

May 1998 Proposal Solicitation Package
June 2, 1998, Public Pre-submittal Workshop

*****ERRATA*****

There were errors in Section D. Sediment Management (Pages 41-45) of the May 1998 Proposal Solicitation Package (PSP). The criteria for the Sediment Management topic area will be weighted in the following manner:

- a. Ecological and biological benefits (25 points)**
- b. Applicant's ability (5 points)**
- c. Technical feasibility and timing (15 points)**
- d. Cost (15 points)**
- e. Cost sharing and local involvement (5 points)**
- f. Monitoring, assessment and reporting (5 points)**

****Note the change in the possible points for the cost criterion.**

Questions and Answers

The following summarizes the questions that were submitted to CALFED regarding the May 1998 PSP. Our responses to these questions are provided below. Questions 3, 6 and 16 contain additional information beyond the answers given at the pre-submittal workshop.

1. Do projects previously funded have an advantage in receiving funding under this PSP?

No. All projects and programs, new and ongoing, will be evaluated in the same manner as outlined on pages 11-12 of the PSP.

2. On a project such as floodplain management, can a contracting agency (e.g. US Fish and Wildlife Service) impose any additional requirements on grantees?

Each project and program will be subject to obtaining the necessary permits for implementation, regardless of the contracting agency. Permitting agencies may impose additional requirements on grantees through the permit process. For federal grants, grantees will be required to meet the standard federal requirements included in Attachment E of the PSP. For state funds, grantees will be required to meet standard state contract terms included in Attachment D of the PSP.

3. Do state or federal interests retain rights to lands purchased with these funds?

State or federal agencies would not be precluded from retaining fee or a perpetual easement ownership interest, and long-term management of property purchased with these funds. Long-term ownership and management strategies should be addressed in the proposals on a case-by-case basis. Private ownership of fee interest, subject to a perpetual conservation easement in favor of either a nonprofit or local land trust, with obligations to manage the property consistent with the purpose of the program, would also be acceptable. Perpetual protection of natural resources consistent with the purposes of the program is the basic requirement of the successful grant applicant.

4. Which category would a levee setback project fall under?

As explained on page 8 of the PSP, each applicant must determine the appropriate topic section for which funding is being requested. If an applicant determines a project fits under more than one topic, a complete proposal can be submitted under each appropriate topic section.

5. What is CALFED's position on non-physical projects (e.g. modeling)?

The PSP contains topic sections that include non-physical projects such as Species Life History Section III. F. Any modeling proposal needs to fall under one of the topics and clearly explain how it would meet the objectives and criteria of that topic.

6. Regarding Local Watershed Stewardship (Section III.G.), a.) is it appropriate for a private entity to enter into a joint venture with a local non-profit entity and b.) can the private entity manage the project?

a.) A private entity can work on a funded project by entering into a joint venture and/or working as a subcontractor with an eligible lead entity. Lead entities appropriate to receive these funds include nonprofit organizations, local governments, special districts, and state and federal agencies. In determining the most appropriate eligible lead entity, all applicants should note that as described on page 55 of the PSP, an important criteria for Local Watershed Stewardship is that the project be community-based, with active local leadership.

b.) Because of the mechanism EPA is proposing to use to fund projects and the criteria favoring community-based efforts, private entities cannot directly receive these funds.

7. Regarding Local Watershed Stewardship (Section III.G.), are there limits on the amount of money that can be requested?

No. As described on page 11 of the PSP, however, \$2.3 million is the maximum total amount to be awarded under the Local Watershed Stewardship topic.

8. Do projects or programs under Environmental Education (Section III.) have to be linked to priority species?

As described on page 13 of the PSP, successful proposals will be consistent with CALFED's Ecosystem Restoration Program Plan objectives. Proposals should also address the priorities in the Near-Term Implementation Strategy described on page 21 of the PSP.

9. Is there a more specific timeframe for future proposal solicitations?

Other program recommendations that are still being developed include habitat restoration planning for flood control bypasses, prevention and control of exotic species, and assessment of the impacts of contaminants. The earliest timeframe for these proposal solicitations would be late summer and/or early fall, 1998. Beyond these topics, additional federal funding is expected to be available October 1, 1998, but a proposal solicitation schedule has not been announced.

10. Under Floodplain Management and Habitat Restoration (Section III.C.), will proposals outside the Central Valley be considered for funding? Is the Petaluma River within the geographic scope?

Page 35 of the PSP specifically identifies a preference for lands within the floodplains of the major rivers of the Central Valley and their tributaries. However, proposals within the geographic scope described on page 20 of the PSP, but outside the floodplains of the major rivers of the Central Valley and their tributaries can apply as long as they meet the criteria for this topic.

11. Regarding Local Watershed Stewardship (Section III.G.), can a federal agency be the lead agency?

Yes. However, as described on page 55 of the PSP, an important criteria for Local Watershed Stewardship is to describe how the proposal is community-based, with active local leadership.

12. Do projects within the upper Sacramento River watershed have a good chance of funding under Local Watershed Stewardship (Section III.G.)?

As described on page 55 of the PSP, the geographic area for this topic includes the entire Bay-Delta watershed and its tributaries, including the upper and lower watersheds. Each proposal will be evaluated against other proposals in the same topic.

13. Under Floodplain Management and Habitat Restoration (Section III.C.), can an ongoing project apply for funding for one phase, such as monitoring?

Yes, ongoing projects can apply for funding for a currently unfunded component, but must submit a complete application meeting all requirements of this PSP.

14. Where can applicants find information on the potential for linkages between priority species and actions in the upper watersheds?

CALFED's draft Watershed Management Strategy contains some useful information. The Watershed Strategy, however, is evolving, and applications under this PSP will be evaluating proposals under the Local Watershed Stewardship topic which demonstrate linkages between priority species and actions in the upper watersheds. The draft Watershed Management Strategy is available by contacting the CALFED office.

15. Can a group of landowners conducting riparian restoration be considered a community-based group?

Yes. As described on page 56 of the PSP, a community-based group includes local leadership, participation of diverse interests, and collaboration among multiple interests.

16. Are monitoring funds limited to three years?

All funds must be obligated in three years, however, the project may extend beyond the three year period. Pursuant to federal appropriations law, the project can be either funded in its entirety at the start for the full term of the project or awarded for the full term, i.e., x number of years, with yearly funding as it becomes available/appropriated.

17. Do funded and unfunded proposals become public information? What about intellectual property rights?

CALFED recognizes the concern with intellectual property rights and the public availability of proposals before final funding decisions are made. However, because of representations made to Congress regarding this funding, all proposals will become public information after the Integration Panel has completed its review (see page 20 of PSP). Applicants should consider the public availability of proposals in deciding whether to submit a proposal under this PSP.

18. What is CALFED's definition of restoration? Is there a distinction between restoration projects in terrestrial habitats versus more strictly aquatic projects?

Restoration is defined as rehabilitation of natural processes, especially those that benefit CALFED's priority species. Since the priority species are largely aquatic organisms, restoration of aquatic habitat is a priority.

19. Would CALFED consider funding a proposal that creates a pool of money used to leverage other funding?

This concept would be evaluated like other proposals on how well it meets the objectives and criteria outlined in the PSP.

20. Is the topic of public recreation encompassed under the Environmental Education topic?

As described on page 58 of the PSP, eligible proposals will fund environmental education programs that increase public awareness and encourage individuals to wisely use natural resources. Proposals must focus on environmental restoration because of the specific authorization language for both state and federal funds. Proposition 204 allocated separate funds to the Department of Parks and Recreation to provide grants to local agencies and nonprofit organizations for recreational purposes. See Water Code Section 78564.

21. Will CALFED look unfavorably upon projects or programs that are not coordinated?

For topic sections which contain criteria for local involvement and coordination, the proposal should either state the level and nature of local support, if known, or indicate how the applicant intends to seek and obtain local support.

22. Under Section H. Environmental Education, are projects such as visitor center displays applicable?

Yes. As described on page 58 of the PSP, eligible proposals will fund environmental education programs that increase public awareness and encourage individuals to wisely use natural resources.

23. Is there a process for notifying local groups of a proposal submitted by an agency in their area?

Most topic sections contain a criteria for local involvement. The proposal should either state the level and nature of local support, if known, or indicate how the applicant intends to seek

and obtain local support. CALFED has the opportunity to ask applicants questions to clarify information provided in the proposal. When an applicant signs the cover page on a proposal, that applicant is also certifying that he/she is entitled to apply on behalf of the other proposal partners.

24. The subsequent funding rounds could be narrowly focused. If we have a project funded for the design phase, should we go ahead and submit for construction and monitoring under this PSP though the design phase of the project has not yet begun?

This is up to the applicant to determine. Anyone is welcome to submit a proposal meeting the requirement of this PSP. As mentioned, the President's budget for FY 99 contains \$143 million for CALFED. The federal budget has not yet been passed by Congress, however, and is subject to change. CALFED cannot advise potential applicants what to expect at this time.

25. Is there a project limit on the amount of money requested?

No. Note, however, that there is a maximum total amount of money to be awarded in each topic area. Moreover, cost is a criterion for all topics except Local Watershed Stewardship and Environmental Education.

26. Are there any recommendations on how to simplify or streamline the contractual process when there are multiple partners for one proposal?

As explained on page 9 of the PSP, if there is more than one party in the proposal, specify who will sign the contract and clearly identify which party will perform which tasks.

27. How should proposals best coordinate with CALFED's comprehensive monitoring program?

As described on page 14 of the PSP, CALFED staff will evaluate individual project's monitoring plans to ensure coordination with CALFED's comprehensive monitoring program that is currently under development.

28. Are consultants that are currently working on CALFED excluded from participating in a proposal?

As indicated on page 20 of the PSP, all applicants are subject to state and federal conflict of interest laws, and consultants should seek advice from their own legal representative. In addition to consultant self-review, rejection of proposals by CALFED is possible due to

conflicts of interest. Conflict of interest questions will be determined on a case-by-case basis with advice from the California Attorney General's Office.

29. Does CALFED have a position on fish passage assessments involving the removal of dams, that, after dam removal, may open up habitat that requires "physical modification" for it to become anadromous habitat?

Quality and quantity of upstream habitat will be considered in the evaluation of ecological/biological benefits.

30. Are those projects funded with federal dollars required to solicit three bids for subcontractor services?

If an applicant for federal funding is a government entity such as a state or local agency, state college or university, then their standard procurement procedures for competitive bidding and sole source justification will determine how subcontracts are selected. If an applicant is a non-profit organization or other private party, then they will have to explain in their application what type of competitive process they will use to select subcontractors. This is based upon the applicable Office of Management and Budget Circulars which indicate either organizational procurement regulation applicability or Federal Acquisition Regulation (FAR) applicability.

31. If subcontractors are specified in the proposal does this satisfy the state's contracting code requirement for listing of subcontractors?

If an applicant for a state-funded topic has already selected subcontractors by the time proposals are due on July 2, 1998, the proposal should indicate: (1) the name of each subcontractor who will perform work under the proposal; and (2) the portion of the work each subcontractor will perform under the proposal. (See PSP page 19, H.VI.) Proposals for the construction of public works or improvements must also comply with the requirements of the Subletting and Subcontracting Fair Practices Act, commencing with Public Contract Code section 4100. (See Proposal Solicitation Package, Attachment D, Item 4 [General Conditions for Public Works Contracts].) Applicants submitting proposals for the construction of public works or improvements should refer to section 4104 of the Public Contract Code.

If an applicant for a state-funded topic has not yet selected all subcontractors by the time proposals are due on July 2, 1998, any subsequently formed subcontracts require approval by CALFED/NFWF. Note that for subcontracts formed after the time proposals are due, the contractor must: (1) obtain at least three competitive bids for each subcontract; or (2) explain how the subcontract falls within the provisions of Government Code section 4525 et seq., if applicable; or (3) provide written justification explaining other grounds for not complying

with competitive bidding requirements. CALFED/NFWF will evaluate the adequacy of justifications for not complying with competitive bidding requirements on a case-by-case basis.

32. Are Standard Form (SF) 424, 424A, 424B, and 424C required to be submitted for projects requesting federal funds?

Applicants are not required to submit a complete Standard Form. They may submit drafts of these forms to expedite preparation of a cooperative agreement if their project is ultimately selected.