BUREAU OF RECLAMATION

Notice of Funding Opportunity No. BOR-CGB-21-F001

Bay-Delta Restoration Program:
CALFED Water Use Efficiency Grants for Fiscal Years 2021 and 2022



U.S. Department of the Interior
Bureau of Reclamation
Interior Region 10
Sacramento, California

November 2020

Mission Statements

The Department of the Interior conserves and manages the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provides scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honors the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

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.

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Interior Region 10: California-Great Basin
Funding Opportunity Title:	Bay-Delta Restoration Program: CALFED Water Use Efficiency Grants
Announcement Type:	Notice of Funding Opportunity (NOFO)
Funding Opportunity Number:	BOR-CGB-21-F001
Catalog of Federal Domestic Assistance Number:	15.570 CALFED Water Use Efficiency Grants
Dates: (See NOFO Sec. D..2.1)	This NOFO covers two application submittal periods. Application due date for Fiscal Year (FY) 2021: January 18, 2021, 1:00 p.m. Pacific Standard Time (PST) Proposals received after January 18, 2021, 1:00 p.m. PST and before November 30, 2021 1:00 p.m. PST will be considered for FY 2022 funding. Funding available for projects submitted under both submittal periods is contingent on available appropriations.
Eligible Applicants: (See NOFO Sec. C.1)	Indian tribes, irrigation districts, water districts, or other organizations with water or power delivery authority located in the CALFED Solution area within the State of California.
Recipient Cost Share: (See NOFO Sec. C.5)	Non-Federal Sources: At least 50% of total project cost.
Federal Funding Amount: (See NOFO Sec. B.2)	Up to $500,000 per agreement.
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B)	Approximately 2-4, each fiscal year, depending on requested funding amounts for selected projects and appropriations.
Intergovernmental Review: (See NOFO Sec. D.5)	This NOFO is 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 www.whitehouse.gov/wp-content/uploads/2019/02/SPOC-February-2019.pdf.

Application Checklist

The following table contains a summary of the information that you are required to submit with a CALFED Water Use Efficiency Grant application.

√	What to submit	Required content	Form or format	When to submit
	Mandatory Federal Forms: Application for Federal Financial Assistance Budget Information Assurances Disclosure of Lobbying Activities	See Sec. D.4.1	SF-424, SF-424A, SF-424B and SF-LLL forms may be obtained at www.grants.gov/web/grants/forms/sf-424-family.html	*
	Title page	See Sec. D.4.2		*
	Table of contents	See Sec. D.4.3		*
	Technical proposal:			*
	Executive summary	See Sec. D.4.4.1		*
	Background data	See Sec. D.4.4.2		*
	Project location	See Sec. D.4.4.2		
	Project description	See Sec. D.4.4.3		*
	Evaluation criteria	See Sec. E.1		*
	Project Budget:			*
	Funding plan	See Sec. D.4.9	Page 23	*
	Budget proposal	See Sec. D.4.9	Page 25	*
	Budget narrative	See Sec. D.4.9	Page 26	*
	Required permits or approvals	See Sec. D.4.6		*
	Letters of support	See Sec. D.4.7		*
	Official Resolutions	See Sec. D.4.8		**
	Unique Entity Identifier and System for Award Management	See Sec. D.4.1		***

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

Acronyms and Abbreviations

AF	Acre Feet
AFY	Acre Feet Per Year
ARC	Application Review Committee
ASAP	Automated Standard Application for Payments
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CWA	Clean Water Act
DUNS	Data Universal Number System
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FAPIIS	Federal Award Performance Integrity Information System
FONSI	Finding of No Significant Impact
FY	Fiscal Year
GO	Grants Officer
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
O&M	Operation and Maintenance
OM&R	Operations, Maintenance, and Replacement
PST	Pacific Standard Time
Reclamation	Bureau of Reclamation
ROD	Record of Decision
SCADA	Supervisory Control and Data Acquisition
SAM	System for Award Management
SOR	System Optimization Review
SHPO	State Historic Preservation Officer
SPOC	Single Point of Contact
USACE	United States Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WaterSMART	Sustain and Manage America’s Resources for Tomorrow
WIIN	Water Infrastructure Improvements for the Nation

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Section A: Funding Opportunity Description

A.1 Program Information

The Bureau of Reclamation (Reclamation) is a participating agency in the Bay-Delta Restoration Program. The CALFED Bay-Delta Program Final Programmatic Environmental Impact Statement (EIS)/Environmental Impact Review was released July 21, 2000, and the Record of Decision (ROD) was published August 28, 2000. As described in these documents, the Bay-Delta Restoration Program includes strategies to address ecosystem health, water supply reliability, and water quality. Water use efficiency is a critical element in the successful implementation of the Bay-Delta Restoration Program.

The goals (objectives) of the CALFED Bay-Delta Program include, but are not limited to:

- Goal 1: Reduce existing irrecoverable losses, increasing the overall volume of available water;
- Goal 2: Achieve multiple state-wide benefits;
- Goal 3: Preserve local flexibility; and
- Goal 4: Build on existing water use efficiency programs.

Reclamation is posting a Notice of Funding Opportunity (NOFO) for cost-share funding for water use efficiency and conservation activities. **To be eligible for financial assistance, a proposed activity must have a defined relationship to the California Bay-Delta.**

Through this NOFO, Reclamation provides funding for projects that increase water reliability and improve water management, including the use of expanded technologies and improved capabilities consistent with the goals of the October 19, 2018, Presidential Memorandum on Promoting the Reliable Supply and Delivery of Water in the West.

A.2 Objective of Notice of Funding Opportunity

The objective of this NOFO is to invite eligible applicants to leverage their money and resources by cost sharing with Reclamation on projects emphasizing water use efficiency and conservation activities that result in benefits for the California-Bay Delta.

This NOFO covers two application submittal periods

- **FY 2021 closes January 18, 2021, at 1:00 p.m. PST**
- **FY 2022 is open from January 18, 2021, after 1:00 p.m. PST, and closes November 30, 2021, at 1:00 p.m. PST.**

During each submittal period, if the applicant has already committed to accomplish the project as part of another agreement, then the project will not be eligible for funding under this NOFO. Projects will be selected through a competitive process that will focus on achieving the outcomes identified in this NOFO.

A.3 Statutory Authority

This 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 10364).

Section B: Award Information

B.1 Total Project Funding

For FY 2021, up to $1.0 million may be made available for award under this NOFO through the Bay-Delta Restoration Program, contingent upon appropriations. Funding in FY 2022 is contingent upon appropriations, and this NOFO will be updated accordingly as the appropriation information becomes available. Project funds are limited to eligible applicants within the CALFED Solution Area. See Section C.1 for more information.

B.2 Project Funding Limitations

Up to $1.0 million in Federal funds may be made available for award in FY 2021 and FY 2022, contingent upon appropriations with up to $500,000 per project. Reclamation encourages entities to apply for any level of funding up to $500,000. Multiple applications for funding may be submitted for consideration by each applicant; *however, no more than $500,000 per project, and $1 million per recipient during a single application submittal period, will be awarded under this NOFO.*

The combined Federal share (*i.e.*, Reclamation's share plus any other sources of Federal funding) of any one (1) proposed project shall not exceed 50 percent (50%) of the total project costs. Generally, the non-Federal share of project costs must be expended at the same or greater rate as the federal share of project costs.

B.3 Reclamation Responsibilities

Project awards will be made through grants or cooperative agreements as applicable to each project. If a cooperative agreement is awarded, the recipient should expect Reclamation to have substantial involvement in the project. Substantial involvement by Reclamation may include:

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

At the request of the recipient, Reclamation can provide technical assistance after award of 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 Ms. Anna Sutton, Program Coordinator, at asutton@usbr.gov.

B.4 Award Date

Reclamation expects to notify potential award recipients on or around May 2021 for FY 2021 applications and on or around March 2022 for FY 2022 applications. Notification letters will also be sent to unsuccessful applicants during the same time frame. Three (3) to six (6) months after notification, financial assistance agreements will be awarded to applicants that successfully pass all pre-award reviews and clearances.

Section C: Eligibility Information

C.1 Eligible Applicants

Indian tribes, irrigation districts, water districts, or other organizations with water or power delivery authority.

Applicants must be located in the CALFED solution area. For the geographic extent of the CALFED Solution Area please refer to the map available at https://www.usbr.gov/mp/watershare/docs/calfed-solution-area.pdf.

Those not eligible include the following types of entities:

- Federal governmental entities.
- Institutions of higher education.
- Individuals.
- 501(c)4 organizations.
- 501(c)6 organizations.

C.2 Eligible Projects

Projects should seek to conserve and use water more efficiently, protect endangered and threatened species, and result in quantifiable and reliable water savings or improved water management.

The Bay-Delta Restoration Program: CALFED Water Use Efficiency Grants Program will fund feasible urban and agricultural projects that improve ecosystem health (including protection of endangered and threatened species), water supply reliability, or water quality of the California Bay-Delta through water use efficiency and conservation measures that result in quantifiable and reliable water savings or improved water management.

Proposals may include any type of implementation, demonstration, pilot water use efficiency, or conservation projects that have benefits to the California Bay-Delta. Projects that only consist of research or feasibility studies, planning or education will not be funded.

Priority will be given to projects that can be completed within two (2) years from the date of award.

For examples of previously funded projects, please contact Ms. Anna Sutton at asutton@usbr.gov.

Applications may include any one, or a combination of the types of projects below. In general, if an applicant is seeking funding for multiple projects and those projects are interrelated or closely related, they should be combined into one application. Conversely,

if the projects can be completed independently and are easily separated or phased, they should be applied for separately.

Applicants may submit multiple project proposals; however, no more than $500,000 will be awarded per proposal, and no more than $1 million per recipient in any given application submittal period.

Projects that result in quantifiable and reliable water savings or improved water management include, but are not limited to:

- **Canal Lining/Piping:** Projects that line or pipe canals, resulting in conserved water. Projects include, but are not limited to:
    - Installing new proven lining materials or technology.
    - Converting open canals to pipeline.
    - Constructing conveyance improvements, turnouts, pipelines, or intertie systems.
- **Municipal Metering:** Projects that install meters, resulting in measurable water savings. Projects include, but are not limited to:
    - Installing water service meters.
    - Installing distribution systems meters associated with production and/or leakage quantification.
- **Irrigation Flow Measurement:** Projects that improve measurement accuracy and result in reduced spills and over-deliveries to irrigators. Projects include, but are not limited to:
    - Installing weirs, flumes, ramps, etc. in open channels.
    - Installing meters in pressurized pipes.
- **Supervisory Control and Data Acquisition (SCADA) and Automation:** Projects that install SCADA and/or automation components that provide water savings when irrigation delivery system operational efficiency is improved to reduce spills, over-deliveries, and seepage. Projects include, but are not limited to:
    - Installing SCADA components that allow for remote monitoring of irrigation delivery system conditions (flow rates, water elevations, controls devices openings, etc.)
    - Installing automation components that allow for remote operation of delivery system control features (gates, valves, turnouts, etc.)

- **Groundwater Recharge:** Projects that provide savings when surface water storage evaporation is reduced and/or surface runoff is intercepted for recharge. Projects include, but are not limited to:

    - Installing recharge ponds.
    - Installing surface runoff interception systems.
    - Removing impervious surfaces.

- **Small-Scale Water Recycling and Water Reuse:** Small-scale projects that reclaim and reuse wastewaters or naturally impaired groundwater and surface water. Water reuse and recycling projects eligible under this NOFO include, but are not limited to:

    - Implementing small-scale improvements to an existing water recycling facility.
    - Small-scale projects that develop and supplement urban and irrigation water supplies through water reuse.

    See Section C.3.2 for eligibility limitations on water recycling and water reuse projects.

- **Landscape Irrigation Measures:** Projects that provide water savings by reducing outdoor water usage. These measures are typically promoted by water entities through rebates or direct-install programs. Projects include, but are not limited to:

    - Removing turf.
    - Installing Smart irrigation controllers.
    - Installing high-efficiency nozzles (e.g., sprinkler heads).

C.3 Ineligible Projects

Examples of ineligible projects include, but are not limited to the type of projects described *below*.

C.3.1 Operations, Maintenance, and Replacement (OM&R)

Projects that are considered normal OM&R are not eligible. OM&R is described as system improvements that replace or repair existing infrastructure or function without providing increased efficiency or effectiveness of water distribution over the expected life of the improvement. Examples of ineligible OM&R projects include:

- Replacing malfunctioning components of an existing facility with the same components.

- Improving an existing facility to operate as originally designed.

- Performing an activity on a recurring basis, even if that period is extended (*e.g.*, ten (10)-year interval).

- Sealing expansion joints of concrete lining because the original sealer or the water stops have failed.

- Sealing cracks in canals and/or pipes, including those sealant projects intended to improve facilities with inherent design and construction flaws.

- Replacing broken meters with new meters of the same type.

- Replacing leaky pipes with new pipes of the same type.

Applicants that have questions regarding OM&R are encouraged to contact Ms. Anna Sutton, Program Coordinator, at 916-978-5214 for further information.

C.3.2 Water Reclamation, Recycling, and Reuse

Any project or project elements that are part of a congressionally authorized Title XVI Water Reclamation or Reuse Project are ineligible for funding under this NOFO. A list of congressionally authorized Title XVI projects can be found at https://www.usbr.gov/watersmart/title/authorized.html.

Any project or project elements that are part of a water desalination or recycling project eligible for funding under section 4009(a) or 4009(c) of the Water Infrastructure Improvements for the Nation (WIIN) Act, Public Law 114-322 are ineligible for funding under this NOFO. A list of eligible WIIN projects can be found at https://www.usbr.gov/watersmart/title/feasibility.html.

If a water desalination or recycling project has a total estimated project cost of more than $5 million, that project is ineligible under this NOFO and should be pursued under the Title XVI Water Reclamation and Reuse Program or the WaterSMART (Sustain and Manage America's Resources for Tomorrow) Desalination Planning and Construction Program. This restriction applies to phases or project elements of a desalination or recycling project that are part of a larger project with a total estimated project cost of more than $5 million.

If you are unclear whether your project is part of a congressionally authorized Title XVI project or a project eligible under section 4009(a) or (c) of the WIIN Act, please contact Ms. Amanda Erath at aerath@usbr.gov or 303-445-2766.

C.3.3 High-Efficiency Indoor Appliance and Fixture Installation

A project that includes the installation of high-efficiency indoor appliances and fixtures, including toilets and urinals, whether through rebates, direct install, or by other means, is not eligible for funding under this NOFO.

C.4 Length of Projects

Projects should be completed within two (2) years of Reclamation signing the financial assistance agreement. For FY 2021 applications, projects should be completed by December 31, 2023. For FY 2022 applications, projects should be completed by December 31, 2024. Applications for projects requiring more than two (2) years will be considered if the applicant can demonstrate that there will be measurable progress toward the project schedule each year. The completion timeline only applies to tasks outlined in the scope of the financial assistance agreement signed by successful applicants and Reclamation.

C.5 Cost-Sharing Requirement

Applicants must be able to cost share at least 50 percent (50%) of the total project costs. Cost sharing may be made through cash or in-kind contributions from the applicant or third-party partners. Cost-share funding from sources outside the applicant's organization (*e.g.*, loans or state grants) should be secured and available to the applicant prior to award. Reclamation may approve an award prior to an applicant securing non-Federal cost-share funds if Reclamation determines that there is sufficient evidence and likelihood that non-Federal funds will be available to the applicant by the start of the project. Funding commitment letters must be submitted in accordance with *Section D.3 Instructions for Submission of Project Application* and contain the information stated at *Section D.4.9 Project Budget*, subsection *"Funding Plan and Letters of Commitment*."

C.5.1 Cost-Share Regulations

All cost-share contributions must meet the criteria established in accordance with the Code of Federal Regulations (CFR), 2 CFR 200, Cost Principles for State, Local, and Indian Tribal Governments.

C.5.2 In-Kind Contributions

In-kind contributions constitute the value of non-cash contributions that benefit a federally assisted project. These contributions may be in the form of real property, equipment, supplies and other expendable property, as well as the value of goods and services directly benefiting and specifically identifiable to the proposed project or program. The cost or value of in-kind contributions that have been or will be relied on to satisfy a cost-sharing or matching requirement for another Federal financial assistance agreement, a Federal procurement contract, or any other award of Federal funds may not

be relied on to satisfy the cost-share requirement for CALFED Grant applications. Applicants should refer to 2 CFR 200.434 for regulations regarding the valuation of in-kind donations and contributions.

C.5.3 Pre-Award Costs

Applicants that incur costs prior to Reclamation's signing the financial assistance agreement may request Reclamation include such pre-award costs when calculating the total project cost and the applicant's non-federal cost-share. Any pre-award costs proposed for consideration must comply with all applicable requirements under this NOFO.

For FY 2021 applicants, Reclamation may consider costs incurred since July 1, 2020. For FY 2022 applicants, Reclamation may consider costs incurred since July 1, 2021. Applicants may request Reclamation consider costs incurred prior to these dates.

Direct costs for the preparation of the application and support documentation are not allowable under this NOFO and subsequent awards.

C.5.4 Indirect Costs

Indirect costs that will be incurred during the development or construction of a project, which will not otherwise be recovered, may be included as part of the applicant's project budget. Indirect costs are those:

- Incurred for a common or joint purpose benefiting more than one cost objective.
- Not readily assignable to any one cost objective.

If the applicant has never received a Federal negotiated indirect cost rate, proposals may elect to include a *de minimis* rate of up to ten percent (10%) of modified total direct costs. Otherwise, if the applicant proposes indirect costs in the budget, then the applicant must either supply a copy of a current federally negotiated indirect cost rate agreement or obtain an agreement within one (1)-year of the award. For further information on indirect costs and modified total direct costs, refer to 2 CFR Part 200.

C.6 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, the Clean Water Act (CWA), the Endangered Species Act (ESA), National Historic Preservation Act (NHPA), consultation with potentially affected tribes, and consultation with the State Historic Preservation Officer (SHPO).

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 part of an applicant's cost share. These costs will be considered in the ranking of applications.

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

C.7 Requirements for Agricultural Operations Under Public Law 111-11, Section 9504(a)(3)(B)

In accordance with Section 9504(a)(3)(B) of Public Law 111-11, grants and cooperative agreements under this authority will not be awarded for an improvement to conserve irrigation water unless the applicant agrees to both of the following conditions:

- Not to use any associated water savings to increase the total irrigated acreage of the eligible applicant

- Not to otherwise increase the consumptive use of water in the operation of the eligible applicant, as determined pursuant to the law of the State in which the operation of the eligible applicant is located

C.8 Other Requirements

Applicants shall adhere to Federal, State, Territorial, and local laws, regulations, and codes, as applicable, and shall obtain all required approvals and permits. Applicants shall also coordinate and obtain approvals from site owners and operators.

C.8.1 Title to Improvements [Public Law 111-11, Section 9504(a)(3)(D)]

If the activities funded through an agreement awarded under this NOFO result in a modification to a federally owned facility, or any portion thereof, the Federal government shall continue to hold title to the facility and the improvements thereto.

C.8.2 Operation and Maintenance (O&M) Costs Under Public Law 111-11, Section 9504(a)(3)(E)(iv)

The non-Federal share of the costs for O&M of any infrastructure improvement funded through an agreement awarded under this NOFO shall be 100 percent (100%).

C.8.3 Liability Under Public Law 111-11, Section 9504(a)(3)(F)

Except as provided under Chapter 171 of Title 28, United States Code (commonly known as the "Federal Tort Claims Act"), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved through an agreement awarded under this NOFO, the title of which is not held by the United States. Nothing in this section increases the liability of the United States beyond that provided in "Federal Tort Claims Act."

C.8.4 System Registration

C.8.4.1 System for Award Management (SAM)

All applicants must be registered in SAM prior to award under this NOFO. Instructions in registering for SAM are located at https://www.sam.gov/SAM/pages/public/index.jsf . All applicants must maintain an active SAM registration with current information at all times while they have an active Federal award or an application under consideration.

Applicants must include a screen shot of their SAM account in the application package.

C.8.4.2 Automated Standard Application for Payment (ASAP)

ASAP is a Recipient-initiated payment and information system designed to provide a single point of contact for the request and delivery of Federal funds. All applicants must also be registered with and willing to process all payments through the Department of Treasury, 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 Data Universal Number System (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. Information regarding the enrollment process for recipients can be found at https://www.fiscal.treasury.gov/asap/ .

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.

Applicants must include a screen shot of their ASAP account in the application package.

Section D: Application and Submission Information

D.1 Address to Request Application Package

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

If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this NOFO by contacting:

Ms. Leanne Henderson
Grants Officer
E-mail: lhenderson@usbr.gov

D.2 Application Submission

D.2.1 Submission Date and Time

The date deadlines for submitting an application are:

- **January 18, 2021, 1:00 p.m. PST** for FY 2021 funding
- **November 30, 2021, 1:00 p.m. PST** for FY 2022 funding

Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Federal government mishandling or by the Grants.gov application system.

D.2.2 Application Delivery Instructions

Due to limited availability at the Bureau of Reclamation facility at this time, applications submitted for the first period ending **January 18, 2021** are required to be submitted via **Grants.gov only**.

For the second period due November 30, 2021, Applicants are strongly encouraged to submit their application electronically through www.grants.gov or hard copies may be submitted to the following address.

By mail or express delivery/mail services:

Bureau of Reclamation
Interior Region 10: California-Great Basin Attn: Ms. Leanne Henderson
2800 Cottage Way, Room E-1815

Sacramento, CA 95825-1898

D.3 Instructions for Submission of Project Application

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

Note: 2 CFR 200.319, Competition.

(a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

D.3.1 Applications Submitted Electronically

- Applicants are strongly encouraged to submit their application electronically through Grants.gov at www.grants.gov.

- Please note that submission of an application electronically requires prior registration through Grants.gov, which may take seven (7) to twenty-one (21) days.

- Applicants have occasionally experienced significant delays when attempting to submit their application through Grants.gov. If an applicant plans to submit an application through Grants.gov, they are encouraged to submit 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 Grants.gov Help Desk to obtain a Case Number. The Case Number will provide evidence of your attempt to submit an application prior to the submission deadline.

D.3.2 Applications Submitted by Mail

- If the applicant chooses to submit an application by mail, please submit one (1) hardcopy of the entire application document.

- Do not use comb, spiral or adhesive methods to bind the documents. Use only binder clips. Do not submit documents via electronic media.

- Hardcopy applications may be submitted by mail or express methods to the address listed in *Section D.2.2.*

- Materials arriving separately will not be included in the application package and may result in the application being rejected or not funded. Do not include a cover letter or company literature/brochure with the application. All pertinent information must be included in the application package.

Regardless of the delivery method used, the applicant must ensure that their proposal arrives by the deadlines stated in Section D.2.1 above. No applications will be accepted under this NOFO after November 30, 2021 Late applications will not be accepted unless it is determined that the delay was caused by Federal government mishandling or by a problem with the Grants.gov application system.

D.3.3 Application Format and Length

The Technical Proposal shall be limited to a maximum of thirty (30) pages. The total application package shall be no more than seventy-five (75) **consecutively numbered** pages. If an application exceeds seventy-five (75) pages, only the first seventy-five (75) pages will be evaluated. The font shall be at least twelve (12) point in size and easily readable. Page size shall be 8½ x 11 inches, except for an occasional larger size for charts, maps and drawings.

Applications will be prescreened for compliance to the page number limitations.

D.3.4 Application Content

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

- SF-424 Application for Federal Assistance Cover Page
- SF-424 Assurances (B or D Form, as applicable to the project)
- Disclosure of Lobbying Activities (SF-LLL)
- Verification of ASAP account
- Verification SAM account
- Title page
- Table of contents
- Technical proposal (limited to 30 pages) and evaluation categories:
    - Executive summary
    - Background data
    - Technical project description
    - Evaluation criteria:
        - Conservation Benefits
        - Water Benefits in Relation to Bay-Delta Supply
        - Environmental Benefits
        - Performance Measures and Project Monitoring
        - Ability to Implement the Proposed Project

        - Project Planning
        - Department of the Interior and Reclamation Priorities
- Environmental and cultural compliance
- Required permits or approvals
- Letters of project support (do not submit separately)
- Official Board Resolution
- Project budget:
    - Funding plan and letters of commitment
    - Budget proposal
    - Budget narrative
    - Budget Form SF-424A or SF-424C as applicable to project

SF-424, SF-424A, SF-424B, SF-424C and SF-424D forms may be obtained at https://www.grants.gov/web/grants/forms/sf-424-family.html .

D.4 Application Content

D.4.1 Required Forms

The application must include the following standard Federal forms.

SF-424 Application For Federal Assistance Cover Page

This fully completed form must be signed by a person legally authorized to commit the applicant to performance of the project. ***Failure to submit a properly signed SF-424 may result in the elimination of the application from further consideration.***

SF-424 Assurances

A SF-424 Assurances (B or D Form, as applicable to the project) - 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 or SF-424D may result in the elimination of the application from further consideration***.

Disclosure of Lobbying Activities (SF-LLL)

Complete and sign SF-LLL the “Disclosure of Lobbying Activities” form.

ASAP Registration

All applicants must maintain an ASAP registration with current information at all times while they have an active Federal award or an application under consideration. Please provide verification of an open and active ASAP account.

SAM Registration

All applicants must maintain an active SAM registration with current information at all times while they have an active Federal award or an application under consideration. Please provide verification of an open and active SAM account.

A screen shot of your SAM account submitted with your application will be considered verification.

D.4.2 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, telephone, and facsimile numbers of the project manager.

D.4.3 Table of Contents

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

D.4.4 Technical Proposal and Evaluation Criteria

The technical proposal and evaluation criteria (30 pages maximum) includes: (1) the Executive Summary, (2) Background Data, (3) Technical Project Description, and (4) Evaluation Criteria. To ensure accurate and complete scoring of your application, your proposal should address each sub criterion in the order presented here. Where applicable, the point value is indicated.

D.4.4.1 Technical Proposal: Executive Summary

The executive summary should include:

- The date, applicant name, city, county, and state.
- The name of the proposed project.
- A one paragraph project summary that specifies the work proposed, including how project funds will be used to accomplish specific project activities and briefly

identifies how the proposed project contributes to accomplishing the goals of this NOFO (see *Section C.2 Eligible Projects*).

- List the following amounts, in acre feet (AF):
    - The annual water supply for the last complete five (5) years. Be sure to list each source and indicate if this source originates within the California Bay-Delta. For sources with multiple origins, please describe each of those origins.
    - The estimated amount of water saved after the project is completed.
    - The estimated amount of water better managed after the project is completed.
    - If this project will only conserve or better manage water from a single source, please describe.
- State the length of time and estimated completion date for the project.
- Whether or not the project is located on a Federal facility.

D.4.4.2 Technical Proposal: Background Data

Provide a map of the area showing the geographic location of the proposed project. For linear projects such as canal lining or piping, please delineate project start and end points. The map should easily identify the project area and major geographic features including roads, streams, reservoirs, towns, canals, laterals, and irrigated lands.

As applicable, describe the source of water supply, the water rights involved, current water uses (*e.g.*, agricultural, municipal, domestic, or industrial), the number of water users served, and the current and projected water demand. Also, identify potential shortfalls in water supply. If water is primarily used for irrigation, describe major crops and total acres served.

In addition, describe the applicant's water delivery system as appropriate. For agricultural systems, please include the miles of canals, miles of laterals, and existing irrigation improvements (*e.g.*, type, miles, and acres). For municipal systems, please include the number of connections and/or number of water users served and any other relevant information describing the system.

Describe the applicant's relationship to the California Bay-Delta and quantify the average amount of the applicant's water supply received from the Delta and other sources over each of the last five (5) years. Discuss the applicant's ability to manage or influence the District's runoff to the Bay-Delta, including diversions or exports. Discuss how benefits from this project will directly enhance the Bay-Delta, (e.g., conserved water results in a decrease in Delta diversions).

Identify any past working relationships with Reclamation. This should include the date(s), description of prior relationships with Reclamation, Assistance Agreement Number(s), and a description of the project(s).

Describe any other relevant background information.

D.4.4.3 Technical Proposal: Technical Project Description

Describe the work, in detail, including specific activities that will be accomplished as a result of this project. This description shall have sufficient detail to permit a comprehensive evaluation of the proposal.

Provide an estimated project schedule demonstrating the stages and duration of the proposed work, including major milestones and dates.

Briefly describe and summarize any engineering plans, designs, and analyses prepared in connection with the proposed project.

Bay-Delta Demonstrated Results

Explain how this project will benefit the California Bay-Delta and achieve specific Bay-Delta Restoration Fund objectives for water supply reliability, water quality, and ecosystem restoration.

Describe the degree to which the proposed project increases conservation and/or efficiency overall, and the degree to which it increases conservation and/or efficiency with regard to any individual facilities (*e.g.*, headgate or canal), and the life expectancy of the project or multiple components of the project. In your response, please include the following information in AF:

(a) For proposals that conserve water, the yearly amount of water conserved and the fate of the conserved water (*i.e.*, remains in stream, used for other purposes, *etc.*).

(b) For projects involving improvements to individual facilities (*e.g.*, a headgate, canal or ditch), state the average annual water supply that runs through the affected facility and the estimated water savings or quantities that will be better managed or managed differently, as a result of facility improvement.

(c) For proposals that improve water management through measurement, automation, or irrigation management, *etc.*, state the yearly amount of water expected to be better managed.

Provide the following information regarding project benefits:

(a) Identify all direct project benefits to the Bay-Delta (*e.g.*, amount of water conserved, water quality, improvement of instream flows, *etc.*); indicate the number of years such benefits will continue (*e.g.*, the life of any physical improvements, and/or the term of any contractual arrangements); and whether such benefits will occur year-round, or only during certain months of the year (if so, state which months of the year). If the benefit is intermittent, state the likelihood of occurrence, in terms of number of years the benefit is likely to occur (ex. four (4) years out of ten (10) during drought periods).

(b) Identify any indirect benefits such as increased carryover storage, increased irrigation season during drought, improved reliability of water supply. If the time period that such benefits will continue is different from the time period indicated above in response to (a), please explain.

(c) Discuss other benefits from the proposed project which are not included above. Any expected benefits that cannot be quantified should be described in a detailed narrative.

(d) Provide documentation and support for how estimates of direct project benefits and any indirect project benefits were made (*i.e.*, calculations, measurements, and references).

(e) Identify the average annual water supply by source over the most recent five (5) years and which source(s) that originate from the Bay-Delta watershed.

Need for the Project and Community Involvement

Explain the need for the proposed project. Include:

- The urgency of the project.
- The negative consequences or potential impacts if not implemented.
- Other information relevant to the need of the proposed project.

Describe any public outreach that the applicant has provided to the groups or individuals that may be affected by the project. Include how other local agencies might be involved in the project, third party impacts, and any opposition to the proposed project.

D.4.4.4 Technical Proposal: Evaluation Criteria

The evaluation criteria portion of your application should thoroughly address each criterion in the order presented to assist in the complete and accurate evaluation of your proposal. (See Section E for more information regarding proposal evaluation criteria.)

It is suggested that applicants copy and paste the evaluation criteria in Section E in their applications to ensure that all necessary information is adequately addressed.

D.4.5 Environmental and Cultural Resources Compliance

To allow Reclamation to assess the probable environmental and cultural resources impacts and costs associated with each application, all applicants must respond to the following list of questions focusing on the NEPA, ESA, and NHPA requirements. Information regarding the NEPA process can be found at: https://www.usbr.gov/mp/nepa/nepa_overview.php.

Regional or area Reclamation offices are available to answer questions regarding NEPA compliance issues. You may contact Ms. Anna Sutton, Program Coordinator, at 916-978-5214 or asutton@usbr.gov for further information.

Please answer the following questions to the best of your knowledge. If any question is not applicable to the project, please explain why. If you cannot answer the question because you have yet to conduct the necessary research, please include a schedule showing when such research and the subsequent analysis will occur.

1) Will the project impact the surrounding environment (e.g., soil [dust], air, water [quality and quantity], animal habitat)? Please briefly describe all earth-disturbing work and any work that will affect the air, water, or animal habitat in the project area. Please also explain the impacts of such work on the surrounding environment and any steps that could be taken to minimize the impacts.

2) Are you aware of any species listed or proposed to be listed as a Federal threatened or endangered species, or designated critical habitat in the project area? If so, would they be affected by any activities associated with the proposed project? For a listing of endangered or threatened species in your area, please visit https://www.fws.gov/endangered or contact your Regional or Area Office of Reclamation.

3) Are there wetlands or other surface waters inside the project boundaries that potentially fall under the CWA jurisdiction as “waters of the United States?” If so, please describe and estimate any impacts the project may have.

4) When was the water delivery system constructed?

5) Will the project result in any modification of or effects to, individual features of an irrigation system (e.g., head gates, canals, or flumes)? If so, state when those features were constructed and describe the nature and timing of any extensive alterations or modifications to those features completed previously.

6) Are any buildings, structures, or features in the irrigation district listed or eligible for listing on the National Register of Historic Places? Applicants will need to contract with a private cultural resources management professional (http://www.chrisinfo.org/), or make arrangements through Reclamation’s grant administrator for Reclamation’s Cultural Resources personnel to determine what,

if any, previous cultural resource surveys have been conducted in the project area. A cultural resources specialist at your local Reclamation office or the State Historic Preservation Office can assist in answering these questions.

7) Are there any known archeological sites in the proposed project area?

8) Will the project have a disproportionately high and adverse effect on low income or minority populations?

9) Will the project limit access or ceremonial use of Indian sacred sites or result in other impacts on Tribal lands?

10) Will the project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?

11) Will the proposed budget include a line item for environmental compliance analysis costs? If so, what is that amount? If not, why not?

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

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

D.4.6 Required Permits or Approvals

Applicants must state in the application whether any permits or approvals are required and explain the plan for obtaining such permits or approvals. This includes land easements, Caltrans permits, Pacific Gas and Electric Company permits, CWA permits, Clean Air Act permits, ESA consultations, NHPA consultations, etc.

Note: 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 Public Law 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.4.7 Letter of Project Support

Applicants are encouraged to submit letters of project support showing collaboration among parties to demonstrate if there is wide spread support for the project, the significance of the collaboration support, if the project will prevent a water-related crisis or conflict, the tension or litigation over water and how this project will help to ameliorate the issues, or the possibility of future water conservation improvements by other water users enhanced by the completion of this project.

D.4.8 Official Board Resolution

All applicants shall submit an official resolution adopted by the applicant'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 CALFED Grant financial assistance, verifying:

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

An official resolution meeting the requirements set forth above is mandatory. If the applicant is unable to submit the official resolution by the application deadline because of the timing of board meetings or other justifiable reasons, the official resolution may be submitted up to 30 days after the application deadline.

D.4.9 Project Budget

Funding Plan and Letters of Commitment

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

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

(1) The amount of funding commitment.
(2) The date the funds will be available to the applicant.
(3) Any time constraints on the availability of funds.
(4) Any other contingencies associated with the funding commitment.

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

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

The funding plan must include all project costs, including:

1) How you will make your contribution to the cost-share requirement, such as monetary and/or in-kind contributions and source funds contributed by the applicant (*e.g.*, reserve account, tax revenue, and/or assessments).

2) Describe any in-kind costs incurred before the anticipated project start date that you seek to include as project costs. Include:

    a. What project expenses have been incurred.

    b. How they benefitted the project.

    c. The amount of the expense.

    d. The date of cost incurrence.

3) Provide the identity and amount of funding to be provided by funding partners, as well as the required letters of commitment.

4) Describe any funding requested or received from other Federal partners. Note: Other sources of Federal funding may not be counted towards your 50 percent (50%) cost-share unless otherwise allowed by statute.

5) Describe any pending funding requests that have not yet been approved, and explain how the project will be affected if such funding is denied.

Please include the following chart (Table 1) to summarize your non-Federal and other Federal funding sources. Denote in-kind contributions with an asterisk (*). Please ensure that the total Federal funding (*i.e.*, Reclamation and all other Federal sources) does not exceed 50 percent (50%) of the total estimated project cost.

Table 1. Summary of non-Federal and Federal funding sources

Funding sources	Percent of project cost	Funding amount
Non-Federal entities		
Non-Federal subtotal:		
Other Federal entities		
Other Federal subtotal:		
Requested Reclamation funding:		
Total project funding:		

Budget Proposal: General Requirements

Include a project budget table that estimates all costs (not just costs to be borne by Reclamation). Include the value of in-kind contributions of goods and services and sources of funds provided to complete the project. The budget table must clearly delineate between Reclamation and applicant contributions.

Budget Proposal: Budget Table Format

The project budget table shall include detailed information on the categories listed below and must clearly identify all project costs. Unit costs shall be provided for all budget items including the cost of work to be provided by contractors. Additionally, applicants shall include a narrative description of the items included in the project budget, including the value of in-kind contributions of goods and services provided to complete the proposed project. It is strongly advised that applicants use the budget proposal format shown below (Table 2) or a similar format that provides this information. **If selected for award, successful applicants must submit detailed supporting documentation for <u>all</u> budgeted costs**.

The table below is only a sample budget table format. We highly suggest you use this format, but you may submit the information in a different format which provides a detailed break-down of costs and justification for budgets presented in the SF-424A.

Construction contracts should be broken out into specific line items. You should attach a separate, detailed budget for each contract to adequately address all contractor budget items.

Table 2. Sample budget proposal format

Budget item description	Computation		Quantity type (hours/days)	Total cost
	$/Unit	Quantity		
Salaries and wages				
Employee 1				**$ -**
Employee 2				**$ -**
Fringe benefits by $ or %				
Full-time employees				**$ -**
Part-time employees				**$ -**
Travel				
Trip 1				**$ -**
Trip 2				**$ -**
Equipment				
Item A				**$ -**
Item B				**$ -**
Supplies/materials				
Item A				**$ -**
Item B				**$ -**
Contractual/construction				
Contractor A				**$ -**
Contractor B				**$ -**
Other				
Environmental				**$ -**
Reporting				**$ -**
Total direct costs				**$ -**
Indirect costs - __%				
Type of Rate	Percentage	$base		**$ -**
Total project costs				**$ -**

Budget Narrative Format

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, the cost items included in the budget proposal, the basis for each cost, and why the costs are deemed allowable, allocable and reasonable in accordance with 2 CFR 200.

The types of cost information to provide in the budget narrative are listed in the following subsections. Include the value of in-kind contributions of goods and services, and sources

of funds provided to complete the proposed project. **Please provide supporting documentation as indicated for each item of cost.**

Note: All successful applications will undergo a rigorous cost-price analysis and multi-level review prior to award of Federal funding. The budget narrative's cost items will be used for this analysis. If the grant application does not contain the appropriate amount of detail and supporting documentation, the award process will be delayed, and may result in the elimination of the application from further consideration.

1. Salaries and Wages

- Indicate program manager and other key personnel by name and title. Other personnel may be indicated by title alone.
- For all positions, indicate salaries and wages, estimated hours or percent of time, and rate of compensation proposed. (i.e., number of hours, days, weeks, etc.).
- The labor rates should identify the direct labor rate separate from the fringe rate or fringe cost for each category – no fully burdened rates will be allowed for applicant personnel.
- Supporting documentation for the budgeted rates shall be submitted with the application (i.e., payroll records, or company rate sheets. Redact any Personally Identifiable Information other than employee name, rate of pay and job classification).
- Provide a certification on company letterhead that rates provided are actual salaries currently paid to listed employees.
- Clearly identify any proposed salary increases, the effective date, and provide explanation to the basis of the increase.
- Generally, salaries of administrative and/or clerical personnel will be included as a portion of the stated indirect costs. If these salaries can be adequately documented as direct costs, they should be included in this section; however, a justification should be included in the budget narrative.

2. Fringe Benefits

- Indicate rates/amounts, what costs are included in this category, and the basis of the rate computations.
- Fringe costs should typically include payroll taxes such as FICA, unemployment, and workers compensation, but can also include retirement, health insurance, and annual, sick, and holiday leave.

- Fringe does not include federal income taxes, employee portion FICA, or other such costs.

- Federally approved Negotiated Indirect Cost Rate Agreements are acceptable for compliance with this cost item. Provide documentation for the fringe and overhead rates proposed and submit the supporting documents with your proposed budget and narrative.

- Indicate whether these rates are used for application purposes only or whether they are fixed or provisional rates for billing purposes.

3. Travel

- Include purpose of trip, destination, and number of personnel traveling, length of stay and all travel costs including airfare, per diem, lodging, airfare, and miscellaneous travel expenses.

- Include the basis for rates used, i.e. Government Services Administration (GSA) Per Diem Rates.

- For local travel, include estimated mileage and rate of compensation, i.e. $0.58 per mile per GSA standard mileage rates.

- Submit supporting documents with your proposed budget and narrative (i.e., invoices, receipts, travel vouchers, etc. Redact any personally identifiable information other than employee name).

- Verify Per Diem and Transportation Rates per https://www.gsa.gov/travel/plan-book/per-diem-rates

4. Equipment

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

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

- If the applicant intends to use their own equipment for the purposes of the project, the proposed usage rates should fall within the equipment usage rates outlined by the United States Army Corps of Engineers (USACE) within their Construction Equipment Ownership and Operating Expense Schedule (EP

1110-1-8) at http://www.publications.usace.army.mil/USACE-Publications/Engineer-Pamphlets/u43545q/313131302D312D38/

- If these rates are not available, the USACE recommended equipment rates for the region are acceptable. (Blue book, Federal Emergency Management Agency and other data bases should not be used.)

Submit supporting documentation with your proposed budget and narrative.

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

5. Materials and Supplies

- Itemize supplies by major category, unit price, quantity, and purpose, such as whether the items are needed for office use, research, or construction.

- Identify how these costs were estimated (e.g., quotes, past project invoice, engineering estimates, or other methodology).

- Submit supporting documentation with your proposed budget and narrative.

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

6. Contractual and Construction

- Identify all work that will be accomplished by sub recipients, consultants, or contractors, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task.

- If applicable, use the same cost categories for each subcontractor/consultant as listed in this budget narrative (Salaries and Wages [fully burdened are allowable], Travel, Equipment, Materials and Supplies, Other).

- Identify how the budgeted costs for subcontractors were determined to be fair and reasonable 2 CFR 200, Subpart E, Cost Principles.

- If a sub recipient, consultant, or contractor is proposed and approved at time of award, no other approvals will be required. Any changes or additions will require a request for approval.

Submit supporting documentation with your proposed budget and narrative:

- Quotes and/or past invoices to support individual items of cost.

- Bid matrix and copies of bids to support competed contracts (for current proposed contracts or as support for past contract comparisons.

- Print outs from Estimating Manuals/Software for Engineer Estimates, Models, etc.

7. Environmental and Regulatory Compliance Costs

Applicants must include a line item in their budget to cover environmental compliance costs.

"Environmental compliance costs" refer to costs incurred by Reclamation or the recipient in complying with environmental regulations applicable to a grant or cooperative agreement, including costs associated with any required documentation of environmental compliance, analyses, permits, or approvals. Applicable Federal environmental laws could include NEPA, ESA, NHPA, and the CWA, and other regulations depending on the project. Such costs may include, but are not limited to:

- The cost incurred by Reclamation to determine the level of environmental compliance required for the project

- The cost incurred by Reclamation to review any environmental compliance documents prepared by a consultant

- The cost incurred by Reclamation, the recipient, or a consultant to prepare any necessary environmental compliance documents or reports

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

The amount of the line item should be based on the actual expected environmental compliance costs for the project. **The minimum amount budgeted for environmental compliance should be approximately two percent (2%) of the total project costs. If the amount budgeted is less two percent (2%) of the total project costs, you must include a compelling explanation of why less than two percent (2%) was budgeted.**

Reclamation advises each applicant to coordinate with Reclamation's environmental compliance staff prior to preparing environmental compliance analyses or documents. How environmental compliance activities will be performed (e.g., by Reclamation, the applicant, or a consultant) and how the environmental compliance funds will be spent, will be determined pursuant to subsequent agreement between Reclamation and the applicant. If any portion of the funds budgeted for environmental compliance is not required for compliance activities, such funds may be reallocated to the project, if appropriate.

8. Other

- Other: Any other expenses not included in the above categories shall be listed in this category, along with a description of the item and what it will be used for. No profit or fee will be allowed.
- Reporting: Recipients are required to report on the status of their project on a regular basis. Failure to comply with reporting requirements may result in the recipient being removed from consideration for funding under future funding opportunities. Include a line item for reporting costs (including final project and evaluation costs), with estimated hours for compliance with reporting requirements, including final project and evaluation. Please see *Section F.5* for information on types and frequency of reports required.

9. Indirect Costs

- Show the proposed rate, cost pool base, and proposed amount for allowable indirect costs based on the applicable cost principles in 2 CFR 200, Subpart E. It is not allowable to incorporate indirect rates within other direct cost line items.
- If the applicant has separate rates for recovery of labor overhead and general and administrative costs, each rate shall be shown. The applicant should propose rates for evaluation purposes, which will be used as fixed or ceiling rates in any resulting award. Include a copy of any Federally approved Negotiated Indirect Cost Rate Agreement. If a Federally approved indirect rate agreement is not available, provide supporting documentation for the rate. This can include a recent recommendation by a qualified certified public accountant along with support for the rate calculation.
- If the applicant has never received a Federally negotiated indirect cost rate, the budget may include a *de minimis* rate of ten percent (10%) of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR Part 200.
- If you do not have a federally approved Negotiated Indirect Cost Rate Agreement and/or are proposing a rate greater than the *de minimis* ten percent (10%) 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 Interior Business Center, and Indirect Cost Services, at https://www.doi.gov/ibc/services/finance/indirect-cost-services.

Total Costs

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

In addition to the above-described budget information, the applicant must complete an SF-424A, Budget Information—Non-Construction Programs, or an SF-424C, Budget Information—Construction Programs. These forms are available at https://www.grants.gov/web/grants/forms/sf-424-family.html or may be downloaded from the Funding Opportunity in Grants.gov under Full Announcement.

D.5 Intergovernmental Review

This NOFO is 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 www.whitehouse.gov/wp-content/uploads/2019/02/SPOC-February-2019.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 listed in the Office of Management and Budget's website, www.whitehouse.gov/wp-content/uploads/2019/02/SPOC-February-2019.pdf

Section E: Application Review Information

E.1 Technical Proposal: Evaluation Criteria

The evaluation criteria portion of your application should thoroughly address each of the following criteria and sub criteria in the order presented to assist in the complete and accurate evaluation of your proposal. It is suggested that applicants copy and paste this information directly into their applications). **Applications will be evaluated against the evaluation criteria which comprise one hundred (100) points of the total evaluation weight**. Projects may be prioritized to ensure balance among the program Task Areas and to ensure that the projects address the goals of the CALFED program.

Note: If the work described in your application is a phase of a larger project, please only discuss the benefits that will result directly from the work discussed in your application and that is reflected in the budget, not the overall project.

Table 3-Evaluation Categories and Point Distribution

Category	Possible Points
1. Water Savings to Bay-Delta	**30**
2. Water Benefits in Relation to Delta Supply	**20**
3. Environmental Benefits	**15**
4. Performance Measures and Project Monitoring	**10**
5. Ability to Implement the Proposed Project	**10**
6. Department of the Interior and Bureau of Reclamation Priorities	**10**
7. Project Planning	**5**
Total	**100**

The Technical Proposal should thoroughly address, in the order presented below, each of the following categories.

1. Lifetime water Savings to Bay-Delta (up to 30 points)
Provide the annual water savings of project. For projects with distinct project components (ex. canal lining and SCADA), please break out savings or water better managed by component. Provide the life of the project, and for projects with distinct project components, provide the life of the component. Calculate the lifetime project water savings based upon the life of the proposed project as related to the five (5)-year average percentage of the applicant's Bay-Delta water supply, as described in the Technical Proposal, Executive Summary. Multiply the project's water savings by the percent of Bay-Delta water supply impacted by the applicant's overall actions. For implementation projects that better manage water, attribute only ten percent (10%) of benefits to conservation (i.e., multiply benefit by 0.1 in calculation). Please show calculations.

Example 1a: A subcontractor (i.e., retailer) of a primary contractor (i.e., wholesaler) submits a proposal for a project that will, over the 20-year life of the project, save 20,000 AF, and annually save 1,000 AF per year (AFY) of water. The subcontractor receives sixty-five percent (65%) of their water supplies from the contractor (i.e., the other thirty-five percent (35%) is from groundwater, recycled water, etc.). The contractor receives eighty percent (80%) of their water from sources that flow into the Bay-Delta (e.g., the American, Feather, Sacramento, or San Joaquin Rivers).

The subcontractor would calculate their total water savings as:
20,000 AF x 0.65 = 13,000 AF
13,000 AF x 0.80 = 10,400 AF
Therefore, the subcontractor's total water savings that impacts the Bay-Delta is 10,400 AF.

Example 1b: A contractor submits a proposal for a project that will, over the 20-year life of the project, save 12,000 AF, and annually save 600 AFY of water. The contractor receives eighty percent (80%) of their water from sources that flow into the Bay-Delta (e.g., the American, Feather, Sacramento, or San Joaquin Rivers).

The contractor would calculate their total water savings as:
12,000 AF x 0.80 = 9,600 AF
Therefore, the contractor's total water savings that impacts the Bay-Delta is 9,600 AF.

2. Water Benefits in Relation to Bay-Delta Supply (up to 20 points)
Using the annual water savings, calculate and state the percentage of Delta water supply that will be conserved by the project. For implementation projects that better manage water, attribute only ten perent (10%) of benefits to conservation (i.e., multiply benefit by 0.1 in calculation). Please show calculations.

Example 2a (Based upon the same application in Example 1a, above): The subcontractor's annual water savings is 520 AFY, and the subcontractor's total annual supply from sources that flow into the Delta is 10,000 AFY.

The subcontractor would calculate their annual water benefits in relation to their Delta supply as:
(520 AFY / 10,000 AFY) x 100 = 5.2%

Example 2b (Based upon the same application in Example 2b, above): The contractor's annual water savings is 480 AFY, and the contractor's total annual supply from sources that flow into the Delta is 75,000 AFY.

The contractor would calculate their annual water benefits in relation to their Delta supply as:
(480 AFY / 75,000 AFY) x 100 = 0.64%

3. Environmental Benefits (up to 15 points)

Projects that incorporate beneficial components for fish and wildlife must be directly related to the Bay-Delta system. Such components may include, but are not limited to, fish screens, fish ladders, bypasses, and modifications to water intakes. Using qualitative and quantitative data about the proposed project, address the following:

- Contribution towards one or more of the CALFED objectives: improving flows in the Bay-Delta, reducing irrecoverable water losses, attaining water quality benefits or attaining ecosystem benefits.
- Describe measurable benefits.
- Identify the estimated period of time during which direct and indirect benefits will be derived (i.e., life of the project in number of years and whether benefits would occur year-round).
- Describe any long-term direct Bay-Delta benefits.
- Describe any State-wide (i.e., not local) benefits.

4. Performance Measures and Project Monitoring (up to 10 points)

All CALFED Grant applicants are required to propose a detailed method (or "performance measure") of quantifying the actual benefits of their project once it is completed. Actual benefits are defined as water conserved, marketed, or better managed as a direct result of the project. Quantifying project benefits is an important means to determine the relative effectiveness of various water management efforts, as well as the overall effectiveness of CALFED Grants. Projects funded under this NOFO must include a project water savings analysis with the final project report.

Describe the performance measures and project monitoring plan that will capture, verify, and document the actual benefits of the project once it is implemented. Example performance measures can be found in Section H.1.

5. Ability to Implement the Proposed Project (up to 10 points)

Address the level of difficulty of implementing the proposed project, based upon the following:

- If collaboration is necessary, the level of collaboration among multiple entities.
- Are there plans to expand and build upon this project when federal assistance ends?
- For innovative techniques, are there plans to assist others in adopting and implementing the methods and techniques used by the project?
- Whether the professional and technical qualifications of the applicant's staff and resources are commensurate with the proposed project.
- If necessary, whether any letters of support are included.
- The applicant has existing or how it will develop new partnerships necessary for the project's short and long term success and reliability.
- Whether the applicant has demonstrated good standing with past project performance on other Reclamation financial assistance agreements and contracts.
- The extent of initial and final design.
- Any anticipated technical or logistical difficulties.

- A schedule that tracks design, CEQA/NEPA/NHPA/SHPO compliance, permitting, and construction.
- A detailed budget

6. Department of the Interior and Bureau of Reclamation Priorities (up to 10 points)

Up to 10 points may be awarded based on the extent that the proposal demonstrates that the project supports the Department of the Interior and Reclamation priorities. Please address those priorities that are applicable to your project. It is not necessary to address priorities that are not applicable to your project. A project will not necessarily receive more points simply because multiple priorities are addressed. Points will be allocated based on the degree to which the project supports one or more of the priorities listed, and whether the connection to the priority(ies) is well supported in the proposal.

Department of the Interior Priorities

1. ***Creating a conservation stewardship legacy second only to Teddy Roosevelt***
    a. Utilize science to identify best practices to manage land and water resources and adapt to changes in the environment;
    b. Examine land use planning processes and land use designations that govern public use and access;
    c. Revise and streamline the environmental and regulatory review process while maintaining environmental standards.
    d. Review Department of the Interior water storage, transportation, and distribution systems to identify opportunities to resolve conflicts and expand capacity;
    e. Foster relationships with conservation organizations advocating for balanced stewardship and use of public lands;
    f. Identify and implement initiatives to expand access to Department of the Interior lands for hunting and fishing;
    g. Shift the balance towards providing greater public access to public lands over restrictions to access.

2. ***Utilizing our natural resources***
    a. Ensure American Energy is available to meet our security and economic needs;
    b. Ensure access to mineral resources, especially the critical and rare earth minerals needed for scientific, technological, or military applications;
    c. Refocus timber programs to embrace the entire ‘healthy forests’ lifecycle;
    d. Manage competition for grazing resources.

3. ***Restoring trust with local communities***
    a. Be a better neighbor with those closest to our resources by improving dialogue and relationships with persons and entities bordering our lands;
    b. Expand the lines of communication with Governors, state natural resource offices, Fish and Wildlife offices, water authorities, county commissioners, Tribes, and local communities.

4. ***Striking a regulatory balance***
    a. Reduce the administrative and regulatory burden imposed on U.S. industry and the public;
    b. Ensure that Endangered Species Act decisions are based on strong science and thorough analysis.

5. ***Modernizing our infrastructure***
    a. Support the White House Public/Private Partnership Initiative to modernize U.S. infrastructure;
    b. Remove impediments to infrastructure development and facilitate private sector efforts to construct infrastructure projects serving American needs;
    c. Prioritize Department of the Interior infrastructure needs to highlight:
        1. Construction of infrastructure;
        2. Cyclical maintenance;
        3. Deferred maintenance.

<u>Bureau of Reclamation Priorities</u>

1. Increase Water Supplies, Storage, and Reliability under the Water Infrastructure Improvements for the Nation Act and other Authorities to Benefit Farms, Families, Businesses, and Fish and Wildlife

2. Streamline Regulatory Processes and Remove Unnecessary Burdens to Provide More Water and Power Supply Reliability

3. Leverage Science and Technology to Improve Water Supply Reliability to Communities

4. Address Ongoing Drought

5. Improve the Value of Hydropower to Reclamation Power Customers

6. Improve Water Supplies for Tribal and Rural Communities

7. Implementation of new Title Transfer authority pursuant to Public Law 116-9

7. Project Planning (up to 5 points)

Points may be awarded for proposals that conform with specific planning efforts, such as management groups, System Optimization Review (SOR) plans, and drought contingency plans.

Does the applicant have a Water Conservation Plan and/or SOR in place? Please self-certify, or provide copies of these plans where appropriate to verify that such a plan is in place.

Provide the following information regarding project planning:

(1) Identify any district-wide, or system-wide, planning that provides support for the proposed project. This could include a Water Conservation Plan, SOR, Drought Contingency Plan or other planning efforts done to determine the priority of this project in relation to other potential projects.
(2) Describe how the project conforms to and meets the goals of any applicable planning efforts, and identify any aspect of the project that implements a feature of an existing water plan(s).
(3) If this projects builds on past grants, provide the name of the granting agency, the program, and name of the past project. Describe how this project continues the efforts achieved by the past project.

E.2 Review Process

Reclamation reserves the right to reject any and all applications which do not meet the requirements of this NOFO or which are outside the scope of CALFED Grants. Awards will be made for projects most advantageous to the Government. Award selection may be made to maintain balance among the program tasks listed in *Section C.2 Eligible Projects*. The evaluation process will be comprised of the steps described in the following subsections.

E.2.1 First Level Evaluation: Initial Screening

All applications will be screened to ensure that they meet the following criteria:

- The application meets the requirements of the NOFO package, including submission of technical and budget proposals, a funding plan, letter(s) of commitment, and related forms.

- The application contains a properly executed SF-424 Application for Financial Assistance and a form SF-424B, Assurances—Non-Construction Programs, or SF-424D, Assurances—Construction Programs.

- The application includes an official Board Resolution, adopted by the applicant's board of directors, governing body, or appropriate authorized official.

- At least 50 percent (50%) of the cost of the project will be paid for with non-Federal funding. Cost-share funding from sources outside the applicant's organization, e.g., loans or state grants, should be secured and available to the applicant prior to award. Reclamation will not make funds available for a CALFED Grant project until the recipient has secured non-Federal cost-share. Reclamation will execute a financial assistance agreement once non-Federal funding has been secured or Reclamation determines that there is sufficient evidence and likelihood that non-Federal funds will be available to the applicant subsequent to executing the agreement.

- The applicant meets the eligibility requirements stated in this document.
- The application meets the description of eligible projects in *Section C.2 Eligible Projects (Tasks A-D)* and is within the scope of CALFED Grants.
- For the FY 2021 application submittal period, the project can be completed by December 31, 2023. For the FY 2022 application submittal period, the project can be completed by December 31, 2024.

Reclamation reserves the right to remove an application from funding consideration if it does not pass all First Level screening criteria listed above.

E.2.2 Second Level Evaluation: Application Review Committee (ARC)

Evaluation criteria will comprise of one hundred (100) points and is weighted as stated in *Section E.1*. Applications will be scored against the evaluation criteria by an ARC, made up of experts in relevant disciplines.

During Second-Level Evaluation, Reclamation may contact applicants to request clarification to the information provided if necessary.

E.2.3 Third Level Evaluation: Red Flag Review

Following the results of the ARC reviews, Reclamation offices will review the top-ranking application and will identify any reasons why a proposed project would not be feasible or otherwise advisable, including environmental or cultural resource compliance issues, permitting issues, legal issues, or financial position. Positive or negative past performance by the applicant or 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, and conduct a preliminary budget review and evaluate the applicant's ability to meet the required cost share.

E.2.4 Fourth Level Evaluation: Managerial Review

Management will prioritize projects to ensure that the total amount of all awards does not exceed available funding levels and to ensure that the projects meet the scope and

priorities of this NOFO. Management may also prioritize program and projects to ensure that the Department of the Interior and Reclamation priorites are met. Positive or negative past performance by the applicant or 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.

E.3 Selection Process

After completion of the managerial review, Reclamation will notify applicants whose proposals have been selected for further consideration and will forward their application to the appropriate Reclamation regional or are office for completion of environmental compliance.

The local Reclamation office will also complete a business evaluation and determination of responsibility. During these evaluations, the Grants Officer (GO) will also consider several factors which are important, but not quantified, such as:

- Pre-award clearances, determination, reviews, and approvals.
- Allowability and allocability of proposed costs.
- Financial strength and stability of the organization.
- Past performance, including satisfactory compliance with all terms and conditions of previous awards, such as environmental compliance issues, reporting requirements, proper procurements of supplies and services, and audit compliance.
- Adequacy of personnel practices; procurement procedure; and accounting policies and procedures, as established by applicable Office of Management and Budget circulars.

If the results of all pre-award reviews and clearances are satisfactory, a financial assistance agreement will be executed and funding will be obligated under the finalized agreement, approximately three (3) to six (6) months from the date of initial selection. If the results of all pre-award review and clearances are unsatisfactory, consideration of funding for the project may be withdrawn.

Section F: Award Administration Information

F.1 Award Notices

Successful applicants will receive, by electronic or regular mail, a notice of further consideration for a financial assistance agreement.

F.2 Award Document

If an financial assistance agreement is executed as a result of this NOFO, the proposed project and other relevant information (e.g., expected water savings) from the application will be referenced in the Financial Assistance Agreement. The financial ssistance agreement document must be signed by a Reclamation GO and the applicant before it becomes effective.

F.3 Releasing Applications

Following the execution of an financial assistance agreement, Reclamation will post all successful applications on the Reclamation website after any redactions determined necessary by Reclamation, in consultation with the recipient.

F.4 Water Savings Validation

Reclamation may conduct water savings validation efforts on a number of awarded CALFED Water Use Efficiency Grants, including before and after tests, to assess the overall accuracy of water savings estimates. Through these efforts, Reclamation may collect data that can be used to determine ways to improve the information requested in future NOFOs related to water savings estimates, leading to more precise estimates in the future. Tasks related to validation would take place after an Financial Assistance Agreement has been entered into and the results will not impact a recipient’s funding under the current financial assistance agreement.

F.5 Reporting Requirements and Distribution

If an financial assistance agreement is executed as a result of this NOFO, the applicant will be required to submit the following reports on at least a semi-annual basis during the term of the financial assistance agreement.

F.5.1 Financial Reports

Federal Financial Reports shall be submitted by means of the SF-425 and shall be submitted according to the Report Frequency and Distribution schedule outlined in the financial assistance agreement.

F.5.2 Program Performance Reports

Program Performance Reports shall be submitted according to the Report Frequency and Distribution schedule outlined in the financial assistance agreement, and shall include the following:

- Comparison of actual accomplishments to the milestones established by the agreement for the period. Where the accomplishments of the Federal award can be quantified, a computation of the cost (for example, related to units of accomplishment) may be required if that information will be useful. Where performance trend data and analysis would be informative to the Federal awarding agency program, the Federal awarding agency should include this as a performance reporting requirement.

- Reasons why established milestones were not met, if applicable.

- 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.

- Additional pertinent information including, where appropriate, analysis and explanation of cost overruns / high unit costs, or issues related to the status of the project.

Final report, including, but not limited to, the following information (**please note final reports are public documents and may be made available on Reclamation's website**):

- Whether the project objectives and goals were met;

- Discussion of the amount of water conserved, if applicable, including information and/or calculations supporting that amount; and

- How the project demonstrates collaboration, if applicable.

F.5.3 Significant Development Reports

Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such case, the non-Federal entity must inform the Federal awarding agency or pass-through entity as soon as the following types of conditions become known:

1. Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the Agreement. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.

2. Favorable developments which enable meeting time schedule and objectives sooner or at less cost than anticipated to producing more of different beneficial results than originally planned.

F.6 Conflicts of Interest

F.6.1 Applicability

This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements. In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR §200.318 apply.

F.6.2 Requirements

Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.

In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or subrecipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last 1 year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or subrecipient or in development of the requirement leading to the funding announcement.

No actual or prospective recipient or subrecipient may solicit, obtain, or use non-public information regarding the evaluation, award, or administration of an award to that

recipient or subrecipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or subrecipient.

F.6.3 Notification

Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the Department of the Interior's awarding agency or pass-through entity in accordance with 2 CFR §200.112, Conflicts of Interest. Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

F.6.4 Restrictions on Lobbying

Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 4 3 CFR Part 18 and 31 U.S.C. §13 52.

F.6.5 Review Procedures

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

F.6.6 Enforcement

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

F.7 Data Availability

F.7.1 Applicability

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

F.7.2 Use of Data

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

F.7.3 Availability of Data

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

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

F.8 Federal Award Performance Integrity Information System

Prior to making an award with a Federal total estimated amount greater than $150,000, Reclamation is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently Federal Award Performance Integrity Information System [FAPIIS]) (see 41 U.S.C. §2313). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. Reclamation will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR §200.205 Federal awarding agency review of risk posed by applicants.

Section G: Agency Contacts

There will be no pre-application conference. Organizations interested in submitting applications in response to this NOFO may ***direct questions to Reclamation in writing***. Questions may be submitted to:

Ms. Leanne Henderson
Grants Officer
E-mail: lhenderson@usbr.gov

Section H: Other Information

H.1 CALFED Water Use Efficiency Grants: Performance Measures

All proposals must describe how the applicant will quantify actual project benefits (water saved or better managed) upon completion of the project (also known as a "performance measure"). Applicants must identify performance measures for the proposed project and explain how the measure will be applied.

Please refer to https://www.usbr.gov/watersmart/weeg/docs/FY13_WEEG_Performance%20Measures_103012_FINAL.pdf for more examples of acceptable performance measures.

H.2 Overview of Environmental and Cultural Resources Compliance Requirements

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

Before approving expenditures for the implementation of a CALFED Grant project, Reclamation is required to comply with applicable environmental laws. Such compliance requires the participation and cooperation of both Reclamation and CALFED Grant recipients. This information is intended to inform applicants about the environmental compliance process associated with CALFED Grant projects and to summarize the requirements of certain Federal environmental laws.

Reclamation addresses environmental compliance issues for CALFED Grant applications as 1) an initial review and 2) a more detailed review of projects initially recommended for award. First, as part of the initial recommendation process, Reclamation evaluates the appropriateness of the amount budgeted for environmental compliance. Reclamation also examines the proposal to determine whether any significant environmental issues are involved in the project. Second, once a proposal has been initially recommended for funding, Reclamation undertakes a more detailed examination of environmental issues associated with the proposed project to comply with applicable law.

H.2.1 Review within the Application Evaluation Process

In the evaluation and selection process, Reclamation performs an initial review of the CALFED Grant applications for potential environmental issues. At this stage, Reclamation's review is focused on whether:

- The applicant has budgeted appropriately for environmental compliance.
- Any significant environmental issues (i.e., issues that would make the project infeasible) are apparent.

Applicants for CALFED Grant funding must include a line item in their budget estimating the cost of environmental compliance for their project. The amount budgeted should be based on the actual expected environmental compliance costs, but should be equal to approximately two percent (2%) of the total project costs. If less than two percent (2%) is budgeted, the applicant must provide justification. Applications will be scored based on whether the amount budgeted appears reasonable.

Environmental compliance costs that are included in your budget proposal are considered project costs and may be cost shared by the recipient and Reclamation. If too much is budgeted for environmental compliance, any remaining funding may generally be reallocated to cover other project costs.

Environmental compliance costs have varied greatly for past projects. A minimal number of projects have incurred environmental compliance costs in excess of two percent (2%) budgeted amount. In each of those cases, the overage has been the result of issues involving historic properties, the presence of endangered species, or other compliance concerns requiring a more lengthy assessment of specific issues.

In addition to budgeting for environmental costs, the NOFO requests that applicants for CALFED Grant funding answer a series of questions about the potential environmental impacts of their proposed project. In general, applications will not be scored lower in this first step of the environmental review based on the significance of the environmental issues involved. Rather, the information about environmental impacts is used by Reclamation primarily to determine if the you have budgeted appropriately. However, in some extreme cases, a proposal may be eliminated from further consideration if the magnitude of the environmental issues would make the project infeasible.

H.2.2 Review of Initially Recommended Projects

If a proposal is initially recommended for funding, a detailed analysis will be performed to determine the actual environmental impacts of the project, to agree on any mitigation measures needed, and to document environmental compliance. The recipient will then work with Reclamation to provide the information necessary for Reclamation to complete the environmental compliance work.

All awards will be made contingent on completion of environmental compliance, and the financial assistance agreement will describe how compliance will be carried out and how it will be paid for. CALFED Grant funding may not be applied to construction or implementation of the project itself unless and until this second level of environmental analysis is completed to comply with all applicable environmental laws.

H.2.3 Overview of Relevant Environmental Laws

The following is a brief overview of NEPA, NHPA, and ESA. While these statutes are not the only environmental laws that may apply to CALFED Grant projects, they are the Federal laws that most frequently do apply. Compliance with all applicable environmental laws will be initiated by Reclamation concurrently, immediately following the initial recommendation of a CALFED Grant award. The descriptions below are intended to provide applicants with information about the environmental compliance issues that may apply to proposed projects and to help budget appropriately for the associated compliance costs.

National Environmental Policy Act (NEPA)

NEPA requires Federal agencies such as Reclamation to evaluate—during the decision-making process—the potential environmental effects of a proposed action and any reasonable mitigation measures. Before Reclamation can make a decision to fund a CALFED Grant project, Reclamation must comply with NEPA. Compliance with NEPA can be accomplished in several ways, depending upon the degree and significance of environmental impacts associated with the proposal:

- Compliance with NEPA might require preparation of an Environmental Assessment (EA)/Finding of No Significant Impact (FONSI). Generally, where there are not believed to be any significant impacts associated with the proposed action, an EA will be required. The EA is used to determine whether any potentially significant effects exist and to discuss potential mitigation for any potentially significant impacts. If no potentially significant effects are identified, or those identified can be mitigated, the EA process ends with the preparation of a FONSI. The EA/FONSI process can take weeks or even months to complete. Consultation with other agencies and public notification are part of the EA process.

- The most detailed form of NEPA compliance, where a proposed project has potentially significant environmental effects that cannot be mitigated or a substantial controversy exits regarding the use of the resource, may require preparing an EIS and a ROD. An EIS can take months or years to complete, the process includes considerable public involvement, including mandatory public reviews of draft documents, and the costs can be substantially greater than other

types of analyses. It is not anticipated that projects proposed under this program will require completion of an EIS.

During the NEPA process, potential impacts of a project are evaluated in context and in terms of intensity. Examples include but are not limited to: Will the proposed action affect the only native prairie in the county? Will the proposed action reduce water supplied to a wetland by one percent (1%) or ninety-five percent (95%)? The best source of information concerning the potentially significant issues in a project area is the local Reclamation staff who have experience in evaluating effects in context and by intensity.

Reclamation has the sole discretion to determine what level of environmental NEPA compliance is required. If another Federal agency is involved, Reclamation will coordinate to determine the appropriate level of compliance. The applicant is encouraged to contact your regional or area Reclamation office. See https://www.usbr.gov/main/offices.html with questions regarding NEPA compliance issues. Applicants may contact Ms. Anna Sutton, Program Coordinator, at 916-978-5214 for further information.

National Historic Preservation Act (NHPA)

To comply with Section 106 of the NHPA, Reclamation must consider whether a proposed project has the potential to cause effects to historic properties, prior to the award of a CALFED Grant. “Historic properties” are cultural resources (historic or prehistoric districts, sites, buildings, structures, or objects) that qualify for inclusion in the National Register of Historic Places. In some cases, water delivery infrastructure that is over fifty (50) years old can be considered a “historic property” that is subject to review.

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

- If Reclamation determines that the project does not have the potential to cause effects to historic properties, then Reclamation will document its findings and the Section 106 process will be concluded. This can take anywhere from two (2) days to one (1) month.

- If Reclamation determines that the proposed project could have effects on historic properties, a multi-step process, involving consultation with the State Historic Preservation Officer and other entities, will follow. Depending on the nature of the project and impacts to cultural resources, consultation can be complex and time consuming. The process includes a determination as to whether additional information is necessary; evaluation of the significance of identified cultural resources; assessment of the effect of the project on historic properties; and, if the project would have an adverse effect, evaluation of alternatives or modifications to avoid, minimize, or mitigate the effects. A Memorandum of Agreement is then

used to record and implement any necessary measures. At a minimum, completion of the multi-step Section 106 process takes approximately two (2) months.

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

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

Endangered Species Act (ESA)

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

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

- If Reclamation can determine that there are no endangered or threatened species or designated critical habitat in the project area, the ESA review is complete and no further compliance measures are required. This process can take anywhere from one (1)-day to one (1)-month.

- If Reclamation determines that endangered or threatened species may be affected by the project, then a "Biological Assessment" must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may affect a listed species or its designated critical habitat. The Biological Assessment may result in a determination that a proposed action is not likely to

adversely affect any endangered or threatened species. If the USFWS/NOAA Fisheries Service concurs in writing, then no further consultation is required and ESA compliance is complete. Depending on the scope and complexity of the proposed action, preparation of a Biological Assessment can range from days to weeks or even months. The USFWS/NOAA Fisheries Service generally respond to requests for concurrence within thirty (30) days.

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

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

ESA compliance is often conducted parallel to the NEPA compliance process and, as in the case of categorical exclusion checklists, documented simultaneously. The best source of information concerning the compliance with the ESA in a particular project area is the local Reclamation environmental staff, who can be helpful in determining the presence of listed species and possible effects that would require consultation with the USFWS or NOAA Fisheries Service. The applicant is encouraged to contact the regional or area Reclamation office (see https://www.usbr.gov/main/offices.html) with questions regarding ESA compliance issues. Applicants may contact Ms. Anna Sutton, Program Coordinator, at 916-978-5214 for further information.