

NOTICE OF INTENT TO AWARD

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

ABSTRACT	
Funding Announcement	R10AS20004
Project Title	Operation and Maintenance of Flood Project Facilities Impacted By San Joaquin River Restoration
Recipient	Lower San Joaquin Levee District
Principle Investigator (if applicable)	
Total Anticipated Award Amount	\$184,840.00
Cost Share	None
New Award or Continuation?	New Award
Anticipated Length of Agreement	1 Year
Anticipated Period of Performance	October 1, 2009 through September 30, 2010
Award Instrument	Cooperative Agreement
Statutory Authority	Section 205 of Public Law 109-103, Fiscal Year 2006 Energy and Water Appropriations Bill, as amended by Continuing Resolutions for FY2008
CFDA Number	15.507
Single Source Justification Criteria Cited	Justification Criterion (4) (Unique Qualifications) of the Department of Interior Single Source Policy Requirements
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OVERVIEW

In 1988, a coalition of environmental groups led by the Natural Resources Defense Council (NRDC), filed a lawsuit challenging the renewal of long-term water service contracts between the United States and the Central Valley Project Friant Division contractors (Friant Districts), *NRDC et al. v. Kirk Rodgers et al.* Case No. CIV S-88-1658 LKK/GGH. On September 13, 2006, after more than 18 years of litigation, NRDC, Friant Water Users Authority (FWUA), and the U.S. Departments of the Interior and Commerce agreed on terms and conditions for a Stipulation of Settlement (Settlement) with two goals:

- **Restoration** – To restore and maintain fish populations in “good condition” in the mainstem San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish; and
- **Water Management** – To reduce or avoid adverse water supply impacts on all of the Friant Division long-term contractors that may result from the Interim Flows and Restoration Flows.

The San Joaquin River Restoration Program (SJRRP) will implement the terms of the Settlement. The Settlement calls for a program of Interim Flows beginning no later than October 1, 2009 to collect data. Interim Flows will follow the Restoration Hydrographs developed under the Settlement subject to channel capacity limitations. The SJRRP has released a public draft Environmental Assessment on the first year of Interim Flows.

The Lower San Joaquin Levee District (LSJLD) operates and maintains a flood control system financially supported through landowner assessments. The change in operations at Friant Dam may result in increased operation and maintenance costs due to additional flow in the river and bypass system at different times than historical patterns. SJRRP staff worked with the Lower San Joaquin Levee District to identify potential changes in flood control maintenance requirements as a result of the release of the first year of interim flows from October 1, 2009 through September 30, 2010.

RECIPIENT INVOLVEMENT

The Lower San Joaquin Levee District is responsible for:

- Completion of the tasks and deliverables identified in the statement of work.
- Providing timely reports and invoices for work performed.
- Managing the schedule and budget not to exceed the authorization for the agreement.
- Notifying Reclamation as soon as possible of any issues or constraints that would impede or inhibit successful completion of the Statement of Work.

RECLAMATION INVOLVEMENT:

Reclamation anticipates substantial involvement for the successful completion of the objectives to be funded by this award. In particular, Reclamation will be responsible for the following:

- Funding and providing timely payment of monthly invoices
- Providing direction and input on tasks and deliverables
- Responding to issues or constraints that would inhibit or impede the successful completion of the Statement of Work
- Coordination with implementing agencies on issues impacting execution of the Settlement.

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:

(4) UNIQUE QUALIFICATIONS

The Lower San Joaquin Levee District has the responsibility for the operation and maintenance of the Lower San Joaquin River Flood Control Project. As the entity historically responsible for maintenance the levee district has staff uniquely qualified to identify needs and has a unique technical expertise in executing the activities necessary for flood control project operations.

Integration of SJRRP requirement with flood control activities provides an opportunity to cost-share maintenance and operations.

STATUTORY AUTHORITY

Title X, Subtitle A of the Omnibus Public Lands Bill P.L. 111-11 Section 10004(b)(2) states:

SEC. 10004. IMPLEMENTATION OF SETTLEMENT

(b) Other agreements.--The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.