Local Levee Grant Program

Guidelines for
Implementing Grants to Local Agencies Under

Chapter 34, California Statues of 2006
and Proposition 84 of 2006

Department of Water Resources
Division of Flood Management
March 2007

Guidelines for Local Levee Grants

March 2007

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Guidelines for Local Levee Grants

March 2007

I. Purpose

The purpose of these guidelines is to establish the process and criteria that the Department of Water Resources will use to solicit applications, evaluate proposals, and award grants using funds made available by Chapter 34, California Statutes of 2006, and voter approval of Proposition 84 in November 2006. These funds were made available to the Department for critical levee repairs and levee evaluations. These guidelines are intended only for credits or reimbursements for actions on local levees.

The program set forth in these guidelines is authorized under Chapter 34, California Statues of 2006 and executive orders appurtenant to it. Chapter 34 is an urgency measure enacted by the Legislature as Assembly Bill 142 and approved by the Governor May 19, 2006. It appropriates $500 million for critically needed flood control work, including geotechnical exploration and evaluation of existing levees and designs and construction of local flood control projects.

In particular, the program is authorized by Executive Order S-18-06, Sections 2 and 2(h), which provide:

> *"[T]he California Department of Water Resources is authorized to use funds appropriated under AB 142 for any of the following:*
> *. . .*
> *(h) To make loans or grants to local government entities to undertake evaluation, planning, design, construction and related activities, including ecosystem restoration, that are urgently needed to stabilize, repair, restore, improve, replace or construct levees and other flood control systems that are not part of the State-federal flood control projects, but which have been critically damaged or degraded, and to require cost-sharing by local governmental agencies benefiting from such activities and projects. . ."*

This program is also authorized by Proposition 84, approved by the California voters on November 7, 2006. Proposition 84 enacted Section 75032 of the California Public Resources Code, which states:

> *The sum of two hundred seventy five million dollars ($275,000,000) shall be available to the department for the following flood control projects:*

(a) The inspection and evaluation of the integrity and capability of existing flood control project facilities and the development of an economically viable flood control rehabilitation plan.
(b) Improvement, construction, modification, and relocation of flood control levees, weirs, or bypasses including repair of critical bank and levee erosion.
(c) Projects to improve the department's emergency response capability
(d) Environmental mitigation and infrastructure relocation costs related to projects under this section.
(e) To the extent feasible, the department shall implement a multiobjective management approach for floodplains that would include, but not be limited to, increased flood protection, ecosystem restoration, and farmland protection.

These guidelines were established following public meetings at (*places, dates*). All written or oral input to the public meetings has been considered in their development.

II. Introduction and Overview

Grants covered by these guidelines include:

- Local Levee Urgent Repair (LLUR) Grants: For repair and improvement of local flood control facilities, including critically erosion-damaged, local levees, local levees with unstable slopes, and other local, unstable facilities. The funds allocated for these grants will be expended through competitive or directed grants to local agencies responsible for flood control at the project location. Grants will be offered competitively Statewide to qualified applicants.

- Local Levee Evaluations (LOLE) Grants: For geotechnical exploration of existing local levees and evaluation of the collected data with regard to stability, seepage, and underseepage. The funds allocated for these grants will be expended through competitive grants. Grants will be offered competitively Statewide to qualified applicants.

DWR may reduce or increase the amounts allocated at its discretion to balance needs for these programs, expenditures for critical levee erosion and seepage repairs and other expenditures under existing programs.

GENERAL PROCESS FOR A LOCAL LEVEE GRANT

- **DWR solicits proposals for projects, issuing a Solicitation Notice and a Proposal Solicitation Package (V.A).**
- **DWR posts the PSP on the DWR website (V.A).**
- **DWR conducts Applicant Assistance Workshops (V.B).[1]**
- **Agencies submit applications using the DWR form from the PSP (V.A, V.C).**
- **DWR screens applications for applicant eligibility, timeliness, completeness, and correct format (V.A, V.C).**
- **DWR assigns a project type to each proposed project (V.E)**
- **DWR Project Evaluation Team reviews and scores applications according to competitive evaluation criteria (V.D, V.E).**
- **DWR Selection Panel reviews scoring, recommends projects to be funded, and submits recommended priority and funding list to the Director (V.E).**
- **Director approves priority and funding (V.F).**
- **DWR notifies selected applicants by mail and posts approved priority and funding list on website (V.F).**
- **Applicant indicates acceptance and becomes the sponsor (V.F).**
- **DWR and the sponsor enter into a reimbursement agreement or credit agreement (VI.A, VI.B).**
- **Sponsor develops a work plan (VI.C).**
- **DWR and the sponsor negotiate and execute a grant agreement (VI.C).**
- **Sponsor's work becomes eligible for reimbursement (VI.C).**
- **The sponsor proceeds with the w, periodically reporting progress and requesting reimbursement (VII.A).**
- **DWR reimburses eligible invoiced expenditures using grant funds (IV.C).**
- **The sponsor completes the project and submits all required output including the final report (VI.C, VII.B).**
- **DWR accepts the project in writing and returns all retained funds (IV.F, IV.G).**
- **For LLUR projects, the sponsor maintains the project (IV.H, VI.C).**

[1] **At its discretion, DWR may or may not hold Applicant Assistance Workshops based on the anticipated attendance.**

III. Definitions and Acronyms

These definitions and acronyms apply throughout these Guidelines:

Accepted Design means a design accepted by DWR as the basis for a grant under the LLUR Program, substantially conforming to the guidelines in Section VIII.B.

Applicant means a local public agency, or an organization representing more than one local public agency, which has legal authority and jurisdiction to implement flood control programs and files an application for funding under the provisions of the statutes enacted by Assembly Bill 142 of 2006 or Proposition 84 of 2006 and these Guidelines

CEQA means the California Environmental Quality Act, Public Resources Code Sections 21000 *et seq*.

Construction means those actions taken to put a designed project into effect.

CPM diagram means a Critical Path Method diagram, which is a schedule that is derived by calculating the total duration of a project based on individual task durations and their interdependencies. A CPM diagram is usually depicted in a bar graph format, graphically showing the task durations and interdependencies.

Critical Damage means levee, bank, or internal erosion that, in the opinion of an engineer registered pursuant to California law, renders the levee system incapable of safely carrying the design flood flow.

DWR means the California Department of Water Resources.

Design means all activities following a feasibility study leading to physical definition of the project in sufficient detail to enable project construction.

Director means the Director of DWR.

Economic feasibility is determined by calculating the ratio of economic benefits to economic costs for a given alternative. A project is “economically feasible” when this ratio is greater than or equal to one.

Feasibility study means an investigation resulting in a report that provides the information for design and construction of a project, and demonstrates whether the described approach is economically and technically feasible and appropriate for construction.

Grant Agreement means the agreement between DWR and a sponsor describing the conditions under which a project will be performed. A grant agreement may be further characterized as an evaluation agreement, project agreement, or a construction agreement where it is appropriate in context.

Lead agency, according to context, means (a) the local public agency designated to lead the project when the sponsor is an organization representing more than one local public agency, or (b) the agency responsible for CEQA documentation.

Levee means an embankment intentionally constructed for the purpose of preventing overflow of a watercourse.

Local in reference to a flood control facility means not a part of the State Plan of Flood Control for the Central Valley and not located within the legal boundary of the Sacramento-San Joaquin Delta given in California Water Code Section 12220.

Local Levee Grant Program means the overall program for grants to local agencies under AB 142 and Propositions 84 and 1E of 2006, including its constituent LLUR and LOLE Programs.

Local public agency means any political subdivision of the State of California within the appropriate location and with appropriate flood control responsibilities, including, but not limited to, a county, city, city and county, district, joint powers agency, or council of governments.

LOLE means Local Levee Evaluation.

LLUR means Local Levee Urgent Repair.

Milestone means a time when a significant portion of a project is completed, as defined in the project agreement as a time for disbursement of project funds.

Non-Project, as an adjective referring to a levee or other flood control facility, means a flood control facility which was not constructed by the State and/or for which the State has not provided the nonfederal assurances of operation and maintenance to the federal government.

Pre-project costs means costs related to a Local Levee Grant Program project that qualifies for reimbursement in all respects except that they were incurred before the signing of a grant agreement.

Project, as a noun referring to a levee evaluation, planning, design, or construction undertaking, means all testing, planning, engineering, acquisition of real property interests, construction and related activities undertaken to implement a discrete action undertaken under the Local Levee Grant Program, or the statutes enacted by Proposition 84 of 2006.

Project, as an adjective referring to a flood control facility, means a part of either the Sacramento River Flood Control Project, the San Joaquin River Flood Control System, or other flood control feature in the Central Valley of California for which the State has constructed the feature and/or provided the nonfederal assurances of operation and maintenance to the federal government. These facilities are or will be included in the State Plan of Flood Control for the Central Valley.

Project costs means costs related the Local Levee Grant Program project that qualifies for reimbursement in all respects.

PSP means Proposal Solicitation Package.

Rural community means any contiguous area with a population density of 3,000 or more people per square mile, in which a proposed project would protect more than 500 people.

Sponsor means an applicant who has received funding, either through the selection process described in these guidelines or by direct DWR selection.

State Plan of Flood Control for the Central Valley means facilities that are part of either the Sacramento River Flood Control Project, the San Joaquin River Flood Control System, or other flood control feature in the Central Valley of California for which the State has constructed the feature and/or provided the nonfederal assurances of operation and maintenance to the federal government.

Urban area means any contiguous area in which a proposed project would protect more than 10,000 residents.

USACE means the United States Army Corps of Engineers.

IV. General Requirements

The following requirements apply to all Local Levee Grant Program projects.

SOME FEATURES OF AN ACCEPTABLY COMPLETED PROJECT

- **Qualified sponsor (IV.A).**
- **Acceptable application (V.E, VIII.B, VIII.D, VIII.F, VIII.G, IX).**
- **Selected by competitive review process or directed by DWR (V).**
- **Credit agreement or reimbursement agreement executed (VI.A, VI.B).**
- **Project Agreement executed (VI.C).**
- **(Construction Projects) Maintenance Plan provided (IV.F).**
- **All output produced (VIII.A, VIII.C, VIII.E).**

A. Qualifications of Applicants

An applicant for funds from the Local Levee Grant Program may be a local public agency or an organization representing more than one local public agency. The local public agency or the lead agency of the organization must be responsible for flood control in the area of the proposed project or evaluation. On approval of the application and granting of funds, such organization may remain a sponsor, or may transfer such approval to another eligible organization to sponsor the project, subject to concurrence by DWR.

An applicant for a LLUR grant must document that it will be able to ensure the operation and maintenance of the completed project in perpetuity, or until DWR agrees in writing that maintenance is no longer required.

B. Conditions for Local Levee Grant Program Funding

Local Levee Grant Program funds are available Statewide for facilities that are not a part of the State Plan of Flood Control for the Central Valley and are not located within the Sacramento-San Joaquin Delta.

Disbursement of Local Levee Grant Program funds to local agencies will be under a grant agreement between DWR and the sponsor. The sponsor must provide copies of resolutions from all member organizations, accepting the funds and authorizing specific individuals to sign the grant agreement on behalf of each.

All grant agreements with local sponsors must be signed by the sponsor, and, if the sponsor has more than one component organization, all the member organizations. If a grant agreement is not signed within six months

of the date the application is approved, the grant may be withdrawn or the application revised.

DWR may enter into a construction agreement under the LLUR Program or an evaluation agreement under the LOLE Program before the sponsor has obtained all applicable permits, but will not disburse any grant funds until the sponsor has complied with all applicable federal, State, and local laws, rules and guidelines, and obtained all required permits.

The sponsor must develop a work plan satisfactory to DWR. To assist the sponsor to develop a work plan, DWR may visit the work site to assess its conditions and needs, and may confer with the sponsor, supporters, and other local officials, agencies, and organizations with an interest in the project, and convey recommendations and information obtained from these efforts to the sponsor.

For LLUR projects, the sponsor (or lead agency) and DWR shall agree on the subdivision of the project into tasks. The sponsor may further subdivide the project into subtasks for its convenience. The work plan must include the specific schedule and tasks of the work to be undertaken. For LOLE projects, the tasks will include, but not limited to:

- Field testing,
- Laboratory testing, and
- Engineering analysis and report preparation.

The work plan for a LOLE project must include the proposed locations of the test sites and a specific schedule of the work to be undertaken, in relation to the test sites.

The sponsor may revise the work plan from time to time during the term of the grant agreement with the approval of DWR. Revision of the work plan may result in a redistribution of funds among tasks.

Compliance with applicable laws, including California Labor Code provisions, will become an obligation of the sponsor under the terms of the grant agreement between the sponsor and DWR. The sponsor's Labor Compliance Program must be in place at the time of performing a public works project by the sponsor. Before submitting an application, applicants are urged to seek legal counsel regarding California Labor Code compliance.

Before DWR will execute the grant agreement, the sponsor must provide the following:

- A finance plan that demonstrates to DWR's satisfaction the sponsor's ability to complete the project or evaluation.

- Evidence that the sponsor has a Labor Compliance Program.
- For LLUR projects, a finding of an engineer that the project is necessary because the flood control system has been critically damaged. The finding must be approved and signed by a duly authorized representative of the agency's governing board.

C. Payment for Local Levee Grant Program Projects or Evaluations

DWR will grant up to fifty percent of the estimated cost of the work for all Local Levee Grant Program projects or evaluations.

Project sponsors will be expected to contribute the remaining portion of the project or evaluation costs, either through direct contribution or by use of credit, as defined in Section IV.E. Direct contributions may originate from local, federal or other non-State sources. State funds from any source must not be used as the local share of project costs.

PROJECT REIMBURSEMENT CATEGORIES

DWR will reimburse for project work in the following categories:

- **For construction in LLUR projects, contract items as they appear in the estimate in the project agreement (VIII.G).**
- **For design in LLUR projects, tasks described in the work plan (VIII.F).**
- **For LOLE projects, three specified tasks (IX.C).**

Actual reimbursement is subject to the following limitations:

- Total reimbursement may not exceed
  - The amount of the grant.
  - The actual cost of the project or evaluation work.
- For LLUR projects, DWR will apply a maximum State funding of $5,000,000 per applicant, whether or not the applicant submits applications for more than one project. For LOLE projects, DWR will apply a maximum State funding of $1,000,000 per applicant, whether or not the applicant submits applications more than one evaluation. The Director may authorize variances to these rules to fund grants for projects or evaluations with exceptional circumstances.
- Reimbursement for an individual task may not exceed 115 percent of the estimated cost in the current project or evaluation budget. Contingency funds allocated to the task will be included in the calculated reimbursement.
- Contingencies may be used for any task as needed but may not be used for work other than the tasks in the project or evaluation agreement.
- Reimbursement using credits, when allowed, is part of total reimbursement and individual task reimbursement.

REIMBURSEMENT REQUESTS

- **Must be on DWR form.**
- **Must have continuous, non-overlapping work periods.**
- **Must have explanation for billed work from past periods.**

Work performed before a project or evaluation agreement is executed may be reimbursable or eligible for crediting against the local share of a project or evaluation, as described in Sections IV.D and IV.E.

Grant funds or allocations will be paid to local sponsors in arrears on a reimbursable basis at least quarterly but no more often than monthly at DWR's discretion, subsequent to submittal and approval of reimbursement requests (invoices) and progress reports. The sponsor must submit reimbursement requests in duplicate on a summary billing form provided by DWR. The DWR form will provide a continuous record of payments, retained amounts, and other data. The sponsor must provide the following information:

- The amount requested for payment, before retention, for each task or item.
- For field testing and laboratory testing on LOLE projects, the number of sites completed.
- The total amount requested.
- The sponsor's request number.
- The State agreement number.
- The date of submittal.
- The beginning and end dates of the work covered by the requested payment. The time periods covered by successive invoices must be continuous and must not overlap.
- A separate explanation of any billed work attributed to past work periods, establishing the appropriateness and non-duplicative nature of the charges.
- An original signature of the sponsor's officer requesting payment on both copies, in an ink colored other than black.
- One copy of records substantiating the requested payment. For LOLE projects, substantiating records must include the field location of completed field testing and laboratory testing sites.

DWR will return one copy of the summary billing form to the sponsor, completed with cumulative payment and retention information and other information added by DWR.

Funds will be disbursed as provided in the project or evaluation agreement to reimburse costs incurred by the sponsor, but not for the following:

- Activities that could affect the environment, until the sponsor complies with all applicable requirements of CEQA and other environmental laws.
- Activities requiring permits, until the permits are obtained.

If a project sponsor under the LLUR Program fails to meet the guidelines in Section VIII.D regarding environmental documentation, no further payments will be made pursuant to the project agreement until a final CEQA document has been adopted and a Notice of Determination has been filed. Payments may be reinstated at DWR's discretion at that time.

D. Reimbursement for Work Performed Prior to Execution of the Project Agreement

Local agencies may begin work before receiving a grant. DWR will reimburse the State share of the pre-project costs of such work with Local Levee Grant Program funds under the following conditions:

- The local agency and DWR have executed a reimbursement agreement as provided in Section VI.A.
- For LLUR projects, an approved design was in place before work to be subject to cost reimbursement began.
- DWR has approved the actual work in writing.
- The local agency and DWR have entered into a project agreement to fund a Local Levee Grant Program project at the same locations.
- Total payment including reimbursement under this section is limited to the amount of the grant.
- Costs incurred before May 19, 2006 will not be reimbursed from funds deriving from Chapter 34, California Statutes of 2006.
- Costs incurred before November 8, 2006 will not be reimbursed from funds deriving from Proposition 84 of 2006.

E. Credit for Work Performed Prior to Execution of the Project Agreement

Under the LLUR Program, at the sole discretion of DWR, credit may be issued to the sponsor for a portion of pre-project costs. The sponsor may use issued credit only to reduce the local share of incurred project costs. Issued credit is acknowledgement that the sponsor has incurred expenses that would have accrued to the State if a project agreement had been in place. It does not entitle the sponsor to payment. DWR will issue credit under the following conditions:

- The local agency and DWR have executed a credit agreement as provided in Section VI.B.
- Credit for costs that DWR has not approved in writing will not be issued.

- Total issued credit is limited to a percentage of pre-project costs equal to the State percentage of project costs for the same project for which the credit is issued.
- Costs incurred before the execution date of the credit agreement will not be credited.
- Costs incurred before May 19, 2006 will not be credited to be paid from funds deriving from Chapter 34, California Statutes of 2006.
- Costs incurred before November 8, 2006 will not be credited to be paid from funds deriving from Proposition 84 of 2006.

The sponsor may use credit and DWR may correspondingly use State funds to reimburse project or evaluation costs in addition to the stated State share, under the following conditions:

- Used credit is limited to the amount of issued credit for the same project.
- Used credit is limited to the local share of actual expenses under the project agreement.
- Total State payment including amounts corresponding to used credit is limited to the amount of the grant.
- Total State payment including amounts corresponding to used credit is limited to the total of project costs.

F. Retention of Funds

DWR will retain ten percent of all approved payments to assure satisfactory completion of individual tasks. The agreed tasks will be the basis of return of retained funds. No return of retention will be made for subtasks or for partially completed tasks.

When all work associated with a task described in the work plan has been completed to the satisfaction of DWR and all required products for that task have been submitted to and approved by DWR, the sponsor may request payment of retained funds. DWR at its sole discretion may pay the retained funds for that task to the sponsor. After the retained funds for a task have been paid, no further payment will be made for that task.

G. Project or Evaluation Acceptance

DWR will notify the sponsor that the project or evaluation is accepted and will release any remaining retained funds when the following criteria are satisfied:

- The work is completed to the satisfaction of DWR.
- The sponsor has provided and DWR has accepted all products required by the project or evaluation agreement.

- The sponsor has provided and DWR has accepted a final report, as described in Section VII.B.

H. Maintenance Plan for LLUR Projects

For a construction project, the sponsor must provide a maintenance plan satisfactory to DWR that must include:

- A description of the facilities and properties to be maintained.
- The name of the maintaining agency.
- A provision requiring the sponsor to maintain the completed project in perpetuity or until DWR agrees in writing that maintenance is no longer required.
- A description of periodic maintenance activities that will be performed, and the frequency and timing of performance.
- Disclosure of the source of funds for the maintenance.
- A certification under penalty of perjury that the sponsor can pay for maintenance of the project facilities and any land to be acquired from funds available to the sponsor.
- A provision requiring the sponsor to provide annual pictorial reports to DWR each year between July 1 and July 15 during the five-year period after project construction, describing the maintenance activities performed during the year and any maintenance problems that currently exist.
- A provision that the sponsor assures that during the five-year period after project construction the maintenance measures or repairs that DWR deems necessary will be promptly taken or made.

I. Project Default

If for any reason the sponsor is unable to complete the project or evaluation, DWR at its sole discretion may:

- Cancel the project or evaluation agreement.
- Complete the project or evaluation using its own resources.
- Contract with the current or any other contractor to compete the project or evaluation.
- Require that the sponsor return all or a portion of State funds, with five percent interest accruing from the date the funds were provided.

V. Project Selection Process

A. General Proposal Solicitation Process

Eligible local public agencies may apply for competitive program grants for LLUR or LOLE projects at such times as DWR may designate. DWR will designate times and funding availability in one or more solicitation notice and Proposal Solicitation Package for LLUR and LOLE grants. Applications for proposed projects or evaluations must be submitted in response to a solicitation notice and in accordance with a PSP issued by DWR. DWR will send notices to flood control agencies, and also to all individuals and organizations that have requested notice of the opportunity to submit applications. Notices may be given by mail, electronic mail, website posting, or any other method that provides easy access and prompt availability.

Applicants must request a PSP from DWR or obtain one online. The PSP will provide detailed instructions on the mechanics of submitting proposals and additional information on submittal requirements. These guidelines, including listed requirements for LLUR and LOLE grants, are considered a part of each PSP.

APPLICATIONS FOR LOCAL LEVEE GRANTS

Applications must be:

- **From eligible applicants (IV.A).**
- **For a local project (II).**
- **On time (V.E).**
- **Complete (V.E).**
- **In the required format (VIII.A, VIII.C, IX.A, IX.B).**

DWR will not accept applications that fail to meet these requirements.

The PSPs will be posted on a DWR website at

http://www.floodsafe.water.ca.gov

Applications must be made on a form prescribed by the Department and contained in the PSP. Applicants may obtain a PSP online or by requesting a package by e-mail, mail, telephone, or fax. Addresses are:

E-mail: dany@water.ca.gov

Mail: Dan Yamanaka, Project Manager
Department of Water Resources
3310 El Camino Avenue
P.O. Box 219000
Sacramento, California 95821

Fax: Dan Yamanaka
(916) 574-0677

Telephone: Dan Yamanaka
(916) 574-0632

B. Applicant Assistance Workshops

Depending upon the anticipated need, DWR may conduct applicant assistance workshops to address applicant questions and to provide general assistance to applicants and directed grant sponsors in preparing their applications. Dates and locations of any scheduled workshops will be provided in the PSPs. In addition to the informational workshops, applicants are encouraged to seek assistance from DWR staff in understanding program requirements and completing grant applications.

C. Application Requirements

Applicants must be eligible to receive a grant under the provisions of Section IV.A. Applications from ineligible applicants will not be reviewed or considered for funding.

Applications may include attachments with supplemental materials such as design plans and specifications, detailed cost estimates, feasibility studies, reports on pilot projects, maps, diagrams, letters of support, copies of agreements, records of previous geotechnical explorations, or other applicable items. Hard copy applications will be accepted. However, applicants are encouraged to submit applications and supporting documents in an electronic format. Electronically formatted applications must be followed promptly by one printed copy of each included item. Hard copy applications must be submitted in duplicate.

All applications and supporting documents must be appropriately date-marked by the submittal deadline in the PSP. Any material submitted after the deadline, except printed copies of electronically formatted and submitted applications, will not be reviewed or considered for funding and will be returned to the applicant.

All information requested in the PSP or in these guidelines must be provided or its omission explained. DWR staff will review each application for completeness. If the PSP requests information not relevant to a proposal, the applicant must clearly state the reason why the information was not provided. Applications not containing all required information or acceptable reasons for omission will not be further reviewed or considered for funding.

DWR will acknowledge complete applications from eligible applicants within fifteen days of receipt. Applications will be reviewed and compared to project or evaluation priority criteria as described in Appendix A for the LLUR Program and Appendix B for the LOLE Program.

D. Competitive Review Process

DWR's Division of Flood Management will either appoint and maintain a Project Evaluation Team composed of three non-management staff members and, at DWR's discretion, reviewers from outside DWR, or will select an appropriate consultant to review the applications. In either case, DWR may request additional consultation with any appropriate DWR unit, government agency or other consultant, including but not limited to the DWR Division of Local Assistance, the DWR Division of Safety of Dams, the Office of Emergency Services, the Department of Fish and Game, and the USACE.

To promote consistency of evaluation, all Project Evaluation Team members will evaluate all applications, to the extent possible.

For complete applications from eligible applicants, the Project Evaluation Team will finish the evaluation of the projects, including recommending their place on a priority list, within 60 days following the submittal deadline specified in the PSP.

E. Process for Setting Project Priority

DWR will assign a project type to all projects. Within each program (LLUR or LOLE), grants will be made for qualified projects assigned lower-numbered project types until all such projects have been funded. Projects qualify by meeting the acceptability criteria in Appendix A for LLUR projects and Appendix B for LOLE projects.

For LLUR projects, the project types are:

1. Repair of levees critically damaged by levee or bank erosion.
2. Improvement of levees critically damaged by internal erosion.
3. Improvement of local levee slope instability.
4. Improvement of unstable flood control facilities other than levees.

For LOLE projects, the project types are:

1. Evaluation of levees that are certified by the USACE or the Natural Resources Conservation Service, but are at risk of decertification.
2. All other levees.

For projects that contain elements of more than one type, DWR will consider each type as a separate project for the purpose of applying these priorities.

The Project Evaluation Team will individually score proposals in accordance with the competitive criteria in Appendix A for the LLUR Program and Appendix B for the LOLE Program. The review and score will be based on the merit of the entire proposal as a whole, not the merit of an individual component. Following completion of the individual reviews, the reviewers will discuss the proposals, develop a consensus review and score, and assign a final consensus score.

Following completion of the consensus scoring of all eligible proposals, DWR will convene a Selection Panel of DWR managers to review the project types, consensus scores, and comments. Using the evaluations and recommended priorities of the Project Evaluation Team, the Selection Panel will recommend projects to be funded and submit the recommendations to the Director. The Selection Panel may recommend:

- Allocating any portion of the available funds to projects managed and funded directly by the Department.
- Allocating any or all of the remaining available funds to the announced program.
- Allocating any or all of the remaining available LLUR funds to LOLE projects, or LOLE funds to LLUR projects.
- Allocating partial funding to one or more of the projects being funded.

The Selection Panel will generate a recommended priority and funding list for the Director's approval. If during the competitive review process one or more projects become ineligible or are withdrawn, the Selection Panel will recommend sufficient additional projects to utilize available funds. The Selection Panel will consider the following:

- Amount of funds available for the Program.
- Project type.
- Project Evaluation Team review and score.
- Immediacy of completion of the project that may result from the proposal.
- Geographic distribution of funding. The Selection Panel may adjust priorities to ensure that funding is equitably distributed throughout the State.
- Number of proposals. The Selection Panel may recommend reducing individual grant amounts from that requested to allow a greater number of high priority proposals to receive funding. Such reductions will be weighed against the likelihood that reduced funding would make the proposal infeasible for the sponsor.
- Consistency of Project Evaluation Team scoring. The Selection Panel may adjust individual scores to ensure that evaluation criteria have been consistently applied.

F. Funding

The Director will determine the final priority order and the amount of funding for each project on the priority list. Following the Director's approval, DWR will notify the selected applicants by mail of their selection for grants and the grant amounts and will post the priority list of proposals and recommended funding on a DWR website at

http://www.floodsafe.water.ca.gov.

When the applicant indicates acceptance of the grant funding in writing, the applicant becomes the project sponsor. Final award is subject to execution of a satisfactory project or evaluation agreement.

VI. Agreements

As soon as possible after a grant has been awarded through the competitive review process, DWR and the sponsor will enter into a reimbursement agreement, or for the LLUR Program only, a credit agreement.

A. Reimbursement Agreement for LLUR or LOLE Grants

The purposes of the reimbursement agreement are:

- To assure DWR that the sponsor has sufficient financial resources to fully prosecute the work of the project.
- To assure the sponsor that DWR intends to negotiate a project agreement.
- To assure the sponsor that DWR will reimburse the cost of eligible pre-project work as described in Section IV.D., to the extent permitted by applicable law.
- To establish the beginning date from which DWR will reimburse the sponsor for the cost of such prior work, to the extent permitted by applicable law.

B. Credit Agreement for a LLUR Grant

The purposes of the credit agreement are:

- To assure DWR that the sponsor has sufficient financial resources to fully prosecute the work of the project.
- To assure the sponsor that DWR intends to negotiate a project agreement.
- To assure the sponsor that DWR will allow credit for pre-project costs as described in Section IV.E., to the extent permitted by applicable law.

- To establish the beginning date from which DWR will allow the sponsor credit for the cost of such prior work, to the extent permitted by applicable law.

C. Grant Agreement

Before DWR will expend any funds for any Local Levee Grant Program project or evaluation, DWR and the sponsor must enter into a grant agreement. Grant agreements will include provisions suitable for the project or evaluation conditions.

At a minimum, all grant agreements under the Local Levee Grant Program must include:

- A cost-sharing formula that provides that the sponsor pays a specified percentage of the eligible costs of the project.
- A requirement that the sponsor provide evidence that it has an acceptable Labor Compliance Program in place, if funded using Proposition 84.
- A requirement that the sponsor make a progress report to DWR, as described in Section VII.A, as a prerequisite to each disbursement. DWR will monitor progress and may withhold up to 100 percent of the currently requested payment if progress is not satisfactory.
- Either a reference to project completion milestones defined in the work plan, at which time payment of project funds will be made for completed work, or a statement that payment will be made no more often than monthly but at least quarterly in arrears upon receipt of invoices and progress reports.
- A requirement that the sponsor submit a written completion report as described in Section VII.B.
- A requirement that the sponsor indemnify and hold the State, its agencies, officers and employees free and harmless from any and all liability arising out of project activities.
- Any other requirements deemed necessary by DWR including increased requirements with regard to indemnification.

All evaluation agreements must include:

- A work plan that includes:
  - A task breakdown and CPM diagram showing all activities expected to occur during the project.
  - An estimate of the cost of each task and the amount of each task that will be funded using State funds.
    - The estimate must have all costs assigned to tasks except contingencies.
    - Administrative and similar costs are considered to be included in each task related to such costs, and will not be paid separately.

        - The cost of preparing a LOLE Program funding application is considered to be included in the total cost of performing all tasks, and will not be paid separately.
        - No more than seven percent of the total cost of all described tasks may be shown in the estimate as contingencies.
- A provision that individual task costs may overrun or underrun by up to fifteen percent and the task description and estimate in the work plan shall be amended for any expenditure outside these limits.
- A definition of project milestones, if payment is to be made upon milestone completion.
- A provision that DWR may inspect the project at any reasonable time to ensure it is being carried out in accordance with the work plan.
- Any other requirements deemed necessary by DWR.

All construction agreements must include:

- A work plan that includes:
    - A work breakdown, showing all contract items and tasks expected to occur during the project.
        - All actual construction work must be listed by contract item, as the project would be advertised to a contractor.
        - If the project includes design:
            - Tasks shall be shown for activities expected to occur during design.
            - If a final CEQA document has not been submitted, tasks shall be shown for all activities necessary to complete the work of CEQA compliance.
        - In addition, application preparation and contract administration may be listed as tasks.
        - No other tasks may be included.
    - A work schedule in the form of a CPM diagram. The work schedule must be related to the contract items and tasks, but may be described in terms of the physical works to be constructed.
    - An estimate of the cost of each contract item and task and the amount of each contract item and task that will be funded using State funds.
        - The estimate must have all costs assigned to contract items or tasks except contingencies.
        - Application preparation and contract administration may be separated out as appropriate tasks, or may be included in each item related to such costs.
        - The estimated cost of preparing a funding application may not exceed the percentage shown in Section VIII.F.
        - No more than five percent of the total cost of all described contract items and tasks may be shown in the estimate as contingencies.
    - A definition of project milestones, if payment is to be made upon milestone completion.

- A provision that individual contract item or task costs may overrun or underrun by up to fifteen percent and the work breakdown and estimate in the project agreement shall be amended for any expenditure outside these limits.
- A provision that DWR may inspect the project at any reasonable time to ensure it is being carried out in accordance with the work plan, and after completion to ensure that it is being properly maintained.
- A requirement that the sponsor assures that the completed project and any associated environmental mitigation measures will be operated, maintained, repaired, replaced and rehabilitated in perpetuity, unless DWR determines that maintenance is no longer necessary, in accordance with an operation and maintenance manual prepared by the sponsor and acceptable to the State.
- A requirement that the sponsor prepare a maintenance plan as described in Section IV.H.
- A provision that the sponsor will perform the maintenance with its own forces, or will employ another agency or organization satisfactory to DWR.
- A provision that the sponsor will control encroachments on the project facilities and properties, whether unauthorized or permitted, and will not permit any encroachments that will adversely affect the function or maintenance of the project facilities and properties.
- A requirement that, during the five-year period after project construction, if DWR deems maintenance measures, repairs, replacements or rehabilitation necessary, and the sponsor does not, in the opinion of DWR, provide these services promptly, DWR may upon 30 days' written notice enter upon the property and perform the required work, and bill the sponsor and the sponsor will pay the cost of any work so performed.
- Any other requirements deemed necessary by DWR.

VII. Reporting and Recordkeeping

A. Progress Reports

The sponsor or lead agency will be required to submit progress reports in sufficient detail to substantiate reimbursable expenses. The report will be a key item in evaluating reimbursements, and the report submittal must coincide with the reimbursement request, subject to the following:

- The minimum period of both progress reports and reimbursement requests is one month.
- The maximum reporting period is three months for projects having project agreements that specify quarterly reporting. This requirement may be met without submitting a reimbursement request.

- For projects having project agreements that establish milestones, a report shall be made at completion of each milestone, whether or not it coincides with a reimbursement request.
- The time periods covered by successive progress reports shall be continuous but shall not overlap.

Progress reports shall include the following information:

- Records of expenditures.
- Description of project activities since the previous report.
- Status of the project relative to the progress schedule.
- An estimate of percentage completion of the work.
- The percentages of State and total funding expended.
- Key issues that must be resolved.
- The time period covered by the report.

B. Final Report

Within 30 days after the project or levee evaluation is completed, the sponsor or local lead agency shall submit a final report that shall include the following:

- Records of expenditures.
- Description of project or levee evaluation activities since the previous report.
- The time period covered by the report.
- Submittal of any required products that have not been submitted previously.
- A listing of required products previously submitted, with dates of submittal and DWR acceptance.

For construction projects, the final report shall also include:

- Photographs of the before-project condition.
- Progress photographs showing project activities and techniques.
- Photographs of the completed project.
- A maintenance plan, approved by DWR, as described in Section IV.H.

C. Recordkeeping

A sponsor will be required to maintain all records and documents pertaining to a project for three years after completion of the work required, and to make all project records and documents held by the sponsor pertaining to the project available for inspection and audit by DWR or the State Auditor

during normal business hours, both during the project and in the three years following.

DWR or the State Auditor may audit the records of the project or levee evaluation at any time within three years after final payment of State funds. DWR may also require grant recipients to permit an annual citizen advisory committee to audit the records of the project or evaluation.

In addition, sponsors must comply with any additional audit requirements imposed by the Secretary of The Resources Agency in performing the Secretary's obligation to independently audit Proposition 84 projects and annually list expenditures.

VIII. The LLUR Program

The LLUR Program applies Statewide to projects involving existing local flood control facilities. The work consists of construction of repairs and improvements to levees that have sustained critical levee, bank, or internal erosion damage, or that have unstable slopes, or other flood control facilities that are unstable. Design as required to support construction may be included in a project.

LLUR projects will be selected on a competitive basis and funded under a grant to a local public agency. DWR will select projects to receive grants on the basis of the criteria given in Appendix A. Local agencies will perform or contract for performance of the construction under project agreements with DWR. LLUR projects may include design as required to adequately describe the required construction.

The required components of a LLUR grant application are outlined in Section VIII.C. Applicants must use the format provided in the PSP which will be made available when DWR announces funding availability through a solicitation notice.

Projects to be funded must be sponsored by an agency qualifying under Section IV.A. Actual construction may be performed by a contractor under a contract conforming to the contracting laws of the State of California.

A. LLUR Projects

Construction of projects funded under the LLUR Program will use information from a design accepted by DWR, substantially meeting the guidelines in Section VIII.B, to put the project into effect. The proposed project must be repair of erosion damage or unstable slopes or improvement of erosion resistance or slope stability for a levee or remediation of unstable conditions for any flood control facility. All facilities to be repaired, improved, or remediated must be local facilities.

Construction of projects must conform to any drawings, specifications, and design report contained in the accepted design and to any changes subsequently accepted in writing by DWR.

Construction will result in a complete, sustainable and maintainable project completed according to the accepted design and accepted changes. The project must comply with all applicable permits, standards, laws, and other local, State, and federal requirements. These include but are not limited to the regulatory requirements of the Federal Energy Regulatory Commission, the USACE, The Reclamation Board, the State Water Resources Control Board, and other agencies. Sponsors must also comply with CEQA, State and federal Endangered Species Acts, and the federal Clean Water Act.

The sponsor must obtain any permits required for any feature of the work before commencing construction of that feature.

Funding of projects will be established as follows:

- The initial amount of funding to be granted for the project will be based on
  - For construction, the line item unit prices and quantities in the accepted design, if available at the time of grant application, or in the grant application.
  - For design, if allowed, the estimated costs included in the grant application.
  - Any information provided in the grant application about the financial contribution made by the applicant.
  - Circumstances of the funding process including availability and DWR allocation of funds.
- When a contractor performs the work, construction funding may be increased or reduced to correspond to the contractor's bid prices, at the discretion of DWR. The sponsor shall provide to DWR a copy of the bid prices for the awarded contract.
- When the sponsor performs the work directly, the construction unit prices used for initial funding will apply.
- Funding may be further adjusted to correspond to changes subsequently accepted by DWR.
- Any resulting increases in funding are subject to the availability of funds.

The initial schedule for construction will be derived from the CPM diagram in the accepted design, updated as to starting date when such date has been determined. The schedule may be adjusted to reflect changes acceptable to DWR.

The required components of a project application are outlined in Section VIII.C. Applicants must use the format provided in the PSP which will be

made available when DWR announces funding availability through solicitation notices.

B. Designs

Designs are not funded separately under the Local Levee Grant Program, but design work necessary to support construction may be included in a project. The purpose of design is to develop or complete plans, specifications, cost estimate, and design report acceptable to DWR that can be used to advertise for construction of the project.

Designs will provide the information needed to begin project construction. This information includes, but is not limited to:

- Drawings showing project features, with enough specificity and completeness so that a general contractor could understand the intent of and bid on the project. All drawings must be signed by an engineer registered pursuant to California law.
- Project specifications complementing the drawings and providing the written description of project needs. All specifications must be certified by an engineer registered pursuant to California law.
- A detailed cost estimate showing the total project costs by line item, as the project would be advertised to a contractor. Unit prices must include labor and material costs. The estimate must be certified by an engineer registered pursuant to California law.
- A design analysis or report showing the engineering calculations that were used to determine the size and types of materials used in the design.
- A schedule for project construction showing the time in calendar days required to complete the project as determined by use of a CPM diagram.

Designers will be required to follow all applicable federal, state, local and industry standards. For projects which will, if constructed, fall under the jurisdiction of The Reclamation Board, applicable state standards include the Reclamation Board standards, as found in Title 23, Division 1, Chapter 1, Article 8 of the California Code of Regulations.

The sponsor shall provide to DWR an information copy of the design criteria, standards or guidelines used by its designer. This information must be provided before the final design is submitted to DWR for review.

Construction of emergency projects may be based on an informal design. Use of an informal design for an emergency project must be approved by DWR in advance of construction. For informal designs, the design portion of the application and the design report may be abbreviated, both subject to DWR approval. DWR may, at its sole option, approve these designs verbally subject to written confirmation within 60 days.

C. LLUR Grant Application

Every complete application for a LLUR project grant must contain the following technical information:

- A description of the project.
- A statement that the project is not a part of a State-federal project and not located in the Sacramento-San Joaquin Delta.
- A description of why the project is urgently needed to repair, improve, or stabilize levees or stabilize other flood control facilities.
- Evidence of CEQA compliance as specified in Section VIII.
- Documentation demonstrating that the project is in compliance with the California Endangered Species Act.
- Evidence that the sponsor has an acceptable Labor Compliance Program in place.
- A schedule for execution of project construction, showing the time in calendar days required to complete each task of the project construction as determined by use of a CPM diagram.
- As part of the project estimate, an estimate of the costs of project management and other supplementary costs.
- The amount of State funding requested, schedule of expenditures, and the sources and amounts of any other funds to be applied toward the project.
- The proposed percentage participation of the applicant.
- Citations of the applicant's statutory enabling laws, authority to construct the project, and authority to contract with the State, including a brief description of procedural steps required by the applicant's enabling laws to contract with the State.
- A resolution of the applicant's governing body authorizing a designated representative to sign and submit the application.
- Any additional engineering, technical, financial, economic, environmental or legal analyses and justifications required by DWR during administration of this program and evaluation of the applications.

An application for a project that does not include design must also include:

- Documents produced by an accepted design, meeting the requirements set forth in Section VIII.B of these Guidelines, and providing sufficient information to begin project construction. Required documentation includes drawings, specifications, cost estimate, and design report.
- A task breakdown for construction showing all activities expected to occur during the construction process.

An application for a project that includes design must also include:

- A feasibility study, accepted in writing by DWR, demonstrating that the project is economically feasible.
- Documentation of compliance with CEQA as required in Section VIII.D of these Guidelines.
- A task breakdown for the design showing all activities expected to occur during the design process, and including a separate task for any proposed advance preparation for right of way acquisition.
- A schedule for execution of the design, showing the time in calendar days required to complete each task of the design as determined by use of a CPM diagram.
- An estimated total cost for the design, including a detailed breakdown of design costs by task within each project feature.

D. CEQA Compliance

- <u>For Projects That Do Not Include Design</u>

    - The sponsor must submit a copy of the final Environmental Impact Report or Negative Declaration, adopted by the sponsor, together with a Notice of Determination, with the grant application.

- <u>For Projects That Include Design and Have Formal Feasibility Studies</u>

    - CEQA documentation is normally completed during the feasibility study phase of a project. If an Environmental Impact Report or Negative Declaration is required for the project, a copy of that document must be included with the grant application. If the final document has not been adopted by the lead agency at the time the grant application is submitted, a copy of the public draft may be submitted and the final document substituted for it as soon as it is available. A final document adopted by the lead agency, together with a Notice of Determination, must be submitted within six months after filing the application and within three months after entering into an ensuing project agreement.
    - If the final CEQA document is not submitted with the grant application, the task breakdown submitted with the application must include all activities necessary to complete the work of CEQA compliance.
    - If the final CEQA document is not submitted prior to entering into a project agreement, the task breakdown in the agreement must include all activities necessary to complete the work of CEQA compliance.
    - Notwithstanding their performance during design, activities necessary to complete CEQA compliance will not be reimbursed.

- <u>For Projects That Include Design and Do Not Have Formal Feasibility Studies</u>

- Emergency repairs may not have formal feasibility study or design phases. For such projects, a copy of the final Environmental Impact Report or Negative Declaration, adopted by the sponsor, together with a Notice of Determination, must be submitted prior to entering a project agreement.

E. Advance Preparation for Right of Way Acquisition

A LLUR grant sponsor may use grant funds to perform work in preparation for acquisition of right of way and other real property rights for the project being designed, under the following conditions:

- The project must include design activities.
- The sponsor must have a funding source approved by DWR for construction.
- Grant funds may be used to pay staff salaries, staff expenses, and equipment and materials costs for performing work leading to acquisition of property rights.
- Grant funds may not be used to fund payments to holders of the rights to be acquired.
- The sponsor will account for all property rights acquisition expenses as an item in the design task breakdown.

F. Costs Eligible for LLUR Grant Funding

The sponsor will be reimbursed only for the eligible costs described in this section. For design work, billing and payment will be based on the cost of work accomplished on the tasks described in the work plan. For construction, billing and payment will be based on the cost of work accomplished on the contract items in the estimate in the project agreement. Unit prices will be used only for establishing the amount of State funding.

No costs are eligible and no funds will be disbursed until a project agreement has been executed. Under the conditions described in Sections IV.D and IV.E, the cost of work performed prior to execution of the project agreement may be eligible for credit and/or reimbursement against the local share of project costs.

Eligible costs include only actual costs directly related to:

- Performing design activities in accordance with an accepted feasibility study, if any, and an Environmental Impact Report or Negative Declaration prepared in accordance with CEQA.
- Advance preparation for right of way acquisition, as described in Section VIII.E.

- Constructing the project in accordance with an accepted design, including project management and other supplementary costs approved by DWR.
- Preparing the grant application, provided the application is approved for grant funding. Eligible application costs may not exceed two percent of the total project cost.

IX. The LOLE Program

The LOLE Program applies Statewide to projects that evaluate the stability, seepage and underseepage condition of local levees. The work consists of field testing levees by core drilling, cone penetration, or other acceptable method, laboratory testing of the resulting samples, and evaluation of the data obtained.

LOLE projects will be selected on a competitive basis and funded under a grant to a local public agency. DWR will select projects to receive grants on the basis of the criteria given in Appendix B. Local agencies will perform the drilling and evaluation under grant agreements with DWR.

The required components of a LOLE grant application are outlined in Section IX.B. Applicants must use the format provided in the PSP which will be made available when DWR announces funding availability through a solicitation notice.

Projects to be funded must be sponsored by an agency qualifying under Section IV.A. Actual construction may be performed by a contractor under contract to the sponsor. Design of the project may be performed by a consultant under contract to the sponsor. Contracts must conform to the contracting laws of the State of California.

A. LOLE Projects

The primary objective of a LOLE project is to determine the stability and susceptibility to seepage and underseepage of the evaluated levees and to provide information for remedial measures. The levees to be evaluated must be local levees, as defined in the Section III.

Evaluation projects will produce a written report giving location of all test sites, completed data from field and laboratory tests performed, and engineering analyses of the results with respect to seepage and levee stability.

Evaluators will be required to follow all applicable federal, state, local and industry standards. For evaluations of levees that fall under the jurisdiction of The Reclamation Board, applicable state standards include the Reclamation Board standards, as found in Title 23, Division 1, Chapter 1, Article 8 of the California Code of Regulations.

Funding of an evaluation under the LOLE program does not obligate DWR to fund a feasibility study, design, or construction of any project.

The sponsor must obtain any permits required for any evaluation procedure at any site before commencing the procedure.

The required components of a LOLE grant application are outlined in Section IX.B. Applicants must use the format provided in the PSP which will be made available when DWR announces funding availability through a solicitation notice.

B. LOLE Grant Application

A complete application for a LOLE grant must contain at a minimum the following technical information:

- A description of the levee evaluation, signed by a civil or geotechnical engineer registered pursuant to California law.
- A map indicating the areas to be evaluated and the transverse and longitudinal locations of the test sites.
- A statement that the project is not a part of a State-federal flood control project.
- Evidence that the sponsor has an acceptable Labor Compliance Program in place, if funded using Proposition 84 monies.
- A task breakdown for the levee evaluation.
- A schedule for execution of the levee evaluation, showing the time in calendar days required to complete each task of the evaluation as determined by use of a CPM diagram.
- An estimated total cost for the levee evaluation, including a breakdown of the cost of each task.
- The amount of State funding requested and the sources and amounts of any other funds to be applied toward the study.
- The proposed percentage participation of the applicant.
- Copies of any levee evaluations previously prepared that support an application for additional levee evaluation.
- Citations of the applicant's statutory enabling laws and authority to contract with the State, including a brief description of procedural steps required by the applicant's enabling laws to contract with the State.
- A resolution of the applicant's governing body authorizing a designated representative to sign and submit the application.
- Any additional engineering, technical, financial, economic, environmental and legal analyses and justifications required by DWR during administration of this program and evaluation of the applications.

C. Costs Eligible for LOLE Grant Funding

The sponsor will be reimbursed only for the eligible costs described in this section. Billing and payment will be based on the cost of work accomplished on the tasks specified in this section.

No costs are eligible and no funds will be disbursed until a grant agreement has been executed.

Eligible costs under the LOLE Program include only those costs directly related to the tasks of:

- Conducting rotary wash drilling, core drilling, cone penetration, or other acceptable tests.
- Performing laboratory tests on the resulting samples.
- Performing engineering analyses of seepage and stability and reporting on the resulting data.

Reimbursement for administrative costs, overhead, cost of preparing a grant application, and all other expenses will be considered to be included in the amounts paid for field testing, laboratory testing, and evaluation and reporting.

APPENDIX A. Criteria for LLUR Project Evaluation

The following tables list the evaluation criteria for LLUR projects. Each proposal must meet all of the acceptability criteria listed at the top of each table.

If the acceptability criteria are met, the competitive criteria will be used to evaluate the extent to which the applicant's proposal meets a perceived need for local flood control facility repair or development, considered jointly with all other proposals offered in response to a DWR-issued PSP. Each criterion will be scored on a scale of 1 to 5 with 1 being "low" and 5 being "high". That score will be multiplied by a weighting factor indicating the importance of the criterion. The PSP may contain further description of scoring methods and procedures.

To assist in evaluating individual proposals, DWR may consult with the applicant, interested stakeholders, local agencies, State agencies or federal agencies with an interest in or jurisdiction over any of the criteria listed in the tables in this Appendix.

TABLE A-1. EVALUATION CRITERIA AND WEIGHTING FACTORS FOR LLUR GRANTS

Acceptability Criterion	Yes	No
• Complete proposal received on time		
• Project would be construction of repairs or improvements to levees that have sustained critical levee, bank, or internal erosion damage, or that have unstable slopes, or other flood control facilities that are unstable		
• Project would be local, not a part of a State-federal project and not located in the Sacramento-San Joaquin Delta.		
• Project is urgently needed to repair, improve, or stabilize levees or stabilize other flood control systems		
• Applicant or lead applicant is responsible for flood control in the project area		
• Applicant ensures the operation and maintenance of any completed project		
• Applicant or lead applicant is qualified to contract with the State		
• Applicant has a satisfactory Labor Compliance Plan in place		
• Applicant has submitted a satisfactory finance plan		
• Applicant has submitted a finding of critical damage		
Competitive Criterion	**Weighting Factor**	**Maximum Score**
1. Immediacy of completion • Can the project be constructed before next flood season begins (November 1)? • Can the project be constructed before the next flood season ends (Approximately April 30)? • Can the project be constructed before November 1 of the following year?	2	10
2. Protection of lives • Does the project have significant potential for protecting lives?	1	5
3. Protection of property • Does the project have significant potential for protecting against property damage?	1	5

TABLE A-1. EVALUATION CRITERIA AND WEIGHTING FACTORS FOR LLUR GRANTS -- CONTINUED

Competitive Criterion	Weighting Factor	Maximum Score
4. Population density • Does the project benefit an urban area? • Does the project benefit a rural community?	1	5
5. Protection of critical infrastructure • Does the project protect highways, streets, transmission lines, pipelines, public buildings, dams, hydroelectric plants, or other public works? • Do the works protected perform a function or functions critical to the public good?	1	5
6. Economic feasibility • Does the project exhibit a high value of benefit-cost ratio?	1	5
7. Depth of flooding • Does the project have the potential of protecting against great depth of flooding? • What is the depth of flooding protected against?	1	5
8. Local participation • Does the applicant propose to contribute funds above the required minimum cost share, or providing valuable property or in-kind services?	1	5
9. Advanced Phasing • Is the project ready to construct, with a design approved by DWR?	1	5
10. Frequency of Flooding • What are the current and post-project probabilities of occurrence of flooding?	1	5
11. Ecosystem Restoration • Will the project contribute to ecosystem restoration?	1	5

APPENDIX B. Criteria for LOLE Project Evaluation

The following tables list the evaluation criteria for LOLE projects. Each proposal must meet the all of the acceptability criteria listed at the top of each table.

If the acceptability criteria are met, the competitive criteria will be used to evaluate the extent to which the applicant's proposal meets a perceived need for local levee evaluation, considered jointly with all other proposals offered in response to a DWR-issued PSP. Each criterion will be scored on a scale of 1 to 5 with 1 being "low" and 5 being "high". That score will be multiplied by a weighting factor indicating the importance of the criterion. The PSP may contain further description of scoring methods and procedures.

To assist in evaluating individual proposals, DWR may consult with the applicant, interested stakeholders, local agencies, State agencies or federal agencies with an interest in or jurisdiction over any of the criteria listed in the tables in this Appendix.

TABLE B-1. EVALUATION CRITERIA AND WEIGHTING FACTORS FOR LOLE GRANTS

Acceptability Criterion	Yes	No
• Complete proposal received on time		
• Project would be geotechnical evaluation of a levee		
• Project would be local, not part of a State-federal project and not located in the Sacramento-San Joaquin Delta.		
• Applicant or lead applicant is responsible for flood control in the project area		
• Applicant or lead applicant is qualified to contract with the State		
• Applicant has a satisfactory Labor Compliance Plan in place, if funded using Proposition 84 monies.		
• Applicant has submitted a satisfactory finance plan		
Competitive Criterion	**Weighting Factor**	**Maximum Score**
1. Critical need • Has the levee proposed for evaluation shown signs of stress in recent flood events? • Has the levee failed previously? • Has the levee been improved since the last failure or sign of stress?	2	10
2. Protection of lives and property • Does the levee proposed for evaluation protect an urban area? • Does the levee protect a rural community? • Does the levee protect an area where property damage due to flood would be high? • Does the levee protect critical infrastructure?	1	5
3. Potential for levee improvement • Has a repair or improvement project been proposed previously for the levee proposed for evaluation? • Is there a feasibility study underway for improvement of the levee?	2	10

TABLE B-1. EVALUATION CRITERIA AND WEIGHTING FACTORS FOR LOLE GRANTS -- CONTINUED

Competitive Criterion	Weighting Factor	Maximum Score
4. Depth of flooding • Does the levee proposed for evaluation protect against great depth of flooding? • What is the depth of flooding protected against?	1	5
5. Local participation • Does the applicant propose to contribute funds above the required minimum cost share?	1	5