



— BUREAU OF —
RECLAMATION

Notice of Funding Opportunity No. R22AS00195

WaterSMART Small-Scale Water Efficiency Projects



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; and 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.

Synopsis

Federal Agency Name:	Department of the Interior, Bureau of Reclamation, Water Resources and Planning Office
Funding Opportunity Title:	WaterSMART Small-Scale Water Efficiency Projects
Announcement Type:	Notice of Funding Opportunity
Funding Opportunity Number:	R22AS00195
Catalog of Federal Domestic Assistance (CFDA) Number:	15.507
Dates: (See NOFO Sec. D.4)	Application due Date: Thursday, April 28, 2022, 4:00 p.m. Mountain Daylight Time
Eligible Applicants: (See NOFO Sec. C.1)	<p>Category A: States; Indian tribes; irrigation districts; water districts; state, regional, or local authorities, whose members include one or more organizations with water or power delivery authority; and other organizations with water or power delivery authority.</p> <p>Category B: Nonprofit conservation organizations that are acting in partnership and with the agreement of an entity described in Category A.</p> <p>All applicants must be located in the Western United States or United States territories, including Alaska, 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, the Virgin Islands, and Puerto Rico.</p>
Recipient Cost-Share: (See NOFO Sec. C.2)	50 percent or more of total project costs.
Federal Funding Amount: (See NOFO Sec. B.1)	Up to \$100,000 per applicant. Total project costs should generally be \$225,000 or less.
Estimated Number of Agreements to be Awarded: (See NOFO Sec. B.1)	Approximately 50-70-50 projects contingent upon available appropriations.

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Application Checklist

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

√	What to submit	Required content	Form or format	When to submit
	Mandatory Federal Forms: Application for Federal Financial Assistance Budget Information Assurances Disclosure of Lobbying Activities	See Sec. D.2.2.1	SF-424, SF-424A, SF-424D, and SF-LLL www.grants.gov/web/grants/forms/sf-424-family.html	*
	Title page	See Sec. D.2.2.2	Page 13	*
	Table of contents	See Sec. D.2.2.3	Page 13	*
	Technical proposal: Executive summary Project location Project description Evaluation criteria	See Sec. D.2.2.4 See Sec. D.2.2.4 See Sec. D.2.2.4 See Sec. E.1	Page 13 Page 14 Page 14 Page 28	* * * * *
	Environmental and cultural resources compliance	See Sec. D.2.2.11	Page 21	
	Required permits or approvals	See Sec. D.2.2.12	Page 21	
	Project Budget: Budget narrative	See Sec. D.2.2.10	Page 18	* *
	Letters of support	See Sec. D.2.2.13	Page 21	*
	Official Resolutions	See Sec. D.2.2.14	Page 22	**
	Unique Entity Identifier and System for Award Management	See Sec. D.3	Page 23	***

* Submit materials with your application.

** Document should be submitted with your application; however, please refer to the applicable section of the NOFO for extended submission date.

*** Should be completed prior to the application deadline; however, please refer to the applicable section of the NOFO for extended completion date.

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Acronyms and Abbreviations

ASAP	Automated Standard Application for Payments
ARC	Application Review Committee
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
D&B	Dun & Bradstreet
Department	U.S. Department of the Interior
DUNS	Data Universal Number System
EA	Environmental Assessment
EIN	Employer Identification Number
EIS	Environmental Impact Statement
E.O.	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FAPIIS	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
MDT	Mountain Daylight Time
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
NRCS	Natural Resources Conservation Service
OM&R	operations, maintenance, and replacement
OMB	Office of Management and Budget
P.L.	Public Law
SAM	System for Award Management
SCADA	Supervisory Control and Data Acquisition and Automation
SF	Standard Form
SPOC	Single Point of Contact
SWEP	Small-Scale Water Efficiency Projects
Reclamation	Bureau of Reclamation
U.S.C.	United States Code
U.S.C.	United States Code
UEI	Unique Entity Identifier
USACE	United States Army Corp of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WaterSMART	Sustain and Manage America's Resources for Tomorrow
West	Western United States

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Section A. Funding Opportunity Description

A.1. Authority

This Notice of Funding Opportunity (NOFO) is issued under the authority of Section 9504(a) of the Secure Water Act, Subtitle F of Title IX of the Omnibus Public Land Management Act of 2009, Public Law (P.L.) 111-11 (42 United States Code [U.S.C.] 10364), as amended.

A.2. Background, Purpose, 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 work cooperatively with states, tribes, and local entities as they plan for and implement actions to increase water supply sustainability through investments in existing infrastructure and attention to local water conflicts.

WaterSMART's Small-Scale Water Efficiency Projects (SWEP) 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*. Environmental Water Resources Projects also support the goals of the Interagency Drought Relief Working Group established in March 2021 and the National Drought Resiliency Partnership.

Drought conditions across the Western United States (West) impact a wide range of communities and sectors, including agriculture, cities, tribes, the environment, recreation, hydropower producers, and others. The West is experiencing its worst drought this century—historic in both duration and severity—threatening to kill crops, spark wildfires, and harm public health. As of July 2021, the U.S. Drought Monitor indicates that more than 93% of the land in nine of the Western states is in drought conditions, and nearly 60% of the area is experiencing extreme or exceptional drought. Through WaterSMART, Reclamation provides financial assistance to water managers for projects that seek to conserve and use water more efficiently and accomplish other benefits that contribute to sustainability in the West.

Through the SWEP, Reclamation provides cost shared financial assistance to States, Tribes, irrigation districts, water districts, and other entities with water or power delivery authority to implement small-scale water efficiency projects that have been prioritized through planning efforts led by the applicant. These projects are generally in the final design stage; environmental and cultural resources compliance have been initiated or already completed; and the non-Federal funding, necessary permits, and other required approvals have been secured. For further information on the SWEP, please see <https://www.usbr.gov/watersmart/swep/index.html>.

A.3. Notice of Funding Opportunity Objectives

The objective of this NOFO is to invite States, Indian Tribes, irrigation districts, water districts, and other organizations with water or power delivery authority to leverage their money and resources by cost sharing with Reclamation on small-scale on-the-ground projects that seek to conserve, better manage, or otherwise make more efficient use of water supplies.

Proposed projects that are supported by an existing water management and conservation plan, System Optimization Review, or other planning effort led by the applicant are prioritized. This prioritization will help ensure that projects funded under this NOFO are well thought out, have public support, and have been identified as the best way to address water management concerns.

A.4. Streamlined Application and Selection Process

Reclamation has simplified the evaluation criteria and streamlined the application process for this category of WaterSMART Grants to ensure that the process works for smaller entities. Simplified evaluation criteria are intended to provide each applicant with an opportunity to succinctly explain how the proposed project would meet a defined need identified through a prior planning effort. Reclamation has also clarified the budget documentation necessary under this NOFO in recognition of the small-scale nature of the projects being funded.

A.5. Other Related Funding Opportunities

For information on the NOFOs listed here, please visit the WaterSMART Program website: www.usbr.gov/watersmart.

Reclamation provides funding for water management projects through several other programs under WaterSMART. Through WaterSMART Grants, Reclamation provides two additional funding opportunities. Water and Energy Efficiency Grants focus on projects that result in quantifiable and sustained water savings and projects that increase hydropower use. Through Water Marketing Strategy Grants, Reclamation provides support for entities exploring actions that can be taken to develop or facilitate water marketing.

Through the Drought Response Program, Reclamation provides funding to help build resilience to drought. Through Drought Contingency Planning, Reclamation supports developing drought contingency plans with participation from a diverse set of stakeholders. Reclamation also provides funding for Drought Resiliency Projects supported by an existing drought contingency plan to build long term resilience to drought.

Reclamation also provides financial assistance for watershed group development, restoration planning, and watershed management project design (Phase I) and watershed management project implementation through the Cooperative Watershed Management Program.

Section B. Award Information

B.1. Total Funding

This NOFO will be used to allocate available fiscal year (FY) 2022 enacted appropriations for WaterSMART Grants and funding available under the Bipartisan Infrastructure Law (BIL), P.L. 117-58 in FY 2022. Applications submitted under this NOFO also may be considered if additional funding becomes available in FY 2022 or thereafter. Applicants that are identified for BIL funding will need to meet additional requirements, including Buy American and Wage Rate Requirements (Davis-Bacon Act). This NOFO may be amended during the application period to provide additional details about these requirements. Reclamation will work with selected recipients to address these requirements. See *Section F.2.7. Additional Bipartisan Infrastructure Law Requirements* for more information.

B.2. Expected Award Amount

Maximum Award: \$100,000

Minimum Award: \$0

A total of up to \$100,000 in Federal funds may be awarded to an applicant. To be considered a small-scale project, total project costs should generally be \$225,000 or less. The budget proposal must include the cost of all equipment, materials and supplies, and labor or contractual costs to complete the project. Note: The Application Review Committee (ARC; See *Section E.2.2. Application Review Committee*) has final discretion to determine whether a project is “small-scale.”

No more than one award will be made to a Category A applicant per FY under this NOFO. Category B applicants may receive multiple awards for separate projects with different Category A partners. See *Section C.1. Eligible Applicants* for additional information on applicant eligibility. The Federal share of any one proposed project shall not exceed 50 percent of the total project costs. Generally, the non-Federal share of project costs must be expended at the same or greater rate as the Federal share of project costs.

Projects that have a total project cost totaling more than \$225,000 should be submitted under the WaterSMART Grants: Water and Energy Efficiency Grants NOFO. Reclamation will not award funding for the same activity under both this NOFO and this year’s Water and Energy Efficiency Grants NOFO.

B.3. Anticipated Announcement and Federal Award Date

Anticipated Award Date: 03/31/2023

Reclamation expects to contact potential award recipients and unsuccessful applicants in the early fall of 2022 (or later if necessary), subject to the timing of final FY 2022 appropriations. In general, proposed projects should be completed within two years of award. Applications for projects requiring more time will be considered for funding only under limited circumstances.

Reclamation retains the right to make a determination about the feasibility of a project to be completed within the timeframe identified in the application.

Anticipated Project Completion Date: 03/31/2025

B.4. Number of Awards

Approximately 50 to 70 awards, depending on the amount requested by each applicant and the amount of funding 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 by Reclamation may include:

- 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.

At the request of the recipient, Reclamation can provide technical assistance after award of the project. If you receive Reclamation's assistance, you must account for these costs in your budget. To discuss available assistance and these costs, contact the program coordinator identified in *Section G. Agency Contacts*.

Section C. Eligibility Information

C.1. Eligible Applicants

Under P.L. 111-11, Section 9502, applicants eligible to receive an award under this NOFO include:

1. **Category A:**
 - States, Indian Tribes, irrigation districts, and water districts;
 - State, regional, or local authorities, whose members include one or more organizations with water or power delivery authority; and
 - Other organizations with water or power delivery authority.
2. **Category B:** Nonprofit conservation organizations that are acting in partnership with and with the agreement of an entity described in Category A. Category B applicants must include with their application a letter from the Category A partner, stating that they are acting in partnership with the applicant and agree to the submittal and content of the proposal.

To be eligible, applicants must also be located in one of the following states or territories: Alaska, 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, the Virgin Islands, and Puerto Rico.

C.1.2 Ineligible Applicants

Those not eligible include, but are not limited to, the following entities:

- Federal governmental entities
- Institutes of higher education
- 501(c)4 organizations
- 501(c)6 organizations
- Individuals

C.2. Cost-Sharing Requirements

All cost share contributions must meet the applicable administrative and cost principles criteria established in 2 Code of Federal Regulations (CFR) Part 200. All CFRs are available at the Electronic Code of Federal Regulations, www.ecfr.gov.

C.2.1. Cost-Share Regulations

Applicants must be capable of cost sharing 50 percent or more of the total project costs. 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.

C.2.2. Cost-Share Requirements

Cost share may be made through cash, costs contributed by the applicant, or third-party in-kind contributions. 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. Please see Section D.2.2.10. *Project Budget* and Section D.2.2.14. *Official Resolution* for more information regarding the documentation required to verify commitments to meet cost-sharing requirements.

C.2.3. Federal Funding

The Federal share (Reclamation's share in addition to any other sources of Federal funding) for any one proposed project shall not exceed 50 percent of the total costs. Generally, the non-Federal share of project costs must be expended at the same or greater rate as the Federal share of project costs.

In general, other sources of Federal funding may not be counted towards the required non-Federal 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.2.4. Third-Party In-Kind Contributions

Third-party in-kind contributions are 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. 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. 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 may not be relied on to satisfy the cost share requirement for an award under this NOFO. 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

Reclamation conducts a review of the [SAM.gov Exclusions database](https://www.sam.gov) for all applicant entities and their key project personnel prior to award. Reclamation cannot award funds to entities or their key project personnel 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, as their ineligibility condition applies to this Federal program.

C.4. Eligible Projects

Reclamation will provide funding for small-scale on-the-ground water efficiency projects which seek to implement work identified in an applicant's water planning efforts.

Example projects include, but are not limited to:

- Canal lining/piping
- Municipal metering
- Irrigation flow measurement
- Supervisory Control and Data Acquisition and Automation (SCADA)
- Landscape Irrigation measures
- High-Efficiency Indoor Appliances and Fixtures
- Upgrades to Commercial Cooling Systems to Improve Water Use Efficiency

Other projects that are similar to those tasks listed above may be submitted for consideration and will be allowed to the extent that they are consistent with program authorization and goals.

C.5. Ineligible Projects

Projects that are not eligible for funding under this NOFO include, but are not limited to:

C.5.1. Operations, Maintenance, and Replacement

In accordance with Section 9504 of Secure Water Act, projects that are considered normal operations, maintenance, and replacement (OM&R) are not eligible for funding under this NOFO. 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
- Sealing cracks in canals and/or pipes, including those sealant projects intended to improve facilities with inherent design and construction flaws
- Replacing broken meters with new meters of the same type
- Replacing leaky pipes with new pipes of the same type
- Completion of one-time leak detection surveys

Applicants that have questions regarding OM&R are encouraged to contact the Program Coordinator (see *Section G. Agency Contacts*) prior to the application deadline for further information.

C.5.2. Water Purchases

Proposals to use Federal funding to purchase water are not eligible under this NOFO. Applicants seeking funding to purchase water in a drought emergency should request emergency drought assistance under Reclamation's Drought Response Program. For more information about the requirements for receiving emergency drought assistance, please see www.usbr.gov/drought/.

C.5.3. Building Construction

Proposals to construct a building are not eligible for Federal funding under this NOFO (e.g., a building to house administrative staff or to promote public awareness of water conservation).

C.5.4. Pilot Projects

Proposals to conduct a pilot study to evaluate technical capability, economic feasibility, or viability for full-scale implementation or to test an unproven material or technology are not eligible for Federal funding under this NOFO.

C.5.5. Project Receiving Other Federal Financial Assistance

Projects or activities that are funded under another Federal Financial Assistance agreement are not eligible for funding under this NOFO.

C.5.6. New Conveyance Infrastructure

Projects that propose to construct new conveyance to allow for the distribution of additional or new water supplies are not eligible under this NOFO. Applicants proposing such projects should consider applying for funding under the WaterSMART Drought Resiliency Projects NOFO. See the WaterSMART Drought Response Program webpage, www.usbr.gov/drought/, for more information.

C.5.7. Water Reclamation, Recycling, and Reuse

Water reclamation, reuse, and desalination projects are not eligible for funding under this NOFO. Entities seeking funding for these types of projects should consider Reclamation's Title XVI Water Reclamation and Reuse Program and Drought Response Program. If you have questions about a water reclamation, reuse, or desalination project please contact Ms. Amanda Erath at 303-445-2766 or aerath@usbr.gov.

C.5.8. Groundwater Recharge

Groundwater recharge projects are not eligible for funding under this NOFO. Applicants proposing such projects should consider applying for funding under the WaterSMART Drought Resiliency Projects NOFO. See the WaterSMART Drought Response Program webpage, www.usbr.gov/drought/, for more information.

C.5.9. Water Storage Projects

Water storage projects, including installing water tanks, are not eligible for funding under this NOFO. Applicants proposing such projects should consider applying for funding under the WaterSMART Drought Resiliency Projects NOFO. See the WaterSMART Drought Response Program webpage, www.usbr.gov/drought/, for more information.

C.5.10. On-Farm Irrigation Efficiency Improvements

Projects to conduct on-farm irrigation efficiency improvements (e.g., conversion of flood irrigation to sprinklers) are not eligible for funding under this NOFO. Applicants interested in on-farm irrigation efficiency improvements should contact the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) to investigate opportunities for Federal assistance. For more information on NRCS programs, including application deadlines and a description of available funding, please contact your local NRCS office or visit www.nrcs.usda.gov for further contact information in your area.

C.6. Construction Start Date Restriction

Proposed projects shall not have a construction start date that is prior to March 31, 2023.

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Section D. Application and Submission Information

D.1. Address to Request Application Package

This document contains all information, forms, and electronic addresses required to obtain the information required to submit an application.

If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this NOFO by emailing the Financial Assistance Operations Section staff at sha-dro-fafoa@usbr.gov.

D.2. Content and Form of Application Submission

All applications must conform to the requirements set forth below.

D.2.1. Application Format and Length

The total technical proposal and criteria section (defined below) shall be limited to a maximum of **15** consecutively numbered pages. If this section exceeds **15** pages, only the first **15** pages will be evaluated. **The full application, including all attachments, should not exceed 40 pages. If the application exceeds 40 pages, only the first 40 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 must include the following elements to be considered complete:

- Mandatory Federal Forms
 - SF-424 Application for Federal Assistance
 - SF-424A Budget Information
 - SF-424D Assurances for Construction Programs
 - Project Abstract Summary (Office of Management and Budget [OMB] Form 4040-0019)
 - SF-LLL Disclosure of Lobbying Activities (if applicable)

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These forms may be obtained at www.grants.gov/web/grants/forms/sf-424-family.html.

- Title page
- Table of contents
- Technical proposal and evaluation criteria (limited to 15 pages)
 - Executive summary
 - Project location
 - Technical project description
 - Evaluation criteria
- Project budget
 - Funding plan and letters of funding commitment
 - Budget proposal
 - Budget narrative
- Environmental and cultural resources compliance, if applicable.
- Required permits or approvals
- Letters of support for the project (will not count towards the page limitation for technical proposal and criteria section, but will count toward the 40-page total application page limit)
- Official resolution (will not count towards the page limitation for technical proposal and criteria section, but will count toward the 40-page total application page limit)

It is highly recommended that application packages be structured in the order identified above.

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 Agency Contacts.

- **SF-424 Application for Federal Assistance.** A fully completed SF-424, Application for Federal Assistance 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 properly signed SF-424 may result in the elimination of the application from further consideration. For application purposes, an SF-424A can be used for both construction and non-construction projects.
- **SF-424A Budget Information.** A fully completed SF-424A Budget Information must be submitted with the application.
- **SF-424D Assurances.** A SF-424D Assurances for Construction Programs signed by a person legally authorized to commit the applicant to performance of the project shall be included. A SF-424D Assurances for Construction Programs signed by a person legally authorized to commit the applicant to performance of the project shall be included. Failure to submit a properly signed SF-424D may result in the elimination of the application from further consideration.

Section D. Application and Submission Information

- **Project Abstract Summary.** A fully completed Project Abstract Summary (OMB Form 4040-0019) must be submitted with the application. The Project Abstract Summary should include the purpose of the project, the activities to be performed, the expected deliverables or outcomes, the intended beneficiaries, and any subrecipient activities, if known.
- **SF-LLL Disclosure of Lobbying Activities.** A fully completed and signed SF-LLL, Disclosure of Lobbying Activities 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. *Note—this form cannot be submitted by a contractor or other entity on behalf of an applicant.*

D.2.2.2. Title Page

Provide a brief, informative, and descriptive title for the proposed work that indicates the nature of the project. Include the applicant's name and address and the Project Manager's name and address, e-mail address, and telephone number.

D.2.2.3. Table of Contents

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

D.2.2.4. Technical Proposal and Evaluation Criteria

The technical proposal and evaluation criteria (**15** pages maximum) include:

- (1) Executive summary
- (2) Project location
- (3) Technical project description
- (4) Evaluation criteria

D.2.2.5. Executive Summary

The executive summary should include:

- The date, applicant name, city, county, and state.
- Please indicate whether you are a Category A applicant or a Category B applicant. If you are a Category B applicant, please briefly explain how you are acting in partnership with a Category A partner. **Note:** If you are a Category B applicant, you must include a letter from the Category A partner confirming that they are partnering with you and agree to the submittal and content of the proposal (see *Section C.1. Eligible Applicants* for additional information).
- A one paragraph project summary that provides the location of the project, a brief description of the work that will be carried out, any partners involved, expected benefits and how those benefits relate to the water management issues you plan to address. This information will be used to create a summary of your project for Reclamation's website if the project is selected for funding.

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***Example:** The Newton Water Users Association, located in northern Utah, will upgrade the Jones Pipeline from 1.1 miles of transit pipe to high density polyethylene or polyvinyl chloride pipe. The project will also upgrade meters and isolation valves at 14 of the 28 customer turnouts along the Jones Pipeline. The upgrade will reduce seepage losses and enable the Association and stakeholders to better manage the water supply. The project will also make the Jones Pipeline compatible with the recently pressurized main canal and will enable agricultural customers to make future on-farm irrigation improvements. The project meets the goals of the Association's Water Management and Conservation Plan in 2015.*

- State the length of time and estimated completion date for the proposed project (month/year). **Note: Proposed projects shall not have a construction start date that is prior to March 31, 2023.** See Section C.7. Construction Start Date Restrictions for additional information.
- Whether or not the proposed project is located on a Federal facility.

D.2.2.6. Project Location

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

D.2.2.7. Technical Project Description

Provide a more comprehensive description of the technical aspects of your project, including the work to be accomplished and the approach to complete the work. This description should provide detailed information about the project including materials and equipment and the work to be conducted to complete the project. This section provides an opportunity for the applicant to provide a clear description of the technical nature of the project and to address any aspect of the project that reviewers may need additional information to understand.

Please do not include your project schedule and milestones here; that information is requested in response to the Evaluation Criterion C—Implementation and Results. In addition, please avoid discussion of the benefits of the project, which are also requested in response to evaluation criteria. This section is solely intended to provide an understanding of the technical aspects of the project.

Please note, if the work for which you are requesting funding is a phase of a larger project, please only describe the work that is reflected in the budget and exclude description of other activities or components of the overall project.

D.2.2.8. Evaluation Criteria

The evaluation criteria portion of your application should thoroughly address each criterion and subcriterion in the order presented to assist in the complete and accurate evaluation of your proposal.

(See Section E.1. Technical Proposal: Evaluation Criteria for additional details, including a detailed description of each criterion and subcriterion and points associated with each.)

It is suggested that applicants copy and paste the evaluation criteria and subcriteria in Section E.1. Technical Proposal: Evaluation Criteria into their applications to ensure that all necessary information is adequately addressed.

Section D. Application and Submission Information

D.2.2.9. Overlap or Duplication of Effort Statement

Applicants must 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 must 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.2.2.10. Project Budget

The project budget includes:

- (1) Funding plan and letters of funding commitment
- (2) Budget proposal
- (3) Budget narrative

Project costs for environmental and cultural compliance and engineering/design that were incurred or are anticipated to be incurred prior to award should be included in the proposed project budget.

If the proposed project is selected, the awarding Reclamation Grants Officer will review the proposed pre-award costs 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 Code of Federal Regulations (CFR) §200, and all other requirements of this NOFO. **In no case will costs incurred prior to July 1, 2021, be considered for inclusion in the proposed project budget.**

Please note that the costs for preparing and submitting an application in response to this NOFO, including developing data necessary to support the proposal, are not eligible project costs under this NOFO and must not be included in the project budget. In addition, budget proposals must not include costs for the purchase of water or land, or to secure an easement other than a construction easement. These costs are not eligible project costs under this NOFO.

Funding Plan and Letters of Funding Commitment

Describe how the non-Federal share of project costs will be obtained. Reclamation will use this information in making a determination of financial capability.

Project funding provided by a source other than the applicant shall be supported with letters of funding commitment from these additional sources. Letters of funding commitment shall identify:

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

Commitment letters from third-party funding sources should be submitted with your application. If commitment letters are not available at the time of the application submission, please provide a timeline for submission of all commitment letters. 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 make funds available for an award under this NOFO until the recipient has secured the non-Federal cost share. Reclamation will execute a financial assistance agreement once the non-Federal funding has been secured or Reclamation determines that there is sufficient evidence and likelihood that non-Federal funds will be available to the applicant subsequent to executing the agreement.

Please identify the sources of the non-Federal cost-share contribution for the project, including:

- Any monetary contributions by the applicant towards the cost-share requirement and source of funds (e.g., reserve account, tax revenue, and/or assessments)
- Any costs that will be contributed by the applicant
- Any third-party in-kind costs (i.e., goods and services provided by a third party)
- Any cash requested or received from other non-Federal entities
- Any pending funding requests (i.e., grants or loans) that have not yet been approved and explain how the project will be affected if such funding is denied

Budget Proposal

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
Non-Federal Entities	
1.	
2.	
3.	
Non-Federal Subtotal	
REQUESTED RECLAMATION FUNDING	

Section D. Application and Submission Information

The budget proposal should include detailed information on the categories listed below and must clearly identify *all* items of 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 (Table 2).

Table 2. —Total Project Cost Table

SOURCE	AMOUNT
Costs to be reimbursed with the requested Federal funding	\$
Costs to be paid by the applicant	\$
Value of third-party contributions	\$
TOTAL PROJECT COST	\$

Unit costs must be provided for all budget items, including the cost of services or other work to be provided by consultants and contractors. Applicants are strongly encouraged to review the procurement standards for Federal awards found at 2 CFR §200.317 through §200.326 before developing their budget proposal. If you have any questions regarding your budget proposal or eligible costs, please contact the grants management specialist identified in *Section G. Agency Contacts*.

It is also strongly advised that applicants use the budget proposal format shown in Table 2 or a similar format that provides this information. It is also strongly advised that applicants use the budget proposal format shown in Table 3 or a similar format that provides this information. If selected for award, successful applicants must submit detailed supporting documentation for all budgeted costs.

Table 3. —Sample Budget Proposal Format

BUDGET ITEM DESCRIPTION	COMPUTATION		Quantity Type	TOTAL COST
	\$/Unit	Quantity		
Salaries and Wages				
Employee 1				\$
Employee 2				\$
Employee 3				\$
Fringe Benefits				
Full-Time Employees				\$
Part-Time Employees				\$
Equipment				
Item A				\$
Item B				\$
Item C				\$
Supplies and Materials				
Item A				\$
Item B				\$

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Table 3. —Sample Budget Proposal Format

BUDGET ITEM DESCRIPTION	COMPUTATION		Quantity Type	TOTAL COST
	\$/Unit	Quantity		
Contractual/Construction				
Contractor A				\$
Contractor B				
Third-Party In-Kind Contributions				
Contributor A				\$
Contributor B				\$
Other				
Other				\$
TOTAL DIRECT COSTS				\$
Indirect Costs				
Type of rate	percentage	\$base		\$
TOTAL ESTIMATED PROJECT COSTS				\$

Budget Narrative

Submission of a budget narrative is mandatory. An award will not be made to any applicant who fails to fully disclose this information. The budget narrative provides a discussion of, or explanation for, items included in the budget proposal. The types of information to describe in the narrative include, but are not limited to, those listed in the following subsections. Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Part §200.

In addition, please identify whether the budget proposal includes any project costs that may be incurred prior to award. For each cost, describe:

- The project expenditure and amount
- The date of cost incurrence
- How the expenditure benefits the project

Salaries and Wages

Indicate the Program Manager and other key personnel by name and title. The Project Manager must be an employee or board member of the applicant. Other personnel should be indicated by title alone. For all positions, indicate salaries and wages, estimated hours or percent of time, and rate of compensation. The labor rates must identify the direct labor rate separate from the fringe rate or fringe cost for each position. All labor estimates must be allocated to specific tasks as outlined in the applicant’s technical project description. Labor rates and proposed hours shall be displayed for each task.

The budget proposal and narrative should include estimated hours for compliance with reporting requirements, including the final financial and performance reports. Please see *Section F.3 Reporting Requirements and Distribution* information on types and frequency of reports required.

Section D. Application and Submission Information

Generally, salaries of administrative and/or clerical personnel will be included as a portion of the stated indirect costs. If these salaries can be adequately documented as direct costs, they should be included in this section; however, a justification should be included in the budget narrative.

Within the budget narrative, please provide a certification that the labor rates included in the budget proposal represent the actual labor rates of the identified personnel and are consistently applied to Federal and non-Federal activities. If the proposal is selected for award and the awarding Grants Officer determines that the provided rates fall within Bureau of Labor Statistic averages for personnel with similar job descriptions, no further documentation for this item of cost shall be requested during budget negotiations.

Fringe Benefits

Identify the rates/amounts, what costs are included in this category, and the basis of the rate computations. Federally approved rate agreements are acceptable for compliance with this item.

Travel

Travel related expenses are not eligible for reimbursement under this NOFO and should not be included within the proposed budget.

Equipment

If equipment will be purchased, itemize all equipment valued at or greater than \$5,000. For each item, identify why it is needed for the completion of the project and how the equipment was priced. *Note: If the value is less than \$5,000, the item should be included under materials and supplies.*

If equipment is being rented, specify the number of hours and the hourly rate. Local rental rates are only accepted for equipment actually being rented or leased. If the applicant intends to use their own equipment for the purposes of the project, the proposed usage rates should fall within the equipment usage rates outlined by the United States Army Corps of Engineers (USACE) within their Construction Equipment Ownership and Operating Expense Schedule (EP 1110-1-8) at <https://www.usace.army.mil/Cost-Engineering/EP1110-1-8/>.

Note: If the equipment will be furnished and installed under a construction contract, the equipment should be included in the construction contract cost estimate.

If the proposal is selected for award and the awarding Grants Officer determines that the proposed rates fall within those outlined within the USACE publication, no further documentation for this item of cost shall be requested during budget negotiations.

Materials and Supplies

Itemize supplies by major category, unit price, quantity, and purpose, such as whether the items are needed for office use, research, or construction. Identify how these costs were estimated (i.e., quotes, past experience, engineering estimates, or other methodology). *Note: If the materials/supplies will be furnished and installed under a contract, the materials/supplies should be identified as a contractual cost in the budget proposal.*

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Contractual

Identify all work that will be accomplished by subrecipients, consultants, or contractors, including a breakdown of all tasks to be completed and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task. For each proposed contract, identify the procurement method that will be used to select the consultant or contractor and the basis for selection. Please note that all contracts with an anticipated value of \$10,000 or more must use a competitive procurement method. Only contracts for architectural/engineering services can be awarded using a qualifications-based procurement method. If a qualifications-based procurement method is used, profit must be negotiated as a separate element of the contract price. See 2 CFR §200.317 through §200.327 for additional information regarding procurements, including required contract content.

If the proposal is selected for award and the awarding Grants Officer determines that the contractual engineering services costs for design engineering and/or construction management costs within the budget proposal do not exceed 8 percent of total project construction costs, then no further documentation for this item of cost shall be requested during budget negotiations.

Third-Party In-Kind Contributions

Identify all work that will be accomplished by third-party contributors, including a breakdown of all tasks to be completed and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task. Third-party in-kind contributions, including contracts, must comply with all applicable administrative and cost principles criteria, established in 2 CFR §200, and all other requirements of this NOFO.

Environmental and Regulatory Compliance Costs

Prior to awarding financial assistance, Reclamation must first ensure compliance with Federal environmental and cultural resources laws and other regulations (“environmental compliance”). Every project funded under this program will have environmental compliance activities undertaken by Reclamation and the recipient.

Depending on the potential impacts of the project, Reclamation may be able to complete its compliance activities without additional cost to the recipient. Where environmental or cultural resources compliance requires significant participation by Reclamation, costs incurred by Reclamation will be added as a line item 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 recipient associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement.

Other Expenses

Any other expenses not included in the above categories shall be listed in this category, along with a description of the item and why it is necessary. No profit or fee will be allowed.

Section D. Application and Submission Information

Indirect Costs

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

If the applicant has never received a Federal negotiated indirect cost rate, the budget may include a *de minimis* rate of up to 10 percent of modified total direct costs. For further information on modified total direct costs, refer to 2 CFR §200.68.

If the applicant does not have a federally approved indirect cost rate agreement and is 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 <https://ibc.doi.gov/ICS/icrna>. If the proposed project is selected for award, the recipient will be required to submit an indirect cost rate proposal with their cognizant agency within 3 months of award.

D.2.2.11. Environmental and Cultural Resources Compliance

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

D.2.2.12. Required Permits or Approvals

Applicants must state in the application whether any permits or approvals are required 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. Please see P.L. 111-11, Section 9504(a)(3)(B). 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.2.2.13. Letters of Support and Letters of Partnership

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

Category B applicants must include a letter from the Category A partner, stating that they are acting in partnership with the applicant and agree to the submittal and content of the proposal (see Section C.1. *Eligible Applicants*). Letters of Partnership must be received by the application deadline for this NOFO—otherwise the applicant will be considered ineligible and the proposed project will not be evaluated.

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D.2.2.14. Official Resolution

Include an official resolution adopted by the applicant'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
- The capability of the applicant to provide the amount of funding and/or in-kind contributions specified in the funding plan
- That the applicant 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. If the applicant is unable to submit the official resolution by the application deadline because of the timing of board meetings or other justifiable reasons, the official resolution may be submitted to sha-dro-fafoa@usbr.gov up to 30 days after the application deadline.

D.2.2.15. Conflict of Interest Disclosure

Per the [Financial Assistance Interior Regulation \(FAIR\), 2 CFR §1402.112](#), applicants must state in their application if any actual or potential conflict of interest exists at the time of submission.

(a) Applicability.

(1) 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.

(2) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR §200.318 apply.

(b) Notification.

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

(2) Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient 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 subrecipients.

(c) *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 U.S.C. 1352.

Section D. Application and Submission Information

(d) *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.

(e) *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 §200.338, Remedies for noncompliance, including suspension or debarment (see also 2 CFR §180).

D.2.2.16. Uniform Audit Reporting Statement

All U.S. States, local governments, federally recognized Indian Tribal governments, and non-profit organizations expending \$750,000 in U.S. dollars or more in Federal award funds in the applicant's FY must submit a Single Audit report for that year through the [Federal Audit Clearinghouse's Internet Data Entry System](#), in accordance with 2 CFR §200 subpart F. 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.2.2.17. Certification Regarding Lobbying

Applicants requesting more than \$100,000 in Federal funding must certify to the statements in [43 CFR §18, Appendix A-Certification Regarding Lobbying](#). If this application requests more than \$100,000 in Federal funds, the Authorized Official's signature on the appropriate SF-424, Application for Federal Assistance form also represents the entity's certification of the statements in 43 CFR §18, Appendix A.

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

D.3.1. Identifier and System for Award Management Registration in SAM.gov

This requirement does not apply to individuals applying for funds as an individual (i.e., unrelated to any business or nonprofit organization you may own, operate, or work within), or any entity with an exception to bypass SAM.gov registration with prior approval from the funding bureau or office in accordance with bureau or office policy. All other applicants are required to register in SAM.gov prior to submitting a Federal award application and obtain a [Unique Entity Identifier \(UEI\)](#) which will replace Data Universal Numbering System (DUNS) number from Dun & Bradstreet in April 2022. A Federal award may not be made to an applicant that has not completed the SAM.gov registration. If an applicant selected for funding has not completed their SAM.gov registration by the time the program is ready to make an award, the program may determine the applicant is not qualified to receive an award. Applicants registering in SAM.gov prior to April 2022 may still be required to obtain a DUNS number prior to completing the registration process within SAM.gov. Federal award recipients must also continue to maintain an active SAM.gov registration with current information through the life of their Federal award(s).

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

D.3.2. Obtain a DUNS Number

In April 2022, the Federal Government will stop requiring DUNS numbers. At that point, entities doing business with the government will use the Unique Entity Identifier (UEI) created in SAM.gov in place of a DUNS number. A UEI will be assigned to entities upon registering with SAM.

If an entity is applying for federal financial assistance prior to April 2022, a DUNS number may still be required as part of the SAM registration process. A DUNS Number can be requested through the Dun & Bradstreet website. The official website address is <https://fedgov.dnb.com/webform/>. For technical difficulties, go to www.dnb.com/govtduns. Please ensure that you are able to receive emails from SAMHelp@dnb.com. The Grants.gov “Obtain a DUNS Number” webpage also provides detailed instructions. Once assigned a DUNS number, your organization must maintain up-to-date information with Dun & Bradstreet. Applicants must enter their DUNS number in the “Organizational DUNS” field on the SF-424, Application for Federal Assistance form (version 3).

D.3.3. Register with the System for Award Management

Register on the SAM.gov website. “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, entities must renew and revalidate their SAM 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 to the entity’s IRS information.

Reclamation will not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Reclamation is ready to make an award, Reclamation may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

D.4. Submission Date and Time

Due Date for Applications: **Thursday, April 28, 2022, 4:00 p.m. Mountain Daylight Time**

Application Due Date Explanation: Applications must be submitted (not postmarked by) no later than: April 28, 2022, 4:00 p.m. Mountain Daylight Time (MDT).

Electronic and Physical Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Reclamation mishandling or technical issues with the Grants.gov application system.

Section D. Application and Submission Information

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.

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. Following awards of funding, Reclamation will post all successful applications on the Reclamation website, www.usbr.gov/watersmart, after conducting any redactions determined necessary by Reclamation, in consultation with the recipient.

D.4.1. Application Delivery Instructions

The applications may be submitted electronically through Grants.gov (www.grants.gov) or a hard copy may be submitted to either one of the following addresses. Under no circumstances will applications received through any other method (such as e-mail or fax) be considered eligible for award.

By mail or United States Postal Service overnight services:

Bureau of Reclamation
Financial Assistance Operations Section
Attn: NOFO Team
P.O. Box 25007, MS 84-27133
Denver, CO 80225

All other express delivery:

Bureau of Reclamation mail services
Attn: NOFO Team
Denver Federal Center
Bldg. 67, Rm. 152
6th Avenue and Kipling Street
Denver, CO 80225

By courier services: Bureau of Reclamation
Attn: NOFO Team
Denver Federal Center
Bldg. 67, Rm. 152
6th Avenue and Kipling Street
Denver, CO 80225

D.4.2. Instructions for Submission of Project Application

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

D.4.2.1. Applications Submitted by Mail, Express Delivery or Courier Services

Please follow these instructions to submit your application by mail, express delivery, or courier services.

- Applicants should 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.
- Do not include a cover letter or company literature/brochure with the application. All pertinent information must be included in the application package.

D.4.2.2. Applications Submitted Electronically

If the applicant chooses to submit an electronic application, it must be submitted through Grants.gov. Reclamation encourages applicants to submit their applications for funding electronically through the URL: www.grants.gov/applicants/apply-for-grants.html. Applicant resource documents and a full set of instructions for registering with Grants.gov and completing and submitting applications online are also available at: www.grants.gov/applicants/apply-for-grants.html.

- Please note that submission of an application electronically requires prior registration through Grants.gov, which may take 7 to 21 days. Please see registration instructions at www.grants.gov/applicants/apply-for-grants.html. ***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. If you plan to submit your application through Grants.gov you are encouraged to submit your application 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.

Regardless of the delivery method used, you must ensure that your proposal arrives by the date and time deadline stated in this NOFO. Applications received after this date and time due to weather or express delivery/courier performance will not be considered for award. 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.

Section D. Application and Submission Information

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.

D.4.2.3. Acknowledgement of Application Receipt.

If an application is submitted by mail, express delivery, or courier, Reclamation will notify you via e-mail that your application was received.

If an application is submitted through Grants.gov, you will receive an e-mail acknowledging receipt of the application from Grants.gov. In addition, Reclamation will notify you in writing whether your application was successfully downloaded from Grants.gov.

D.5. Intergovernmental Review

This NOFO is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

D.6. Pre-Award Costs

If the proposed project is selected, the awarding Reclamation Grants Officer will review the proposed pre-award costs 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 NOFO. **In no case will costs incurred prior to July 1, 2021, be considered for inclusion in the proposed project budget.**

Please note that the costs for preparing and submitting an application in response to this NOFO, including the development of data necessary to support the proposal, are not eligible project costs under this NOFO and must not be included in the project budget.

In addition, please ensure that the budget proposal includes any project costs that may be incurred prior to award. For each cost, describe:

- The project expenditure and amount
- The date of cost incurrence
- How the expenditure benefits the project

D.7. Indirect Costs

The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency for indirect costs, unless otherwise assigned by OMB. If the Department is your organization's cognizant agency, the Interior Business Center (IBC) will negotiate your indirect cost rate. If the Department of the Interior (DOI) is your organization's cognizant agency, the Interior Business Center (IBC) will negotiate your indirect cost rate. Contact the IBC by phone 916-930-3803 or email at ICS@ibc.doi.gov. Visit their website <https://ibc.doi.gov/ICS/icrna>, for information regarding email submission forms.

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.

D.8. 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 the DUNS Number prior to the award of funds. If a recipient has multiple DUNS numbers, they must separately enroll within ASAP for each unique DUNS 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 ASAP 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.

Section E. Application Review Information

E.1. Technical Proposal: 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.** If the work described in your application is a phase of a larger project, only discuss the benefits that will result directly from the work discussed in the technical project description and that is reflected in the budget, not the larger project.

Evaluation Criteria Scoring Summary	Points:
A. Project Benefits	35
B. Planning Efforts Supporting the Project	30
C. Project Implementation	20
D. Nexus to Reclamation	5
E. Presidential and Department of the Interior Priorities	10
Total	100

It is suggested that applicants copy and paste the evaluation criteria and sub-criteria immediately below into their applications to ensure that all necessary information is adequately addressed.

Note: Projects may be prioritized to ensure balance among the program task areas and to ensure that the projects address the goals and objectives of this NOFO.

E.1.1. Evaluation Criterion A—Project Benefits (35 points)

Up to **35 points** may be awarded based upon evaluation of the benefits that are expected to result from implementing the proposed project. This criterion considers a variety of project benefits, including the significance of the anticipated water management benefits and the public benefits of the project. This criterion prioritizes projects that modernize existing infrastructure to address water reliability concerns, including making water available for multiple beneficial uses and resolving water related conflict in the region.

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Benefits to the Category A Applicant's Water Delivery System: Describe the expected benefits to the Category A applicant's water delivery system. Address the following:

- Clearly explain the anticipated water management benefits to the Category A applicant's water supply delivery system and water customers.
- Explain the significance of the anticipated water management benefits for the Category A applicant's water delivery system and customers. Consider:
 - Are customers not currently getting their full water right at certain times of year?
 - Does this project have the potential to prevent lawsuits or water calls?
 - What are the consequences of not making the improvement?
 - Are customer water restrictions currently required?
 - Other significant concerns that support the need for the project.

Broader Benefits: Describe the broader benefits that are expected to occur as a result of the project. Consider:

Will the project improve broader water supply reliability at sub-basin or basin scale?

- Will the proposed project increase collaboration and information sharing among water managers in the region? Please explain.
- Will the proposed project positively impacts/benefit various sectors and economies within the applicable geographic area (e.g., impacts to agriculture, environment, recreation, and tourism)? Please explain.
- Will the project complement work being done in coordination with NRCS in the area (e.g., the area with a direct connection to the districts water supply)? Please explain.
- Will the project help address drought conditions at the sub-basin or basin scale? Please explain.

Please note,

NRCS will have a separate application process for the on-farm components of selected projects that may be undertaken in the future, separate of the WaterSMART Grant project.

E.1.2. Evaluation Criterion B—Planning Efforts Supporting the Project (30 points)

Up to **30 points** may be awarded based on the extent to which the proposed on-the-ground project is supported by an applicant's existing water management plan, water conservation plan, System Optimization Review, or identified as part of another planning effort led by the Category A applicant. This criterion prioritizes projects that are identified through local planning efforts and meet local needs.

Plan Development: Describe how your project is supported by an existing planning effort. Identify the planning effort and who developed it. If the planning effort was not developed by the Category A applicant, describe the Category A applicant's involvement in developing the planning effort.

Support for the Project: Describe to what extent the proposed project is supported by the identified plan. Address the following:

- Is the project identified specifically in the planning effort?
- Explain whether the proposed project implement a goal or address a need or problem identified in the existing planning effort?

Explain how the proposed project has been determined as a priority in the existing planning effort as opposed to other potential projects/measures.

E.1.3. Evaluation Criterion C—Implementation and Results (20 points)

Up to **20 points** may be awarded based upon the extent to which the applicant is capable of proceeding with the proposed project upon entering into a financial assistance agreement. Applicants that describe a detailed plan (e.g., estimated project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, and dates) will receive the most points under this criterion.

- Describe the implementation plan for the proposed project. Please include an estimated project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, and dates.
- Describe any permits that will be required, along with the process for obtaining such permits.
- Identify and describe any engineering or design work performed specifically in support of the proposed project.
- Describe any new policies or administrative actions required to implement the project.
- Describe the timeline for completion of environmental and cultural resource compliance. Was the timeline for completion of environmental and cultural resource compliance discussed with the local Reclamation office?

E.1.4. Evaluation Criterion D—Nexus to Reclamation (5 Points)

Up to **5 points** may be awarded based on the extent that the proposal demonstrates a nexus between the proposed project and a Reclamation project or activity. Describe the nexus between the proposed project and a Reclamation project or activity, including:

- Is the proposed project connected to a Reclamation project or activity?
If so, how? Please consider the following:
 - Does the applicant receive Reclamation project water?
 - Is the project on Reclamation project lands or involving Reclamation facilities?
 - Is the project in the same basin as a Reclamation project or activity?
 - Will the proposed work contribute water to a basin where a Reclamation project is located?

E.1.5. Evaluation Criterion E—Presidential and Department of the Interior Priorities (10 points)

Up to **10 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. **Without repeating benefits already described in previous criteria, describe in detail how the proposed project supports a priority(ies) below.**

E.1.5.1. Sub-criterion No. E1. 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 Crisis

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: <https://www.usbr.gov/climate/secure/docs/2021secure/2021SECUREReport.pdf>. Please describe how the project will address climate change, including:

- 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?

E.1.5.2. Sub-criterion No. E2. Disadvantaged or Underserved Communities

Points will be awarded based on the extent to which the Project serves economically disadvantaged or underserved communities in rural or urban areas.

- Will the proposed project serve or benefit a disadvantaged or historically underserved community? Benefits can include, but are not limited to, public health and safety by addressing water quality, new water supplies, or economic growth opportunities.
- Please describe in detail how the community is disadvantaged based on a combination of variables that may include:
 - Low income, high and/or persistent poverty
 - High unemployment and underemployment
 - Racial and ethnic residential segregation, particularly where the segregation stems from discrimination by government entities
 - Linguistic isolation
 - High housing cost burden and substandard housing

- Distressed neighborhoods
- High transportation cost burden and/or low transportation access
- Disproportionate environmental stressor burden and high cumulative impacts
- Limited water and sanitation access and affordability
- Disproportionate impacts from climate change
- High energy cost burden and low energy access
- Jobs lost through energy transition
- Access to healthcare
- If the proposed project is providing benefits to an underserved community, provide sufficient information to demonstrate that the community meets the underserved definition in E.O. 13985, which includes populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life.

E.1.5.3. Sub-criterion No. E.3. Tribal Benefits

Points will be awarded based on the extent to which the Project will honor 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?

E.2. Review and Selection Process

The Federal government reserves the right to reject any and all applications that do not meet the requirements or 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. Initial Screening

All application packages will be screened to ensure that:

- The applicant meets the eligibility requirements stated in this NOFO.
- The applicant meets the unique entity identifier and SAM registration requirements stated in this NOFO (this may be completed up to 30 days after the application deadline).
- The application meets the content requirements of the NOFO package, including submission of a technical proposal, responses to the evaluation criteria, budget proposal, and budget narrative.

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- The application contains properly executed forms SF-424, Application for Financial Assistance and SF-424D, Assurances for Construction Programs, and a completed SF-424A, Budget Information Non-Construction Programs
- The application includes an official resolution, adopted by the applicant's board of directors, governing body, or appropriate authorized official (this may be submitted up to 30 days after the application deadline).

Reclamation reserves the right to remove an application from funding consideration if it does not pass all Initial Screening criteria listed above. An applicant that has submitted an application that is determined to be ineligible for funding will be notified along with other applicants, or sooner, if possible.

E.2.2. Application Review Committee

Evaluation criteria will comprise the total evaluation weight as stated in the *Section E.1. Technical Proposal: Evaluation Criteria*.

Applications will be scored against the evaluation criteria by an ARC, made up of experts in relevant disciplines selected from across Reclamation. The ARC will also review the application to ensure that the project meets the description of eligible projects and meets the objective of this NOFO. The ARC may also change the Applicant Category for an application where they deem appropriate (See *Section C.1.3. Applicant Category Guidance*).

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 (currently Federal Award Performance Integrity Information System [FAPIIS]) (see 41 U.S.C. §2313).

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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 other information in FAPIIS, 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.

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. 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. These may include, but are not limited to, 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.

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 responsible to ensure 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. These costs will be considered in the ranking of applications.

Depending on the potential impacts of the project, Reclamation may be able to complete its compliance activities without additional cost to the recipient. Where environmental or cultural resources compliance requires significant participation by Reclamation, costs anticipated to be incurred by Reclamation will be added as a line item to the budget during development of the financial assistance agreement and cost shared accordingly. Any costs to the recipient associated with compliance will be identified during the process of developing a final project budget for inclusion in the financial assistance agreement.

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Note: If mitigation is required to lessen environmental impacts, the applicant may, at Reclamation's discretion, be required to report on progress and completion of these commitments. Reclamation will coordinate with the applicant to establish reporting requirements and intervals accordingly.

Under no circumstances may an applicant begin any monitoring, measurement, or other ground-disturbing activities before environmental and cultural resources compliance is complete and Reclamation provides written notification that all such clearances have been obtained. This pertains to all components of the proposed project, including those that are part of the applicant's non-Federal cost-share. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this NOFO.

F.2.2. 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.2.3. Geospatial Data and Data Tools

All geospatial data collected for or produced through the use of the Department's 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 recipient 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 GIS platforms.

F.2.4. Intangible Property (2 CFR §200.315)

Title to intangible property acquired under a Federal award vests upon acquisition in the non-Federal entity (see §200.59 *Intangible Property* [of this CFR]). 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) *Equipment* (of this CFR).

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.

Section F. Federal Award Administration Information

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

The Federal government has the right to:

- obtain, reproduce, publish, or otherwise use the data produced under a Federal award and
- authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

F.2.5. Freedom of Information Act

(1) In response to a Freedom of Information Act (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)).

(2) Published research findings mean when:

- (i) Research findings are published in a peer-reviewed scientific or technical journal; or
- (ii) 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.

(3) 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:

- (i) 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
- (ii) 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.

F.2.6. Real Property, 2 CFR §200.311

Real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved (2 CFR §200.316 *Property trust*)

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relationship). Title to real property acquired or improved under a Federal award will vest upon acquisition in the non-Federal entity. Except as otherwise provided by Federal statutes or by the Federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the non-Federal entity must not dispose of or encumber its title or other interests. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from the Federal awarding agency or pass-through entity. As required by 2 CFR §200.329 *Reporting on real property*, recipients will be required to submit reports on the status of real property acquired or improved under a financial assistance agreement issued under this NOFO.

F.2.7. Additional Bipartisan Infrastructure Law Requirements

Wage Rate Requirements (Davis-Bacon Act)—Section 41101 of the Bipartisan Infrastructure Law requires that all laborers and mechanics employed by contractors or subcontractor 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 not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (commonly referred to as the Davis-Bacon Act).

Application of Buy America Preference—Section 70914 of the Bipartisan Infrastructure Law requires that, unless a waiver is approved, funding made available for Federal financial assistance programs for infrastructure under the Law may only be obligated to projects where all of the iron, steel, and manufactured goods used in the project are produced in the United States.

F.2.8. Data Availability

Per the Financial Assistance Interior Regulation (FAIR), 2 CFR §1402.315:

- a. 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.
- b. 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.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 form SF-425 Federal Financial Report on at least a semiannual basis and with the final performance report. The SF-425 must be signed by a person legally authorized to obligate the recipient.

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 submitted on at least a semiannual basis, which include the following information:

- 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

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:

- Whether the project objectives and goals were met.
- If applicable, a copy of the completed Watershed Restoration Plan.
- Photographs documenting the project are also appreciated.

Note: Reclamation may print photos with appropriate credit to the applicant. Also, final reports are public documents and will be made available on Reclamation's website.

F.4. Disclosures

F.4.1. Conflict of Interest

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. Recipients may not have a former Federal employee as a key project official, or in any other substantial role related to their award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. See [U.S. Office of Government Ethics website](#) for more information on these restrictions. Reclamation will examine each conflict-of-interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, Reclamation will work with the recipient to determine an appropriate resolution.

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Failure to disclose and resolve conflicts of interest in a manner that satisfies Reclamation may result in any of the remedies described in 2 CFR §200.338 *Remedies for noncompliance*, including termination of the award.

F.4.2. Review Procedures

Reclamation will examine each conflict-of-interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, Reclamation will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies Reclamation may result in any of the remedies described in 2 CFR §200.338 *Remedies for noncompliance*, including termination of the award.

F.4.3. 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. 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. Releasing Applications

Following awards of funding, Reclamation may post all successful applications on the Reclamation website after conducting any redactions determined necessary by Reclamation, in consultation with the recipient.

Section G. Agency Contacts

There will be no pre-application conference. Organizations or individuals interested in submitting applications in response to this NOFO may direct questions to the Reclamation personnel identified below.

G.1. Reclamation Financial Assistance Contact

Questions regarding application and submission information and award administration may be submitted to the attention of the Notice of Funding Opportunity Team at sha-dro-fafoa@usbr.gov. Please note that staff availability on the day of the NOFO closing will be limited.

G.2. Reclamation Program Coordinator Contact

Questions regarding applicant and project eligibility and application review may be submitted to the attention of Ms. Robin Graber, Small-Scale Water Efficiency Projects Program Coordinator, or Ms. Nickie McCann, Program Analyst, as follows:

By mail: Bureau of Reclamation
Water Resources and Planning Office
Attn: Ms. Robin Graber
Mail Code: 86-6300
P.O. Box 25007
Denver, CO 80225

By e-mail: rgraber@usbr.gov

By phone: 303-445-2764

OR

By mail: Bureau of Reclamation
Water Resources and Planning Office
Attn: Ms. Nickie McCann
Mail Code: 86-63000
P.O. Box 25007
Denver, CO 80225

By e-mail: aomorgan@usbr.gov

By phone: 303-445-3733

G.3. Application System Technical Support

For Grants.gov technical registration and submission as well as downloading forms and application packages, contact:

Name: Grants.gov Customer Support

Telephone: 1-800-518-4726

Email: Support@grants.gov

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?

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- 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 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 recipient 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.

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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 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 USFWS or the 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.

Section H. Other Information

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 with questions regarding ESA compliance issues.