

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	R10AS20030
Project Title	Battle Creek Salmon and Steelhead Restoration Project
Recipient	California Department of Water Resources
Principle Investigator (if applicable)	
Total Anticipated Award Amount	\$497,808.25
Cost Share	None
New Award or Continuation?	Continuation
Anticipated Length of Agreement	2 Years
Anticipated Period of Performance	Date of execution to June 30, 2012
Award Instrument	Cooperative Agreement
Statutory Authority	Central Valley Project Improvement Act, Public Law 102-575, Section 3406(b)(1) and 3407(e)
CFDA Number	15.512
Single Source Justification Criteria Cited	Justification Criteria: (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; and (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)
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OVERVIEW

The Anadromous Fish Restoration Program (AFRP) was established in response to the Central Valley Project Improvement Act (CVPIA), Public Law 102-575, Section 3406(b)(1). The AFRP identifies needed actions on Battle Creek to restore fisheries in this critical watershed including the development of a comprehensive restoration plan. The Battle Creek Salmon and Steelhead Restoration Project

(Restoration Project) was identified through a public solicitation process and selected and approved by the CALFED Policy Group and approved for funding by the Secretary of the Interior as a directed project in February 1999 to benefit public ecosystem restoration goals.

Battle Creek is a tributary of the Sacramento River located in Tehama and Shasta Counties. This spring fed stream has exceptionally high flows during the dry season, making it important habitat for anadromous fish. Battle Creek maybe the only remaining stream other than the mainstem of the Sacramento River that can successfully sustain breeding populations of steelhead and all four runs of Chinook salmon. Battle Creek is also unique and biologically important because it provides habitat opportunities during drought years for winter-run Chinook salmon.

The Restoration Project involves the modification of the Battle Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 1121, to restore and enhance fisheries habitat within approximately 42 miles of Battle Creek proper and approximately 6 miles of its tributaries. In general accordance with the terms and conditions of the June 1999 “Memorandum of Understanding (MOU) by and Among the National Marine Fisheries Service, US Bureau of Reclamation, US Fish and Wildlife Service, California Department of Fish and Game, and Pacific Gas and Electric Company for the Proposed Battle Creek Salmon and Steelhead Restoration Project, ” Reclamation is carrying out project management and implementation responsibilities for performing or facilitating the completion of activities including procurement and administration of construction contracts and agreements, environmental compliance, environmental mitigation, maintenance and monitoring during and after construction, and facilitation of related project actions. The Restoration Project is a partnership through the MOU.

Engineering and technical support services (ETSS) are required by the Bureau of Reclamation (Reclamation) during the pre-award, post-award, and post construction phases of construction contracts (CC) for the Restoration Project. The required ETSS will be provided by the California Department of Water Resources (DWR), and will be as defined by the tasks described in this Statement of Work (SOW). This SOW is for engineering and technical support services associated with the fish screen and ladder components (and associated features) for Phase 1A of the project consisting of North Battle Creek Feeder Diversion Dam and the Eagle Canyon Canal Diversion Dam project sites.

RECIPIENT INVOLVEMENT

Under the Agreement, DWR agrees to:

- A. Provide Pre-award Support Services – conference meetings.
- B. Provide Construction Support Services – final design report, review submittals, requests for information, assist with contract modifications, and meetings.
- C. Post Construction Support Services – as built drawings and closeout.

RECLAMATION INVOLVEMENT

Substantial involvement between Reclamation and the Recipient is anticipated during the performance of the project. Reclamation shall:

Provide the necessary full-time construction field-service staff at the project site to oversee the General Contractor performing their duties to construct the facilities required by the CCs.

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:

(2) CONTINUATION

In previous cooperative agreement (02FC200033) with Reclamation, DWR:

- A. Provided technical engineering support during construction of the screen and ladder facilities to review any contractor submittal affecting the design and construction of the facilities.
- B. Was the lead for conducting start-up and acceptance testing associated with all screen and ladder facilities.
- C. Prepared the final reports and reviewed as-built drawings prepared by Reclamation.
- D. Prepared the final designs.

This project continues DWR's role in support and implementation of this Restoration Project on Battle Creek.

(4) UNIQUE QUALIFICATIONS

DWR had been the principal designer of the fish screens and ladders associated with the Restoration Project. Engineering and technical support services associated with project screens and ladders required by this funding opportunity, specifically utilize the delivered products and the knowledge, skill and abilities of DWR, developed under the previous design work for the Restoration Project.

DWR is considered the Engineer of Record for the Fish Screens and Ladders.

STATUTORY AUTHORITY

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

Sec. 3406. FISH, WILDLIFE AND HABITAT RESTORATION.

(b) FISH AND WILDLIFE RESTORATION ACTIVITIES- The Secretary, immediately upon the enactment of this title, shall operate the Central Valley Project to meet all obligations under State and Federal law, including but not limited to the Federal Endangered Species Act, 16 U.S.C. 1531, et seq., and all decisions of the California State Water Resources Control Board establishing conditions on applicable licenses and permits for the project. The Secretary, in consultation with other State and Federal agencies, Indian tribes, and affected interests, is further authorized and directed to:

(1) develop within three years of enactment and implement a program which makes all reasonable efforts to ensure that, by the year 2002, natural production of anadromous fish in Central Valley rivers and streams will be sustainable, on a long-term basis, at levels not less than twice the average levels attained during the period of 1967-1991; *Provided*, That this goal shall not apply to the San Joaquin River between Friant Dam and the Mendota Pool, for which a separate program is authorized under subsection 3406(c) of this title; *Provided further*, That the programs and activities authorized by this section shall, when fully implemented, be deemed to meet the mitigation, protection, restoration, and enhancement purposes established by subsection 3406(a) of this title; *And provided further*, That in the course of developing and implementing this program the Secretary shall make all reasonable efforts consistent with the requirements of this section to address other identified adverse environmental impacts of the Central Valley Project not specifically enumerated in this section.

and

Sec. 3407. RESTORATION FUND

(e) FUNDING TO NON-FEDERAL ENTITIES- If the Secretary determines that the State of California or an agency or subdivision thereof, an Indian tribe, or a nonprofit entity concerned with restoration, protection, or enhancement of fish, wildlife, habitat, or environmental values is able to assist in implementing any action authorized by this title in an efficient, timely, and cost effective manner, the Secretary is authorized to provide funding to such entity on such terms and conditions as he deems necessary to assist in implementing the identified action.