



— BUREAU OF —
RECLAMATION

Request for Proposals

Tribal Domestic Water Supply Projects Funding Announcement

Inflation Reduction Act of 2022, Section 50231

Native American and International Affairs Office



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.

The mission of Reclamation's Native American Affairs Program is to ensure that federally recognized Indian Tribes have the opportunity to participate in Reclamation programs in a way that fulfills the Federal responsibility toward Tribes, respects Tribal sovereignty, and strengthens the unique government-to-government relationship.

Tribal Domestic Water Supply Projects Funding Announcement

A. Program Description

A.1 Background and Authority

With the passage of the Inflation Reduction Act (Act) of 2022, Bureau of Reclamation's (Reclamation) Native American and International Affairs Office (NAIAO) will carry out a Domestic Water Supplies for Disadvantaged Communities Program to assist Federally recognized Tribes or Tribal Organizations, as defined by 25 U.S.C. 5304(e), in the 17 western states for the planning, design, or construction of water projects to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies.

Sec. 50231. Domestic Water Supply Projects

Bureau of Reclamation Domestic Water Supply Projects. In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$550,000,000, to remain available through September 30, 2031, for grants, contracts, or financial assistance agreements for disadvantaged communities (identified according to criteria adopted by the Commissioner of Reclamation) in a manner as determined by the Commissioner of Reclamation for up to 100 percent of the cost of the planning, design, or construction of water projects the primary purpose of which is to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies in a State or territory described in the first section of the Act of June 17, 1902 (43 U.S.C. 391; 32 Stat. 388, chapter 1093).

Executive Orders (E.O.) 14008: *affirms the advancement of environmental justice for all through the development and funding of programs to invest in disadvantaged communities.*

Reclamation has determined, for the purposes of this funding opportunity, that Federally recognized Tribes in the 17 western states (see Section C) are disadvantaged communities consistent with the Council on Environmental Quality's Climate & Economic Justice Screening Tool (CEJST). The CEJST website states "To respect Tribal sovereignty and self-governance and to fulfill Federal trust and treaty responsibilities to Tribal Nations, land within the boundaries of Federally recognized Tribes is designated as disadvantaged on the map" (<https://screeningtool.geoplatform.gov/en/#8/33.469/-97.502>). Further, this funding

opportunity advances the Biden-Harris Administration’s Justice40 Initiative. Established by E.O. 14008, the Justice40 Initiative has made it a goal that 40% of the overall benefits of certain federal investments, such as climate, clean energy, and other areas, flow to disadvantaged communities.¹

A.2 Program Purpose

The primary purpose of the Tribal Domestic Water Supplies Program is to fund projects for domestic water supplies to existing Tribal households or communities that do not have reliable access to domestic water supplies. Domestic water supplies are for human use and consumption. Domestic water supplies for communities include a communal benefit (e.g., school, hospital, nursing home, etc.).

B. Federal Award Information

B.1 Total Funding

The Act authorizes \$550 million, to remain available until September 30, 2031. Funding is provided for up to 100% of the cost of planning, design, or construction of a domestic water supply project (see Section D Eligible Projects) with the following programmatic targets:

1. Planning studies, including environmental compliance (e.g., appraisal, feasibility); up to \$3 million and or,
2. Design projects, including environmental compliance (e.g., level of design such as 30%, 60%, 90%, 100% design) (including environmental compliance); up to \$5 million or,
3. Construction projects; up to \$50 million.

Applicants must state which of the three categories of funding listed above is being sought. An applicant can submit one project proposal for planning, and design. Project proposals for construction activities must show that planning and design has been completed.

Note: The maximum funding amounts for projects under this announcement are based on the amount of funding anticipated to be needed for projects providing program benefits. Projects may be prioritized to ensure balance among the task areas and to ensure that the projects address the objectives stated in section A.2. Program Purpose.

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

This announcement is one of the mechanisms devised by Reclamation to implement Section 50231. Reclamation continues to evaluate other funding options to implement Section 50231 in addition to this announcement.

B.2 Number of Awards

Approximately 3 to 15 awards depending on the amount requested by each applicant and the amount of Federal funding available under this announcement. More awards may be made if additional funding becomes available.

This program will be implemented in two phases. Under Phase One, funding will be available for Planning and/or Design, or Construction in FY 2024. Under Phase Two (FY 2027/2028), funding will be made available for Construction only. Receiving Phase One Planning and/or Design funding is not a prerequisite for receiving Phase Two funding for Construction; however, all project proposals for Construction must show that the planning and design has been successfully completed, and priority will be given to those funded under Phase One.

B.3 Expected Award and Anticipated Dates

Awards are anticipated to occur in the Winter of 2024.

Reclamation expects to contact all applicants regarding application status for funding in Fall 2024 (or later if necessary).

B.4 Instrument to Fund Selected Projects

Project awards will be made through Federal Financial Assistance grants or cooperative agreements as defined by 2 CFR 200 as applicable to each project. No P.L. 93-638 awards will be made as a result of this solicitation. If a cooperative agreement is awarded, the Tribe should expect Reclamation to have substantial involvement in the project, as follows:

- Collaboration and participation with the successful applicant in the management of the project and close oversight of the successful applicant's activities to ensure that the program objectives are being achieved.
- Oversight may include review, input, and approval at key interim stages of the project.

B.5 Duration of Projects

Project must be completed as follows:

1. Planning – 1 year from date of award
2. Design – 2 years from date of award
3. Construction – 5 years from date of award

C. Eligibility Information

C.1 Eligible Applicants

The eligible applicants are:

Federally recognized Tribes or Tribal Organizations, as defined by 25 U.S.C. 5304(e), with water delivery authority in one of the 17 western states (Washington, Oregon, Idaho, Montana, North Dakota, South Dakota, Nebraska, Wyoming, California, Nevada, Utah, Colorado, Kansas, Oklahoma, Texas, New Mexico, and Arizona).

C.2 Ineligible Applicants

Ineligible applicants are:

- Federally Recognized Tribes or Tribal Organizations outside of the 17 western states (Washington, Oregon, Idaho, Montana, North Dakota, South Dakota, Nebraska, Wyoming, California, Nevada, Utah, Colorado, Kansas, Oklahoma, Texas, New Mexico, and Arizona).
- Non-Tribal entities.
- Reclamation conducts a review of the SAM.gov Exclusions database for all applicant entities and their key project personnel prior to award and ineligibility condition apply to this federal program. If entities or key project personnel are identified in the SAM.gov Exclusions database as ineligible, prohibited/restricted or otherwise excluded from receiving federal contracts, certain subcontracts, and certain federal assistance and benefits, Reclamation cannot award funds to them.

C.3 Eligible Projects

A project owned by a Federally recognized Tribe or Tribal organization that is designed to serve Tribal communities where the primary purpose is to provide or enhance reliable access to domestic water supplies. Domestic water supplies are for human use and consumption. Domestic water supplies for communities include a communal benefit (e.g., school, hospital, nursing home, etc.).

Eligible project applications must meet both objectives below:

1. At least 80% of the average annual deliveries of project water must be for domestic water purposes.
2. Proposals must show that projects can be completed within the allotted timeframes outlined in Section B.5. Duration of Projects.

This announcement will only fund projects, or portions of projects, where the scope of work and activities are discrete and identified and do not already have funding from a separate source.

Funds requested through this announcement cannot be duplicative of any other Federal, State, or local award.

Types of eligible projects include, but are not limited to the planning, design, or construction of:

- The installation of new Tribally owned domestic water supply infrastructure facilities (see examples below).
- An improvement, upgrade, or inter-connection of existing Tribally owned domestic water supply infrastructure and facilities.
- The extension of existing Tribally owned domestic water supply infrastructure and facilities to reach an existing unserved or underserved service area.
- Projects that assess and address urgent and compelling domestic water supply or quality needs.

Projects may include, but are not limited to, the following types of infrastructure and facilities:

- Pumps, pipes, wells, surface water intakes and other diversion, transmission, or distribution systems.
- Storage tanks and small impoundments.
- Water treatment facilities for potable water supplies, including desalination facilities.
- Buildings necessary to house equipment and serve as a center for operations.
- Power transmission and related facilities required for the project.
- Associated features to mitigate adverse environmental consequences of a project.

The following portions of a project will not be funded through this opportunity:

- Water for commercial, industrial, and irrigation uses.
- Water for future development (e.g. future neighborhoods).
- Water to non-disadvantaged communities as identified by the CEJST.
- Water for casinos, hotels, golf courses, resorts, etc.
- Water required for fire flow protection.
- Operations and maintenance of constructed infrastructure.

C.4 Ineligible Projects

Ineligible projects under this funding opportunity include:

- Projects (including Rural Water and Indian Water Rights Settlement projects) that have been authorized by Congress.
- Projects that have the potential to compromise any study or activities of a Department of the Interior (Department) reserved Indian water rights settlement activity or the Department of Justice in its pursuit of related reserved Indian water rights claims.

- Projects in direct support of litigation of any kind.
- Projects solely providing water to non-disadvantaged communities as identified by the CEJS.
- Projects with domestic water supply deliveries less than 80% of the total water deliveries (defined as at least 80% of the average annual deliveries).
- Projects that will not be completed in the timeframe given in this section above.
- Projects that are normal and routine (recurring) Operation, Maintenance, and Replacement (OM&R). 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.
 - Performing an activity on a recurring basis, even if that period is extended (e.g., 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.

Note: 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.

- Projects providing domestic water supplies solely for future development.
- Projects using Federal funding to purchase water.
- Projects using Federal funding for the purchase of land, or with the primary purpose to secure a permanent easement.

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 funding announcement by emailing the NAIAO staff at TribalDomesticWaterProgram@usbr.gov.

D.2 Content and Form of Application Submission

All applications will conform to the requirements described in this document. Applications will be screened for completeness and compliance with the provisions of this notice.

D.2.1 Application Format and Length:

The total technical proposal section (defined below) will be limited to a maximum of 75 consecutively numbered pages. 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.

D.2.2. Required Forms and other Application Content.

The application must include the following elements to be considered complete:

- SF-424 Application for Federal Assistance. A completed SF-424, Application for Federal Assistance signed by a person legally authorized to commit the Tribe to performance of the project must be submitted with the application. Applications must include a valid UEI. See section F for additional information.
- SF-424A Budget Information Form. A completed SF-424A Budget Information must be submitted with the application.
- SF-424B or SF-424D Assurances Form. A SF-424B Assurances for Non-Construction Programs signed by a person legally authorized to commit the Tribe to performance of the project must be submitted with the application.
- Technical Proposal (see Section D.2.4), Budget Proposal (see Section D.2.5), Budget Narrative (see Section D.2.6)

D.2.3 Unique Entity Identifier, System for Award Management (SAM), and Uniform Audit Reporting Statement

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

- Be registered in SAM before submitting an application. Instructions for registering are available at <https://sam.gov/content/home>.
- Provide a valid UEI in its application. You are required to register in SAM.gov prior to submitting a federal award application and obtain a Unique Entity Identifier (UEI). A UEI will be assigned to entities upon registering with SAM.
- Maintain an active SAM registration with current information at all times during which it has an active federal award or plan under consideration by a federal award agency.
- All Tribal applicants expending \$750,000 in U.S. dollars or more in federal award funds in your organization's fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System in accordance with 2 CFR Section 200 subpart F. U.S. state, local government, federally recognized Indian Tribal Organizations, 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.

D.2.4 Technical Proposal Content

Submission of a technical proposal is required. While an application will not be removed from consideration if the technical proposal does not address each of the following, it is highly recommended that Tribal applicants address each component listed below to ensure that your proposal is complete. An incomplete proposal may affect the likelihood of awarding a grant/cooperative agreement under this announcement. *It is suggested that Tribal applicants copy and paste the Key Project Priorities and appropriate Detailed Project Description considerations in this section into their applications to ensure that all necessary information is adequately addressed.*

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

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

Executive Summary The executive summary should include:

1. *Applicant Information:* date, applicant name, city, county, and state.
2. *General Description:* Provide a general description of the project as it relates to domestic water supplies for a Federally recognized Tribe, Tribal Organization, or Territory and any affected parties.

Example 1 Planning and Design: Tribe X will plan, design and acquire permits for a domestic drinking water project on the west side of their reservation in eastern Arizona. The west side of the reservation contains 25 homes with unreliable access to clean drinking water. Families and elderly residents currently must boil water, buy bottled water, or pump clean water, sometimes traveling miles from home to do so. The project will analyze alternatives and design a water delivery system to transport water from an existing nearby reservoir to these underserved homes, providing reliable access to clean drinking water.

Example 2 Construction: Tribe X will build a water delivery system to provide clean drinking water to a portion of their reservation residents in northwestern California. This project includes construction of a water treatment plant and 6 miles of pipeline, creating a reliable access to clean drinking water and improving water quality. Residents in the area to be served by the project currently rely on well water of variable quality and unreliable availability.

3. *Need for Project:* Describe the specific need to be addressed by the proposed project including the current or historic domestic water supply conditions in the Tribal or project area. Clearly indicate how the proposal addresses the Program Purpose in Section A.2 above.
4. *Anticipated Results/Benefits:* Briefly describe the expected benefits of the proposed project

related to enhanced access to reliable domestic water supplies, as well as any other direct benefits associated with the proposed project's implementation.

5. *Project Timeline:* State the length of time and estimated completion date for the proposed project (month/year).
6. *Project Cost Estimate:* Total cost of the proposed project, other funding sources (federal and non-federal), and the funding amount being requested from Reclamation.

Proposed Project Location Provide specific information on the proposed project area, including a map showing the geographic location and a brief narrative. Provide at least one map in PDF format with sufficient project details to understand the location of all elements of the proposal. Multiple maps may be necessary to accurately depict the proposal in its entirety. *If you are selected for funding, Reclamation may request additional detail regarding your project location.*

Key Project Priorities Proposals submitted for consideration will be evaluated based upon project eligibility and the substance of the responses to the project priority factors discussed below regarding current domestic water supplies and the urgent and compelling need for the project. Projects may be prioritized to best meet the program purposes as outlined above. Proposals should clearly demonstrate how the project will accomplish the program purpose described in Section A.2. Please describe the extent to which the proposal demonstrates a compelling need to implement the project based on the following points below.

The key project priorities description portion of your application should thoroughly address all of the topics in the factors discussed below to assist in the complete and accurate evaluation of your proposal. It is suggested that applicants copy and paste the evaluation considerations in this section into their applications to ensure that all necessary information is adequately addressed.

1. Current Domestic Water Supplies:

- a. Please provide a detailed description of the community(ies) that the proposed project will serve, including any counties and/or reservations.
- b. Indicate the total service area population.
- c. Describe the number of households and number of community facilities (e.g. hospital, school, etc.) within the service area that may benefit from implementation of the proposed project.
- d. Within the identified service area, please indicate whether there are existing (and/or regulated) community water systems? Describe the households and community facilities with reliable water access.
- e. Describe the current average annual domestic water supplies (consistent with the definition of the program purpose provided in Section A.2) delivered to the service area (in acre-feet). Please provide support for how this is quantified.

2. Urgent and Compelling Need for the Project:

- a. Describe the need for the new domestic water supply project including any prominent public health and safety concerns, interruptions in supply, or other reasons that the community does not currently have reliable access to domestic water supplies.
- b. Indicate the total population of those in the service area currently not served by an existing (and/or regulated) community water system.
 - o For the potential project service area, describe any shortages of water supply.
 - o For the potential project service area, describe water supplies that do not currently meet drinking water standards.
- c. Identify any reported violations of drinking water standards within the past 10 years. Consider including data provided by the EPA's Safe Drinking Water Information System (<https://enviro.epa.gov/envirofacts/sdwis/search>), that tracks the number of health-based violations per 1,000 people, as reported by regulated community water systems in the past 10 years.
- d. Describe any inadequacies in the existing infrastructure to distribute water for domestic uses in sufficient quantities and pressures to protect public health and safety.
- e. Describe the negative impacts should the proposed project not be funded (e.g., access to water, regulatory, and social risk etc.). Discuss how immediate and/or urgent the need is for the proposed project.

Planning and Design Detailed Project Description *Note: If your proposal is for Construction, please respond to the Construction Detailed Project Description section.*

Provide a more comprehensive description of the technical aspects of your project, including the specific activities to be accomplished and the approach to complete the planning/design work. If not yet determined, please describe the technical aspects and specific activities under consideration and the plan for advancing to design and/or construction phases of work. Proposals should address all project-specific requirements (e.g., planning steps, project components, planning/design products to be developed, required permits, right-of-way acquisition (including requirements of 25 CFR Part 169), compliance with NEPA and NHPA, etc.). This section provides an opportunity for the applicant to provide a clear description of the technical nature of the project and any additional information needed to help reviewers understand the project.

After application submission, Reclamation may reach out for additional information related to the project description in order to make a final selection decision.

1. *Proposed Scope of Project:* Describe the proposed planning and design activities to address the need for the project. The level of detail should:
 - a. Support the commitment of resources to be applied to the project to accomplish the desired results, and
 - b. Permit a comprehensive evaluation of the proposal. List significant challenges to be addressed and/or opportunities to be realized during the proposed project.
 - c. Indicate a preliminary estimated total cost of the project to be realized.
2. *Milestones of Project:* For each task, describe planned activities and expected outcomes and

milestones. Describe the staff levels and expertise, the number of staff hours, and the schedule for completing each task. As applicable, provide figures and/or diagrams that demonstrate the planned approach. *The maximum project duration shall not exceed the following: a) Planning: 1 year, b) Design: 2 years.*

3. *Project Planning & Design:* Please describe in greater detail the planning and design-related work necessary to implement a safe and adequate domestic water supply project.

Explain the planning and design efforts for the project completed to date. Provide supporting documentation for your response, including referenced statistical data, excerpts or citations from studies or analyses regarding the results of similar projects, or other references.

Products for submission could include, but are not limited to:

- Any completed planning studies.
 - A document, commonly referred to as a “Basis of Design,” that identifies the project goals and requirements, technical design criteria, safety design considerations, design codes, operating descriptions, details of stream conditions and diversions, habitat information, and assumptions to be used to develop final designs, as applicable.
 - Site specific design drawings including plan, elevation, and section drawings. Site preparation information such as erosion and sediment control plans, site grading, drainage, utilities, and demolition, and removal including hazardous materials.
 - Details and specifications for fabrication, supply of material, construction, as applicable.
 - Construction cost estimate and detailed schedule.
4. *Project Alternatives:* Please describe the planning-related work necessary to identify and implement a safe and adequate domestic water supply project including the following:
 - a. Description of alternatives: Please describe the range of potential alternatives that will/have been identified to provide domestic water supplies in the project area, including any nonstructural in nature.
 - b. Evaluation of alternatives: Please describe how alternatives will be/have been compared and evaluated in order to select an alternative for implementation, including any specific planning objectives that all alternatives will be/have been designed to address.
 5. *Anticipated Benefits:* Briefly describe the expected benefits of the proposed project related to enhanced access to reliable domestic water supplies that will be analyzed during planning. Project benefits to domestic water resources could include enhancements to water quantity, water quality, improvements to water management, and/or reduction to conflicts between water users.
Projects that are a phase or portion of a larger project should provide distinct and demonstrable benefits upon completion that are not dependent upon any other phases or any larger project.
 - a. How will benefits provided by the proposed project be quantified and evaluated?

- b. Describe how this project may assist in complying with regulatory requirements related to domestic water resources.
 - c. Is this project a component of a broader water resources strategy or plan (i.e. State, regional, or other)? Describe how this project fits within the strategy or plan.
 - d. How will the planning and/or design consider improved water system efficiencies and/or promote water conservation?
6. *Environmental Compliance:* Briefly describe the anticipated environmental compliance.
- a. Discussion whether, and to what extent, the project will have potentially significant environmental effects, or will involve unique or undefined environmental risks.
 - b. Discussion of how the proposed project will affect water supply and water quality from the perspective of a regional, watershed, aquifer, or river basin condition.

Construction Detailed Project Description (only required for Construction Proposals)

Note: If your proposal is for planning and design, please respond to the Planning and Design Detailed Project Description section.

Provide a more comprehensive description of the technical aspects of your project, including the specific activities to be accomplished and the approach to complete the work. Proposals should address all project-specific requirements (e.g., planning and design steps, project components, required permits, right-of-way acquisition (including requirements of 25 CFR Part 169), compliance with NEPA and NHPA, etc.). This section provides an opportunity for the applicant to provide a clear description of the technical nature of the project and any additional information needed to help reviewers understand the project.

After application submission, Reclamation may reach out for additional information related to the project description in order to make a final selection decision.

1. *Proposed Scope of Project:* Describe the proposed activities to address the need for the project. The level of detail should:
 - a. Support the commitment of resources (including training to operate and maintain new systems) to be applied to the project to accomplish the desired results, and
 - b. Permit a comprehensive evaluation of the proposal. List significant challenges to be addressed and/or opportunities to be realized during the proposed project.
2. *Milestones of Project:* Provide a milestone schedule with estimated start and end dates, and responsible party for each task. For each task, describe planned activities and expected outcomes. Milestones may include, but are not limited to, the following: complete environmental and cultural compliance; mobilization; begin construction/installation; construction/installation (50% complete); and construction/installation (100% complete). *The maximum project duration should not exceed five years.*
3. *Project Needs:* Please describe the extent to which the proposed project can proceed upon receiving an award.

- a. Indicate whether your project can be phased or scaled depending on available funding.
 - b. Describe the federally recognized Tribe or Tribal Organization's capacity to operate and maintain constructed assets upon project completion.
4. *Project Design Information:* Identify and describe any engineering or design work performed specifically in support of the proposed project. Projects reviewed professionally and that provide comprehensive documentation will receive greater consideration for construction funding. *Note: Reclamation's review of construction documents is only for the purpose of ensuring that program requirements were met – not to ensure technical viability and adequacy.*

Products for submission generally include, but are not limited to:

- Alternatives Analysis.
 - Design criteria and standards
 - Alternatives analysis and decision matrix (including a justification for why the proposed project was chosen over other alternatives)
 - Stakeholder outreach activities
 - Value Engineering/Value Planning/Value Analysis
- Selected Alternative Evaluation.
 - Conducting monitoring, measurement, or other fieldwork needed to inform project design
 - System loss field investigations and estimates
 - Site surveying and field exploration
 - Geologic field exploration
 - Drilling of pilot wells

Note: Ground disturbing activities will require environmental and cultural compliance.

- Final design drawings and specifications.
 - Modeling activities such as hydrologic, groundwater, etc.
 - Basis of design documentation
 - Site-specific design and engineering associated with the project
 - Construction plans and specifications
- Economic conditions and project cost estimates.
 - Analysis of markets and materials (including domestic water supply sources)
 - Detailed project cost estimate
 - Annual operation, maintenance, and replacement (OM&R) cost estimate and an assessment of the Tribe's capability to fund these costs (please note Reclamation may require subsequent financial analysis).

Note: Construction plans and specifications must be reviewed and approved by a professional engineer registered in the appropriate engineering and architectural discipline. Reclamation's

reviews of design documents are only for the purpose of ensuring that program requirements were met – not to ensure technical viability and adequacy.

5. *Anticipated Benefits:* Briefly describe the expected benefits of the proposed project related to enhanced access to reliable domestic water supplies.

Projects that are a phase or portion of a larger project should provide distinct and demonstrable benefits upon completion that are not dependent upon any other phases or any larger project.

- a. Explain how the proposed project will increase the reliability of access to domestic and/or community water supplies. Describe the number of households and number of community facilities (e.g. hospital, school, etc.) within the service area that will benefit from implementation of the proposed project.
 - b. Describe if the potential project is bringing in piped water to a community, and if so, how.
 - c. Indicate what percentage of average annual water supply deliveries of the potential project will be for domestic water supply purposes.
 - d. Describe how this project may assist in complying with regulatory requirements related to domestic water resources.
 - e. Is this project a component of a broader strategy or plan to replace aging facilities with alternate facilities providing similar benefits? Describe how this project fits within the strategy or plan and how it will continue to provide benefits.
 - f. How does the project improve water system efficiencies and promote water conservation?
6. *Legal and Institutional Requirements.* Please identify any legal or institutional requirements, or barriers to implementing the proposed project.
- a. Analysis of any water rights issues potentially resulting from implementation of the proposed project. All proposed projects must comply with State water law.
 - b. Discussion of legal and institutional requirements (e.g., contractual water supply obligations, Indian trust responsibilities, water rights settlements, regional water quality control board requirements), State, and/or local requirements with the potential to affect implementation of the project.
 - c. Discussion of the need for multi-jurisdictional or interagency agreements, any coordination undertaken, and any planned coordination activities.
 - d. Discussion of permitting procedures required for the implementation of the proposed project in the study area, and any measures that the non-Federal project sponsor can implement that could speed the permitting process.
 - e. Discussion of any unresolved issues associated with implementing the proposed small surface water and groundwater storage project, how and when such issues will be resolved, and how the project would be affected if such issues are not resolved.
7. *Environmental and Cultural Resources Considerations:* Environmental and cultural resources issues will be considered when evaluating the feasibility of the proposal. To

facilitate this evaluation, and to allow Reclamation to assess the potential costs of environmental and cultural resource compliance, please provide, to the best of your ability, answers to the following questions in your application; if any question is not applicable to the project, please explain why:

- a. Has the applicant previously received federal funding for this project or a project(s) adjacent to the proposed project? If so, provide environmental compliance and permitting documentation.
- b. Have previous environmental analyses been completed for this project? If so, attach reports or summaries of findings.
- c. Have biological studies, inventories, or literature searches been conducted (wildlife, fish, vegetation, soils, habitat, noxious weeds, invasive species, etc.)? If so, please provide reports.
- d. What measures will be taken to minimize potential for spread of invasive plant species and/or noxious weeds?
- e. What measures will be taken to minimize potential for spread of aquatic invasive species?
- f. Is the project area located in/on, crosses or is adjacent to a lake, river, stream, wetland, or other waterbody? If so, describe or show on map and describe if the project would modify or impact the waterbody in any way (e.g. dredge or fill within the ordinary high water mark of a waterbody or wetland or discharge of materials into a waterbody).
- g. Does the project contain or is it adjacent to existing facilities (e.g. irrigation system or other works), buildings, or other structures? If so, please list and provide estimated age of facilities or structures if known (county assessors property records are a good source).
- h. Describe if the proposed project would result in any modification of or changes to the existing facilities, buildings, and/or structures (e.g. would the project modify individual features of an irrigation system; would a building or pipeline need to be moved, etc.)
- i. Provide a brief history, if applicable, of the facilities or structures being modified or changed (e.g. irrigation system or other works) and approximate age. Include dates if possible and note age of any features/structural elements (such as headgates, check dams, flumes, etc.) that could be affected by your proposed project that may have been replaced or modified since the system was built.
- j. Have archaeological or cultural resources surveys been conducted yet for the project area? If so, were any concerns or sites identified? (Due to sensitivity of data, please do not send reports or locations).
- k. Is the applicant aware of any Tribal concerns or interests in or near the project area?

D.2.5. Budget Proposal

Submission of a budget proposal is required. The total project cost is the sum of all allowable items of costs, including all voluntary Tribal contributions, third-party contributions, and indirect costs, that are necessary to complete the project. The budget proposal should include detailed information on the categories listed below and must clearly identify *all* items of cost, including voluntary contributions by the Tribe, third-party in-kind contributions costs that will be covered using the funding requested from Reclamation.

- Costs to be reimbursed with the requested federal funding.
- Voluntary Costs to be paid by the Tribe, though not required by legislation.
- Value of third-party contributions.

Costs, including the valuation of third-party in-kind contributions, must comply with the applicable cost principles contained in 2 CFR Section 200, available at the Electronic CFR (www.ecfr.gov). Tribes are strongly encouraged to review the procurement standards for federal awards found at 2 CFR Section 200.317 through Section 200.326 before developing their budget proposal.

Environmental and cultural resource compliance costs are considered project costs, including those costs incurred by Reclamation, and will need to be included as a separate line item. You may include indirect costs that will be incurred during the project, which will not otherwise be recovered, as part of your project budget. Show the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable cost principles for your organization as a separate line item.

It is recommended that Tribes use the budget proposal format shown in APPENDIX A or a similar format that provides this information.

D.2.6. Budget Narrative

Submission of a budget narrative is required. The budget narrative provides a discussion of, or explanation for, items included in Section B of the SF-424A. If selected for award, successful Tribal applicants will need to submit detailed supporting documentation for all budgeted costs. The budget narrative provides a discussion of, or explanation for, items included in the budget proposal. The narrative should describe the basis for and purpose of all cost elements. See APPENDIX A for examples.

Project Partners/Participants List significant participants and the contribution(s) they will make or tasks for which they will be responsible (to the extent that these details are yet known). Include support or opposition to the project from significant stakeholders.

Letters of commitment from sources outside the Tribe or Tribal Organization are required for construction projects that have the following: 1) Portions of the project other than domestic water supply use, and/or 2) projects exceeding the maximum per project funding limit.

Letters of commitment must be submitted addressing the following items:

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

Reclamation will not execute a financial assistance agreement until non-Federal funding has been secured or Reclamation determines that there is enough evidence and likelihood that non-

Federal funds will be available to the Tribe or Tribal organization, after executing the agreement. Reclamation may require subsequent financial analysis prior to executing an agreement.

D.3. Application Submission Date and Time

Due Date of Application

08/04/2024 by 11:59 pm Mountain Standard Time

Late applications will not be considered unless it is determined that a delay was caused by Reclamation mishandling.

Application Delivery Instructions

Applications can be submitted electronically via email to TribalDomesticWaterProgram@usbr.gov or hard copies can be sent by U.S. Mail or express delivery to the addresses below by the specified date and time.

or

Paper Applications can be delivered to Reclamation to the addresses below by the specified date and time.

By mail or United States Postal Service overnight services:

Bureau of Reclamation
Attn: Native American and International Affairs Office
P.O. Box 25007, MS 86-43000
Denver, CO 80225

By all other express delivery and courier services:

Bureau of Reclamation mail services
Attn: Native American and International Affairs Office
Denver Federal Center
Bldg. 67, Rm. 152
6th Avenue and Kipling Street
Denver, CO 80225

Acknowledgement of Application Receipt

For mail-in and email application submission, Tribal applicants will receive an e-mail acknowledging receipt from Reclamation.

E. Application Review Information

Eligibility Review

Projects will be reviewed for applicant and Program eligibility based on threshold criteria in Section C. Eligibility Information. Reclamation may reach out for additional information related to the completeness of the proposal. An incomplete proposal may affect the likelihood of awarding a grant/cooperative agreement under this announcement.

Merit Review of Applications

Projects will not be ranked or scored; however a merit review of proposals will be conducted to evaluate the completeness of responses to the Technical Proposal contents in Section D.2.4 Technical Proposal, D.2.5 Budget Proposal, and D.2.6. Budget Narrative. The merit review will also identify any reasons why a proposed project would not be feasible or otherwise advisable.

Merit Review Criteria:

- Application completeness. Reclamation’s Review Team will evaluate applications based on the extent and quality of the applicant’s project proposal and overall approach. Specifically, the Review Team will evaluate the cohesiveness of the applicant’s project approach described throughout the application and how the overall strategy fits together to meet the goals and objectives of this program.
- Program Priority Alignment. The extent to which the project, if successfully carried out, will make an important and/or original contribution to increasing reliable access to domestic water supplies.
- Project Approach and Feasibility.
 - The extent to which the concept, design, methods, analyses, and technologies are properly developed, well-integrated, and appropriate to the aims of the project.
 - The likelihood that the proposed work can be accomplished within the proposed time and budget by the investigators or the technical staff, given their experience and expertise, past progress, available resources, institutional/organizational commitment.

Red-Flag and Programmatic Review

The red-flag and programmatic review of all eligible applications 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. All eligible projects will also be sent to the appropriate offices in Reclamation and the Department (e.g., Secretary’s Indian Water Rights Office, BIA, IHS, and EPA) for review.

In addition, during this review, Reclamation will address any specific concerns or questions raised by executive sponsors/leadership, conduct a preliminary budget review, and evaluate the applicant’s ability to meet cost share if applicable.

Prioritization

Eligible proposals will be prioritized based on cost effectiveness (cost per household served) and the following urgent and compelling needs regarding access to reliable water (in order of priority):

1. Receiving new piped water to homes (e.g., households that currently do not have piped water or do not have a regulated community water system).
2. Receiving new piped water to a nearby community watering station (e.g., lack of a regulated community water system).
3. Improving water quality to meet drinking water standards (e.g., violations of drinking water standards, inadequacies in the infrastructure available to distribute water for domestic uses in sufficient quantities and pressures to protect public health and safety).

Managerial Review & Selection

Reclamation management will prioritize projects to ensure the total amount of all awards does not exceed available funding levels. In addition, during this review, Reclamation will address any specific concerns or questions raised by executive sponsors/leadership, conduct a preliminary budget review, and evaluate the applicant's ability to meet cost share if applicable. Selections will be made by the Commissioner based on the merit review of the proposal and alignment with the program purpose as evaluated, and Administration and Agency/Commissioner priorities (such as geographical diversity). After completion of the Managerial Review and selection process, Reclamation will notify applicants whose proposals have been selected for award consideration.

Federal Award Performance Integrity

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 (see 41 U.S.C. Section 2313).

Tribes, 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 Tribe, 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 Section 200.205 federal awarding agency review of risk posed by applicants.

F. Federal Award Administration Information

F.1. Federal Award Notification

Upon approval, the NAIIO Program Manager or his/her designated appointee will notify the Tribes and each regional NAA Program Manager and Grants Officer (GO). The regional NAA Program Manager or NAA Area Office Coordinator and GO will work with the Tribe to refine the scope and budget and validate any work and cost items needed to complete the purpose of the project within the approved budget as part of the grant agreement execution process. This notice is not an authorization to begin performance.

F.1.1 Post Selection 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.

Environmental Review Reclamation will forward the proposal to the appropriate Reclamation Regional or Area Office for completion of environmental compliance, if applicable.

Environmental compliance may 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 GO. Ground-disturbing activities may not occur until environmental compliance is complete and a notice to proceed is issued by the awarding Reclamation GO.

Budget Analysis and Business Evaluation A Reclamation GO will also conduct a detailed budget analysis and complete a business evaluation and responsibility determination. During this evaluation, the Reclamation GO 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, audit compliance, and adequacy of management standards, as established by applicable OMB circulars.

F.2. Administrative and National Policy Requirements

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

F.2.1. Automated Standard Application for Payments Registration

All Tribal 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 UEI Number prior to the award of funds. If a recipient has multiple UEI numbers, they must separately enroll within ASAP for

each unique UEI Number and/or bureau. Note that if the Tribal applicant's entity is currently enrolled in the ASAP system with a bureau *other* than Reclamation, they must enroll specifically with Reclamation in order to process payments. 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.

F.2.2. Environmental and Cultural Resources Compliance

All Projects being considered for award funding will require National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and National Historic Preservation Act of 1966 (NHPA) Section 106 compliance completion prior to any expenditure of distributed Grant funds for non-compliance related activities that would result in non-recoverable use of resources or construction activity. Construction or any ground-disturbing activities prior to the bureau/office having met its NEPA requirements are expressly prohibited. This pertains to all components of the proposed project, including those that are part of the applicant's non-Federal cost share. Reclamation will provide a successful applicant with authorization for activities once such compliance is complete. An applicant that proceeds before environmental and cultural resources compliance is complete may risk forfeiting Reclamation funding under this NOFO. Compliance with all applicable Federal, state, and local environmental, cultural, and paleontological resource protection laws and regulations is also required. See Environmental and Cultural Resource Considerations below, and Environmental Statutes in Appendix D for further details on NEPA, ESA, and NHPA compliance.

Reclamation will be responsible for evaluating technical information and ensuring that natural resources, cultural, and socioeconomic concerns are appropriately addressed. Where multiple Federal agencies are involved, designation of the lead Federal agency for NEPA compliance will be made; otherwise, Reclamation will be the lead. The lead Federal agency for NEPA compliance will determine the appropriate level of NEPA compliance. Reclamation will be responsible for ensuring that findings under NEPA, and consultations pursuant to ESA and NHPA and their implementing regulations, as appropriate, will support Reclamation's decision on whether to fund the project.

Environmental and cultural compliance activities will be completed for the proposed project activities, with costs incurred by Reclamation and/or the recipient. Note that data collection is often required to complete the compliance (such as wildlife or cultural surveys). These surveys can be completed by a qualified contractor hired by the recipient under direction of Reclamation. Further, be aware that in some instances (such as cultural resource surveys), separate compliance is required for those activities.

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. Level of environmental and/or cultural resources compliance issues and the ability to mitigate will be considered during the application review.

F.2.3. Approvals and Permits

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

F.2.4. Geospatial Data and Data Tools

All geospatial data collected for or produced through a Departmental financial assistance agreement is required to meet all relevant standards established by the Federal Geospatial Data Committee as authorized by Geospatial Data Act of 2018, PL 115-254, Subtitle F—Geospatial Data, Section 751-759C, codified at 43 U.S.C. Section 2801–2811. Reclamation requires all geospatial data collected for or produced through a Departmental financial assistance agreement to meet all relevant standards established by the Federal Geospatial Data Committee as authorized by Geospatial Data Act of 2018, PL 115-254, Subtitle F—Geospatial Data, Section 751-759C, codified at 43 U.S.C. Section 2801–2811. The Department requires fully compliant metadata on all geographic information systems files developed for financial assistance projects. applicant is required to search GeoPlatform.gov to determine that no existing federal, state, local or private data meet the government’s needs and are available at no cost before acquiring or collecting additional geospatial data.

F.2.5. Intangible Property (2 CFR Section 200.315)

Title to intangible property acquired under a federal award vests upon acquisition in the non-federal entity (see Section 200.1 Intangible Property). 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 Section 200.313(e) Equipment (of this CFR).

F.2.6. Real Property (2 CFR Section 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 Section 200.316 *Property trust 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 Reclamation, 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 Reclamation. As required by 2 CFR Section 200.330 *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. Wage Rate Requirements (Davis-Bacon Act) (if applicable)

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).

F.2.8. Buy America Domestic Preference

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

Applicants for this federal financial assistance program are hereby notified that none of the funds provided under an award resulting from this announcement may be used for a project for infrastructure unless:

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

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

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

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

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

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

If a general applicability waiver does not already apply, and a potential recipient believes that one of the above circumstances applies to an award, a request to waive the application of the domestic content procurement preference may be submitted to the financial assistance awarding officer in writing.

If the Tribal applicant is awarded an agreement as a result of this announcement, questions pertaining to waivers should be directed to the financial assistance awarding officer.

Definitions

Construction materials means articles, materials, or supplies that consist of only one of the items listed in paragraph (1) of this definition, except as provided in paragraph (2) of this definition. To the extent one of the items listed in paragraph (1) contains as inputs other items listed in paragraph (1), it is nonetheless a construction material.

(1) The listed items are:

- (i) Non-ferrous metals;

- (ii) Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- (iii) Glass (including optic glass);
- (iv) Fiber optic cable (including drop cable);
- (v) Optical fiber;
- (vi) Lumber;
- (vii) Engineered wood; and
- (viii) Drywall.

(2) Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material.

Buy America Preference means the “domestic content procurement preference” set forth in section 70914 of the Build America, Buy America Act, which requires the head of each Federal agency to ensure that none of the funds made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

Infrastructure project means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States regardless of whether infrastructure is the primary purpose of the project. *See also* paragraphs (c) and (d) of § 184.4.

F.2.9. Department of Labor Mega Construction Project Program

As a condition of award of federal financial assistance, recipients of this funding who may undertake or sponsor construction projects with a total project cost of \$35 million or greater, are eligible for selection by the U.S. Department of Labor’s Office of Federal Contractor Compliance Programs (OFCCP) for designation as a “Megaproject” based on certain selection criteria. OFCCP’s selection means that the recipient must collaborate with DOL and participate in OFCCP’s Mega Construction Project Program. OFCCP’s selection and designation of a Megaproject affects recipients, sub-recipients and vendors. Accordingly, all Recipients (and any Sub-Recipients) will notify vendors in any solicitations for project work that all federally assisted contractors and subcontractors will be required to participate in OFCCP’s Mega Construction Project Program if the project is selected by OFCCP, and that the resulting contracts and subcontracts will include a clause requiring participation. Frequently Asked Questions for the program and additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is found on the Department of Labor website: <https://www.dol.gov/agencies/ofccp/faqs/construction-compliance>.

F.3. Reporting Requirements and Distribution

If the Tribal applicant is awarded an agreement as a result of this announcement, the Tribal 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 Section 170.210 for additional information).

F.3.1. Interim Financial Reports

Tribes will be required to submit a fully completed form SF-425 Federal Financial Report in the frequency outlined in the financial assistance agreement. The SF-425 must be signed by a person legally authorized to obligate the Tribe.

F.3.2. Interim Performance Reports

The specific terms and conditions pertaining to the reporting requirements will be included in the financial assistance agreement. Interim performance reports will be submitted in the frequency outlined in the financial assistance agreement, which include:

- A comparison of actual accomplishments to the milestones established by the financial assistance agreement for the period;
- The reasons why established milestones were not met, if applicable;
- The status of milestones from the previous reporting period that were not met, if applicable;
- Whether the project is on schedule and within the original cost estimate; and
- Any additional pertinent information or issues related to the status of the project.

F.3.3. Additional Program Specific Reports

Program specific performance reporting will be required to address the following:

- On an annual basis: program goals, indicators, targets, baseline data, data collection, significant developments or expected outcomes (such as outputs, or services performance or public impacts of any of these) with an expected timeline for completion, and computation of costs.
- Prior to closeout (planning and design projects only):
 - Draft planning studies are to be submitted to Reclamation for review and feedback. Reclamation accepts flexibility in format of the planning study, however, at a minimum, the following components are required to be documented:
 - Outreach and Partnership
 - Planning Process
 - Design Requirements

Note: Construction plans and specifications must be reviewed and approved by a professional engineer registered in the appropriate engineering and architectural discipline and licensed in the state the work is being conducted. Reclamation's review of design documents are only for the purpose of ensuring that program requirements were met – not to ensure technical viability and adequacy.

F.3.4. Final Reports

Tribes 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 stated project objectives and goals for planning and design or construction were met.
- Discussion of the benefits achieved by the project, including information and/or calculations supporting the benefits.
- How the project improves reliable access to domestic water supplies for the Tribal community served.
- Photographs documenting the project are also appreciated.
- Tribes will be required to submit a Final SF-425 Federal Financial Report.

G. Federal Awarding Agency Contacts

Organizations or individuals interested in submitting applications in response to this announcement may direct questions to the Reclamation personnel identified below.

Reclamation Program Coordinator Contact Questions regarding applicant and project eligibility and application review may be submitted to the attention of Nathalie Washington, Native American Affairs Advisor:

By e-mail: nwashington@usbr.gov

By phone: 702-293-8436

Reclamation Regional Native American Affairs Coordinator Contacts:

Columbia-Pacific Northwest – Melinda Hernandez-Burke, mhernandezburke@usbr.gov Regional Office

1150 North Curtis Road

Boise, ID 83706

Missouri Basin and the Texas Rio Grande Arkansas River – Doug Davis,douglasdavis@usbr.gov
Regional Office
PO Box 36900
Billings, MT 59101-6900

California Great-Basin – Kevin Clancy, kclancy@usbr.gov
Regional Office
2800 Cottage Way
Sacramento, CA 95825

Lower Colorado Basin – Kaylee Nelson, kdnelson@usbr.gov
Regional Office
500 Fir Street
Boulder City, NV 89005

Upper Colorado Basin – Ernie Rheaume, erheaume@usbr.gov
Regional Office
125 State Street
Salt Lake City, UT 84138

H. Other Information

H.1. Disclosures

H.1.1. Conflict of Interest Disclosures

Tribal 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. Tribal 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.

H.1.2. Other Mandatory Disclosures

The non-federal entity or Tribal 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 Section 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 Section 200.338 *Remedies for noncompliance*, including suspension or debarment.

H.2. Data Availability (2 CFR Section 1402.315)

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

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

H.2.1. Freedom of Information Act

Please note that any application submitted for funding under this NOFO may be subjected to a Freedom of Information Act (FOIA) request (5 U.S.C. Section 552, as amended by P.L. No. 110-175), and as a result, may be made publicly available. 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. Section 552(a)(4)(A)).

H.3. Compliance with Federal Laws

The following is a brief overview of National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and Endangered Species Act (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.

H.3.1. 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.

H.3.2. 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.

H.3.3 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**.

Appendix A

Budget Detail and Narrative Template 01.2022 (attached).