

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	R11AS20003
Project Title	San Joaquin River Restoration Program – Installation of Gates on Sack Dam
Recipient	San Luis Canal Company
Principle Investigator (if applicable)	N/A
Total Anticipated Award Amount	\$250,000.00
Cost Share	None
New Award or Continuation?	New
Anticipated Length of Agreement	6 months
Anticipated Period of Performance	Date of Execution through March 1, 2011
Award Instrument	Grant
Statutory Authority	Public Law 111-11, San Joaquin River Restoration Settlement Act, Title X, Subtitle A, Section 10004(b)(2) of the Omnibus Public Lands Management Act
CFDA Number	15.507
Single Source Justification Criteria Cited	1 – Unsolicited Proposal and 4 – Unique Qualifications of Department Manual 505 DM2
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OVERVIEW

The San Luis Canal Company (SLCC) owns Sack Dam, located on the San Joaquin River. The dam is operated for the benefit of water deliveries to SLCC and wildlife refuges in the area. Sack Dam is the sole diversion point for SLCC. Under historical conditions, flows in the San Joaquin River at Sack Dam consisted of regulated flows from Mendota Dam (Delta-Mendota Canal) or flood flows. All regulated flows from Mendota Dam in the river that reached Sack Dam were diverted into the Arroyo Canal for use by SLCC and refuge lands. During historical times when flood flows reached Sack Dam, to the extent possible, the boards on the Dam would

be pulled, the Dam would be overtopped by flood flows and only a portion of the flows would be diverted into the Arroyo Canal. Under these conditions, SLCC is not able to precisely control the portion of the flow diverted into the Arroyo Canal and water deliveries became a secondary priority to flood control operations.

In 2006, the Department of the Interior entered into the San Joaquin River Settlement (Settlement) in *NRDC et al., v. Kirk Rodgers et al.* The Settlement was subsequently approved by the Court in October 2006 and the San Joaquin River Restoration Settlement Act, Public Law 111-11, authorizes and directs the Secretary of the Interior to implement the Settlement. The Settlement calls for a combination of channel and structural improvements along the San Joaquin River below Friant Dam, releases of additional water from Friant Dam, the reintroduction of spring and/or fall-run Chinook salmon, and the reduction or avoidance of water supply impacts to the Friant Division long-term contractors that may result from the Settlement's Interim and Restoration flows. With the implementation of the Settlement, the U.S. Bureau of Reclamation (Reclamation) has increased releases from Friant Dam into the San Joaquin River. These increased releases, termed Interim and Restoration Flows, will be protected for instream and fish and wildlife uses under the California Water Code. The future operations of Sack Dam will need to be modified to safely and more accurately pass the Interim and Restoration Flows through the Dam without affecting SLCC's ability to divert water at the Arroyo Canal. This operation represents a substantial change from SLCC's historical operations.

Sack Dam, a 5-foot-high concrete-and-wood diversion structure that diverts water in the Arroyo Canal (previously known as the Temple Slough), is located at River Mile 182.1. The Dam has 20 bays with wood boards sliding into the upstream side of the bays to establish the water level behind the dam. Previous to the introduction of Interim Flows, these wood boards rarely had to be adjusted. The only water in the San Joaquin River at that location, other than times of flood releases, was water being delivered for diversion into the Arroyo Canal via SLCC's exchange contract. Therefore, all water in the River was diverted without the need to pass any flows through the Sack Dam bays. The bays are manually operated with boards pulled and placed. The existing structure only allows the top 4 out of 10 board to be pulled out of each bay due to siltation, redwood swelling, and the inability to seal boards back in place once pulled.

RECIPIENT INVOLVEMENT

The Recipient is responsible for the following:

SLCC shall install at least 4 gates on Sack Dam that accomplish the following related to the SJRRP's Interim and Restoration Flows:

- (1) Improve flow control capabilities through the structure;
- (2) Improve and increase precision of the operation of Sack Dam;
- (3) Increase the current capacity through Sack Dam, and
- (4) Decrease the amount of manual board changes made at the Dam.

RECLAMATION INVOLVEMENT

Reclamation is responsible for the following:

- Funding the Project and providing timely payment.
- Completing the following environmental compliance and permitting activities: National Environmental Policy Act; Clean Water Act Section 404 and Section 401 activities; and National Historic Preservation Act.

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:

The Grant would satisfy criteria listed under (1) Unsolicited Proposal and (4) Unique Qualifications. The Grant requires modifications to Sack Dam. San Luis Canal Company owns the Dam and operates the structure for water deliveries to its service area and refuge areas. Therefore, San Luis Canal Company is the only entity with the necessary access to the structure to make the modifications to accomplish the statement of work. Additionally, the San Luis Canal Company also provided an unsolicited assistance application which represents a unique or innovative idea, to add gates to this structure to improve operations and better pass Interim and Restoration Flows. Adding gates to the structure is not part of a current or planned contract or assistance award, but is deemed advantageous to the program objectives as it would better, more precisely pass Interim and Restoration Flows pass the structure.

STATUTORY AUTHORITY

The Grant is entered into under the authority of the *San Joaquin River Restoration Settlement Act signed into law as Title X, Subtitle A, of the Omnibus Public Lands Bill, Public Law 111-11, Section 10004(b)(2) provides:*

(b) AGREEMENTS -

(2) 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.