



— BUREAU OF —  
RECLAMATION

**Notice of Funding Opportunity No. R23AS00464**

# **WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects for Fiscal Years 2023 and 2024**



## Mission Statements

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated Island Communities.

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.

**Cover Photo** – Monterey One Water, Pure Water Monterey Groundwater Replenishment Project.

# Synopsis

<b>Federal Agency Name:</b>	Department of the Interior, Bureau of Reclamation, Water Resources and Planning Office
<b>Funding Opportunity Title:</b>	WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects for Fiscal Years 2023 and 2024
<b>Announcement Type:</b>	Notice of Funding Opportunity (NOFO)
<b>Funding Opportunity Number:</b>	No. R23AS00464
<b>Assistance Listing Number:</b>	15.504
<b>Application Due Dates:</b> (See NOFO Sec. D.4)	<p>This Rolling NOFO will have two Application Submittal Periods with a final closing date on September 30, 2024. The due dates for each closing period are:</p> <ol style="list-style-type: none"> <li>1) First Application Submittal Period due date is December 7, 2023, at 4:00 p.m. Mountain Standard Time (MST).</li> <li>2) Second and Final Application Submittal Period due date is September 30, 2024, 4:00 p.m. Mountain Daylight Time (MDT). <i>Applications received after December 7, 2023, 4:00 p.m. MST and before September 30, 2024, 4:00 p.m. MDT, will be considered for the Second Application Submittal Period.</i></li> </ol>
<b>Eligible Applicants:</b> (See NOFO Sec. C.1)	<p>Sponsors of water reclamation and reuse projects eligible to receive financial assistance to fund activities under this NOFO include state, regional or local authorities, which may include but is not limited to:</p> <ul style="list-style-type: none"> <li>• States, Indian Tribes, municipalities, irrigation districts, water districts, wastewater districts; and</li> <li>• State, regional, or</li> <li>• Other organization with water or power delivery authority.</li> </ul> <p>All applicants <b>MUST</b> be located in one of the following States or territories: Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.</p>
<b>Recipient Cost-Share:</b> (See NOFO Sec. C.2)	A non-Federal cost-share of 75% or more of total project costs is required.
<b>Federal Funding Amount:</b> (See NOFO Sec. B.1)	Up to \$30 Million. Federal Award amount is up to a maximum of 25 percent of the total cost of planning, design, and/or construction completed after the date of Reclamation's feasibility study review findings within three years of the application's submittal period deadline, up to a maximum of \$30 million per project.
<b>Estimated Number of Agreements to be Awarded:</b> (See NOFO Sec. B.1)	Up to a total of 30 awards for both application periods, depending on the amount requested by each applicant and the amount of Federal funding made available.
<b>Intergovernmental Review:</b> (See NOFO Sec. D.5)	An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under <a href="#">Executive Order 12372</a> .

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# Application Checklist

The following table contains a summary of the information that you are required to submit with your application.

✓	Mandatory Application Components:	Required Content	Page
	Mandatory Federal forms: <ul style="list-style-type: none"> <li>SF-424: Application for Federal Assistance (Office of Management and Budget (OMB))</li> <li>SF-424A: Budget Information – Non-Construction Programs (OMB) <b>OR</b> SF-424C: Budget Information – Construction Programs (OMB)</li> <li>SF-424B: Assurances – Non-Construction Programs (OMB) <b>OR</b> SF-424D: Assurances – Construction Programs (OMB)</li> </ul>	See section D.2.2.1	p.12
	Unique Entity Identifier (UEI) and System for Award Management (SAM) registration	See section D.3	p.18
	Technical Proposal (Use Project Narrative Attachment Form to upload in Grants.gov)	See section D.2.2.2	p.12
	Budget Narrative (Use Budget Narrative Attachment Form to upload in Grants.gov)	See section D.2.2.3	p.14
✓	Recommended Application Components:	Required Content	Page
	Environmental and cultural resources compliance	See section D.2.2.4	p.15
	Required permits or approvals	See section D.2.2.5	p.15
	Overlap or duplication of effort statement	See section D.2.2.6	p.15
	Conflict of interest disclosure statement	See section D.2.2.7	p.16
	Uniform audit reporting statement	See section D.2.2.8	p.16
	SF-LLL: Disclosure of Lobbying Activities (required, if applicable)	See section D.2.2.9	p.17
	Letters of Support	See section D.2.2.10	p.17

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# Acronyms and Abbreviations

ARC	Application Review Committee
ASAP	Automated Standard Application for Payments
BIL	Bipartisan Infrastructure Law
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CWA	Clean Water Act
Department	U.S. Department of the Interior (also DOI)
EA	Environmental Assessment
EIN	Employer Identification Number
EIS	Environmental Impact Statement
E.O.	Executive Order
ESA	Endangered Species Act
FAIN	Federal Award Identification Number
FAPIS	Federal Award Performance Integrity Information System
FGDC	Federal Geospatial Data Committee
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FY	Fiscal Year
GIS	Geographic Information System
IBC	Interior Business Center
MDT	Mountain Daylight Time
MST	Mountain Standard Time
NAICS	North American Industry Classification System
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
OM&R	Operations, Maintenance, and Replacement
P.L.	Public Law
PSC	Product Service Code
Reclamation	Bureau of Reclamation

SAM	System for Award Management
SF	Standard Form
SPOC	Single Point of Contact
Title XVI	Title XVI Water Reclamation and Reuse Program
UEI	Unique Entity Identifier
U.S.C.	United States Code
USFWS	United States Fish and Wildlife Service
WaterSMART	Sustain and Manage America's Resources for Tomorrow
West	Western United States
WIIN	Water Infrastructure Improvements for the Nation



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# Section A: Funding Opportunity Description

## A.1 Authority

This Notice of Funding Opportunity (NOFO) is issued under the authority of Title XVI of Public Law (P.L.) 102-575, as amended (43 United States Code [U.S.C.] 390h), including amendments in Title II, Subtitle J of the Water Infrastructure Improvements for the Nation (WIIN) Act.

## A.2 Background and Program Requirements

The U.S. Department of the Interior's (Department) WaterSMART (Sustain and Manage America's Resources for Tomorrow) Program provides a framework for Federal leadership and assistance to stretch and secure water supplies for future generations in support of the Department's priorities. Through WaterSMART, the Bureau of Reclamation (Reclamation) leverages Federal and non-Federal funding to support stakeholder efforts to stretch scarce water supplies and avoid conflicts over water.

Through the Title XVI Water Reclamation and Reuse Program (Title XVI), authorized by P.L. 102-575 in 1992, Reclamation provides financial and technical assistance to local water agencies for the planning, design, and construction of water reclamation and reuse projects. Water recycling is an important tool used to stretch limited water supplies in the Western United States. Title XVI projects develop and supplement urban and irrigation water supplies through water reuse—thereby improving efficiency, providing flexibility during water shortages, and diversifying the water supply. These projects provide growing communities with new sources of clean water which increases water management flexibility and makes water supplies more reliable. The Title XVI Program also provides support for priorities identified in Presidential Executive Order (E.O.) 14008: *Tackling the Climate Crisis at Home and Abroad* and aligned with other priorities, such as those identified in E.O. 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. The WaterSMART Title XVI Program will advance the Biden-Harris Administration's Justice40 Initiative. Established by E.O. 14008, the Justice40 Initiative has made it a goal that 40 percent of the overall benefits of certain federal investments, such as climate, clean energy, and other areas, flow to disadvantaged communities.<sup>1</sup> Title XVI water projects are an important part of the WaterSMART Program. For further information on the WaterSMART Program, see [www.usbr.gov/watersmart/](http://www.usbr.gov/watersmart/).

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<sup>1</sup> For more information, see E.O. 14008, *Tackling the Climate Crisis at Home and Abroad* (Jan. 27, 2023), <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>; Justice40 Initiative, [www.whitehouse.gov/environmentaljustice/justice40/](https://www.whitehouse.gov/environmentaljustice/justice40/).

## A.3 Notice of Funding Opportunity Purpose and Objectives

The objective of this NOFO is to invite sponsors of eligible water reuse projects to request cost-shared funding for planning, design, and/or construction of those projects. A NOFO for congressionally authorized Title XVI projects is being released separately.

## A.4 Other Related Funding Opportunities

- **WaterSMART: Title XVI Congressionally Authorized Water Reclamation and Reuse Projects:** Through this NOFO, funding is available for planning, design, and construction of congressionally authorized Title XVI Projects.
- **WaterSMART: Large-Scale Water Recycling Projects:** Through this NOFO, funding is available for planning, design, and construction of water recycling projects that have a total project cost greater than or equal to \$500 million.
- **WaterSMART: Desalination Construction Projects Under the WIIN Act:** Through this NOFO, funding is available for planning, design, and construction of desalination projects eligible under Section 4009(a) of the WIIN Act.
- **Desalination and Water Purification Research and Development: Laboratory and Pilot Scale Projects—**Through this NOFO, funding is available for laboratory and pilot scale research studies to determine the viability of a novel process, new materials, or process modifications in conjunction with individuals, institutions of higher education, commercial or industrial organizations, private entities, public entities (including state and local), and Indian Tribal governments.
- **Desalination and Water Purification Research and Development: Pitch to Pilot—**Through this NOFO, funding is available to develop innovative and disruptive new technologies or processes at the pilot scale with the goal to augment water supplies and address costs, energy usage, and environmental impacts of water treatment technologies.
- **WaterSMART Drought Response Program: Drought Resiliency Projects:** Through this NOFO, funding is available for projects that increase the reliability of water supplies or improve water management to build long term resilience to drought. Eligible projects include constructing small-scale water reuse systems where total estimated project costs are less than \$20 million.
- **Native American Affairs Technical Assistance Program (TAP):** Reclamation’s Native American Affairs TAP provides technical assistance to assist Indian Tribes to develop, manage, and protect their water and related resources. Cost sharing is not required and technical assistance requests must satisfy “Program Criteria”. Proposals are solicited via notices of funding opportunity, and successful proposals approved for funding can be found on Reclamation’s website at the address below.

## Section A. Funding Opportunity Description

For information on the funding opportunities listed above, visit the WaterSMART Program website at [www.usbr.gov/waterSMART](http://www.usbr.gov/waterSMART), the Desalination and Water Purification Research Program website at [www.usbr.gov/research/dwpr/index.html](http://www.usbr.gov/research/dwpr/index.html), or the Native American Affairs Program Technical Assistance Program website at [www.usbr.gov/native/programs/TAPprogram.html](http://www.usbr.gov/native/programs/TAPprogram.html).

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## Section B: Award Information

### B.1 Total Funding

This NOFO will be used to allocate up to \$179 million in available funding under the Bipartisan Infrastructure Law (BIL), P.L. 117-58 in fiscal year (FY) 2023 and 2024. FY 2023 appropriations also include \$60 million for the Title XVI Program, a portion of which is being allocated through this NOFO. Funds made available for infrastructure projects are subject to the Buy America Act. Please see *Section F.2.6. Application of Buy America Preference* and *Section F.2.7. Additional BIL Requirements* for additional information regarding the Buy America preference as well as Wage Rate Requirements (Davis Bacon Act).

All awards are subject to a determination by Reclamation that appropriations and/or BIL funds are available. Additional projects may be funded under this NOFO if additional funding becomes available in FY 2024 or subsequently.

### B.2 Expected Award Amount

*Maximum Award: Up to \$30 Million per project. Federal Award Amount is based on a max of 25% of the expected total project cost.*

*Minimum Award: \$0*

The Federal share (i.e., Reclamation's share in addition to any other sources of Federal funding), of any Title XVI Project, including any funding provided as a result of this NOFO, shall not exceed 25 percent of the total project cost, up to a maximum of \$30 million per project.

Eligible applicants are invited to request funding for planning, design, and/or construction of projects. Although the evaluation criteria listed in this NOFO will be applied to the project as a whole, proposals submitted under this NOFO may only include costs incurred after the date of Reclamation's feasibility determination, and within three years from the application deadline for each submittal period under this NOFO.

Applicants may include work:

- Planned within three years of the application's submittal period deadline. For example, if an application is submitted on December 7, 2023, work planned through December 7, 2026, may be included; and
- Eligible costs submitted for consideration must be for work conducted after the date of Reclamation's feasibility study review findings for the project.

Multiple applications for funding may be submitted for consideration under this funding opportunity, provided that the project scopes are not duplicative. See *Section C.3.1 Multiple Applications* for more information.

### **B.3 Expected Award Funding and Anticipated Dates**

Reclamation expects to contact potential award recipients and unsuccessful applicants in May 2024 (or later if necessary). The anticipated award and completion dates are as follows:

- 1) First Application Submittal Period, closing date December 7, 2023
  - Anticipated notification of successful/unsuccessful applicants: May 2024
  - Anticipated Award Date: September 2024
  - Anticipated Project Completion Date: December 2026
- 2) Second and Final Application Submittal Period, closing date September 30, 2024
  - Anticipated notification of successful/unsuccessful applicants: April 2025
  - Anticipated Award Date: September 2025
  - Anticipated Project Completion Date: November 2027

Additional potential award recipients will be announced after more applications are evaluated under the subsequent application submittal period. It is anticipated that awards will be made approximately six months after selections are announced with the project period ending approximately two years after awards are made.

### **B.4 Number of Awards**

Up to a total of 30 awards for both application periods, depending on the amount requested by each applicant and the amount of Federal funding made available.

### **B.5 Type of Award**

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 may include but is not limited to:

- 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.

### **B.6 Technical Assistance**

By request, Reclamation can provide technical assistance **after** award of the project. If you plan to receive Reclamation's assistance, you must account for these costs in your budget. Technical assistance should be discussed with appropriate Reclamation staff prior to applying, and this communication should be noted in your application. To discuss available assistance and associated costs, contact the Program Coordinator identified in *Section G. Agency Contacts*.



# Section C: Eligibility Information

## C.1 Eligible Applicants

Sponsors of water reclamation and reuse projects eligible to receive financial assistance to fund activities under this NOFO include state, regional or local authorities:

- States, Indian Tribes, municipalities, irrigation districts, water districts, wastewater districts; and
- State, regional, or
- Other organization with water or power delivery authority.

All applicants **MUST** be located in one of the following States or territories: Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.

## C.2 Cost Sharing or Matching

Applicants must be capable of cost sharing 75 percent (%) or more of the total project costs.

**Note: this cost sharing requirement is not applicable to American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.** The total project cost is defined as the total allowable costs incurred under a Federal award and all required cost share and voluntary committed cost share contributions, including third-party contributions.

Cost share may be made through cash, costs contributed by the applicant, or third-party in-kind contributions. Third-party in-kind contributions include the value of non-cash contributions of property or services that benefit the federally assisted project and are contributed by non-Federal third parties, without charge. Cost-share funding from sources outside the applicant's organization (e.g., loans or state grants) should be secured by and available to the applicant prior to award. Please see *Section D.2.2.11 Official Resolution* and *Section D.2.2.12 Letters of Commitment* for more information regarding the documentation required to verify commitments to meet cost sharing requirements.

Other sources of Federal funding may not be counted towards the required cost share. The exception to this requirement is where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs, such as awards to Tribal organizations under P.L. 93-638, as amended. *If it is determined that the Federal funding cannot be applied towards the non-Federal cost share, the work associated with the funding may be removed from the proposed project.*

### **C.2.1 Cost Share Regulations**

All cost-share contributions must meet the applicable administrative and cost principles criteria established in 2 Code of Federal Regulations (CFR) Part 200, available at [www.ecfr.gov](http://www.ecfr.gov).

### **C.2.2 Third-Party In-Kind Contributions**

Third-party in-kind contributions may be in the form of equipment, supplies, and other expendable property, as well as the value of services directly benefiting and specifically identifiable to the proposed project. Applicants may not include as part of their cost-share for projects funded under this NOFO the cost or value of third-party 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. Applicants should refer to 2 CFR §200.434 *Contributions and donations* for regulations regarding the valuation of third-party in-kind contributions.

## **C.3 Other**

### **C.3.1 Multiple Applications**

Multiple applications for funding may be submitted for consideration under this funding opportunity, provided that the project scopes are not duplicative. In general, if an applicant is seeking funding for multiple project components, and the components are interrelated or closely related (e.g., projects that are physically and geographically linked), the applicant should combine these in one application. However, if the projects are only loosely related, an applicant should submit them as separate applications.

### **C.3.2 Excluded Parties**

Reclamation conducts a review of the [SAM.gov Exclusions database](#) for all applicant entities and their key personnel prior to award and ineligibility condition apply to this Federal program. If entities or key personnel are identified in the SAM.gov Exclusions database as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, Reclamation cannot award funds to them.

## **C.4 Eligible Projects**

Planning, design, and construction of water reclamation and reuse facilities that are eligible for funding under Section 4009(c) of the WIIN Act, P.L. 114-322, are eligible projects. To be eligible for funding under this NOFO, the project must have a completed Title XVI feasibility study submitted to Reclamation for review by November 7, 2023, for applications submitted under the first submittal period and by August 30, 2024, for applications submitted under the

second submittal period. Completed feasibility studies must be found by Reclamation to meet all of the requirements of [WTR 11-01](#) by February 7, 2024, for applications submitted under the first submittal period and by November 29, 2024, for applications submitted under the second submittal period. If a feasibility study has been reviewed by Reclamation and found to meet the requirements of WTR 11-01, but the review findings have not yet been transmitted to Congress, Reclamation will transmit those findings to Congress either before project selections are made or concurrently with project selections. Eligibility does not entitle a project to any future Federal funding or create a new project authorization.

The project **MUST** be located in one of the following States or territories: Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the Northern Mariana Islands, or the Virgin Islands.

## **C.5 Ineligible Projects**

### **C.5.1 Projects not eligible for funding under this NOFO include:**

- Water recycling projects that do not have a completed feasibility study that includes the information required by Reclamation Manual Directives and Standards [WTR 11-01](#) that has been submitted to Reclamation by November 7, 2023, for applications submitted under the first submittal period and by August 31, 2024, for applications submitted under the second submittal period.
- Water recycling projects that have a Reclamation reviewed feasibility study that Reclamation determined did not meet the requirements of WTR 11-01.
- Development of water recycling feasibility studies to meet the requirements Reclamation's Directives and Standards WTR 11-01.
- Water reclamation projects that are solely ocean or brackish water desalination.
- Projects that have a project-specific congressional authorization.
- Projects that have already received funding under the WaterSMART Drought Response Program.

- Operations, maintenance, and replacement (OM&R) activities. 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., a 10-year interval).
  - Sealing expansion joints of concrete lining because the original sealer or the water stops have failed.
  - 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 the program coordinator listed in *Section G. Agency Contacts*, prior to the application deadline for further information.

# Section D: Application and Submission Information

## D.1 Address to Request Application Package

This document contains all the information, forms, and electronic addresses required to submit an application. If you are unable to access the electronic application forms in Grants.gov, you can request application forms referenced in this NOFO electronically by emailing Chandrika Nasstrom, Grants Management Specialist, at [cnasstrom@usbr.gov](mailto:cnasstrom@usbr.gov).

## D.2 Content and Form of Application Submission

All applications must conform to the requirements described in this section.

### D.2.1 Application Format and Length

The technical proposal and criteria section (defined below) shall be limited to a maximum of **40** consecutively numbered pages. If this section of the application exceeds **40** pages, only the first **40** pages will be evaluated. **The full application, including attachments, cannot exceed 125 pages. If the application exceeds 125 pages, only the first 125 pages will be considered in the evaluation.**

The font shall be at least 12 points in size and easily readable. Page size shall be 8½ by 11 inches, including charts, maps, and drawings. Margins should be standard 1-inch margins. Oversized pages will not be accepted.

Applications will be prescreened for compliance to the above page number limitation. Excess pages will be removed and not considered in the evaluation of the proposed project.

### D.2.2 Application Content

The application should include the items identified as Mandatory Application Components in the Application Checklist located on page ii to be considered complete. To facilitate fair and timely reviews by the ARC, it is highly recommended that application packages be structured in the order identified in the Application Checklist.

Applications will be screened for completeness and compliance with the provisions of this funding opportunity. A complete application must include all the items identified as Mandatory Application Components in the Application Checklist. Any application which fails to include these items will be deemed ineligible and will not be considered for funding.

Following awards of funding, Reclamation may post successful applications on the Reclamation website, [www.usbr.gov/watersmart](http://www.usbr.gov/watersmart) after conducting any redactions determined necessary by Reclamation, in consultation with the successful applicant. See *Section F.2.6. Freedom of Information Act*.

#### **D.2.2.1 Mandatory Federal Forms**

The application must include the following standard Federal forms. Questions regarding forms should be referred to the Financial Assistance Point of Contact under *Section G.1. Reclamation Financial Assistance Contact*.

**Mandatory Federal Forms Note:** Applications submitted by consultants must contain an SF-424 and SF-424B that are manually signed by an authorized representative of the entity applying. These forms are available at [www.grants.gov/web/grants/forms/sf-424-family.html](http://www.grants.gov/web/grants/forms/sf-424-family.html).

##### **D.2.2.1.1 SF-424: Application for Federal Assistance**

A fully completed SF-424: Application for Federal Assistance form signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application. Applications that fail to include a SF-424 by the submission deadline will be considered ineligible and will not pass initial screening.

If you request more than \$100,000 in Federal funding, you must certify that all statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying are true. The Authorized Official's signature on the appropriate SF-424, Application for Federal Assistance form represents the entity's certification of the statements in 43 CFR Part 18, Appendix A.

*Failure to submit a signed SF-424 with a valid UEI number will result in the elimination of the application from further consideration.*

##### **D.2.2.1.2 SF-424A or SF-424C Budget Information Form**

A fully completed SF-424A Budget Information – Nonconstruction Programs or SF-424C Budget Information – Construction Programs must be submitted with the application.

*Failure to submit an SF-424A or SF-424C will result in the elimination of the application from further consideration.*

##### **D.2.2.1.3 SF-424B or SF-424D Assurances Form**

A SF-424B – Assurances – Nonconstruction Programs or SF-424D Assurances – Construction Programs signed by a person legally authorized to commit the applicant to performance of the project must be submitted with the application.

*Failure to submit a signed SF-424B or SF-424D will result in the elimination of the application from further consideration.*

#### **D.2.2.2 Technical Proposal**

Submission of a technical proposal (limited to 40 pages) is mandatory and must be received by the application deadline.

While an application will not be removed from consideration if the technical proposal does not address each of the following, it is highly recommended that applicants address each component listed below to ensure that your proposal is competitive.

### **D.2.2.2.1 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, and telephone of the Project Manager.

### **D.2.2.2.2 Table of Contents**

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

### **D.2.2.2.3 Executive Summary**

The executive summary should include:

- The date, applicant name, city, county, and state.
- A one-paragraph project summary that provides the location of the project, a brief description of the work that will be carried out including the specific work for which funding is being requested in this application, any partners involved, concerns in your project area, and how this project is expected to help alleviate impacts of those conditions, and identification of any planning documents that support the project. This information will be used to create a summary of your project for our website if the project is selected for funding.
- State the length of time and estimated completion date for the proposed project (month/year).
- Whether or not the proposed project is located on a Federal facility or will involve Federal land.

### **D.2.2.2.4 Project Location**

Provide specific information on the geographic location of the proposed planning area (e.g., watershed, basin, county) or location of the project being designed, including a map showing the geographic location. For example, [project name] is located in [county and state] approximately [distance] miles [direction, e.g., northeast] of [nearest town]. The project latitude is {###°###'N} and longitude is {###°###'W}.

### **D.2.2.2.5 Project Description**

The technical project description should describe the Project in its entirety. This description shall have sufficient detail to permit a comprehensive evaluation of the proposal. Provide a more comprehensive description of the technical aspects of your project, including the specific

activities to be accomplished and the approach to complete the work. The project description should clearly indicate how the Project in its entirety fits within the Reclamation reviewed feasibility study.

#### D.2.2.2.6 Evaluation Criteria

*Section E.1. Evaluation Criteria* provides a detailed description of each criterion and sub-criterion and points associated with each. The evaluation criteria portion of your application should thoroughly address each criterion and sub-criterion in the order presented to assist in the complete and accurate evaluation of your proposal.

***Copying and pasting the evaluation criteria and sub-criteria in Section E.1. Technical Proposal: Evaluation Criteria into your applications is suggested to ensure that all necessary information is adequately addressed.***

#### D.2.2.3 Project Budget

The total project cost is the sum of all allowable items of costs, including all required cost sharing and voluntary committed cost sharing, including third-party contributions, that are necessary to complete the project. Please include the following chart (Table 1) to summarize all funding sources. Denote in-kind contributions with an asterisk (\*).

Table 1.—Summary of Non-Federal and Federal Funding Sources

FUNDING SOURCES	AMOUNT
<b>Non-Federal Entities</b>	
1.	\$
2.	\$
3.	\$
<b>Non-Federal Subtotal</b>	\$
<b>REQUESTED RECLAMATION FUNDING</b>	\$

Submission of a budget narrative is mandatory. The budget narrative provides detailed information on the items included in the budget Object Class Categories on the SF-424A or Cost Classification categories identified on the SF-424C. The budget narrative must clearly identify ***all*** items of cost (**total estimated project cost**), ***including those that will be contributed as non-Federal cost share by the applicant (required and voluntary), third-party in-kind contributions, and those that will be covered using the funding requested from Reclamation,*** and any requested pre-award costs. The types of information to describe in the narrative may include, but are not limited to, those identified in the Budget Narrative Guidance attached to this NOFO (Attachment B). Applicants may elect to use the Budget Detail and Narrative spreadsheet (Attachment A to this NOFO) for their budget narrative. Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Part 200, available at the electronic CFR ([www.ecfr.gov](http://www.ecfr.gov)).



**Please note: The Budget Narrative Attachment B Form in Grants.gov is to be used to upload the budget proposal.**

*Failure to submit a budget proposal will result in the elimination of the application from further consideration.*

**D.2.2.4 Environmental and Cultural Resources Compliance**

You should answer the questions from *Section H.1. Environmental and Cultural Resource Considerations* in this section.

**D.2.2.5 Required Permits or Approvals**

You should state in the application whether any permits or approvals are necessary and explain the plan for obtaining such permits or approvals.

Note that 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. 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.2.2.6 Overlap or Duplication of Effort Statement**

Applicants should provide a statement that addresses if there is any overlap between the proposed project and any other active or anticipated proposals or projects in terms of activities, costs, or commitment of key personnel. If any overlap exists, applicants must provide a description of the overlap in their application for review.

Applicants should also state if the proposal submitted for consideration under this program does or does not in any way duplicate any proposal or project that has been or will be submitted for funding consideration to any other potential funding source - whether it be Federal or non-Federal. If such a circumstance exists, applicants must detail when the other duplicative proposal(s) were submitted, to whom (Agency name and Financial Assistance program), and when funding decisions are expected to be announced. If at any time a proposal is awarded funds that would be duplicative of the funding requested from Reclamation, applicants must notify the NOFO point of contact or the Program Coordinator immediately.

**D.2.2.7 Conflict of Interest Disclosure Statement**

Per 2 CFR §1402.112, “Financial Assistance Interior Regulation” applicants should state in the application if any actual or potential conflict of interest exists at the time of submission. Submission of a conflict-of-interest disclosure or certification statement is mandatory prior to issue of an award.

#### **D.2.2.7.1 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 sub recipients, the conflict-of-interest provisions in 2 CFR§200.318 apply.

#### **D.2.2.7.2 Notification**

Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass- through entity in accordance with 2 CFR §200.112.

Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The successful applicant 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 sub recipients.

#### **D.2.2.7.3 Restrictions on Lobbying**

Non-Federal entities are strictly prohibited from using funds under a grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR §18 and 31 USC §1352.

#### **D.2.2.7.4 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. 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 §200.339, Remedies for noncompliance, including suspension or debarment (see also 2 CFR §180).

#### **D.2.2.8 Uniform Audit Reporting Statement**

All U.S. states, local governments, federally recognized Indian Tribal governments, and non-profit organizations expending \$750,000 USD or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the [Federal Audit Clearinghouse's Internet Data Entry System](#). U.S. state, local government, federally recognized Indian Tribal governments, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the Employer Identification Number (EIN) associated with that report and state if it is available through the Federal Audit Clearinghouse website.

**D.2.2.9 SF-LLL: Disclosure of Lobbying Activities (if Applicable)**

If applicable, a fully completed and signed SF-LLL: Disclosure of Lobbying Activities form is required if the applicant has made or agreed to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. *This form cannot be submitted by a contractor or other entity on behalf of an applicant.*

**D.2.2.10 Letters of Support**

You should include any letters from interested stakeholders supporting the proposed project. To ensure your proposal is accurately reviewed, please attach all letters of support as an appendix. Letters of support received after the application deadline for this NOFO will not be considered in evaluating your proposed project.

**D.2.2.11 Official Resolution**

If selected, the applicant must provide prior to award an official resolution adopted by your organization'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 a financial assistance award under this NOFO, verifying:

- The identity of the official with legal authority to enter into an agreement
- The board of directors, governing body, or appropriate official who has reviewed and supports the application submitted
- That your organization will work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement

An official resolution meeting the requirements set forth above is mandatory before an award of funding will be made.

**D.2.2.12 Letters of Funding Commitment**

If a project is selected for award under this funding opportunity and cost share funding is anticipated to be provided by a source other than the applicant, the third-party cost share must be supported with letters of commitment prior to award. Letters of commitment should identify the following elements:

- The amount of funding commitment
- The date the funds will be available to the applicant
- Any time constraints on the availability of funds
- Any other contingencies associated with the funding commitment

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 execute a financial assistance agreement until non-Federal funding has been secured or Reclamation determines that there is enough evidence and likelihood that non-Federal funds will be available to the applicant after executing the agreement.

### **D.2.3 Financial Capability Determination**

If selected, applicants must provide information to complete a Financial Capability Determination prior to Reclamation releasing Federal funding for construction activities. The project sponsor must demonstrate that it is financially capable of funding the non-Federal portion of project construction costs and all necessary project operation, maintenance, and replacement costs, pursuant to Reclamation's Directives and Standards WTR-11-02, *Title XVI Financial Capability Determination Process*.

## **D.3 Unique Entity Identifier (UEI) and System for Award Management (SAM)**

Each applicant (unless the applicant is an individual or Federal awarding agency that is excepted from those requirements under 2 CFR 25.110 (b) or (c), or has an exception approved by the Federal awarding agency under 2 CFR 25.110 (d) is required to:

- Be registered in SAM before submitting an application. Instructions for registering are available at [sam.gov/content/home](https://sam.gov/content/home)
- Provide a valid UEI in its application
- Maintain an active SAM registration with current information at all times during which it has an active Federal award or plan under consideration by a Federal award agency

Meeting the requirements set forth above is mandatory.

### **D.3.1 Register with the System for Award Management**

Each applicant must be registered in SAM before submitting its application. Register on the [SAM.gov](https://sam.gov) website. The "Help" tab on the website contains User Guides and other information to assist you with registration. The Grants.gov "Register with SAM" page also provides detailed instructions. You can also contact the supporting Federal Service Desk for help registering in SAM. Once registered in SAM.gov, entities must renew and revalidate their SAM.gov registration at least once every 12 months from the date previously registered. Entities are

strongly encouraged to revalidate their registration as often as needed to ensure their information is up to date and reflects changes that may have been made to the entity's Internal Revenue Service information.

See the "Submission Requirements" section of this document below for more information on SAM.gov registration.

**There is no cost to register with SAM.gov.** There are third-party vendors who will charge a fee in exchange for registering entities with SAM.gov; **please be aware you can register and request help for free.**

NOTE: An organization's SAM.gov registration process may take several weeks to complete, so please allow sufficient time to ensure applications are submitted before the closing date.

***Applicants that do not have an active SAM registration will not be able to submit an application. Applicants that do not have a UEI will not be able to submit an application.***

### D.3.2 Obtain a Unique Entity Identifier

You are required to register in SAM.gov and obtain a [Unique Entity Identifier](#) (UEI) prior to submitting a Federal award application. A UEI will be assigned to entities upon registering in SAM.gov.

## D.4 Submission Date and Time

This is a Rolling NOFO and will remain open until September 30, 2024, with two application submittal periods. Due date for applications:

- 1) First Application Submittal Period due date is December 7, 2023, at 4:00 p.m. MST.
  - *Applications received before December 7, 2023, at 4:00 p.m. MST, will be considered under the First Submittal Period.*
- 2) Second and Final Application Submittal Period due date is September 30, 2024, 4:00 p.m. MDT.
  - *Applications received after December 7, 2023, 4:00 p.m. MST and before September 30, 2024, 4:00 p.m. MDT, will be considered for the Second and Final Submittal Period.*

Applications **MUST** be submitted no later than the due dates and times identified for each application submittal period.

Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Reclamation or there were technical issues with the [Grants.gov](#) application system.

*Note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant's SAM.gov registration is not considered technical issues with the Grants.gov system.*

#### **D.4.1 Application Delivery Instructions**

Applications may be submitted electronically through Grants.gov ([www.grants.gov](http://www.grants.gov)) or a paper application may be submitted to either one of the following addresses. **We strongly encourage you to use grants.gov to submit your proposal if possible.** Under no circumstances will applications received through any other method (such as e-mail or fax) be considered eligible for award.

If you are submitting a paper application, applicant **MUST** notify Chandrika Nasstrom at [cnasstrom@usbr.gov](mailto:cnasstrom@usbr.gov) for approval no later than 2:00 pm MST/MDT on respective closing date periods.

By mail or United States Postal Service overnight services:

Bureau of Reclamation  
Attn: Water Resources and Planning Office  
P.O. Box 25007, MS 86-63000  
Denver, CO 80225

By all other express delivery and courier services:

Bureau of Reclamation mail services  
Attn: Water Resources and Planning Office  
Denver Federal Center  
Bldg. 67, Rm. 152  
6<sup>th</sup> Avenue and Kipling Street  
Denver, CO 80225

#### **D.4.2 Instructions for Submitting the Project Application**

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

##### **D.4.2.1 Applications Submitted Electronically**

Electronic applications must be submitted through Grants.gov. Applicant resource documents and a full set of instructions for registering with Grants.gov and completing and submitting applications online are available at: [www.grants.gov/applicants/apply-for-grants.html](http://www.grants.gov/applicants/apply-for-grants.html).

Application submission requires prior registration through Grants.gov, which may take 7 to 21 days.

**In addition, please note that the Grants.gov system only accepts applications submitted by individuals that are registered and active in SAM as both a user and an Authorized Organizational Representative.**

Applicants have experienced significant delays when attempting to submit applications through Grants.gov. Applicants are encouraged to submit applications 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 the Grants.gov Help Desk to obtain a case number. This case number will provide evidence of your attempt to submit an application prior to the submission deadline. If you are unable to submit your application through Grants.gov, you may provide a paper copy of the full application by mail or courier, as described in Section D.4.2.2 below. Application must be received by Funding Opportunity closing date and time. Late applications will not be considered.

***Late applications will not be considered unless it is determined that the delay was caused by Reclamation mishandling or technical issues with the Grants.gov application system.*** Please note that difficulties related to an applicant's Grants.gov profile (e.g., incorrect organizational representative), uploading documents to Grants.gov, or an applicant's SAM registration are not considered technical issues with the Grants.gov system. To document a delay due to a technical issue in Grants.gov, you **MUST** furnish a Grants.gov helpdesk ticket number to Chandrika Nasstrom, Grants Management Specialist, at [cnasstrom@usbr.gov](mailto:cnasstrom@usbr.gov) that validates the delay.

#### **D.4.2.2 Applications Submitted by Mail, Express Delivery or Courier Services.**

If prior approval has been granted, applicants must follow these instructions to submit the application by mail, express delivery, or courier services:

- Applicants submit one copy of all application documents for hardcopy submissions. Only use a binder clip for documents submitted. Do not staple or otherwise bind application documents.
- Hard copy applications may be submitted by mail, express delivery, or courier services to the addresses identified in this NOFO.
- Materials arriving separately will not be included in the application package and may result in the application being rejected or not funded. This does not apply to letters of support, funding commitment letters, or official resolutions. Faxed and e-mailed copies of application documents will not be accepted.

#### **D.4.2.3 Acknowledgement of Application Receipt**

Applicants will receive an e-mail acknowledging receipt of the application from Grants.gov. In addition, you will receive an email acknowledgement when your application is successfully downloaded from Grants.gov. Applicants can confirm receipt of hardcopy through the tracking tools for their packages.

## **D.5 Intergovernmental Review**

An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372.

## **D.6 Funding Restrictions**

### **D.6.1 Pre-award Costs**

Pre-award costs are those incurred prior to the effective date of a Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award.

Eligible pre-award costs associated with the proposed project must be incurred after the date of Reclamation's feasibility study review findings. If the proposed project is selected, the pre-award costs will be reviewed to determine if they are consistent with program objectives and are allowable in accordance with the authorizing legislation. Proposed pre-award costs must also be compliant with all applicable administrative and cost principles criteria established in 2 CFR Part 200 and all other requirements of this funding opportunity.

Note: Any incurrence of costs in the performance of the project prior to the issuance of a financial assistance award is at the applicant's own risk. No legal liability on the part of Reclamation for any payment may arise until funds are made available, in writing, by a Reclamation Grants Officer.

### **D.6.2 Project Cost Restrictions**

**Proposal costs.** The costs for preparing and submitting an application in response to this funding opportunity, including developing data necessary to support the proposal, are not eligible project costs and must not be included in the project budget.

**Feasibility Study costs.** The costs for preparing and submitting water recycling feasibility studies to meet the requirements of Reclamation's Directives and Standards are not eligible project costs and must not be included in the project budget.

### **D.6.3 Environmental and Regulatory Compliance Costs**

Depending on the potential impacts of the project, Reclamation may be able to complete its compliance activities without additional cost to the successful applicant. Where environmental or cultural resources compliance requires significant participation by Reclamation, Reclamation will add a line item for costs incurred by Reclamation to the budget during development of the financial assistance agreement and cost shared accordingly (i.e., withheld from the Federal award



amount). Any costs to the successful applicant associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement.

#### **D.6.4 Indirect Costs**

You may include indirect costs that will be incurred during the development or construction of a Project, which will not otherwise be recovered, as part of your Project budget. Show the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for your organization. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

Your budget may include a de minimis rate of up to 10 % of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR§200.68.

See reference below from [2 CFR 200.414 \(f\)](#)

*(f) In addition to the procedures outlined in the appendices in paragraph (e) of this section, any non-Federal entity that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in appendix VII to this part, paragraph D.1.b, may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. No documentation is required to justify the 10% de minimis indirect cost rate. As described in § 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.*

If you do not have a federally approved indirect cost rate agreement and are proposing a rate greater than the de minimis 10 percent 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 Department’s Interior Business Center, Office of Indirect Cost Services, at [ibc.doi.gov/ICS](http://ibc.doi.gov/ICS).

Organizations must have an active Federal award before they can submit an indirect cost rate proposal to their cognizant agency. Failure to establish an approved rate during the award period renders all costs otherwise allocable as indirect costs unallowable under the award. Recipients may not shift unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

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# Section E: Application Review Information

## E.1 Evaluation Criteria

The evaluation criteria portion should be addressed in the technical proposal section of the application. Applications should thoroughly address each criterion and any sub-criterion in the order presented below. **Applications will be evaluated against the evaluation criteria listed below.** Note: It is suggested that applicants copy and paste the below criteria and sub-criteria into their applications to ensure that all necessary information is adequately addressed.

The evaluation criteria should be applied to the Project as a whole, not just the Project activities that will be completed over the next 3 years.

<b>Evaluation Criteria: Scoring Summary</b>	<b>Points</b>
<b>Evaluation Criterion 1—Water Supply</b>	35
<b>Evaluation Criterion 2—Environment and Water Quality</b>	15
<b>Evaluation Criterion 3—Economic Benefits</b>	25
<b>Evaluation Criterion 4— Presidential and Department of the Interior Priorities</b>	15
<b>Evaluation Criterion 5 — Reclamation’s Obligations and Watershed Perspective</b>	10
<b>Total</b>	<b>100</b>

### E.1.1 Evaluation Criterion 1—Water Supply (35 points)

#### E.1.1.1 Subcriterion No. 1a—Stretching Water Supplies (18 points)

Points will be awarded based on the extent to which the Project is expected to secure and stretch reliable water supplies. Consideration will be given to the amount of water expected to be made available by the Project; the extent to which the Project will reduce demands on existing water supplies and/or facilities and/or reduce, postpone, or eliminate the development of new water supplies; and the performance measures that will be used to measure the benefits of the Project to otherwise reduce water diversions.

1. How many acre-feet of water are expected to be made available each year upon completion of the Project? What percentage of the present and/or future annual demand in the project sponsor’s service area will the Project's reclaimed water be expected to provide upon Project completion? The percentage should be based on the expected total service area demand, not just recycled water demand. Use the total expected capacity of the entire Project upon completion, not just the water that will be produced by the activities that will be completed over the next 3 years.
2. Will the Project reduce, postpone, or eliminate the development of new or expanded non-recycled water supplies? Explain.

3. Will the Project alleviate pressure on existing water supplies and/or facilities? If so, please describe the existing water supplies, identify the supplies and/or facilities that will be impacted and explain how they will be impacted by the Project, including quantifications where applicable.
4. What performance measures will be used to quantify actual benefits upon completion of the Project?

**E.1.1.2 Subcriterion No.1b—Contributions to Water Supply Sustainability (17 points)**

Points will be awarded for Projects that contribute to a more reliable water supply.

1. Will the Project make water available to address a specific concern? Consider the number of acre-feet of water and/or the percentage of overall water supply to be made available by the Project. Explain the specific concern and its severity. Also explain the role of the Project in addressing that concern and the extent to which the Project will address it. Specific concerns may include, but are not limited to:
  - Water supply shortages
  - Water supply reliability
  - Groundwater depletion
  - Water quality issues
  - Natural disasters that may impact water supply infrastructure
  - Heightened competition for water supplies
  - Availability of alternative supplies
  - Increasing cost of water supplies
2. Will the project help create additional flexibility to address drought? Will water made available by this Project continue to be available during periods of drought? To what extent is the water made available by this Project more drought resistant than alternative water supply options? Explain.
3. Has the area served by the Project been identified by the United States Drought Monitor as experiencing severe, extreme, or exceptional drought at any time in the last 4 years?
4. Has the area served by the Project been designated as a drought disaster area by the State in the last 4 years?

### **E.1.2 Evaluation Criterion 2—Environment and Water Quality (15 points)**

Points will be awarded based on the extent to which the Project will improve surface, groundwater, or effluent discharge quality; will restore or enhance habitat for non-listed species; or will provide water or habitat for federally listed threatened or endangered species. Indirect benefits of the project will also be considered under this criterion.

1. Will the Project improve the quality of surface water or groundwater? If so, how?
2. Will the Project improve effluent quality beyond levels necessary to meet State or Federal discharge requirements?
3. Will the Project improve flow conditions in a natural stream channel? If so, how?
4. Will the Project restore or enhance habitat for non-listed species? If so, how?
5. Will the Project provide water or habitat for federally listed threatened or endangered species? If so, how?

### **E.1.3 Evaluation Criterion 3—Economic Benefits (25 points)**

#### **E.1.3.1 Subcriterion No. 3a—Cost Effectiveness (15 points)**

Points will be awarded based on the cost per acre-foot of water expected to be delivered upon completion of the Project and how the cost of the Project compares to a non-reclaimed water alternative. Please use costs related to the entire Project, not just the cost of work over the next 3 years or the phase that is currently under development. Costs should be provided for the entire Project described in the Reclamation approved feasibility study.

1. Reclamation will calculate the cost per acre-foot of water produced by the Project using information provided by Project sponsors. For a description of how this calculation is done, please see the Title XVI Frequently Asked Questions webpage at [www.usbr.gov/watersmart/title/faq.html](http://www.usbr.gov/watersmart/title/faq.html).
2. Please provide the following information for this calculation:
  - (a) The total estimated construction costs, by year, for the Project (include all previous and planned work) as shown in Table 2.

Table 2.—Estimated Construction Costs by Year

	Calendar Year	Construction Cost		Calendar Year	Construction Cost
1.			6.		
2.			7.		
3.			8.		
4.			9.		
5.			10.		

- (b) The total estimated or actual costs to plan and design the Project. Note: This should not include the cost to complete a feasibility study that meets the requirements of Reclamation’s Directives and Standards [WTR 11-01](#).
- (c) The estimated expected average annual operation and maintenance costs for the life of the Project. Please do not include periodic replacement costs in the operation and maintenance costs. Periodic replacement costs should be provided separately in response to (f) below. Note: this is an annual cost—not total cost.
- (d) The year the Project has or is expected to begin to deliver reclaimed water.
- (e) The Projected life (in years) that the Project is expected to last. Note: this should be measured from the time the Project starts delivering water.
- (f) All estimated replacement costs by year as shown in Table 5. If there are multiple replacement costs in one (1) year, or at the same interval, please total them and put them on one line with the year or interval.

Table 5.—Replacement Costs by Year

	Description of Replacement Requirement	Year	Cost
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			

## Section E. Application Review Information

- (g) The maximum volume of water (in acre-feet) that is expected to be produced annually upon completion of the Project. This volume of water must correspond to the costs provided above. If costs are only provided for a portion or phase of the project, then only the water produced by that same portion or phase of the project will be considered under this criterion.
- 2. Reclamation will calculate the cost per acre-foot for the Project using the information requested in question No. 1 and compare it to the non-reclaimed water alternative, and any other water supply options that the applicant identifies to evaluate the cost effectiveness of the Project. Please provide the following information for this comparison:
  - (a) A description of the conditions that exist in the area and projections of the future with, and without, the Project.
  - (b) Provide the cost per acre-foot of other water supply alternatives that could be implemented by the non-Federal Project sponsor in lieu of the Project. This must include, but is not limited to, one non-reclaimed water alternative that would satisfy the same demand as the Project. Other water supply alternatives beyond one non-reclaimed water alternative are not required but may be provided where available to demonstrate the cost effectiveness of the Project.
  - (c) If available, provide the cost per acre-foot of one water supply project with similar characteristics to the Project. This information does not have to be provided if it is not available. It is intended to provide another possible comparison to demonstrate the cost effectiveness of the Project.
  - (d) Discussion of the degree to which the Project is cost-effective. Where applicable, include a discussion of why the Project may be cost effective even if the overall Project cost appears to be high.

### **E.1.3.2 Subcriterion No. 3b—Economic Analysis and Project Benefits (10 points)**

Points will be awarded based on the analysis of the Project's benefits relative to the Project's costs. Please use costs related to the entire Project—not just the expected cost of work over the next 3 years.

- 1. Summarize the economic analysis performed for the Project including information on the Project's estimated benefits and costs. Describe the methodologies used for the analysis that has been conducted. Points will be awarded based on a comparison of the benefits and costs of the Project. The information provided should include:
  - (a) Quantified and monetized Project costs, including expected capital costs and operations and maintenance costs.

(b) Quantified and monetized Project benefits. This includes benefits that can be quantified and expressed as a monetized benefit per acre-foot. These may include, but are not limited to, benefits related to water supply quantity and water supply reliability, recreational benefits, ecosystem benefits, water quality, energy efficiency, and environmental compliance and permitting. Benefits may also include the avoided costs of no action (i.e., the costs that would be incurred if the Project were not implemented), and the willingness of users or customers to pay for a benefit or to avoid a negative outcome (e.g., the willingness of households to pay for a water supply system that would reduce groundwater overdraft). If quantified and/or monetized information for these benefits is not available, they may be addressed in response to question two below.

(c) A comparison of the Project's quantified and monetized benefits and costs.

*\*Please note that information must be included in the proposal to be considered.*

*Scores will not be based on information provided in the Project's feasibility study if the information is not included in the proposal.*

2. Some Project benefits may be difficult to quantify and/or monetize. Describe any economic benefits of the Project that are difficult to quantify and/or monetize. Provide a qualitative discussion of the economic impact of these benefits. Points will be awarded based on the potential economic impact of the Project-related benefits. Some examples of benefits may include, but are not limited to, acres of land or stream miles that may be benefitted or not harmed, benefits to habitat or species, flood risk mitigation, local impacts on residents and/or businesses, job creation, and regional impacts. This may also include benefits listed in question one, if they have not been monetized (e.g., water reliability, water quality, and recreation).

#### **E.1.4 Evaluation Criterion 4—Presidential and Department of the Interior Priorities (15 Points)**

Up to **15 points** may be awarded based on the extent that the project demonstrates support for the Biden-Harris Administration's priorities, including E.O. 14008: *Tackling the Climate Crisis at Home and Abroad*, E.O. 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and the President's memorandum, *Tribal Consultation and Strengthening Nation-to Nation Relationships*. Points will be allocated based on the degree to which the project supports the priorities listed, and whether the connection to the priority(ies) is well supported in the application.

##### **Climate Change**

Points will be awarded based on the extent the project will reduce climate pollution; increase resilience to the impacts of climate change; protect public health; and conserve our lands, waters, oceans, and biodiversity. Address the following as relevant to your project.

**Combating the Climate Crises:** E.O. 14008: *Tackling the Climate Crisis at Home and Abroad*, focuses on increasing resilience to climate change and supporting climate- resilient development. For additional information on the impacts of climate change throughout the western United



States, see: [www.usbr.gov/climate/secure/docs/2021secure/2021SECUREREport.pdf](https://www.usbr.gov/climate/secure/docs/2021secure/2021SECUREREport.pdf). Please describe how the project will address climate change, including the following:

- Please provide specific details and examples on how the project will address the impacts of climate change and help combat the climate crisis.
- Does this proposed project strengthen water supply sustainability to increase resilience to climate change? Does the proposed project contribute to climate change resiliency in other ways not described above?

### **Disadvantaged or Underserved Communities**

Points will be awarded based on the extent to which the project directly serves disadvantaged, underserved, or Tribal communities.

E.O. 14008 and E.O. 13985 affirm the advancement of environmental justice and equity for all through the development and funding of programs to invest in disadvantaged or underserved communities. For the purpose of this criterion, Tribes and insular areas (Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands) are considered disadvantaged.

- Please use the White House Council on Environmental Quality's interactive Climate and Economic Justice Screening Tool, available online at Explore the map - Climate & Economic Justice Screening Tool ([screeningtool.geoplatform.gov/en/#17.59/36.63278/-105.181329](https://screeningtool.geoplatform.gov/en/#17.59/36.63278/-105.181329)) to identify any disadvantaged communities that will benefit from your project. In addition to identifying specific census tracts that are disadvantaged, the CEJST considers the lands of Federally Recognized Tribes as disadvantaged communities. In addition, regardless of whether a Federally Recognized Tribe has land, all Federally Recognized Tribal entities are considered disadvantaged communities for the purposes of the Justice40 Initiative.<sup>2</sup>
- If applicable, describe how the project benefits those disadvantaged or underserved communities identified using the tool. For example, does the project improve water quality, provide economic growth opportunities, improve or expand public access to nature, or provide other benefits in a disadvantaged or underserved community?

### **Tribal Benefits**

Points will be awarded based on the extent to which the Project will honor the Federal government's commitments to Tribal Nations. The Department of the Interior is committed to strengthening Tribal sovereignty and the fulfillment of Federal Tribal trust

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<sup>2</sup> OMB, CEQ, & CPO, M-23-09, Addendum to the Interim Implementation Guidance for the Justice40 Initiative, M-21-28, on using the Climate and Economic Justice Screening Tool (CEJST) (Jan. 27, 2023), [www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09\\_Signed\\_CEQ\\_CPO.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf).

responsibilities. The President’s memorandum, “Tribal Consultation and Strengthening Nation-to-Nation Relationships,” asserts the importance of honoring the Federal government’s commitments to Tribal Nations.

- Does the proposed project directly serve and/or benefit a Tribe? Will the project improve water management for a Tribe?
- Does the proposed project support Tribal resilience to climate change and drought impacts or provide other Tribal benefits such as improved public health and safety by addressing water quality, new water supplies, or economic growth opportunities?
- Does the proposed project support Reclamation’s Tribal trust responsibilities or a Reclamation activity with a Tribe?

### **E.1.5 Evaluation Criterion 5— Reclamation’s Obligations and Watershed Perspective (10 Points)**

#### **E.1.5.1 Subcriterion No. 5a— Reclamation’s Legal and Contractual Water Supply Obligations (5 points)**

Points will be awarded for Projects that help to meet Reclamation’s legal and contractual obligations.

Explain how the Project relates to Reclamation’s mission and/or serves a Federal interest. Does the Project help fulfill any of Reclamation’s legal or contractual obligations such as providing water for Indian Tribes, water right settlements, river restoration, minimum flows, legal court orders, or other obligations? If so, explain.

*Note: A Project may help Reclamation fulfill its obligations even if the project sponsor is not a Reclamation contractor, and indirect benefits to Reclamation will also be considered under this criterion.*

#### **E.1.5.2 Subcriterion No. 5b— Watershed Perspective (5 points)**

Points will be awarded based on the extent to which the Project promotes or applies a watershed perspective by implementing an integrated resources management approach, implementing a regional planning effort, forming collaborative partnerships with entities representing diverse interests, or conducting public outreach.

A watershed perspective generally means an approach to planning directed at meeting the needs of geographically dispersed localities across a region or a watershed that will take advantage of economies of scale and foster opportunities for partnerships. This approach also takes into account the interconnectedness of water and land resources, encourages the active participation of all interested groups, and uses the full spectrum of technical disciplines in activities and decision making. Does the Project:

1. Implement or relate to a regional or state water plan or an integrated resource management plan? Explain.
2. Help meet the water supply needs of a large geographic area, region, or watershed? Explain.
3. Promote collaborative partnerships with multiple stakeholders representing diverse interests? Explain.
4. Include public outreach and opportunities for the public to learn about the project? Explain.

## **E.2 Review and Selection Process**

Reclamation reserves the right to remove applications that do not meet the objectives of this NOFO. Awards will be made for projects most advantageous to the Federal Government. Award selection may be made to maintain balance among the eligible projects listed in this NOFO. The evaluation process will be comprised of the steps described in the following subsections.

### **E.2.1 First Level and Threshold Screening**

Reclamation will conduct an initial review and threshold screening of each application submitted in response to this NOFO to determine whether the Applicant is eligible, and the application is complete and submitted on time. If Reclamation determines the Applicant is ineligible or non-responsive, Reclamation will notify the Applicant.

All application packages will be screened to ensure that:

- The application meets the completeness, eligibility and timeliness requirements stated in this NOFO.
- The applicant meets the unique entity identifier and SAM registration requirements stated in this NOFO.
- The application meets the content requirements of the NOFO package, including submission of a technical proposal and budget narrative.
- The application contains executed mandatory forms SF-424, Application for Financial Assistance and SF-424B/D, Assurances Form, and a completed SF-424A/C, Budget Information Form.

A complete application must include all requirements described in the above bullets. Any application which fails to include these requirements will be deemed ineligible and will not be considered for funding. Reclamation reserves the right to remove an application from funding

consideration during the initial screening if it is not submitted on time; does not include the required SF-424 forms; does not include a technical proposal or does not include a budget narrative. In that event, Reclamation will send notification of elimination to the applicant. If an application is missing other information, Reclamation may reach back to request that information within a specified timeframe.

### **E.2.2 Application Review Committee**

The technical merit of the application will be reviewed by an Application Review Committee (ARC), made up of experts in relevant disciplines selected from across Reclamation. Evaluation criteria will comprise the total evaluation weight as stated in the *Section E.1. Evaluation Criteria*.

Applications will be scored against the evaluation criteria and the ARC will also review the application to ensure that the project is eligible and meets the objective of this NOFO.

During ARC review, Reclamation may contact applicants to request clarifications to the information provided, if necessary.

### **E.2.3 Red-Flag Review**

Following the results of the ARC review, Reclamation offices will review the top-ranking applications and will identify any reasons why a proposed project would not be feasible or otherwise advisable, including environmental or cultural resources compliance issues, permitting issues, legal issues, or financial position.

Positive or negative past performance by the applicant and 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, conduct a preliminary budget review, and evaluate the applicant's ability to meet cost share as required.

### **E.2.4 Managerial Review**

Reclamation management will prioritize projects to ensure the total amount of all awards does not exceed available funding levels. Management will also ensure that all projects meet the scope, priorities, requirements, and objectives of this NOFO. Management may also prioritize projects to ensure that multiple project types are represented. After completion of the Managerial Review, Reclamation will notify applicants whose proposals have been selected for award consideration.

### **E.2.5 Pre-Award Clearances and Approvals**

The following pre-award clearances and approvals must be obtained before an award of funding is made. If the results of all pre-award reviews and clearances are satisfactory, an award of funding will be made once the agreement is finalized (approximately one to three months from the date of initial selection). If the results of pre-award reviews and clearances are unsatisfactory, consideration of funding for the project may be withdrawn.

#### **E.2.5.1 *Environmental Review***

Reclamation will forward the proposal to the appropriate Reclamation Regional or Area Office for completion of environmental compliance, if applicable. To the extent possible, environmental compliance will be completed before a financial assistance agreement is signed by the parties. However, in most cases, the award can be completed with the release of funds contingent on completion of environmental compliance and receipt of a written Notice to Proceed from the Reclamation Grants Officer. The financial assistance agreement will describe how compliance will be carried out. Ground-disturbing activities (e.g., installation of a stream gage, biological or water quality monitoring) may not occur until environmental compliance is complete and a notice to proceed is issued by the awarding Reclamation Grants Officer.

#### **E.2.5.2 *Budget Analysis and Business Evaluation***

A Reclamation Grants Officer will also conduct a detailed budget analysis and complete a business evaluation and responsibility determination. During this evaluation, the Reclamation Grants Officer will consider several factors that are important, but not quantified, such as:

- Allowability, allocability, and reasonableness of proposed costs
- Financial strength and stability of the applicant
- Past performance, including satisfactory compliance with all terms and conditions of previous awards, such as environmental compliance issues, reporting requirements, proper procurement of supplies and services, and audit compliance
- Adequacy of personnel practices, procurement procedures, and accounting policies and procedures, as established by applicable OMB circulars

### **E.3 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 (current Responsibilities /Qualifications information) (see 41 U.S.C. §2313).

Applicants, at their option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about themselves that a

Federal awarding agency previously entered and that is currently in the designated integrity and performance system accessible through SAM. Reclamation will consider any comments by the applicant, in addition to the Responsibilities/Qualifications information, 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.

## **E.4 Anticipated Announcement and Federal Award Dates**

Reclamation expects to contact potential award recipients and unsuccessful applicants who applied under the first application submittal period in May 2024, or later if necessary. Financial assistance agreements will be awarded to applicants that successfully pass all pre-award reviews and clearances. Award recipients will be contacted individually to discuss the time frame for the completion of their agreement.

# **Section F: Federal Award Administration Information**

## **F.1 Federal Award Notices**

Successful applicants will receive by electronic mail, a notice of selection signed by a Reclamation Grants Officer. This notice is **not** an authorization to begin performance.

## **F.2 Administrative and National Policy Requirements**

See the “[DOI Standard Terms and Conditions](#)” for the administrative and national policy requirements applicable to Department awards.

### **F.2.1 Automated Standard Application for Payments Registration**

All applicants must also be registered with and willing to process all payments through the Department of Treasury Automated Standard Application for Payments (ASAP) system. All recipients with active financial assistance agreements with Reclamation must be enrolled in ASAP under the appropriate Agency Location Code(s) and obtain a Unique Entity Identification (UEI) number prior to the award of funds. If a recipient has multiple UEI numbers, they must separately enroll within ASAP for each unique UEI Number and/or Agency. All of the information on the enrollment process for recipients, including the enrollment initiation form, will be sent to you by Reclamation staff if selected for award.

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.

### **F.2.2 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, including, but not limited to, the Clean Water Act (CWA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), consultation with potentially affected Tribes, and consultation with the State Historic Preservation Office.

*Note: 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 also responsible for ensuring 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 considered project costs and should be included in the project budget.**

*Under no circumstances may an applicant begin any ground-disturbing activities (e.g., 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.*

### **F.2.3 Approvals and Permits**

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

### **F.2.4 Geospatial Data and Data Tools**

All geospatial data collected for or produced through the use of the Department of the Interior financial assistance funds are required to meet all relevant standards established by the Federal Geospatial Data Committee (FGDC) as authorized by Geospatial Data Act of 2018, P.L. 115-254, Subtitle F – Geospatial Data, §751-759C, codified at 43 U.S.C. §2801–2811. the Department requires fully compliant metadata on all Geographic Information Systems (GIS) files developed for financial assistance projects. If a funded financial assistance project involves acquiring or collecting geospatial data, the successful applicant is required to search GeoPlatform.gov to determine that no existing Federal, State, local or private data meet the Government's needs and are available at no cost before acquiring or collecting additional geospatial data.

Any spatially explicit data or tools developed in the performance of an award made under this NOFO must be developed in industry standard formats that are compatible with geographic information system platforms.



### **F.2.5 Intangible Property (2 CFR §200.315)**

Title to intangible property (see definition for Intangible property in § 200.1) acquired under a Federal award vests upon acquisition in the non-Federal entity. The non-Federal entity must use that property for the originally-authorized purpose, and must not encumber the property without approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in § 200.313(e).

The non-Federal entity may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award. The Federal awarding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.

The non-Federal entity is subject to applicable regulations governing patents and inventions, including governmentwide regulations issued by the Department of Commerce at 37 CFR part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative Agreements.”

### **F.2.6 Buy America Domestic Procurement Preference**

As required by Section 70914 of the Bipartisan Infrastructure Law (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58, on or after May 14, 2022, none of the funds under a federal award that are part of Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this program.

Recipients of an award of Federal financial assistance are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

1. All iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. All manufactured products used in the project are produced in the United States—this means that the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

3. All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

For further information on the Buy America preference, please visit [www.doi.gov/grants/BuyAmerica](http://www.doi.gov/grants/BuyAmerica). Additional information can also be found at the White House Made in America Office website: [www.whitehouse.gov/omb/management/made-in-america/](http://www.whitehouse.gov/omb/management/made-in-america/).

#### **F.2.6.1 Waivers**

When necessary, recipients may apply for, and the Department of the Interior (DOI) may grant, a waiver from these requirements, subject to review by the Made in America Office. The DOI may waive the application of the domestic content procurement preference in any case in which it is determined that one of the below circumstances applies:

1. Non-availability Waiver: the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality;
2. Unreasonable Cost Waiver: the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent; or
3. Public Interest Waiver: applying the domestic content procurement preference would be inconsistent with the public interest.

There may be instances where an award qualifies, in whole or in part, for an existing DOI general applicability waiver as described at: [www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers](http://www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers). If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the limitations defined within the waiver, the recipient is not required to request a separate waiver for non-domestic materials.

If a general applicability waiver does not already apply, and a recipient believes that one of the above circumstances applies to an award, a request to waive the application of the domestic content procurement preference may be submitted to the financial assistance awarding officer in writing. Waiver requests shall include the below information. The waiver shall not include any Privacy Act information, sensitive data, or proprietary information within their waiver request.

## Section F. Federal Award Administration Information

Waiver requests will be posted to [www.doi.gov/grants/buyamerica](http://www.doi.gov/grants/buyamerica) and are subject to public comment periods of no less than 15 days. Waiver requests will also be reviewed by the Made in America Office.

1. Type of waiver requested (non-availability, unreasonable cost, or public interest).
2. Requesting entity and Unique Entity Identifier (UEI) submitting the request.
3. Department of Interior Bureau or Office who issued the award.
4. Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award)
5. Financial assistance title of project (reference block 8 on DOI Notice of Award).
6. Federal Award Identification Number (FAIN).
7. Federal funding amount (reference block 11.m. on DO Notice of Award).
8. Total cost of Infrastructure expenditures (includes federal and non-federal funds to the extent known).
9. Infrastructure project description(s) and location(s) (to the extent known).
10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements. Include the name, cost, countries of origin (if known), and relevant Product Service Code ([PSC](#)) or North American Industry Classification System ([NAICS](#)) code for each.
11. A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.
12. A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
13. Anticipated impact if no waiver is issued.

Approved waivers will be posted at [www.doi.gov/grants/BuyAmerica/ApprovedWaivers](http://www.doi.gov/grants/BuyAmerica/ApprovedWaivers); recipients requesting a waiver will be notified of their waiver request determination by an awarding officer.

Questions pertaining to waivers should be directed to the financial assistance awarding officer.

#### **F.2.6.2 Definitions**

“Construction materials” include an article, material, or supply that is or consists primarily of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, or drywall.

“Construction materials” do **not** include cement or cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives.

“Domestic content procurement preference” means all iron and steel used in the project are produced in the United States, the manufactured products used in the project are produced in the United States, or the construction materials used in the project are produced in the United States.

“Infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States.

#### **F.2.7 Wage Rate Requirements (Davis Bacon Act)**

Section 41101 of the Bipartisan Infrastructure Law requires that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under the Bipartisan Infrastructure Law (P.L. 117-58) shall be paid wages at rates no less than those prevailing on similar projects in the locality as determined by the Secretary of Labor in accordance with 40 U.S.C. IV., Chapter 31 (also known as the Davis-Bacon Act).

Information and guidelines regarding Investing in America signage can be found at [www.whitehouse.gov/wp-content/uploads/2023/02/Investing-in-America-Brand-Guide.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/02/Investing-in-America-Brand-Guide.pdf).

#### **F.2.8 Department of Labor Mega Construction Project Program**

As a condition of award of federal financial assistance, recipients of this funding who may undertake or sponsor construction projects with a total project cost of \$35 million or greater, are eligible for selection by the U.S. Department of Labor’s Office of Federal Contractor Compliance Programs (OFCCP) for designation as a “Megaproject” based on certain selection criteria. OFCCP’s selection means that the recipient must collaborate with DOL and participate in OFCCP’s Mega Construction Project Program. OFCCP’s selection and designation of a Megaproject affects recipients, sub-recipients, and vendors. Accordingly, all Recipients (and

any Sub-Recipients) will notify vendors in any solicitations for project work that all federally assisted contractors and subcontractors will be required to participate in OFCCP's Mega Construction Project Program if the project is selected by OFCCP, and that the resulting contracts and subcontracts will include a clause requiring participation. Frequently Asked Questions for the program and additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is found on the Department of Labor website: [www.dol.gov/agencies/ofccp/faqs/construction-compliance](https://www.dol.gov/agencies/ofccp/faqs/construction-compliance).

### **F.2.9 Investing in America Signage**

If the applicant is awarded an agreement as a result of this NOFO, the applicant is strongly encouraged to display signage at project sites during any, or all, of a project's activity to increase the transparency of projects funded in whole or in part by the Bipartisan Infrastructure Law (P.L. 117-58) and to make visible to the public the effectiveness of Federal, State, Tribal, and Local Government efforts to rebuild our Nation's infrastructure. Costs to procure, distribute, and install signage are permissible, to the extent costs are reasonable, allocable, and allowable, as determined by the Grants Officer.

If signs are displayed at project sites, they shall meet the specific design requirements in the Investing in America Signage Guidelines.[1] [1] Investing in America Signage Guidelines: <https://www.whitehouse.gov/wp-content/uploads/2023/02/Investing-in-America-Brand-Guide.pdf>.

## **F.3 Reporting Requirements and Distribution**

If the applicant is awarded an agreement as a result of this NOFO, the applicant will be required to submit the following reports during the term of the agreement. Recipients will also be required to have a system in place to comply with these reporting requirements (see 2 CFR §170.210 for additional information).

### **F.3.1 Financial Reports**

Recipients will be required to submit a fully completed SF-425 Federal Financial Report form on a semi-annual basis along with the final performance report. The SF-425 must be signed by a person legally authorized to obligate the successful applicant. The latest reporting forms are available at [www.grants.gov/web/grants/forms/post-award-reporting-forms.html](https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html).

### **F.3.2 Interim Performance Reports**

The specific terms and conditions pertaining to the reporting requirements will be included in the financial assistance agreement. Interim performance reports will be submitted at least twice a year, which include:

- A comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period
- The reasons why established milestones were not met, if applicable
- The 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
- Any additional pertinent information or issues related to the status of the project
- Photographs documenting the Project are also appreciated. *Note: Reclamation may print photos with appropriate credit to the applicant.*

### **F.3.3 Final Performance Report**

Recipients will be required to submit a final performance report encompassing the entire period of performance. The final performance report must include, but is not limited to, the following information:

- A brief description of the components of the Project and the work completed, including each element of the scope of work and the work completed at each stage of the Project.
- The goals and objectives of the Project and whether each of these was met, the reasons why goals and objectives were not met (if appropriate), and any problems, delays encountered in completing the Project, and whether or not the Project was completed within cost.
- Future tracking of Project benefits.
- A description of how the Project demonstrates collaboration, stakeholder involvement or the formation of partnerships, if applicable.
- Any other pertinent issues involving the Project.

Please note that final reports are public documents and may be made available on Reclamation's website.

## **F.4 Disclosures**

### **F.4.1 Conflict of Interest Disclosures**

Recipients must notify the program immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal

relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award.

#### **F.4.1 Other Mandatory Disclosures**

The Non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the terms and conditions outlined in 2 CFR 200, *Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters* are required to report certain civil, criminal, or administrative proceedings to SAM.gov. Failure to make required disclosures can result in any of the remedies described in 2 CFR §200.338 *Remedies for noncompliance*, including suspension or debarment.

### **F.5 Data Availability (2 CFR §1402.315)**

All data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, valuation products or other scientific assessments in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual, resulting from a financial assistance agreement is available for use by the Department of the Interior, including being available in a manner that is sufficient for independent verification.

The Federal Government has the right to:

1. Obtain, reproduce, publish, or otherwise use the data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, produced under a Federal award; and
2. Authorize others to receive, reproduce, publish, or otherwise use such data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, for Federal purposes, including to allow for meaningful third-party evaluation.

### **F.6 Freedom of Information Act**

Please note that any application submitted for funding under this NOFO may be subjected to a Freedom of Information Act (FOIA) request (5 U.S.C. §552, as amended by P.L. No. 110-175), and as a result, may be made publicly available.

In response to a FOIA request for research data relating to published research findings produced under a Federal award that were used by the Federal government in developing an agency action that has the force and effect of law, the Federal awarding agency must request, and the non-

Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the Federal awarding agency obtains the research data solely in response to a FOIA request, the Federal awarding agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the Federal agency and the non-Federal entity. This fee is in addition to any fees the Federal awarding agency may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).

Published research findings mean when:

- Research findings are published in a peer-reviewed scientific or technical journal; or
- A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law. “Used by the Federal government in developing an agency action that has the force and effect of law” is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

Research data means the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This “recorded” material excludes physical objects (e.g., laboratory samples). Research data also does not include:

- Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and
- Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.
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## Section G: Federal Awarding Agency Contact(s)

Note that staff availability on the day of the NOFO closing will be limited. **Please include the NOFO number R23AS00464 in the subject.**

### G.1 Reclamation Financial Assistance Contact

Questions regarding application and submission information and award administration may be submitted to:

Name: Chandrika Nasstrom

Email: [cnasstrom@usbr.gov](mailto:cnasstrom@usbr.gov)

### G.2 Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the appropriate point of contact below:

Name: Maribeth Menendez

Email: [mmenendez@usbr.gov](mailto:mmenendez@usbr.gov)

Phone: 303-445-2094

Mail: Bureau of Reclamation  
Water Resources and Planning Office  
Attn: Ms. Maribeth Menendez  
Mail Code: 86-63000  
P.O. Box 25007  
Denver, CO 80225-0007

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## Section H: Other Information

The following is a brief overview of NEPA, NHPA, and ESA. This information is only relevant to proposals that include measurement, monitoring, and field work. While these statutes are not the only environmental laws that may apply, 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 to award a financial assistance agreement under this NOFO. The descriptions below are intended to provide you with information about the environmental compliance issues that may apply to your projects.

### H.1 Environmental and Cultural Resource Considerations

To allow Reclamation to assess the probable environmental and cultural resources impacts and costs associated with each application, all applicants should consider the following list of questions focusing on the NEPA, ESA, and NHPA requirements. Please answer the following questions to the best of your knowledge. If any question is not applicable to the project, please explain why. The application should include the answers to:

- Will the proposed 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.
- 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?
- Are there wetlands or other surface waters inside the project boundaries that potentially fall under CWA jurisdiction as “Waters of the United States”? If so, please describe and estimate any impacts the proposed project may have.
- When was the water delivery system constructed?
- Will the proposed project result in any modification of or effects to, individual features of an irrigation system (e.g., headgates, 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.
- Are any buildings, structures, or features in the irrigation district listed or eligible for listing on the National Register of Historic Places? A cultural resources specialist at your local Reclamation office or the State Historic Preservation Office can assist in answering this question.

- Are there any known archeological sites in the proposed project area?
- Will the proposed project have a disproportionately high and adverse effect on low income or minority populations?
- Will the proposed project limit access to, and ceremonial use of, Indian sacred sites or result in other impacts on Tribal lands?
- Will the proposed project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?

### H.1.1 National Environmental Policy Act

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 an award under this NOFO, 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.

Some projects may fit within a recognized **Categorical Exclusion (CE)** to NEPA (i.e., one of the established categories of activities that generally do not have significant impacts on the environment). If a project fits within a CE, no further NEPA compliance measures are necessary. Use of a CE can involve simple identification of an applicable **Department CE** or documentation of a **Reclamation CE** using a **Categorical Exclusion Checklist (CEC)**. If a CE is being considered, Reclamation will determine the applicability of the CE and whether extraordinary circumstances (i.e., reasons that the CE cannot be applied) exist. That process can take anywhere from 1 day to about 30 days, depending upon the specific situation.

If the project does not fit within a CE, compliance with NEPA might require preparation of an **Environmental Assessment/Finding of No Significant Impact (EA/FONSI)**. Generally, where no CE applies but 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 (which would trigger the further step of an **Environmental Impact Statement (EIS)**, below). If no potentially significant effects are identified, the EA process ends with the preparation of a FONSI. The EA/FONSI process is more detailed than the CE/CEC process and 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, is completion of an **EIS** and **Record of Decision**. An EIS requires months or years to complete, and the process includes considerable public involvement, including mandatory public reviews of draft documents. 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 (e.g., will the proposed action affect the only native prairie in the county? Will the proposed action reduce water supplied to a wetland by 1 percent? Or 95 percent?). The best source of information concerning the potentially significant issues in a project area is the local Reclamation staff that has 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. You are encouraged to contact your regional or area Reclamation office. See [www.usbr.gov/main/offices.html](http://www.usbr.gov/main/offices.html) with questions regarding NEPA compliance issues. You may also contact the Program Coordinator for further information (see *Section G. Agency Contacts*).

### H.1.2 National Historic Preservation Act

To comply with Section 106 of the NHPA, Reclamation must consider whether a proposed project has the **potential to cause effects to historic properties**, before it can complete an award under this NOFO. 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 50 years old can be considered a historic property that is subject to review.

If a proposal is selected for initial award, the successful applicant 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 proposed 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 a couple of days to one 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
  - A determination as to whether the project would have an adverse effect and 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 about two months.
- Among the types of historic properties that might be affected by projects proposed under this NOFO 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 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, proposed 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 [www.usbr.gov/cultural/crmstaff.html](http://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.

## H.2 Endangered Species Act

Pursuant to Section 7 of the ESA, each Federal agency is required to consult with the United States 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 proposed 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 proposed project. A rough 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, then the ESA review is complete and no further compliance measures are required. This process can take anywhere from one day to one 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 the 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 30 days.

- If it is determined 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 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 a CEC, documented simultaneously. The best source of information concerning the compliance with the ESA in a particular project area is the local Reclamation environmental staff that can be helpful in determining the presence of listed species and possible effects that would require consultation with the USFWS or NOAA Fisheries Service. Contact your regional or area Reclamation office, [www.usbr.gov/main/offices.html](http://www.usbr.gov/main/offices.html) with questions regarding ESA compliance issues.