

NOTICE OF INTENT TO AWARD

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

ABSTRACT	
Funding Announcement	R10AC20559
Project Title	Conveyance of Water to the Gray Lodge Wildlife Area and Construction Improvements to the Biggs-West Gridley Water District Facilities
Recipient	Biggs-West Gridley Water District
Principal Investigator/ Program Manager	Mr. Eugene Massa
Anticipated Federal Amount	\$31,100,000.00
Cost Share	\$0
Total Anticipated Award Amount	\$5,500,000.00
New Award or Continuation?	Continuation
Anticipated Period of Performance	September 23, 2003 through September 30, 2014
Award Instrument	Cooperative Agreement
Statutory Authority	Public Law 102-575, Section 3406 (d)
CFDA # and Title	15.512 Central Valley Project Improvement Act
Single Source Justification Criteria Cited	(2) Continuation (4) Unique Qualifications
Reclamation Point of Contact	Mr. Sean Hummer

OVERVIEW

The Gray Lodge Wildlife Area (Gray Lodge), located 65 miles north of Sacramento in the eastern Sacramento Valley, is owned and managed by the California Department of Fish and Game (CDFG). As a portion of Gray Lodge's lands lie within the boundaries of the Biggs-West Gridley Water District (District), Gray Lodge, as a District member, depends on conveyance of most of its surface water supply on eligible land from the District.

In 1992, Congress passed the Central Valley Project Improvement Act (CVPIA). In accordance with CVPIA, Reclamation is required to provide specific quantities of water to various refuges in

the Central Valley of California, including Gray Lodge. Through an agreement with the Bureau of Reclamation (Reclamation), the District conveys CVPIA water supplies to the seasonal wetlands and irrigated pasture and crop land of Gray Lodge through a series of District maintained canals and ditches to three delivery points at the boundary of Gray Lodge.

Currently, the District's facilities lack sufficient capacity (temporal and/or quantitative) to deliver the full amount of CVPIA water supplies to Gray Lodge. The District, through a cooperative agreement with Reclamation, has embarked upon a conveyance facilities improvement project (Project). The scope of the Project is to design and construct improvements necessary to convey the full amount of CVPIA water supply to Gray Lodge, which is in addition to the annual allocations from the Biggs-West Gridley Water District to the primary and secondary lands of Gray Lodge, as a District member. Upon completion of the Project, the District will be capable of conveying up to the 44,000 acre-feet of water required for optimal wildlife management at Gray Lodge, as identified by CVPIA. Any water, in addition to the District's allocations, up to the 44,000 acre-feet, will be supplied by Reclamation to meet goals and objectives for implementation of CVPIA.

RECIPIENT INVOLVEMENT

BWGWD agrees to perform the following:

1. Facilitating a collaborative effort with Reclamation for design development and reviews, to include Value Engineering, as appropriate;
2. Managing the overall design, procurement and construction, resources, project work plans, schedules, and budget, and performing progress monitoring/tracking and reporting;
3. Providing technical oversight;
4. Coordination between Reclamation and resource agencies on performance to ensure compliance with all environmental compliance requirements including, but not limited to, the National Environmental Policy Act/California Environmental Quality Act (NEPA/CEQA), the Endangered Species Act (ESA), as amended, the Fish and Wildlife Coordination Act, Clean Water Act and any other necessary compliance requirements. In December 1997 the Final Environmental Assessment/Initial Study for the East Sacramento Valley Study Area of refuges was completed with a corresponding Finding of No Significant Impact/Negative Declaration. Design and construction activities shall be pursuant to protocols identified in the environmental compliance document;
5. Preparation/distribution of correspondence, contract solicitation notices, submittals and status reports by the respective agencies required to keep each other apprised of design approvals, bid openings, amendments, or changes to the construction project work plans;
6. Preparing the final report, to include the following information of facilities constructed: photos, maps, costs for each feature, brief description of activities and time periods performed, contract award dates, unusual circumstances encountered and all construction contract changes;

RECLAMATION INVOLVEMENT

Substantial involvement is anticipated during the performance of the project. Reclamation will:

1. Coordinate the management of the overall design review;
2. Provide technical oversight;
3. Facilitate coordination among agencies involved;
4. Declare the improvement work completed in accordance with the provisions of the Agreement by giving written notice to the District.
5. Participate in a study to determine any seepage impacts directly attributable to the facilities identified, and identify appropriate avoidance or remedial measures.
6. Monitor and provide federal oversight of activities performed under the Agreement. Monitoring and oversight includes review and approval of financial status and performance reports, payment requests, and any other deliverables identified as part of the Scope of Work and Milestones. Additional monitoring activities may include site visits, conference calls, and other on-site and off-site monitoring activities.

SINGLE-SOURCE JUSTIFICATION

DEPARTMENT OF THE INTERIOR SINGLE SOURCE POLICY REQUIREMENTS

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

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

- (1) Unsolicited Proposal – The proposed award is the result of an unsolicited assistance application which represents a unique or innovative idea, method, or approach which is not the subject of a current or planned contract or assistance award, but which is deemed advantageous to the program objectives;
- (2) Continuation – The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity;
- (3) Legislative intent – The language in the applicable authorizing legislation or

legislative history clearly indicates Congress' intent to restrict the award to a particular recipient of purpose;

- (4) Unique Qualifications – The applicant is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location, property ownership, voluntary support capacity, cost-sharing ability if applicable, technical expertise, or other such unique qualifications;
- (5) Emergencies – Program/award where there is insufficient time available (due to a compelling and unusual urgency, or substantial danger to health or safety) for adequate competitive procedures to be followed.

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

Single Source Justification Description:

In 2003, Biggs West Gridley Water District (BWGWD) and Reclamation entered into cooperative agreement (R10AC20559, formerly 03FC202049)) in support of the CVPIA RWS Program. The Agreement covers long-term wheeling of water by BWGWD to the Gray Lodge WA, to implement improvements to the BWGWD distribution system for reliable conveyance of Level 4 refuge water to support full habitat development as required by Section 3406(d)(2) of CVPIA.

BWGWD operates and maintains the 17 mile long canal irrigation water supply system. The service area is located in Butte County along the east side of the Sacramento Valley, providing irrigation water to farmers growing primarily rice crops as well as orchard crops.

In carrying out those responsibilities, BWGWD has acquired a vast array of information regarding canal system operations, irrigation water scheduling, the topography and geology of the area upon which the conveyance system will be rehabilitated, and other unique information critical to successfully completing the canal system rehabilitation. Through their consultants, BWGWD is a partner in the design of the rehabilitated conveyance facilities. In fulfilling those responsibilities, they have assisted in the design data acquisition process, making them experts in several critical engineering aspects unique to the site, including geology, hydro-geology, channel morphology, etc. No other entity could achieve a similar level of familiarity and expertise without first engaging in the lengthy process of studying and analyzing the data acquired thus far.

STATUTORY AUTHORITY

Central Valley Project Improvement Act, Public Law 102-575, Section 3406:

(d) Central Valley Refuges and Wildlife Habitat Areas.--In support of the objectives of the Central Valley Habitat Joint Venture and in furtherance of the purposes of this title, the Secretary shall provide, either directly or through contractual agreements with other appropriate parties, firm water supplies of suitable quality to maintain and improve wetland

habitat areas on units of the National Wildlife Refuge System in the Central Valley of California; on the Gray Lodge, Los Banos, Volta, North Grasslands, and Mendota state wildlife management areas; and on the Grasslands Resources Conservation District in the Central Valley of California.

(1) Upon enactment of this title, the quantity and delivery schedules of water measured at the boundaries of each wetland habitat area described in this paragraph shall be in accordance with Level 2 of the "Dependable Water Supply Needs" table for those habitat areas as set forth in the Refuge Water Supply Report and two-thirds of the water supply needed for full habitat development for those habitat areas identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report prepared by the Bureau of Reclamation. Such water shall be provided through long-term contractual agreements with appropriate parties and shall be supplemented by the increment of water provided for in paragraph (1) of this subsection; Provided, That the Secretary shall be obligated to provide such water whether or not such long-term contractual agreements are in effect. In implementing this paragraph, the Secretary shall endeavor to diversify sources of supply in order to minimize possible adverse effects upon Central Valley Project contractors.

(2) Not later than ten years after enactment of this title, the quantity and delivery schedules of water measured at the boundaries of each wetland habitat area described in this paragraph shall be in accordance with Level 4 of the "Dependable Water Supply Needs" table for those habitat areas as set forth in the Refuge Water Supply Report and the full water supply needed for full habitat development for those habitat areas identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report prepared by the Bureau of Reclamation. The quantities of water required to supplement the quantities provided under paragraph (1) of this subsection shall be acquired by the Secretary in cooperation with the State of California and in consultation with the Central Valley Habitat Joint Venture and other interests in cumulating increments of not less than ten percent per annum through voluntary measures which include water conservation, conjunctive use, purchase, lease, donations, or similar activities, or a combination of such activities which do not require involuntary reallocations of project yield.

(5) The Secretary is authorized and directed to construct or to acquire from non-Federal entities such water conveyance facilities, conveyance capacity, and wells as are necessary to implement the requirements of this subsection; Provided, That such authorization shall not extend to conveyance facilities in or around the Sacramento-San Joaquin Delta Estuary. Associated construction or acquisition costs shall be reimbursable pursuant to existing law in accordance with the cost allocations set forth in paragraph (3) of this subsection.