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As of: April
24, 2009
Received:
February 26,
2009
Status:
Pending_Post
Tracking
No.
808e05a9
Comments
Due: March
17, 2009
Submission
Type: Web

PUBLIC SUBMISSION

Docket: NRCS-2009-0007
Technical Service Provider Assistance

Comment On: NRCS-2009-0007-0001
Technical Service Provider Assistance

Document: NRCS-2009-0007-DRAFT-0002
Comment on FR Doc # E9-00828

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General Comment

Comments on TSP Interim Final Rule

Section 652.21(a)(2): the Interim Rule states: "Consequently, NRCS is taking the opportunity to clarify its policy that licensing and state law requirements will be the only state-level certification criteria allowed. No change to the regulation is necessary since state law and licensure requirements are already addressed at section 652.21(a)(2)".

It needs to be extremely clear that States can add only licenses or items required by State Law. It should also be made clear that NRCS employees are not to influence the creation or "enforcement" of State requirements with licensing Boards, etc. The TSP Provider Registry needs to be updated immediately to delete state level requirements that are not the result of licensing and state law

requirements.

As the review occurs, do all you can to guard against arbitrary additional requirements. Remember your existing agreements with groups for certification, and try to hold the line on any additions to existing requirements—in fact, some existing requirements should be discontinued. For instance, it seems rather difficult to justify requiring specific courses in a certification process. Rather, the knowledge and skill required should be the need.

Section 652.3(4): This is an excellent addition and must be “enforced”. Leave training responsibilities to the private sector and marketplace. NRCS has previously assumed way more training and quality control activities than they needed to assume. Certify private sector providers through a national Tech Reg, and let the system work. Don’t be so concerned with format, but rather with content.

Section 652.5(e) and (f): These are good additions. The details in implementation of a plan, and payment of it, prior to having a program contract will be very important.

Section 652.5(m)(2)(ii): Use of procurement data must be monitored carefully. It should include all data related to an RFP and/or GSA procurement schedule. To use procurement data from individual contracts and cooperative agreements with other agencies would be very misleading, as some TSP’s have had to accept far lesser rates than are fair and reasonable simply to have some government work to complete. Cooperative agreements with NGO’s and other agencies do not reflect total cost as NGO’s, as these are often are subsidized from other funding sources.

Section 652.6(b): It should be clear that the GSA contracting method is acceptable.

Section 652.6 (c): Make it clear that “non-Federal entity” includes the private sector.

