

**ROLES and RESPONSIBILITIES for ENGINEERING TECHNICAL ASSISTANCE  
to USDA PROGRAM PARTICIPANTS (SOURCE 3)**

***TECHNICAL SERVICE PROVIDER using TECHNICAL ASSISTANCE FUNDS in  
USDA PROGRAM CONTRACT***

**USDA Program Participant hires a certified Technical Service Provider (TSP) engineer certified in an appropriate category through TechReg and USDA Program Participant receives Technical Assistance funds (Technical Service Payment Rate) in their USDA Program contract**

Rule: Final Rule, Technical Service Provider Assistance, 7 CFR Part 652, November 29, 2004

**USDA Farm Bill Program Participant**

1. Identify in writing to NRCS the name of the TSP engineer that will be providing technical assistance. Authorize in writing that NRCS staff may disclose and discuss, with the TSP engineer, records in the case file related to the practice(s) for which the TSP engineer will be providing technical assistance. The TSP identification and authorization may be documented on the Release of Records Authorization form below or in another format chosen by the USDA program participant that includes their signature and the date signed.

To: \_\_\_\_\_ (name)  
District Conservationist  
USDA-NRCS

\_\_\_\_\_ (USDA Service Center address)

\_\_\_\_\_, Michigan

Subject: *Disclose and discuss case file records with the TSP engineer*

\_\_\_\_\_ (name) is the TSP engineer I have chosen to provide engineering technical assistance for the following practice(s) included in my USDA Program contract:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*NRCS may disclose and discuss, with the TSP engineer, records in my case file related to the practice(s) listed. The TSP engineer may submit design calculations, construction drawings, specifications, "As-Built" drawings, and related information for the practice(s) listed directly to NRCS for review and acceptance.*

*Please file this letter in my case file for future reference. This authorization expires on*

\_\_\_\_\_ (date).

Sincerely,

\_\_\_\_\_  
USDA Program Participant (Signature)

Date: \_\_\_\_\_

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**USDA Farm Bill Program Participant (cont.)**

2. Participate, before design begins, in a meeting with TSP engineer and NRCS representative to review the USDA program contract requirements and roles and responsibilities for each party. Where practical, this meeting will be conducted on site.
3. Allow access to the site by NRCS-contracted archaeologist, NRCS and TSP staff.
4. Provide backhoe for any subsurface investigations needed to complete the design.
5. NRCS program funds will only be used to provide one design. That design will be based on the size and location information for the practice included in the Conservation Plan, Comprehensive Nutrient Management Plan, Wetlands Reserve Plan of Operations, or other planning document upon which the USDA program contract was based. These plans reflect decisions made by the USDA program participant. All changes to the planned practice will be cost effective and consistent with the conservation program goals and objectives of the USDA program contract. If there are changes to the planned practice, the program participant is responsible to ensure that the planning document is updated for consistency.
6. Accept full responsibility to negotiate and reach agreement on cost and terms of assistance with TSP engineer.
7. Accept full responsibility for payment to the TSP engineer. Accept full responsibility for any TSP engineer costs that exceed the "Technical Service Payment Rate" in the USDA Program contract.
8. Agree that construction will not begin until the TSP engineer approves final design/construction drawings and NRCS reviews and accepts those drawings.
9. Provide copies of approved construction drawings, specifications, and operation and maintenance plan(s) to servicing NRCS office. May elect to have the TSP engineer provide these records directly to servicing NRCS office.
10. Obtain and comply with all permits.
11. Hire a construction contractor to install the practice(s) in accordance with the approved construction drawings and specifications.
12. Provide anticipated construction dates to the TSP engineer and servicing NRCS office.
13. Participate in the pre-construction meeting with the TSP engineer and construction contractor.
14. Provide servicing NRCS office with a copy of the "As Built" drawings, a copy of the applicable documentation required in the applicable NRCS statements of work, and a copy of the construction documentation required in the inspection (quality assurance) plan prepared by the TSP engineer providing engineering technical assistance. May elect to have the TSP engineer provide these records directly to servicing NRCS office.
15. Ensure corrective measures are taken if deficiencies are noted during functional or quality assurance reviews performed by NRCS.
16. Sign block 28 "Certification by Participant" on the NRCS-CPA-1245, Practice Approval & Payment Application form.
17. Follow the operation and maintenance plans for the practices included in the USDA program contract.

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**TSP Engineer (must be certified in an appropriate category through TechReg)**

DESIGN

1. Participate, before design begins, in meeting with program participant and NRCS representative to review the USDA program contract requirements, and roles and responsibilities for each party. Where practical, this meeting will be conducted on site.
2. Conduct surveys and investigations necessary to develop the design and construction drawings.
3. Inform the NRCS field office if the size, type, or location of the planned practice needs to be changed during the design process. NRCS will determine if the change is in accordance with the USDA program contract or if a contract modification is required. NRCS will complete a new cultural resources review, if necessary.
4. Prepare the design in accordance with the applicable NRCS practice standards and specifications. Document the design in accordance with the applicable NRCS statements of work. Designate on the drawings all items that are not part of the USDA program contract.
5. Include the following statement on the cover sheet of construction drawings along with a list of the applicable NRCS standards:

*To the best of my professional knowledge, judgment and belief, the design, construction drawings and specifications meet applicable NRCS standards and specifications.*

\_\_\_\_\_  
(name), P.E.

\_\_\_\_\_  
Date

6. Include the following statement on the cover sheet of the construction drawings for NRCS to sign when the pre-construction functional review shows the design/construction drawings are acceptable:  
*NRCS is accepting these construction drawings and specifications on the basis that they have been signed and sealed by a registered professional engineer. Based on the information provided by the professional engineer, the construction drawings and specifications appear to meet applicable NRCS standards and specifications. Any deficiencies in the design, construction drawings or specifications are the responsibility of the professional engineer whose seal appears on the construction drawings.*

\_\_\_\_\_  
NRCS Representative

\_\_\_\_\_  
Date

7. Develop an engineer's cost estimate for the project and provide it to the USDA program participant. May also be directed by USDA program participant to provide these records to servicing NRCS office.
8. Develop a site-specific operation and maintenance plan for the practice(s) included in the construction drawings.
9. Prepare an inspection plan describing the inspection items, documentation requirements, and the qualifications required of those doing the inspection.
10. Provide design, construction drawings, specifications, and other documentation to USDA program participant for NRCS pre-construction functional review of the practice (Professional Engineer signature and seal on the cover sheet of construction drawings. Drawings may be marked "Review."). May also be directed by USDA program participant to provide these records to servicing NRCS office. The functional review will not guarantee acceptance of the practice for payment at the completion of construction, but may find errors in the design that are easier to fix before construction is commenced.

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**TSP Engineer (Continued)**

DESIGN (cont.)

11. After receiving review comments from NRCS, and making appropriate changes, approve (Professional Engineer signature and seal on the cover sheet) the construction drawings.
12. Provide technical information needed by the USDA program participant to acquire practice-related permits.

CONSTRUCTION and CHECKOUT

1. Conduct pre-construction meeting with USDA program participant and construction contractor (and Certified Stormwater Operator, where the area disturbed during construction exceeds one acre and the Stormwater Phase II permit-by-rule applies).
2. Implement the inspection plan including layout survey, maintenance of construction documentation, approval of changes during construction, and checkout survey.

DOCUMENTATION

1. Prepare and submit to the USDA program participant "As Built" drawings, a copy of the documentation required in the applicable NRCS statements of work and a copy of the construction documentation required in the inspection plan. May also be directed by USDA program participant to provide these records to servicing NRCS office.
2. Include the following either on the cover sheet of the "As Built" drawings or in a letter attached to the "As Built" drawings:

*To the best of my professional knowledge, judgment and belief, these practices are installed in accordance with the construction drawings and specifications and meet NRCS standards. The technical services rendered: (1) comply with all applicable Federal, State, Tribal, and local laws and requirements; (2) meet applicable USDA standards, specifications, and program requirement; (3) are consistent with the particular conservation program goals and objectives for which the program contract was entered into by USDA and the program participant; and (4) incorporate, where appropriate, alternatives that are both cost effective and appropriate to address the resource issues.*

\_\_\_\_\_  
(name), P.E.

\_\_\_\_\_  
Date

3. Work with the USDA program participant to ensure corrective measures are taken if deficiencies are noted during functional or quality reviews performed by NRCS.

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**NRCS**

DESIGN

1. Provide a copy of this roles and responsibilities document to the USDA program participant as soon as possible after the USDA program participant informs NRCS that they intend to hire a TSP engineer.
2. Participate, before design begins, in meeting with program participant and TSP engineer to review the USDA program contract requirements, and roles and responsibilities for each party. Where practical, this meeting will be conducted on site.
3. Recognize that NRCS only has a contractual relationship with the USDA program participant. Therefore, NRCS will not direct the work of the TSP engineer.
4. Maintain Assistance Notes or CONS-6 notes through design, construction, and checkout.
5. Provide the USDA program participant and the TSP engineer included in the Release of Records Authorization interpretative information related to the Conservation Plan, Comprehensive Nutrient Management Plan, Wetlands Reserve Plan of Operations, or other planning document upon which the USDA Program contract is based. NRCS may offer suggestions to the TSP engineer and USDA program participant keeping in mind that the TSP engineer is certified to do the work.
6. Provide the USDA program participant and the TSP engineer included in the Release of Records Authorization copies of any existing case file records relevant to the engineering technical assistance being provided by the TSP engineer.
7. Provide the USDA program participant and/or TSP engineer access to copies of NRCS standards, specifications, standard drawings, software and other design aids used by NRCS. Costs for reproduction of these materials are the responsibility of person making the request.
8. Complete the initial cultural resources review. Complete an additional cultural resources review, where required, after notification from the TSP engineer of a changed site location.
9. Determine if design changes in size, type, or location of the planned practice are in accordance with the USDA program contract or if a contract modification is required.
10. NRCS will NOT participate in the surveys, investigations, design, layout, construction inspection, checkout, or certification except as required in this document.
11. Determine the engineering job class of the practice(s).
12. The NRCS area engineering staff will perform a pre-construction functional review of the design, construction drawings, specifications, and other documentation. NRCS acceptance of the construction drawings and specifications will be by engineering staff with NRCS-Michigan engineering job approval authority for design of the practice. The state office staff will assist in the review as needed. Functional review is defined in NEM Part 505.03(b)(3). Sign the following statement on the construction drawings when the pre-construction functional review shows the design/construction drawings are acceptable:

*NRCS is accepting these construction drawings and specifications on the basis that they have been signed and sealed by a registered professional engineer. Based on the information provided by the professional engineer, the construction drawings and specifications appear to meet applicable NRCS standards and specifications. Any deficiencies in the design, construction drawings or specifications are the responsibility of the professional engineer whose seal appears on the construction drawings.*

\_\_\_\_\_  
NRCS Representative

\_\_\_\_\_  
Date

**NRCS (cont.)**

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CONSTRUCTION

1. Conduct on site visits during construction as determined necessary to ensure that the requirements of the USDA program contract are met.

DOCUMENTATION

1. The documentation provided by the TSP engineer for the practice installed shall be reviewed. Ensure that all the documentation required in the applicable NRCS statements of work and a copy of the construction documentation required in the inspection plan are received from the TSP engineer. The site should be visited to verify the as-built drawings represent the constructed practice. The area engineering staff shall perform a post-construction functional review of the practice.
2. Certify installation for USDA Program cost share. Sign block 16 "Technician's Signature" and block 25 "Payment Approved" on the NRCS-CPA-1245, Practice Approval & Payment Application form, **after** post-construction functional review shows construction appears to meet practice standards and "As-Built" drawings are acceptable. Do not sign the NRCS-CPA -1245 until the post-construction functional review is completed **and** any items found in the review that do not meet standards are corrected.

QUALITY ASSURANCE

1. The area engineering staff will conduct quality assurance reviews of the technical services provided by the TSP engineer as part of regular field office quality assurance reviews. The area engineering staff may request assistance from the state office engineering, as necessary.

EXPLANATION OF FUNCTIONAL REVIEWS

1. The purpose of Functional Reviews is to ensure the financial investments from the USDA program participant and USDA for the contracted practice(s) will result in the intended environmental benefits for the anticipated life span.
2. The Functional Review will minimize the potential for problems that could become apparent during and/or after construction if there are inadvertent errors or omissions in the TSP engineer's design documentation. In a Functional Review, NRCS will conduct an overview comparison between the TSP engineer's design documentation and the applicable NRCS practice standard. NRCS will also check to make sure the practices included in the construction drawings are in the USDA program participant's USDA program contract.
3. If the Functional Review indicates the TSP engineer's design documentation is consistent with the requirements of the applicable NRCS practice standard and USDA program contract, NRCS will return the documentation and the USDA program participant may proceed with construction.
4. If the Functional Review indicates the TSP engineer's design documentation is not consistent with the requirements of the applicable NRCS practice standard or the USDA program contract, NRCS will return the documentation with a list of the inconsistencies.
5. The Functional Review does not displace the TSP engineer as the engineer in responsible charge for the design and does not remove any of their liability or their professional engineering responsibilities to the USDA program participant. It also does not remove the USDA program participant's responsibility to install the contracted practice(s) in accordance with the applicable NRCS practice standard as required by the USDA program contract.