BUREAU OF RECLAMATION

Notice of Funding Opportunity No. R23AS00083

Water Conservation Field Services Program: Financial Assistance for Fiscal Year 2023

U.S. Department of the Interior

November 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: Cold Springs Dam, Oregon (Reclamation)

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Columbia-Pacific Northwest Region
Funding Opportunity Title:	Water Conservation Field Services Program: Financial Assistance for Fiscal Year 2023
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	R23AS00083
Assistance Listing Number:	15.530
Dates: (See NOFO Sec. D.4)	Application due date: Tuesday, February 28, 2023, 5:00 p.m. Mountain Standard Time
Eligible Applicants: (See NOFO Sec. C.1)	Applicants eligible to receive financial assistance to fund activities under this NOFO include: Irrigation and water districts, Tribes, and state governmental entities with water delivery authority and a defined relationship to one or more authorized Bureau of Reclamation Project(s) located within the Columbia-Pacific Northwest Region
Recipient Cost-Share: (See NOFO Sec. C.2)	A Recipient cost-share of 50% is required
Federal Funding Amount: (See NOFO Sec. B.1)	Up to $50,000 per applicant
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.1)	Approximately $250,000 is available under this program. Approximately 5 to 8 projects per application submittal period, contingent on appropriations.
Intergovernmental Review: (See NOFO Sec. D.5)	This NOFO may be subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." A list of states that have elected to participate in the intergovernmental review process is at https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf.

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
Mandatory Federal Forms: Application for Federal Financial Assistance Budget Information Assurances Disclosure of Lobbying Activities	See Sec. D.2.2.1	SF-424, SF-424A, SF-424B (if necessary), SF-424D (if necessary), and SF-LLL www.grants.gov/web/grants/forms/sf-424-family.html
Technical proposal: Title page Table of contents Executive summary Background data Project description Evaluation criteria	See Sec. D.2.2.2 See Sec. E.1	-- --
Project Budget: Budget proposal Funding plan Budget narrative	See Sec D.2.2.3	--
Environmental and cultural resources compliance	See Sec. D.2.2.4	--
Required permits or approvals	See Sec. D.2.2.5	--
Overlap or duplication of effort statement	See Sec. D.2.2.6	
Conflict of interest disclosure statement	See Sec. F.4.1	
Uniform audit reporting statement	See Sec. D.2.2.7	
Certification regarding lobbying	See Sec. D.2.2.1	
Letters of support	See Sec. D.2.2.8	--
Official Resolution	See Sec. D.2.2.9	--
Unique Entity Identifier and System for Award Management	See Sec. D.3	--

Acronyms and Abbreviations

ASAP	Automated Standard Application for Payments
ARC	Application Review Committee
CFR	Code of Federal Regulations
CWA	Clean Water Act
D&B	Dun & Bradstreet
Department	U.S. Department of the Interior
DUNS	Data Universal Number System
EIN	Employer Identification Number
E.O.	Executive Order
ESA	Endangered Species Act
FAPIIS	Federal Award Performance Integrity Information System
FOIA	Freedom of Information Act
FY	fiscal year
MST	Mountain Standard Time
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOFO	Notice of Funding Opportunity
P.L.	Public Law
Reclamation	Bureau of Reclamation
SAM	System for Award Management
SF	Standard Form
SPOC	Single Point of Contact
UEI	Unique Entity Identifier
U.S.C.	United States Code

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Section A. Funding Opportunity Description

A.1. Authority

This Notice of Funding Opportunity (NOFO) is issued under the authority of Section 9504(a) of the Secure Water Act, Subtitle F of Title IX of the Omnibus Public Land Management Act of 2009, Public Law 111-11 (42 United States Code [U.S.C.] 10364).

A.2. Background and Program Requirements

The Department of the Interior's (DOI's) 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 DOI priorities. Through WaterSMART, the Bureau of Reclamation (Reclamation) leverages Federal and non-Federal funding to work cooperatively with states, Tribes, and local entities as they plan for and implement actions to increase water supply reliability through investments in existing infrastructure and attention to local water conflicts. The Water Conservation Field Services Program (WCFSP) provides support for priorities identified in Presidential Executive Order (E.O.) 14008: Tackling the Climate Crisis at Home and Abroad (E.O. 14008) and aligned with other priorities, such as those identified in Presidential Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (E.O. 13985).

Drought conditions across the western United States impact a wide range of communities and sectors, including agriculture, cities, Tribes, the environment, recreation, hydropower producers, and others.

Reclamation established the WCFSP in 1996 to encourage recipients of water from Federal water projects to conserve water and to assist agricultural and urban water districts in preparing and implementing water conservation plans in accordance with the Reclamation Reform Act of 1982. Through the WCFSP, Reclamation makes cost-shared financial assistance available for developing water conservation plans, designing water management improvements, identifying water management improvements through System Optimization Reviews (SORs), and improving the understanding of water conservation techniques through demonstration activities.

This WCFSP NOFO provides funding for projects that result in water management planning. These projects support water managers in activities to plan, prioritize, and design projects that conserve and use water more efficiently; mitigate conflict risk in areas at a high risk of future

water conflict; and accomplish other benefits that contribute to sustainability in the Western United States.

For further information on the WaterSMART Program, please see www.usbr.gov/watersmart/. For further information on the WCFSP, please see https://www.usbr.gov/pn/programs/wat/fieldservices.html.

A.3. Notice of Funding Opportunity Purpose and Objectives

This NOFO's objective is to invite eligible applicants located in the geographic area covered by Reclamation's Columbia-Pacific Northwest Region to leverage their money and resources by cost-sharing water conservation planning with Reclamation to make more efficient use of existing water supplies.

A.4. Other Related Funding Opportunities

For information on the NOFOs listed here, please visit www.usbr.gov/watersmart/.

Reclamation provides funding for other related projects through several other programs under WaterSMART.

- The WaterSMART Small-Scale Water Efficiency Projects program provides cost-shared financial assistance for small-scale water management projects (up to $100,000 in Federal funding for each project) that have been identified through previous planning efforts.
- The WaterSMART Water and Energy Efficiency Grants program provides cost-shared financial assistance for larger water conservation projects (up to $5 million in Federal funding for each project) resulting in quantifiable and sustained water savings.
- The WaterSMART Environmental Water Resources Projects program provides cost-shared financial assistance for larger conservation projects (up to $5 million in Federal funding for each project) that result in quantifiable and sustained water savings and benefit ecological values.
- The Drought Contingency Planning program provides cost-shared financial assistance to prepare or update a drought contingency plan (up to $200,000 in Federal funding for each project).
- The Drought Resiliency Projects program provides cost-shared financial assistance for larger conservation projects (up to $5 million in Federal funding for each project) that increase the reliability of water supplies, improve water management, and mitigate impacts to the environment from drought.

Section B. Award Information

B.1. Total Funding

Approximately $250,000 is available for this NOFO, with per-project limits as described in *Section B.2. Expected Award Amount.* Reclamation will determine the final amount of Federal funding available for award under this NOFO once final fiscal year (FY) 2023 appropriations have been made. This NOFO may be canceled if appropriations are insufficient to support new awards. Applications submitted under this NOFO may also be considered if other Federal funding becomes available in or after FY 2023.

B.2. Expected Award Amount

Maximum Award: $50,000

Minimum Award: $0

The maximum award amount in Federal funds may be awarded to an applicant over the 2-year project window period is $100,000 per entity per year in Federal funding may be allocated to proposals awarded funding under this NOFO. See *Section C.2. Cost Sharing Requirements* for cost share information.

An applicant may submit more than one application and may be selected for multiple grants if the maximum Federal funding has not been met.

B.3. Expected Award Funding and Anticipated Dates

Reclamation expects to contact potential award recipients and unsuccessful applicants in Spring 2023, subject to the timing of final FY 2023 appropriations.

Anticipated Award Date: August 31, 2023

Anticipated Project Completion Date: September 30, 2025

B.4. Number of Awards

Approximately five to eight awards will be awarded under this NOFO, depending on the amount requested by each applicant and the amount of Federal funding available.

B.5. Type of Award

Project awards will be made through grants or cooperative agreements.

Under cooperative agreements, the successful applicant should expect Reclamation to have substantial involvement in the project:

- Collaboration and participation with the successful applicant in the management of the project and close oversight of the successful applicant's activities to ensure that the program objectives are being achieved.
- Oversight may include review, input, and approval at key interim stages of the project.

B.6. Technical Assistance

At your request, Reclamation can provide technical assistance after award of the project. If you receive Reclamation's 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. Federal Awarding Agency Contacts.*

Section C. Eligibility Information

C.1. Eligible Applicants

C.2. Ineligible Applicants

Those not eligible include, but are limited to, the following entities:

- Federal Governmental Entities
- Individuals
- Institutes of higher education
- 501(c)6 organizations

C.3. Cost Sharing Requirements

Under this NOFO, applicants must be capable of contributing 50 percent or more of the total project costs. See *Section D.2.2.3. Project Budget* for information on reporting cost share funding in your application. All cost-share contributions must meet the applicable administrative and cost principles criteria established in 2 Code of Federal Regulations (CFR) Part 200.

C.4. Other

Reclamation conducts a review of the SAM.gov *Exclusions database* for all applicant entities and their key project personnel prior to award and ineligibility condition apply to this Federal program. If entities or key project personnel are 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, Reclamation cannot award funds to them.

C.5. Eligible Projects

Applicants can apply for funding for the following activities:

C.5.1. Water Management and Conservation Planning

Water management and conservation plans provide entities an opportunity to document data on current water supply and demand, prepare a forecast for future water demands, identify water conservation goals, and determine conservation measures (e.g., cost/pricing of water, water accounting, landscape efficiency, information and education, water use regulation). Water conservation plans may be modeled after plans described in the Reclamation document titled *Achieving Efficient Water Management: A Guidebook for Preparing Agricultural Water Conservation Plans, Second Edition* (2000), available at https://www.usbr.gov/pn/programs/wat/publications/guidemstr.pdf.

C.5.2. System Optimization Review

A System Optimization Review (SOR) is used to assess the potential for water management improvements and to identify a plan of action that contains recommendations for implementing specific improvements that have the potential to enhance water management. The review can include an analysis of the entire water delivery system, district, watershed, or a portion thereof. SORs are intended to take a broad look at system-wide efficiency and are not focused on single project-specific planning.

An SOR comprises the following actions:

- Gather information.
- Identify, describe, and prioritize water management issues.
- Establish goals.
- Identify, evaluate, and prioritize potential improvement projects that could mitigate the identified issues and accomplish goals.
    - The evaluation of improvement projects could consider: the water management benefits associated with the improvement, anticipated construction and operating costs (as applicable), as well as environmental, regulatory, cultural, and economic impacts.
    - As part of the evaluation, efforts to better quantify the associated benefits of the proposed improvement projects are eligible subtasks (e.g., soil infiltration tests, required monitoring activities).

If an applicant's previous planning efforts have addressed some of the components identified above, the applicant can propose funding for the remaining components for a complete system analysis. The SOR Final Report will serve as the final product of the SOR analysis and will summarize the analysis performed.

C.5.3. Designing Water Management Improvements

Upon completion of prior planning efforts (e.g., Water Management and Conservation Plan, SOR) to identify solutions for water management issues, this activity provides funding to design identified water management improvement projects. This activity includes the necessary preliminary work in preparation of the design, such as surveying and gathering of pertinent site-

specific information (e.g., hydraulic head available at site, soil testing, determination of groundwater level). Eligible subtasks under this activity also include peer-review for the design; development of a cost estimate, including scoping the costs for regulatory compliance activities (e.g., environmental, cultural); and identification of necessary regulatory requirements (e.g., permits). Land/title acquisition and environmental/cultural resources compliance work are not eligible under this activity.

Examples of eligible design activities include, but are not limited to, the following activities:

- Design for conversion of an open conveyance system (e.g., canal) to a closed conveyance system (e.g., pipeline), resulting in conserved water (i.e., reduced evaporation).
- Design for lining of a canal with proven materials or technology, resulting in conserved water (i.e., reducing/eliminating seepage).
- Design of weirs, flumes, ramps, and other irrigation flow measurement devices in an open channel.
- Design of control structures for an irrigation system (e.g., check structures, drop structures, diversion structures).
- Design for installation of meters within a distribution system, resulting in better water management (i.e., leakage quantification).
- Design for system implementation of supervisory control and data acquisition and automation (SCADA) components intended to result in better water management (i.e., reductions in spills, over-deliveries, and/or seepage).
- Design of irrigation system regulating reservoirs for better management of water supply (i.e., reduced spills, more flexibility in water delivery operations, excess water interception at end of system).

C.5.4. Demonstrating Conservation Projects Technologies

Demonstration activities are those that include the installation or application of a specific technology in a new way, or in a new setting, with the intent of reporting the results to others for wider adoption. The activities should demonstrate innovative technologies in water conservation to increase technical understanding of unfamiliar water management and practices that have been previously used locally.

C.6. Ineligible Projects

Proposals for the development of planning studies are not eligible for funding under this NOFO. This includes proposals for the development of appraisal investigations, feasibility studies, special studies, drought contingency plans, Basin Studies, studies authorized under the Title XVI Water Recycling and Reuse Program, or studies authorized under the Rural Water Program.

Section D. Application and Submission Information

D.1. Content and Form of Application Submission

All applications must conform to the requirements described in this section.

D.1.1. Application Format and Length

The total technical proposal and criteria section (defined below) shall be limited to a maximum of 10 consecutively numbered pages. If this section exceeds 10 pages, only the first 10 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, including charts, maps, and drawings. Margins should be standard 1-inch margins. Oversized pages will not be accepted.

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.1.2. Application Content

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

- Mandatory Federal Forms
    - SF-424 Application for Federal Assistance
    - SF-424A Budget Information
    - SF-424B Assurances for Non-Construction Activities (if applicable)
    - SF-424D Assurances for Construction Activities (if necessary)
    - SF-LLL Disclosure of Lobbying Activities (if applicable)

  These 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 (limited to 10 pages)
    - Executive summary
    - Project location
    - Technical project description

  - Evaluation criteria
- Project budget
  - Funding plan and letters of funding commitment
  - Budget proposal
  - Budget narrative
- Environmental and cultural resources compliance, if applicable
- Required permits or approvals
- Letters of support for the project and letters of participation (will not count towards the page limitation)
- Official resolution (will not count towards the page limitation)

To facilitate fair and timely reviews by the Application Review Committee (ARC), it is highly recommended that application packages be structured in the order identified above.

D.1.2.1. Mandatory Federal Forms

The application must include the following standard Federal forms. Questions regarding forms should be referred to the Financial Assistance Point of Contact under *Section G. Federal Awarding Agency Contacts.*

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. For application purposes, an SF-424A can used for both construction and non-construction projects.

SF-424A Budget Information

A fully completed SF-424A Budget Information must be submitted with the application.

SF-424B Assurances

A SF-424B Assurances for Non-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-424B will result in the elimination of the application from further consideration.**

SF-LLL Disclosure of Lobbying Activities

If you request more than $100,000 in Federal funding, you must certify that all statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying are true. 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.

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 §18 and 31 USC §1352.

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. Note: this form cannot be submitted by a contractor or other entity on behalf of an applicant.

D.1.2.2. Technical Proposal Content

Title Page

Provide a brief, informative, and descriptive title for the proposed work that indicates the nature of the project. Include the name and address of the applicant, and the name and address, e-mail address, and telephone of the Project Manager.

Table of Contents

List all major sections of the proposal in the table of contents.

Problem Statement

Describe the problem to be solved by the proposed project, including why current approaches or technologies are insufficient and how the proposed approach or technology improves on current shortcomings. Describe how the proposed work aligns with one or more of the objectives shown in Section A.3. *Notice of Funding Opportunity Purpose and Objectives.*

Technical Proposal and Evaluation Criteria

The technical proposal and evaluation criteria (limited to 10 pages) should include:

(1) Executive summary, which includes:

   a. A one-paragraph project summary that briefly describes the project, the area the project covers, and the project's connection to Reclamation activities.
   b. The length of time and estimated completion date for the proposed project (month/year).
   c. Whether or not the proposed planning efforts are focused on a Federal facility or will involve Federal land.

(2) Project location, including a map showing geographic location

(3) Technical project description: Provide a clear description of the scope of the project and how it is to be accomplished. This should address activity tasks and discuss the approach

and evaluation techniques that will be used to accomplish the project. The benefit(s) and outcome(s) of the project should be discussed, including the ways that the project could lead water reliability and/or a reduction in potential conflict between water users. This discussion should support a comprehensive evaluation of the application and its outcome. See the evaluation criteria for each funding category in Section E.1 for more information regarding the specific project components or outcomes that should be described in the technical description.

(4) Evaluation criteria: *Section E.1. Technical Proposal: Evaluation Criteria* provides a detailed description of each criterion and sub-criterion and points associated with each. The evaluation criteria portion of your application should thoroughly address each criterion and sub-criterion in the order presented to assist in the complete and accurate evaluation of your proposal. Copying and pasting the applicable evaluation criteria and sub-criteria in *Section E.1. Technical Proposal: Evaluation Criteria* into your applications is suggested to ensure that all necessary information is adequately addressed.

Work Plan and Schedule

Provide a list of the activities required to complete the project and their estimated completion dates, including the start and end dates and general milestones. Provide sufficient details to show that the project can reasonably be completed within the proposed schedule. In general, projects funded under this NOFO should be completed within 2 years of award. Clearly and concisely convey this schedule using a table, Gantt chart, project network diagram, or any other visual format of non-disrupted data collection. Time for final report preparation as described in Section F.3. *Reporting Requirements and Distribution* should be included in the work plan.

D.1.2.3. Project Budget

The project budget includes:

(1) Budget proposal

(2) Budget narrative

Pre-award costs will not be allowed for projects awarded from this funding opportunity.

Please note that the costs for preparing and submitting an application in response to this NOFO, including developing data necessary to support the proposal, are not eligible project costs under this NOFO and must not be included in the project budget. In addition, budget proposals must not include costs for the purchase of water or land, or to secure an easement other than a construction easement. These costs are not eligible project costs under this NOFO**.**

Budget Proposal and Funding Plan

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

Table 1. Summary of Non-Federal and Federal Funding Sources

FUNDING SOURCES	AMOUNT
Non-Federal Entities	
1.	
2.	
3.	
Non-Federal Subtotal	
REQUESTED RECLAMATION FUNDING	

The budget proposal should include detailed information on the categories listed below and must clearly identify ***all*** items of cost, 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 (Table 2).

Table 2. Total Project Costs

SOURCE	AMOUNT
Costs to be reimbursed with the requested Federal funding	$
Costs to be paid by the applicant	$
Value of third-party contributions	$
TOTAL PROJECT COST	**$**

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 Section B of the SF-424A. The types of information to describe in the narrative include, but are not limited to, those identified in the Budget Narrative Guidance attached to this NOFO. Applicants may elect to use the Budget Detail and Narrative spreadsheet for their budget narrative. Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Part §200, available at the Electronic CFR (www.ecfr.gov).

In addition, please identify whether the budget proposal includes any project costs that 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

D.1.2.4. Environmental and Cultural Resources Compliance

Reclamation is required to address environmental compliance for all financial assistance provided by the WCFSP. Environmental compliance for most WCFSP-supported activities can be accomplished with a Categorical Exclusion Checklist. All projects being considered for award funding will require compliance with the National Environmental Policy Act. Applicants shall adhere to Federal, state, and local laws, regulations, and codes, as applicable, and shall obtain all required approvals and permits. Compliance with all applicable state, Federal, and local environmental, cultural, and paleontological resources protection laws and regulations is also required. Environmental compliance costs are part of the project cost share. An applicant that proceeds before environmental compliance is complete may risk forfeiting Reclamation funding under this NOFO.

D.1.2.5. Required Permits or Approvals

You 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 Section 429 and that the development will not impact or impair project operations or efficiency.

D.1.2.6. Overlap or Duplication of Effort Statement

Applicants must provide a statement that addresses if there is any overlap between the proposed project and any other active or anticipated proposals or projects in terms of activities, costs, or commitment of key personnel. If any overlap exists, applicants must provide a description of the overlap in their application for review.

Applicants must also state if the proposal submitted for consideration under this program does or does not in any way duplicate any proposal or project that has been or will be submitted for funding consideration to any other potential Federal or non-Federal funding source. If such a circumstance exists, applicants must detail when the other duplicative proposal(s) were submitted, to whom (Agency name and Financial Assistance program), and when funding

decisions are expected to be announced. If, at any time, a proposal is awarded funds that would be duplicative of the funding requested from Reclamation, applicants must notify the NOFO point of contact or the Program Coordinator immediately.

D.1.2.7. Uniform 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 your organization's fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System in accordance with 2 CFR §200 subpart F. U.S. state or local governments, Federally recognized Indian Tribal governments, and non-profit applicants must state whether your organization was 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.1.2.8. Letters of Support

Please include letters from interested stakeholders supporting the proposed project. To ensure your proposal is accurately reviewed, please attach all letters of support/partnership letters as an appendix. Letters of support received after the application deadline for this NOFO will not be considered in evaluating your proposed project. These letters do not count within the 10-page maximum.

D.1.2.9. Official Resolution

Include an official resolution adopted by your organization's board of directors or governing body, or, for state government entities, 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
- That your organization 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 and a condition of award. If you are unable to submit the official resolution by the application deadline because of the timing of board meetings or other justifiable reasons, the official resolution must be submitted to the Grants Officer prior to issuance of award. This resolution does not count within the 10-page maximum.

D.2. Unique Entity Identifier and System for Award Management (SAM)

D.2.1. Register with the System for Award Management

Register on the SAM.gov website. The Help tab on the website contains User Guides and other information to assist you with registration. The Grants.gov Organization Registration 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 IRS information.

Reclamation will not make a Federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Reclamation is ready to make an award, Reclamation may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

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

D.2.2. Obtain a UEI Number

You are required to register in SAM.gov prior to submitting a Federal award application and obtain a Unique Entity Identifier (UEI), which has replaced the Data Universal Numbering System (DUNS) number from Dun & Bradstreet (D&B). In April 2022, the Federal Government stopped requiring DUNS numbers. At that point, entities doing business with the government began to use the UEI created in SAM.gov in place of a DUNS number. A UEI will be assigned to entities upon registering with SAM.

D.3. Submission Date and Time

Due Date for Applications: **Tuesday, February 28, 2023, 5:00 p.m. Mountain Standard Time**

Applications must be submitted (not postmarked by) no later than this due date and time.

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.

D.3.1. Application Delivery Instructions

The applications are submitted electronically through Grants.gov (www.grants.gov).Under no circumstances will applications received through any other method (such as e-mail or fax) be considered eligible for award. Waivers from Grants.gov submission *may* be considered due to exigent circumstances (i.e. natural disaster) only in rare instances. Contact the Reclamation Program Coordinator in Section I.2 for further information.

D.3.2. Instructions for Submitting the Project Application

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

D.3.2.1. Applications Submitted Electronically

Electronic applications must be submitted through Grants.gov. Reclamation encourages applicants to submit their applications for funding electronically through 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 also 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 and active in SAM as both a user and an Authorized Organizational Representative.***
- 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.

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 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 technical issues with the Grants.gov application system and a waiver is granted by the Grants Officer. 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 and UEI registration are not considered technical issues with the Grants.gov system.

D.3.2.2. Acknowledgement of Application Receipt

-If an application is submitted through Grants.gov, you will receive an e-mail acknowledging receipt of the application from Grants.gov. In addition, you will receive an email acknowledgement when your application is successfully downloaded from Grants.gov.

D.4. Intergovernmental Review

An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372., "Intergovernmental Review of Federal Programs." A list of states that have elected to participate in the intergovernmental review process are listed on the Office of Management and Budget's website, https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf.

Applicants in these states must contact their state's Single Point of Contact (SPOC) to find out about and comply with the state's process under Executive Order 12372. The names and addresses of the SPOCs are also listed on the Office of Management and Budget's website, https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf.

D.5. Funding Restrictions

D.5.1. Indirect Costs

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

If you have never received a Federal negotiated indirect cost rate, your 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§200.68.

If you do not have a Federally approved indirect cost rate agreement and are 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, Office of Indirect Cost Services, at https://ibc.doi.gov/ICS/icrna.

If the proposed project is selected for award, the successful applicant will be required to submit an indirect cost rate proposal with their cognizant agency within 3 months of award. The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency for indirect costs, unless otherwise assigned by the White House Office of Management and Budget (OMB). If the Department of the Interior (DOI) is your organization's cognizant agency, the Interior Business Center (IBC) will negotiate your indirect cost rate. Contact the IBC by phone (916) 930-3803 or email at ICS@ibc.doi.gov. Visit their website https://ibc.doi.gov/ICS/icrna, for information regarding email submission forms.

Organizations must have an active Federal award before they can submit an indirect cost rate proposal to their cognizant agency. Failure to establish an approved rate during the award period renders all costs otherwise allocable as indirect costs unallowable under the award. Recipients may not shift unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

Section E. Application Review Information

E.1. Technical Proposal: 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 sub-criterion in the order presented below. Applications will be evaluated against the evaluation criteria listed below. If the work described in your application is a phase of a larger project, only discuss the benefits that will result directly from the work discussed in the technical project description and that is reflected in the budget, not the larger project.

E.1.1. Water Management and Conservation Planning

Evaluation Criterion	Points
A — Association with Reclamation project water supplies	30
B — Extent to which the completed activity will improve the applicant's ability to modernize their existing water delivery infrastructure	30
C — Extent to which Federal funding would promote completion of an activity that might otherwise be delayed or postponed	15
D — Reasonableness of cost	10
F — Amount and sources of non-Federal funding	5
G — Presidential and Department of the Interior Priorities (see Section 6.5)	10

E.1.2. System Optimization Reviews

Evaluation Criterion	Points
A — Association with Reclamation project water supplies	30
B — Extent to which applicant's Water Management Plan is complete and updated	20
C — Extent to which the proposed analysis is expected to result in an action plan that will improve water conservation and water use efficiency and lead to modernized water delivery infrastructure	15
D — Extent to which the SOR is likely to address water resources challenges	10
E — Reasonableness of cost	5
F — Extent to which Federal funding would promote completion of an activity that might otherwise be delayed or postponed	5

Evaluation Criterion	Points
G — Amount and sources of non-Federal funding	5
H — Presidential and Department of the Interior Priorities (see Section 6.5)	10

E.1.3. Designing Water Management Improvements

Evaluation Criterion	Points
A — Association with Reclamation project water supplies	25
B — Extent to which applicant's Water Management Plan is complete and updated	20
C — Extent to which the proposed activity will result in the applicant to be better suited to implement a project expected to improve water management and modernize existing water delivery infrastructure	15
D — Extent to which the proposed design is related to a water management improvement project identified in a previous planning effort led by the applicant	10
E — Reasonableness of cost	10
F — Extent to which Federal funding would promote completion of an activity that might otherwise be delayed or postponed	5
G — Amount and sources of non-Federal funding	5
H — Presidential and Department of the Interior Priorities (see Section 6.5)	10

E.1.4. Demonstration of Conservation Project Technologies

Evaluation Criterion	Points
A — Association with Reclamation project water supplies	20
B — Extent to which the proposed activity will demonstrate innovative conservation technologies for improving water use efficiency	15
C — Extent to which applicant's Water Management Plan is complete and updated	15
D — Applicant's strategy for monitoring performance and reporting and disseminating results	10
G — Extent to which the proposal demonstrates a sound implementation strategy	10
H — Likelihood that any environmental and cultural resources issues associated with the proposal can be addressed at low cost and in a timely manner	5
I — Reasonableness of cost	5
J — Extent to which Federal funding would promote completion of an activity that might otherwise be delayed or postponed	5

Evaluation Criterion	Points
K — Amount and sources of non-Federal funding	5
L — Presidential and Department of the Interior Priorities (see Section 6.5)	10

E.1.5. Presidential and Department of the Interior Priorities

Points may be awarded based on the extent that the project demonstrates support for the Biden-Harris Administration's priorities, including E.O. 14008: *Tackling the Climate Crisis at Home and Abroad*, E.O. 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and the President's memorandum, *Tribal Consultation and Strengthening Nation-to Nation Relationships.* Points will be allocated based on the degree to which the project supports the priorities listed, and whether the connection to the priority(ies) is well supported in the application. Without repeating benefits already described in previous criteria, describe in detail how the proposed project supports a priority(ies) below.

E.1.5.1. Sub-criterion No. E1. Climate Change

Points will be awarded based on the extent the project will reduce climate pollution; increase resilience to the impacts of climate change; protect public health; and conserve our lands, waters, oceans, and biodiversity. Address the following as relevant to your project.

Combating the Climate Crisis: E.O. 14008: *Tackling the Climate Crisis at Home and Abroad*, focuses on increasing resilience to climate change and supporting climate- resilient development. For additional information on the impacts of climate change throughout the western United States, see: https://www.usbr.gov/climate/secure/docs/2021secure/2021SECUREReport.pdf. Please describe how the project will address climate change, including the following:

- Please provide specific details and examples on how the project will address the impacts of climate change and help combat the climate crisis.
- Does this proposed project strengthen water supply sustainability to increase resilience to climate change? Does the proposed project contribute to climate change resiliency in other ways not described above?

E.1.5.2. Sub-criterion No. E2. Disadvantaged or Underserved Communities

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

- Will the proposed project serve or benefit a disadvantaged or historically underserved community? Benefits can include, but are not limited to, public health and safety by addressing water quality, new water supplies, or economic growth opportunities.
- Please describe in detail how the community is disadvantaged based on a combination of variables that may include the following:

- 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

- If the proposed project is providing benefits to an underserved community, provide sufficient information to demonstrate that the community meets the underserved definition in E.O. 13985, which includes populations sharing a particular characteristic, as well as geographic communities that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life.

E.1.5.3. Sub-criterion No. E.3. Tribal Benefits

Points will be awarded based on the extent to which the Project will honor the Federal government's commitments to Tribal Nations.

- Does the proposed project directly serve and/or benefit a Tribe? Will the project improve water management for an Indian Tribe?
- Does the proposed project support Tribal resilience to climate change and drought impacts or provide other Tribal benefits such as improved public health and safety by addressing water quality, new water supplies, or economic growth opportunities?

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 comprise 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, responses to the evaluation criteria, budget proposal, and budget narrative.
- The application contains properly executed forms SF-424, Application for Financial Assistance and SF-424B, Assurances Non-Construction Programs, and a completed SF-424A, Budget Information Non-Construction Programs
- Reclamation reserves the right to remove an application from funding consideration if it does not pass all 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. Application Review Committee

Evaluation criteria will comprise the total evaluation weight as stated in the *Section E.1. Technical Proposal: Evaluation Criteria*.

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 project meets the description of eligible projects and meets the objective of this NOFO.

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

E.2.3. 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 the completion of 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.2.4. 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.2.5. 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.2.5.1. Environmental Review

Reclamation will forward the proposal to the appropriate Reclamation Regional or Area Office for completion of environmental compliance, if applicable. To the extent possible, environmental compliance will be completed before a financial assistance agreement is signed by the parties. However, in most cases, the award can be completed with the release of funds contingent on completion of environmental compliance and receipt of a written Notice to Proceed from the Reclamation Grants Officer. The financial assistance agreement will describe how compliance will be carried out. Ground-disturbing activities (e.g., installation of a stream gage, biological or water quality monitoring) may not occur until environmental compliance is complete and a notice to proceed is issued by the awarding Reclamation Grants Officer.

E.2.5.2. 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 Reclamation 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 OMB circulars

Section F. Federal Award Administration Information

F.1. Federal Award Notices

Successful applicants will receive by electronic mail a notice of selection signed by a Reclamation Grants Officer. 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. 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. If a recipient has multiple DUNS numbers, they must separately enroll within ASAP for each unique DUNS Number and/or Agency. All of the information on the enrollment process for recipients, including the enrollment initiation form, will be sent to you by ASAP staff if selected for award.

Note that 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.

F.2.2. Environmental and Cultural Resources Compliance

All projects being considered for award funding will require compliance with the National Environmental Policy Act (NEPA) before any ground-disturbing activity may begin. Compliance with all applicable state, Federal and local environmental, cultural, and paleontological resource protection laws and regulations is also required. These may include, but are not limited to, Clean Water Act (CWA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), consultation with potentially affected Tribes, and consultation with the State Historic Preservation Office.

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 activities

undertaken by Reclamation and the successful applicant. 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. These costs will be considered in the ranking of applications.

Depending on the potential impacts of the project, Reclamation may be able to complete its compliance activities without additional cost to the successful applicant. Where environmental or cultural resources compliance requires significant participation by Reclamation, Reclamation will add a line item for costs incurred by Reclamation to the budget during development of the financial assistance agreement and cost shared accordingly (i.e., withheld from the Federal award amount). Any costs to the successful applicant associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement.

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 monitoring, measurement, or other ground-disturbing activities before environmental and cultural resources compliance is complete and Reclamation provides written notification that all such clearances have been obtained. This pertains to all components of the proposed project, including those that are part of the applicant's non-Federal cost-share. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this NOFO.

F.2.3. 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.2.4. Geospatial Data and Data Tools

All geospatial data collected for or produced through the use of the Department of the Interior financial assistance funds are required to meet all relevant standards established by the Federal Geospatial Data Committee (FGDC) as authorized by Geospatial Data Act of 2018, P.L. 115-254, Subtitle F – Geospatial Data, §751-759C, codified at 43 U.S.C. §2801–2811. the Department requires fully compliant metadata on all Geographic Information Systems files developed for financial assistance projects. If a funded financial assistance project involves acquiring or collecting geospatial data, the successful applicant is required to search

GeoPlatform.gov to determine that no existing Federal, State, local or private data meet the Government's needs and are available at no cost before acquiring or collecting additional geospatial data.

Any spatially explicit data or tools developed in the performance of an award made under this NOFO must be developed in industry standard formats that are compatible with geographic information system (GIS) platforms.

F.2.5. 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 Reclamation, 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 Reclamation. 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.2.6. Buy America Domestic Procurement Preference

As required by Section 70914 of the Bipartisan Infrastructure Law (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58, on or after May 14, 2022, none of the funds under a federal award that are part of Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this program.

i. Recipients of an award of Federal financial assistance are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

ii. all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States;
and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all

components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

For further information on the Buy America preference, please visit www.doi.gov/grants/BuyAmerica. Additional information can also be found at the White House Made in America Office website: www.whitehouse.gov/omb/management/made-in-america/.

F.2.7.2 Waivers

When necessary, recipients may apply for, and the Department of the Interior (DOI) may grant, a waiver from these requirements, subject to review by the Made in America Office. The DOI may waive the application of the domestic content procurement preference in any case in which it is determined that one of the below circumstances applies:

Non-availability Waiver: the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality;
Unreasonable Cost Waiver: the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent; or
Public Interest Waiver: applying the domestic content procurement preference would be inconsistent with the public interest.
There may be instances where an award qualifies, in whole or in part, for an existing DOI general applicability waiver as described at: www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers. If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the limitations defined within the

waiver, the recipient is not required to request a separate waiver for non-domestic materials.

If a general applicability waiver does not already apply, and a recipient believes that one of the above circumstances applies to an award, a request to waive the application of the domestic content procurement preference may be submitted to the financial assistance awarding officer in writing. Waiver requests shall include the below information. The waiver shall not include any Privacy Act information, sensitive data, or proprietary information within their waiver request. Waiver requests will be posted to www.doi.gov/grants/buyamerica and are subject to public comment periods of no less than 15 days. Waiver requests will also be reviewed by the Made in America Office.

Type of waiver requested (non-availability, unreasonable cost, or public interest).

Requesting entity and Unique Entity Identifier (UEI) submitting the request.

Department of Interior Bureau or Office who issued the award.

Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award)

Financial assistance title of project (reference block 8 on DOI Notice of Award).

Federal Award Identification Number (FAIN).

Federal funding amount (reference block 11.m. on DO Notice of Award).

Total cost of Infrastructure expenditures (includes federal and non-federal funds to the extent known).

Infrastructure project description(s) and location(s) (to the extent known).

List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements. Include the name, cost, countries of origin (if known), and relevant PSC or NAICS code for each.

A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.

A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.

Anticipated impact if no waiver is issued.

Approved waivers will be posted at www.doi.gov/grants/BuyAmerica/ApprovedWaivers; recipients requesting a waiver will be notified of their waiver request determination by an awarding officer.

Questions pertaining to waivers should be directed to the financial assistance awarding officer.

Please note, the Buy America preference applies to all federal funding—both BIL funding and annual appropriations—provided through this NOFO.

F.2.7. 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, United States Code (commonly referred to as the Davis-Bacon Act).

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. Recipients will also be required to have a system in place to comply with these reporting requirements (see 2 CFR §170.210 for additional information).

F.3.1. Financial Reports

Recipients will be required to submit a fully completed form SF-425 Federal Financial Report on at least a semiannual basis and with the final performance report. The SF-425 must be signed by a person legally authorized to obligate the successful applicant.

F.3.2. Interim Performance Reports

The specific terms and conditions pertaining to the reporting requirements will be included in the financial assistance agreement. Interim performance reports will be submitted at least semiannually, which include:

- 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

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:

- Whether the project objectives and goals were met.
- Photographs documenting the project are also appreciated.

F.3.4. Sufficiency Report

Only a portion of funding will be made available when the financial assistance agreement is initially signed. As required by §6002 of the Cooperative Watershed Management Act (see *Section A.1. Authority* for the full citation), for each year of the grant, Reclamation must make a determination on whether a recipient has made sufficient progress on its project during the year to justify any additional funding. If the applicant is awarded an agreement as a result of this NOFO, the applicant will be required to provide a sufficiency report that describes the progress made on the project since the effective date of the agreement. If it is determined that the progress during the year justifies additional funding, grant funds will be made available for the second year.

F.3.5. 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. The Bureau will include recipient-specific real property reporting requirements, including the required standard form or data elements, reporting frequency, and report due dates, in the Notice of Award when applicable.

F.4. Disclosures

F.4.1 Conflict of Interest Disclosures

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 must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest.

F.4.1.1. 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, determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

F.4.1.2. 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 §200.339, Remedies for noncompliance, including suspension or debarment (see also 2 CFR §180).

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 (2 CFR §1402.315)

All data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, valuation products or other scientific assessments in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual, resulting from a financial assistance agreement is available for use by the Department of the Interior, including being available in a manner that is sufficient for independent verification.

The Federal Government has the right to:

1. Obtain, reproduce, publish, or otherwise use the data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, produced under a Federal award; and
2. Authorize others to receive, reproduce, publish, or otherwise use such data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, for Federal purposes, including to allow for meaningful third-party evaluation.

F.5.1. Freedom of Information Act

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.

In response to a Freedom of Information Act (FOIA) request for research data relating to published research findings produced under a Federal award that were used by the Federal government in developing an agency action that has the force and effect of law, the Federal

awarding agency must request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the Federal awarding agency obtains the research data solely in response to a FOIA request, the Federal awarding agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the Federal agency and the non-Federal entity. This fee is in addition to any fees the Federal awarding agency may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).

Published research findings mean when:

- Research findings are published in a peer-reviewed scientific or technical journal; or
- A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law. "Used by the Federal government in developing an agency action that has the force and effect of law" is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

Research data means the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This recorded material excludes physical objects (e.g., laboratory samples). Research data also does not include:

- Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and
- Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

Section G. Federal Awarding Agency Contact(s)

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 the GO. Please note that staff availability on the day of the NOFO closing will be limited.

By mail: Bureau of Reclamation
Columbia-Pacific Northwest Region Office
Attn: Nathan Moeller (CPN-7509)
1150 North Curtis Rd.
Boise, ID 83706

By e-mail: nmoeller@usbr.gov

By phone: 208-378-5211

G.2. Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the attention of Leah Meeks, Regional Water Conservation Program Coordinator

By mail: Bureau of Reclamation
Columbia-Pacific Northwest Region Office
Attn: Leah Meeks
1150 North Curtis Rd.
Boise, ID 83706

By e-mail: lmeeks@usbr.gov

By phone: 208-378-5025

Or contact Jessica Peters, Technical Writer

By mail: Bureau of Reclamation
Columbia-Pacific Northwest Region Office
Attn: Jessica Peters

1150 North Curtis Rd.
Boise, ID 83706

By e-mail: jepeters@usbr.gov

By phone: 208-270-1462