) of Public Law 95-625 for towns/townships that elect to not participate as members of the UDC.

6. Submit an annual work plan to the UDC for review and recommendations.

SINGLE-SOURCE JUSTIFICATION

NATIONAL PARK SERVICE SINGLE SOURCE POLICY REQUIREMENTS
Department of the Interior Policy (505 DM 2) and National Park Service Policy FAP&P 1443-2015-06 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, for which competition would have a significant adverse effect on the continuity or completion of the activity. A single source on the basis of continuation must demonstrate that competition would result in a substantial duplicate cost to the government that cannot be recovered through competition.; (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.

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

(2) CONTINUATION (3) LEGISLATIVE INTENT

The activity to be funded is a continuation of existing Cooperative Agreement P15AC01769 with Upper Delaware Council, Inc.

Upper Delaware Council, Inc. was selected based on legislative intent. As instructed by Section 704 of Public Law 95-625, the Secretary approved a River Management Plan for the Upper Delaware Scenic and Recreational River; and recommended the establishment of an intergovernmental Upper Delaware council to implement the cooperative management system cited in P.L. 95-625. Upper Delaware Council, Inc. was established in 1988 based on this recommendation cited in the River Management Plan, for the sole purpose of implementing the cooperative management system for Upper Delaware Scenic and Recreational River.