



Natural Resources Conservation Service
210 Walnut Street, Room 693
Des Moines, IA 50309-2180

February 26, 2010

GENERAL MANUAL (GM)
450 – TCH
AMENDMENT IA8 (Part 407)

SUBJECT: TCH – TECHNOLOGY

Purpose: To amend Part 407 – Documentation, Certification, and Spot Checking.

Effective Date. Upon receipt.

Contact: If there are questions about this amendment, please contact Allen Gehring, State Conservation Engineer, at 515-323-2220 or at allen.gehring@ia.usda.gov, or John Myers, State Resource Conservationist, at 515-323-2223 or at john.myers@ia.usda.gov.

Filing Instructions.

Please remove the National information and the Iowa Amendments for Subparts A, B, and C in Part 407 and insert the attached pages.

GM_450_407__A, Amend. 17, October 2009

GM_450_407__B, Amend. 17, October 2009

GM_450_407__C, Amend. 17, October 2009

Iowa NRCS will now be using the National guidance regarding Documentation, Certification, and Spot Checking.

/s/ Richard Sims
State Conservationist

Attachment

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Subpart A - Policy

407.0 General

The Natural Resources Conservation Service (NRCS) has responsibility for installing conservation practices under a number of programs. These practices protect natural resources and affect public safety, health, and well-being. It is essential that the practices as installed and maintained perform their intended function. This subpart sets forth NRCS policy and responsibility for:

- (1) Recording supporting data for practices applied through NRCS programs.
- (2) Certifying conservation practices installed under cost-share programs.
- (3) Spot checking compliance with standards and specifications of all completed conservation practices.

407.1 Policy

Responsibility for practice compliance with applicable standards and specifications rests with the line officer. To assist line officers carrying out this responsibility, it is NRCS policy to:

- (1) Obtain, record, and file information on quantity of practice units installed.
- (2) Verify that all practices completed as part of NRCS programs meet approved standards and specifications and are a part of a conservation plan consistent with Part 407, Subpart B, Documentation and Certification, Section 407.10.
- (3) Document spot checks of completed conservation practices.
- (4) Check a sufficient number of certified practices in accordance with Part 407, Subpart C, Spot Checking, Section 407.20.
- (5) Record evidence that all necessary corrective action has been completed.

407.2 Responsibilities

A. Each State Conservationist (STC) and Director, Pacific Islands and Caribbean Areas, will maintain up-to-date State policy and procedures indicating:

- (1) Planning, installation, and certification information to be obtained, recorded, and filed for all practices.
- (2) The requirements and procedures for spot checking installed practices.
- (3) Non-cost-shared items to be spot checked. (Resource management systems, land adequately treated, etc., may also be included.) Adequate checks of conservation practices are to be made to ensure quality work.
- (4) Develop and issue policy on accepting work of those outside NRCS.
- (5) Issue policy or procedure statements outlining the responsibilities of line officers.
- (6) Establish the format for recording information on each practice and the method of filing.
- (7) Include checks of supporting data and the spot-checking procedure in program and functional appraisals.

B. Line officers, within their assigned responsibility, are responsible for the quality of practices installed with NRCS technical assistance.

Subpart B - Documentation and Certification

407.10 Supporting Data

- A. A conservation practice is a part of a conservation plan that is functional and accomplishes the conservation objective. Supporting data are to include a record of planning, design, installation, checking, and maintenance necessary to insure an effective practice.
- B. Supporting data include those features of a practice that can be measured, surveyed, tested, or observed. The completed work is to be checked against the plans and specifications or other requirements to insure a satisfactory job. Check notes or observations become a part of the supporting data along with previous planning, layout, or documenting records.
- C. Each STC is to develop documentation requirements for conservation practices as needed. Location identification is required for all practices; this can be a sketch on the job plans, field notes, aerial photographs, special forms, or a reference to the conservation plan map. Design data are required for most engineering practices. The data should be sufficient to show that the installation meets standards and specifications.
- D. Additional data are normally needed for the practices listed in the table of National Conservation Practices in the National Handbook of Conservation Practices. Similar data would be needed for approved interim conservation practices.
- E. Practice documentation requirements required for Technical Service Providers (TSP) shall be clearly stated in the conservation practice Statement of Work (SOW).
- F. Additional data may be required for specific practices as identified by the STCs and Directors, Pacific Islands and Caribbean Areas.

407.11 Checking Completed Work

- A. Check completed work for compliance with plans and specifications. The checker is to record, date, sign the notes, and include a statement that the practice does or does not meet the requirements. The checker shall list deficiencies for practices that do not meet the requirements.
- B. Sampling can be used to record supporting data for jobs with a number of similar components such as a system of terraces, subsurface drains, pipelines, drainage or irrigation field ditches, small laterals, and small structures for water control such as checks, turnouts, and pipe drops. The sample should be taken from segments or parts that appear least likely to meet specifications. The checker is to be satisfied that the entire job meets specifications and is to record supporting data for the selected sample. The location of the sample is to be identified.
- C. The supporting data for some practices include quantity computations. Such computations are required only if cost sharing is based on quantities such as cubic yards, acres, etc. Computations prepared when the structure or practice was designed suffice if applicable to the completed work.
- D. Qualified contractors and other qualified individuals (non-TSPs) should be encouraged to design, lay out, and check conservation practices (see National Engineering Manual, Title 210, Sections 501.00 to 501.09). Class I, II, and III jobs may be accepted provided all other conditions of this section are met. Class IV jobs and above are to be reviewed and accepted by those having appropriate engineering job approval authority before installation is started. Design and installation must conform to approved technical standards and specifications. The contractor and other qualified individuals can furnish signed statements and notes that provide appropriate information and measurements to demonstrate that standards and specifications have been met. Backup data need not be in the format used by NRCS but must be complete, legible, and understandable. The NRCS employee responsible for certifying the practice must be satisfied that the work of these individuals will meet specifications before accepting their statements and measurements as supporting data.
- E. Landowners are encouraged to utilize TSPs to provide design, practice layout, and construction checkout of conservation practices. TSPs shall submit deliverables as required by the conservation practice SOW as documentation of completed work. The responsible NRCS person shall ensure all the required deliverables are provided before accepting the work.

407.12 Certifying Performance for Cost Sharing

- A. Certify performance on all identifiable units of the practice that are completed according to the plans and specifications. The measurements, computations, or other data to support certification can be recorded on job plans, field notes, or special forms.

B. In certifying performance of practices that are cost shared according to a proportion of total cost, report compliance or noncompliance with approved technical specifications and the amount of the practice performed in applicable cost-sharing units. It is the recipient's responsibility to present, to the agency providing cost sharing, documentary evidence of the amount of machine time, labor, and materials used to determine cost sharing.

C. If performance has been properly completed, except for items the recipient can check, state this on the certification. This procedure should be followed only when there is good reason to expect that the recipient will follow through promptly. Discuss these items so that the recipient understands what he or she is expected to do.

Subpart C - Spot Checking

407.20 Procedure

A. Offices to be Spot Checked

All offices that certify conservation practices shall be spot checked based on the State Quality Assurance Plan (GM-340, Part 404, Subpart C, Quality Assurance, Section 404.22 (B)). Each office should be checked at least every third year.

B. Practices to be Spot Checked

All certified practices are subject to spot checking. Spot-checking procedures for non-cost-shared practices are exactly the same as for cost-shared practices.

C. Frequency

- (1) Spot checking shall be performed on a FY basis.
- (2) Practices should be spot checked as soon after completion as practical. Spot checking should be performed throughout the year to correct errors or omissions in promptly complying with specifications, and prevent a heavy spot-checking work load at the end of the year. However, if many practices are completed later in the FY, spot checking may be extended into the first quarter of the next FY. Some vegetative and management practices can be spot checked only during certain seasons.

D. Amount of Spot Checking

- (1) **Spot checks of completed conservation practices or practice components shall be completed by NRCS employees.**
- (2) Spot check five (5) percent of the total practices installed or reported in the State. In States where a practice exceeds 400 occurrences, only 20 installations of that practice need to be checked. The State Quality Assurance Plan (GM-340, Part 404, Subpart C, Quality Assurance, Section 404.22 (B)) should identify offices, field offices, counties and practices to be spot checked during the year. It should not be necessary to check more than three to five low risk practice installations in an office, field office or county (see GM-450, Part 407, Section 407.20 (G), Selecting Installations to be Spot Checked).
- (3) Spot checks should be distributed among various practices applied during the year, and each type practice should be spot checked at least every three (3) years. If errors or deficiencies are found, check additional installations until a true picture of the quantity and quality of the work is obtained. All cost-shared practices for which NRCS is technically responsible on all farms that NRCS employees own, or have an interest in, are to be spot checked. These checks, as well as those checks made during State Quality Reviews, are counted as part of the spot-check requirement.

E. Spot Checks of Qualified Contractors and Other Qualified Individuals (non-TSPs).

Spot check five (5) percent of contractor certifications. Complete construction checks and checks of the documentation furnished by the contractor, including approved drawings and specifications, should be made on one or more jobs installed by each contractor during the year. The check notes shall be recorded and filed.

F. Spot Checks of Completed Conservation Practices or Practice Components Completed by TSPs.

- (1) For the first 3 years after certification (excluding renewals) or recertification of the TSP, a spot check will be performed for at least 10 percent of the conservation practice and practice components. For a TSP where the number of installations of a conservation practice or practice component exceeds 50 in a given year, only 5 are required to have a spot check.
- (2) After the first 3 years of certification or recertification of the TSP, a spot check will be performed on at least 5 percent of the conservation practice or practice components. For a TSP where the number of installations of a particular type of conservation practice or practice components exceeds 100 in a given year, only 5 are required to have a spot check.
- (3) STCs and Directors, Pacific Islands and Caribbean Areas, will ensure that the sample of an individual TSP's work is a representative cross section by geographic area, size of projects, and complexity of projects.
- (4) The person performing the spot check may expand the sample as necessary to determine the scope of any problems or deficiencies. The expanded sample may be extended to include installations completed in previous years.
- (5) If in the course of conducting a spot check where waste, fraud, or abuse is suspected, the spot check for that practice will be suspended immediately and the incident reported (see GM-360, Part 413, Subpart C, Investigations).

G. Selecting the Installation to be Spot Checked

- (1) Determine the kind and number of practices installed in the fiscal year from field office records.
- (2) In choosing which practices to spot check, STCs and Directors, Pacific Islands and

Caribbean Areas, should prioritize the spot checking of conservation practices that pose a greater risk to: life, property, and the environment; practices where a high percentage of annual cost-share funds were used; and practices with a high installation cost compared to other practices. STCs and Directors, Pacific Islands and Caribbean Areas, shall develop a procedure to set priorities for conservation practices to be spot checked. High-risk practices may be spot checked at a higher rate than low-risk practices.

(3) The person performing the spot checking should select random samples of the technical work of as many members of the staff as practicable. The work of each staff member of the staff should be spot checked a minimum of once every 3 years.

H. Personnel

(1) Spot checking is not to be performed by anyone who determined conservation need, planned and provided technical assistance during construction, made the construction check, or certified the practice.

(2) Normally, an engineer, conservationist, or technician of appropriate job approval level should spot check the more complex engineering structures, but not those for which he or she prepared the design or made the construction check. Agronomists, biologists, rangeland management specialist, foresters, or other appropriate disciplines should spot check appropriate practices during field office visits. Field office personnel can spot check for other field offices, if necessary. No employee can spot check work on land in which he or she has a vested interest.

I. Method of Checking

(1) Checking will determine the accuracy and adequacy of the design, quality of installation, accuracy of measurements and computations, adequacy of supporting records, and the need and practicability of the practice, including its role in a resource management system. The checker should make enough notations to substantiate checking of the installation and the supporting data. The checker is to record the observations and measurements made in determining accuracy of the original document.

(2) Notes and records of spot checks are to be filed at the field office that helped install the practice.

J. Reporting

(1) Reporting of Spot Checks of Practices Completed by NRCS Employees.

(i) Report all spot checks as soon as they are completed. Address the report to the appropriate line officer with a copy to the District Conservationist. Include the following information:

Name and extent of each practice checked.

Participant's name and location of property on which a practice was checked.

Statement that the practice checked met specifications and the amount certified is correct.

Program under which the practice was applied.

Adequacy of supporting data.

Other comments as needed.

(ii) If the spot check reveals deficiencies such as a practice that fails to meet specifications, lack of supporting data, or errors in quantities, the report is to include:

Details of how the practice failed to meet specifications or lacked adequate supporting data, or both.

Recommendations for correcting deficiencies.

Suggested training or other action to help prevent recurrence of deficiencies.

If the spot check reveals quality work, this should also be documented.

(2) Reporting of Spot Checks of Qualified Contractors and Other Qualified Individuals (non-TSPs).

(i) Deficiencies should be reported as part of the State Quality Assurance Report, see GM-340, Part 404. In addition to notifying the participant or owner, the field office staff shall work with the contractor to satisfactorily resolve the issues. A satisfactory resolution will range from correcting a simple error or misunderstanding to not accepting future documentation until such documentation is submitted in an accurate, acceptable manner.

(ii) Upon request from a contractor, the field office staff will furnish in writing to that contractor information related to acceptance of his or her work by NRCS. The letter shall be tailored to identify the acceptance of construction and documentation for the individual contractor.

(3) Reporting Spot Checks of TSPs.

Within 15 working days of completing the spot check of the TSP's work, a report will be sent to the STC or Directors, Pacific Islands and Caribbean Areas, and the appropriate line officer (s). If the spot check identifies deficiencies, the person performing the spot check will notify the District Conservationist and the State TSP Coordinator of the findings and any recommendations for corrective action. The State TSP Coordinator will determine if further management or administrative actions will be taken in accordance with TSP policy.

K. Follow-up

Part 407 - Documentation, Certification, and Spot Checking

- (1) Prompt and thorough follow-up of spot-checking reports is essential. If the checker questions need and practicability, he or she is to discuss the findings and opinions with the appropriate line officer. STC and Directors, Pacific Islands and Caribbean Areas will ensure that line officers report annually the status of spot checking to the STC within 90 days after the end of the spot-check year. Deficiencies are to be described in detail, and a follow-up report is required each 60 days until all follow-up action has been completed.
- (2) If performance of the practice has been certified, and significant errors in quantities certified are found, the office responsible for making cost-sharing payments and the participant are to be informed immediately. If a practice does not meet specifications, the District Conservationist is to take action immediately to assist the participant in making necessary modifications to meet specifications.
- (3) The program participant and the TSP will be notified in writing of the deficiencies and corrective actions needed. A reasonable time period will be specified for the corrective action needed. For TSP assisted practices, failure to correct the deficiency within the specified time period may trigger the TSP decertification process by the STC as per the causes for decertification specified in the TSP Handbook, Part 610, Section 610.26.
- (4) When corrective measures have been taken, a final check is to be made and the case closed. If corrective work is not done, the agency providing cost sharing is to be given the information and take further action in accordance with program regulations.
- (5) A summary of completed spot checks shall be incorporated into the year end Quality Assurance Report (see GM-340, Part 404).