

July 2, 2015

Shakoora Azimi-Gaylon
Sacramento-San Joaquin Delta Conservancy
1450 Halyard Drive
West Sacramento, CA 95691-5038

Subject: Announcement Number EPA-REG9-WPDG-15—16: FY15 Region 9 Wetland Program Development Grants (WPDG)

Dear Shakoora:

I am pleased to congratulate you and the Delta Conservancy for being selected as a recipient of an Environmental Protection Agency FY15 Wetland Program Development Grant. The Delta Conservancy's "*Advancing Performance Measure Reporting for New and Continuing Landscape Restoration Projects: A Collaborative Project for the Delta Stewardship Council and Sacramento-San Joaquin Delta Conservancy*" proposal was chosen because you and your organization produced an exemplary proposal—one that demonstrates a readiness to realize real measurable environmental improvements.

This competition generated many outstanding proposals. The Agency was extremely impressed with the array of worthy proposals. The Delta Conservancy has been selected to submit a formal application for a cooperative agreement for the WPDG project in the amount of \$249,180.38 in federal funds. The amount offered is less than what you requested because each of the Wetland grants proposed for funding this year is required to be reduced by just over 0.6%. This is in accordance with the rescission required by Public Law 113-235.

As you know, this round of selected wetland grants would likely be funded with both FY 15 and FY 16 funds. EPA proposes to partially fund your proposal with \$124,180.38 for this FY 15 budget period. In addition, we anticipate that \$125,000.00 will be awarded next fiscal year. The FY 16 award would be contingent upon the project's satisfactory progress as certified by the EPA Project Officer, the availability of the FY 2016 funds, and EPA priorities. If for some reason the full amount of FY 16 funds was not available, it is understood that the scope of work would be renegotiated to reflect the amount awarded. Matching requirements will remain the same and will be based on the total award amount.

This letter is not an official notification of an award – only the EPA Grants Management Office can make an official award offer. Please keep a copy of this letter for your reference. The purpose of this letter is to advise you of the status of your proposal and to provide you with additional information regarding the next steps in the process. Please note that the award will be official and final only after approval of your final application and a notice of award approval issued by the EPA Award Official. Please see the enclosure regarding EPA's policy for disclosure of conflicts of interest (COI Policy) that may affect EPA financial assistance awards.

I will be the EPA Project Officer for this cooperative agreement and will soon be in contact with you to complete the grant award process. If you have any additional questions please feel free to contact me at 415-972-3470.


Congratulations and good luck with your project. We look forward to working with you in the near future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Jones".

Paul Jones

Wetlands Office (W-2-4)

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement	GRANT NUMBER (FAIN): 99T17001 MODIFICATION NUMBER: 0 PROGRAM CODE: CD	DATE OF AWARD 09/16/2014
		TYPE OF ACTION New	MAILING DATE 09/23/2014
		PAYMENT METHOD: Advance	ACH# 90779
		RECIPIENT TYPE: State	
RECIPIENT: Sacramento-San Joaquin Delta Conservancy 1450 Halyard Drive West Sacramento, CA 95691 EIN: 01-0967313		PAYEE: Sacramento-San Joaquin Delta Conservancy 1450 Halyard Drive West Sacramento, CA 95691	
PROJECT MANAGER Kathryn Kynett 1450 Halyard Drive West Sacramento, CA 95691 E-Mail: Kathryn.Kynett@Deltaconservancy.ca.gov Phone: 916-376-4024		EPA PROJECT OFFICER Paul Jones 75 Hawthorne Street, WTR-2-4 San Francisco, CA 94105 E-Mail: Jones.Paul@epa.gov Phone: 415-972-3470	
EPA GRANT SPECIALIST Veronica Adams Grants Management Office, MTS-7 E-Mail: Adams_Veronica@epa.gov Phone: 415-972-3677			
PROJECT TITLE AND DESCRIPTION Wetland Protection Development-Visualizing and Sharing Intensive Data Assessments The Delta Conservancy will: (a) collect high-priority datasets with strategic value for the Bay-Delta region, (b) visualize those datasets geospatially, (c) share those datasets via web services, and (d) implement the best available planning measures for restoration and mitigation projects. This data will be standardized and incorporated into EcoAtlas, a public online mapping tool for visualizing the condition and extent of California's aquatic resources. This assistance agreement provides full federal funding in the amount of \$250,000.00.			
BUDGET PERIOD 10/01/2014 - 09/01/2017	PROJECT PERIOD 10/01/2014 - 09/01/2017	TOTAL BUDGET PERIOD COST \$333,500.00	TOTAL PROJECT PERIOD COST \$333,500.00
NOTICE OF AWARD			
<p>Based on your Application dated 04/01/2014 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$250,000. EPA agrees to cost-share 74.96% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$250,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.</p>			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105		ORGANIZATION / ADDRESS U.S. EPA, Region 9 Water Division, WTR-1 75 Hawthorne Street San Francisco, CA 94105	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official Susan Chiu - Acting Grants Management Officer			DATE 09/16/2014

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 250,000	\$ 250,000
EPA In-Kind Amount	\$	\$ 0	\$ 0
Unexpended Prior Year Balance	\$	\$ 0	\$ 0
Other Federal Funds	\$	\$ 0	\$ 0
Recipient Contribution	\$	\$ 40,250	\$ 40,250
State Contribution	\$	\$ 6,000	\$ 6,000
Local Contribution	\$	\$ 0	\$ 0
Other Contribution	\$	\$ 37,250	\$ 37,250
Allowable Project Cost	\$ 0	\$ 333,500	\$ 333,500

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.461 - Regional Wetlands Program Development Grants	Clean Water Act: Sec. 104(b)(3)	40 CFR PTS 31 & 35 SUBPT A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1409W8E003	14	E1	09L2	202B07	4153			250,000
									250,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$31,000
2. Fringe Benefits	\$6,200
3. Travel	\$2,800
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$247,250
7. Construction	\$0
8. Other	\$46,250
9. Total Direct Charges	\$333,500
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>25.04</u> % Federal <u>74.96</u> %.)	\$333,500
12. Total Approved Assistance Amount	\$250,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$250,000
15. Total EPA Amount Awarded To Date	\$250,000

Administrative Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at: http://www.epa.gov/ogd/general_tc.pdf. These terms and conditions are in addition to the assurances and certifications made as part of the award and the terms, conditions or restrictions cited below. The EPA repository for the general terms and conditions by year can be found at: <http://www.epa.gov/ogd/tc.htm>.

A. Annual Federal Financial Report (FFR) - SF 425

For awards with cumulative project and budget periods greater than 12 months, the recipient will submit an annual FFR (SF 425) covering the period from "project/budget period start date" to **September 30** of each calendar year to the U.S. EPA Las Vegas Finance Center (LVFC). The FFR will be submitted electronically to lvfc-grants@epa.gov no later than **December 30** of the same calendar year. The form with instructions can be found on LVFC's website at <http://www2.epa.gov/financial/forms>.

B. Procurement

The recipient will ensure all procurement transactions will be conducted in a manner providing full and open competition consistent with EPA regulations under 40 CFR Part 30.43, 31.36 or 35.6555, as applicable. In accordance with 40 CFR Part 30.45, 31.36(f) or 35.6585, as applicable, the grantee and subgrantee(s) must perform a cost or price analysis in connection with every procurement action, including contract modifications.

C. Six Good Faith Efforts 40 CFR Part 33, Subpart C

Pursuant to 40 CFR Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

(c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

D. Utilization of Disadvantaged Business Enterprises

General Compliance, 40 CFR Part 33

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR Part 33.

Fair Share Objectives, 40 CFR Part 33, Subpart D

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE participation in procurement under the financial assistance agreements.

In accordance with 40 CFR Section 33.411 some recipients may be exempt from the fair share objective requirements as described in 40 CFR Part 33, Subpart D.

Recipients should work with their DBE coordinator if they think their organization may qualify for an exemption.

The dollar amount of this assistance agreement, or the total dollar amount of all of the recipient's financial assistance agreements in the current federal fiscal year from EPA is \$250,000 or more. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the California State Water Resources Control Board (CSWRCB), as follows:

	MBE	WBE
Construction	2%	1%
Equipment	1%	1%
Services	1%	1%
Supplies	1%	1%

The recipient accepts the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as California State

Water Resources Control Board (CSWRCB).

Negotiating Fair Share Objectives/Goals, Section 33.404

The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator, Joe Ochab at Ochab.Joe@epa.gov, within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

Contract Administration Provisions, 40 CFR Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR Section 33.302.

Bidders List, 40 CFR Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR Section 33.501 (b) and (c) for specific requirements and exemptions.

E. MBE/WBE Utilization Report

MBE/WBE reporting is limited to annual reports and **only required** for assistance agreements where one or more of the following conditions are met:

- (a) there are any funds budgeted in the contractual, equipment or construction lines of the award; or
- (b) \$3,000 or more is included for supplies; or
- (c) there are funds budgeted for subawards or loans in which the expected budget(s) meet the conditions as described in items (a) and (b).

If this award meets one or more of the conditions as described above, the recipient agrees to complete a “MBE/WBE Utilization under Federal Grants, Cooperative Agreements and Interagency Agreements” report (EPA Form 5700-52A) on an annual

basis and submit it electronically to grantsregion9@epa.gov. When completing the annual report, recipients are instructed to check the box titled “annual” in Section 1B of the form. For the final report, recipients are instructed to check the box indicated for the “last report” of the project in Section 1B of the form. The current EPA Form 5700-52A can be found at the EPA Office of Small Business Program’s Home Page at http://www.epa.gov/osbp/dbe_reporting.htm.

The annual report is due by October 30th of each year. The final report is due within 90 days after the end of the project period or by October 30th, whichever comes first.

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Fair Share Objectives negotiation as described in 40 CFR Part 33 Subpart D.

F. Indirect Costs

The Cost Principles under OMB Circular A-21, A-87 or A-122 apply to this award. Since there are no indirect costs included in the assistance budget, they are not allowable under this Assistance Agreement.

G. Non-Federal Third-Party Contributions

This award includes **\$43,250.00** of estimated non-federal third party contributions. Third party contributions counting towards satisfying a cost sharing or matching requirement must be verifiable from the records of grantees and subgrantees. As applicable, these records must reflect how the value is placed on third party contributions. The value of third party contributions must be applicable to the period to which the cost sharing or matching requirement apply (refer to 40 CFR Part 31.24 or Part 30.23 as applicable).

Programmatic Conditions

a. All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at www.fgdc.gov.

b. The recipient agrees to provide the proposed leveraged funding, including any voluntary cost share contribution or overmatch, that is described in the grant proposal work plan dated April 1, 2014 and revised on July 11, 2014. If the proposed leveraging does not materialize during the period of award performance, and the recipient does not provide a satisfactory explanation, the Agency may consider this factor in evaluating future proposals from the recipient. In addition, if the proposed leveraging does not

materialize during the period of award performance then EPA may reconsider the legitimacy of the award; if EPA determines that the recipient knowingly or recklessly provided inaccurate information regarding the leveraged funding the recipient described in its proposal work plan dated April 1, 2014 and revised on July 11, 2014. EPA may take action as authorized by 40 CFR Parts 30 or 31 and/or 2 CFR Part 180 as applicable.

c. This award and the resulting federal funding of \$250,000 is based on estimated costs requested in the recipient's application dated 4/1/2014 and revised on 7/11/14. Included in these costs is a contribution of \$83,000 by the recipient in the form of a voluntary cost-share (providing the minimum required 25% in kind match) that the recipient included in its proposal dated 4/1/2014 and revised on 7/11/2014. The recipient must provide this voluntary cost-share contribution during performance of this award unless the EPA agrees otherwise in a modification to this agreement. While actual total costs may differ from the estimates in the recipient's application, EPA's participation shall not exceed the total amount of federal funds awarded.

If the recipient fails to provide the voluntary cost share contribution during the period of award performance, and does not provide a satisfactory explanation, the Agency may consider this factor in evaluating future proposals from the recipient. In addition, if the voluntary cost-share contribution does not materialize during the period of award performance then EPA may reconsider the legitimacy of the award; if EPA determines that the recipient knowingly or recklessly provided inaccurate information regarding the voluntary cost-share or overmatch the recipient described in its proposal dated 4/1/2014 and revised on 7/11/2014, EPA may take action as authorized by 40 CFR Parts 30 or 31 and/or 2 CFR Part 180 as applicable.

d. The recipient shall submit semi-annual progress reports to the EPA Project Officer within 30 calendar days after the end of each six month reporting period. Six month reporting periods run from October 1 to March 31 and from April 1 to September 30 of each year that the project period is open. Progress reports for these six month reporting periods are due by April 30 and October 31, respectively. The progress reports should include:

- a discussion of the activities conducted during the six month period (including a comparison of actual accomplishments with the anticipated outputs and outcomes specified in the workplan)
- progress towards milestones
- problems encountered with achieving outputs and outcomes, and their resolution
- activities planned for the next six months
- a financial accounting of costs incurred during the six month reporting period, and
- cumulative project costs (EPA and match amounts) since the beginning of the project,

by task.

In addition, progress reports should identify any special EPA assistance needed, and an explanation of any cost overruns. The recipient will notify the EPA Project Officer if something materially impairs their ability to complete the tasks and deliver the products, outputs and outcomes identified in the workplan.

Within 90 days of the end of the project period, the recipient must submit 2 hard copies of the final report, documenting project activities over the entire project period and the recipient's achievements with respect to the project's purposes and objectives. The final report must also be submitted electronically (by email or CD) to the EPA Project Officer.

e. This grant includes the performance of environmental measurements, therefore, a QA Plan or Sampling and Analysis Plan must be prepared. The recipient should consult with the Region 9 Quality Assurance Office to determine what type of QA documentation would be most appropriate and what QA guidance should be followed. The QA Plan must be approved by the EPA Project Officer, the Region 9 Quality Assurance Manager, and the recipient's Quality Assurance Officer before measurement activities are undertaken. Emergency measurements may be taken without a QA Plan being prepared if the Region 9 Quality Assurance Manager agrees that the nature of the data collection activity required due to the emergency warrants an exemption. Contact the QA Office at 415-972-3411.

-- End of Document --