

## **PROGRAM PARTICIPANT'S RESPONSIBILITIES WHEN USING A TECHNICAL SERVICE PROVIDER**

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As a USDA Program Participant, you have been authorized to utilize a Technical Service Provider (TSP) to implement the conservation practices that are listed (with associated contract numbers) on the attached Form MT-CPA-TSP-1. The NRCS will reimburse you for the technical services provided by a TSP at the Not-To-Exceed (NTE) rates for the current fiscal year. You are responsible for the following items:

1. Acknowledge that the NRCS financial obligation for TSP services will be at the units and amounts specified in the program contract for the current fiscal year. NTE rates may be calculated online at: [www.nrcs.usda.gov/technicalserviceprovider](http://www.nrcs.usda.gov/technicalserviceprovider).
2. Select a TSP to provide the technical deliverables for the conservation practices listed on Form MT-CPA-TSP-1. The TSP must be registered by the NRCS in Montana. The list of registered TSPs in Montana can be found at [www.nrcs.usda.gov/technicalserviceprovider](http://www.nrcs.usda.gov/technicalserviceprovider).
3. Enter into a written agreement with the TSP for the conservation practices listed on Form MT-CPA-TSP-1. The written agreement should address billings rates and deadlines. The agreement should also require the TSP to perform all of the technical deliverables (design, installation, and check-out) for each conservation practice, and ensure that the technical deliverables are completed in the fiscal year scheduled in the producer's program contract. An appropriate level of confidentiality should be maintained in all written agreements entered into with the TSP.
4. Ensure that the TSP has the necessary information to prepare the technical deliverables. You may release information directly to the TSP, or you may provide the NRCS with written authorization to release appropriate program information to the TSP. See Form MT-CPA-TSP-2, Authorization and Release of Information to TSP, accessible at: <http://www.mt.nrcs.usda.gov/partnerships/tsp/>.
5. Ensure that all work is performed in accordance with all applicable Federal, Tribal, State, and local laws and ordinances, e.g.:
  - a. Permits—404, 310, Floodplain, NPDES
  - b. Water rights
  - c. Zoning—Setbacks
  - d. Others.
6. Pay the TSP for the provided technical deliverables. You may authorize the NRCS to make program payments directly to the TSP.
7. Complete and sign the attached Form MT-CPA-TSP-1 when the conservation practices have been installed and the technical deliverables have been provided by the TSP.
8. Ensure that time is scheduled to facilitate the "Procedures for NRCS Technical Review." For example: Do not schedule construction before the NRCS completes a functional review of the TSP's plans. Do not release payment to the TSP until the NRCS completes a functional review of the constructed practice for compliance with NRCS practice standards (and specifications).

## NOTICE OF PROCEDURES FOR NRCS TECHNICAL REVIEW AND PAYMENT

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1. **Statements of Work (Technical Deliverables):**
  - a. An NRCS staff with the proper Job Approval Authority shall customize the Statement of Work for each project to ensure that the technical deliverables for practice standards are appropriate for the site.
  - b. If multiple practices are applied on the same site, an NRCS staff shall assemble the Statements of Work into a clear and concise document(s) to ensure the design and installation for all practices are compatible.
2. **Pre-Project Conference:**
  - a. An NRCS staff with the proper Job Approval Authority shall consult with the TSP prior to commencement of technical services and completion of the TSP-1 Form to ensure that the TSP has received and understands the contract items, statements of work (deliverables), preliminary planning information, and practice standards.
3. **Functional Review of DESIGN Deliverables:**
  - a. NRCS staff with the proper Job Approval Authority shall perform a functional review of the design deliverables before the start of construction and before a TSP design payment is issued to the landowner.
  - b. The functional review shall ensure that planned practice will function as intended, and the appropriate design deliverables were submitted and properly documented by the TSP. An NRCS staff shall also verify that the TSP engaged someone (in-house) to check the design methodology, technical references, plan drawings, and computations for accuracy. These items will not be checked by NRCS in detail.
  - c. The functional review shall also ensure that the planned construction and material quantities are appropriately covered by the contract items and TSP-1 Form. If discrepancies are found between the planned quantities and the contract items, contract modifications shall be considered prior to construction.
  - d. The functional review shall also be used to determine if the landowner understands the plans and specifications.
  - e. NRCS staff will use written correspondence to notify the landowner and the TSP of technical errors, omissions, or deficiencies. Significant errors, omissions, or deficiencies shall be brought to the attention of the ASTC(FO), SRC, and SCE. They may warrant immediate action to suspend Federal funds for construction.
4. **Construction:**
  - a. NRCS staff with the proper Job Approval Authority shall be familiar with the project and available during construction to assist the landowner and the TSP with decisions regarding contract modifications as a result of substantial changes during construction.
5. **Functional Review of INSTALLATION and CHECK-OUT Deliverables:**
  - a. NRCS staff with the proper Job Approval Authority shall perform a functional review of the installation and check-out deliverables after construction is completed and before the final EQIP and TSP payments are issued to the landowner.
  - b. The functional review shall ensure that the completed practice functions as intended, and the appropriate installation and check-out deliverables were submitted and properly documented by the TSP.

- c. The functional review shall ensure that construction meets the intent and purpose of the Practice Standard(s) and it is compatible with other planned and applied practices at the site.
- d. The functional review shall ensure that the construction quantities are appropriately covered by contract items. If discrepancies are found, contract modifications shall be considered before the final EQIP and TSP payments are issued to the landowner.
- e. The functional review shall determine if the TSP-1 Form is properly completed and understood by the landowner and the TSP.

**6. Release of EQIP and TSP Payments:**

- a. EQIP and TSP payments to the landowner shall not be released before the technical deliverables provided by the TSP have been functionally reviewed by an NRCS staff with the proper Job Approval Authority.

**7. TSP Quality Assurance Reviews (Spot Checking):**

- a. Procedures for NRCS technical review were established to ensure that the work meets the intent and purpose of NRCS Practice Standard(s) prior to the release of public funds.
- b. Procedures for NRCS technical review shall expedite the TSP-Quality Assurance Reviews conducted by the NRCS on an annual basis. Basically, all practices designed, installed, and certified by a TSP will be functionally reviewed prior to payment, and the Quality Assurance Reviews will provide an opportunity to evaluate long-term performance and customer satisfaction with both the practice and the TSP.

I have read and understand my responsibilities when using a Technical Service Provider in the application of conservation practices.

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Participant Signature

\_\_\_\_\_  
Date

I have reviewed the roles and responsibilities of using a Technical Service Provider with the program participant.

\_\_\_\_\_  
NRCS Signature

\_\_\_\_\_  
Date