



**ROLES AND RESPONSIBILITIES FOR ENGINEERING
TECHNICAL ASSISTANCE TO USDA PROGRAM
PARTICIPANTS (SOURCE 2)**
TECHNICAL SERVICE PROVIDER FUNDED VIA A PROGRAM CONTRACT

Note: a TSP may be hired by a program participant for either of the following situations:

- ✓ Completion of a Conservation Activity Plan (CAP),
 - Portions of the NRCS planning process only (some elements of the planning process must be completed by NRCS).
 - Common ND CAPs include Comprehensive Nutrient Management Plans, Drainage Water Management Plans, and Agricultural Energy Management Plans.
 - If a program participant decides to implement proposed conservation practices in a CAP through a future program contract, they may elect to proceed with design by a TSP, NRCS, or a private Professional Engineer.
- ✓ Design, installation, and checkout of conservation practices.
 - Planning for these practices may have been via a TSP prepared CAP in combination with subsequent NRCS planning, or through a conservation plan prepared by the NRCS staff in conjunction with the program participant.

The document below identifies when procedures apply to a “CAP” versus when they apply to a “Design” as described above.

USDA PROGRAM PARTICIPANT – ROLES AND RESPONSIBILITIES

1. Notify the NRCS of your desire to utilize a TSP for either a CAP or a Design.
 - In the case of a CAP, wait for program contract obligation prior to engaging the services of a TSP.
 - In the case of a Design, wait for a contract modification for TA funds to be approved by NRCS prior to engaging the services of a TSP.
2. Acknowledge that the NRCS financial obligation for TSP services will be at the units and amounts specified at <http://tspr.sc.egov.usda.gov/> and that any additional engineering fees required for successful completion of the work will be the responsibility of the program participant.
3. Select a TSP from the certified list found at <http://techreg.usda.gov/>
4. Sign the ND-CPA-70 form authorizing the TSP engineer access to case file information for planning or designing/implementing the practices.
5. Accept full responsibility to negotiate and reach agreement on costs and terms of engineering services with the TSP. Accept full responsibility for timely payment to the TSP, including costs that exceed the TSP payment rates in the program contract.
6. Pre-design Meeting
 - For a CAP, participate in a pre-planning meeting with NRCS and the TSP. If possible, these meetings should be onsite. NRCS will outline expected

deliverables, applicable planning criteria, and expectations of alternatives to be evaluated in the planning process. Any cultural resource concerns identified in the file search will be shared with the TSP, to ensure they are taken into account in the planning process.

- For a Design, participate in a pre-design meeting with the NRCS and TSP. These meetings typically can take place by teleconference, but can also be onsite in situations where NRCS has substantially planning effort into the practices which needs to be effectively relayed to the TSP. NRCS will outline expected deliverables, applicable design criteria/references, CPA-52 evaluations and any cultural resources concerns regarding the proposed practices.
 - Timing and process for program payments for completed items as work progressed will also be discussed and agreed to. These items will be clearly identified at the pre-project conference, and the program participant will agree to adhere to requirements.
7. Allow access to the site by the TSP for inventory, assessment, planning, design, and/or construction quality assurance. Provide all requested inventory information in a timely manner.
 8. Assist in any subsurface investigations as needed during planning and design work. Request utility locates from the ND One Call Center when requested by the TSP.
 9. Participate fully in the planning and design process.
 - In the case of a CAP, the TSP will provide multiple conceptual alternatives to treat resource concerns on your operation. Timely input on your part, and guidance to the TSP on alternatives you would like to see evaluated, is essential to ensuring a good quality plan.
 - Likewise, ensuring the TSP engineer involves you appropriately during the design process to make key decisions is your responsibility.

The following steps apply to TSP completed Designs only:

10. In some cases, typically a TSP's first submittal for a specific conservation practice design, NRCS must complete a functional review prior to certifying the technical assistance or allowing construction to commence.
11. Provide paper and electronic copies of the final design to the NRCS, for confirmation of contract practices and quantities, verify the ND NRCS Cultural Resources guidance requirement have been met, complete a final CPA-52 review, and functional review of TSP work if required. Wait for notification from NRCS prior to proceeding with construction.
12. Obtain and comply with all applicable regulatory agency permits.
13. Hire a construction contractor to install the practice(s) in accordance with the approved construction drawings and specifications. Alternatively, make plans to install practices with your own labor and equipment.
14. Attend a pre-construction meeting to go over details of the plans and specifications, with the TSP and the individuals who will be completing the construction work (for example your contractor, or your employees).

15. Provide anticipated construction dates to the TSP, and ensure they are aware when construction activities are taking place. Request that the TSP come out to complete construction staking and/or inspections as agreed to at the pre-construction meeting.
16. Ensure corrective measures are taken if deficiencies are identified via construction inspection conducted by the TSP. Understand that practices will not be certified that are not installed in accordance with the design drawings and specifications, without prior approval by the TSP. If substantial changes are made during construction, keep the NRCS informed.
17. Concur with certified quantities of installed practices, and sign Section 2 “Participant Certification and Signature” on the NRCS-CPA-1245, Practice Approval and Payment Application form.
18. Follow the operation and maintenance (O&M) plan for the practice(s) included in the construction drawings. Contact NRCS as needed for operation and maintenance follow up questions during the practice lifespan. If a management practice is included, complete identified activities, record keeping, and communication with NRCS as outlined in the design.

NRCS – ROLES AND RESPONSIBILITIES

Upon request of a program participant, proceed with an application for a program contract for development of a CAP or modification into an existing program contract for design, installation, and checkout. Recognize it is inappropriate to either encourage, or discourage, the use of a specific TSP or TSPs in general.

1. Notify the program participant when it is appropriate to proceed with obtaining services of a TSP. Review the “USDA Program Participant Roles and Responsibilities” portion of this fact sheet with the USDA program participant, and explain the overall process NRCS utilizes to plan and implement conservation practices.
2. Provide the ND-CPA-70 form to the program participant for signature, authorizing the TSP engineer access to case file information for planning or designing/implementing practices.
3. Maintain Conservation Assistance Notes (NRCS-CPA-6) through planning, design, and/or construction phases of the project. The TSP engineer should provide formal documentation, as outlined in the CAP criteria or practice statements work, however any informal communications between the NRCS and program participant or TSP should be recorded in the notes.
4. Pre-Planning Meeting
 - For a CAP, schedule a pre-planning meeting with NRCS, the program participant, and the TSP. NRCS should be represented by an individual with appropriate planning JAA for the anticipated practices. If possible, these meetings should be onsite. NRCS will outline expected deliverables, applicable planning criteria, and expectations of alternatives to be evaluated in the planning process. Share any cultural resource concerns identified in the file search with the TSP, to ensure they are taken into account in the planning process. Review the “TSP Roles and Responsibilities” portion of this fact sheet with the TSP, and explain the overall process NRCS utilizes to plan and implement conservation practices.

- For a Design, schedule a pre-design meeting with NRCS, the program participant, and the TSP. NRCS should be represented by an individual with appropriate design JAA for the planned practices. These meetings typically can take place by teleconference, but can also be onsite in situations where NRCS has substantial planning effort into the practices which needs to be effectively relayed to the TSP. Outline expected deliverables, applicable design criteria/references, CPA-52 evaluations and any cultural resource concerns regarding the proposed practices during NRCS planning.
5. Contact the State Engineer to determine if this is a TSP's first submittal for a specific conservation practice design, to see if NRCS must complete a functional review prior to certifying the technical assistance or allowing construction to commence.
 6. Be sure the program participant and TSP understand that NRCS must ensure ND NRCS Cultural Resources guidance requirement have been met and verify that the CPA-52 document prepared during planning is accurate for the final design, prior to construction.
 7. Discuss the timing of program payments, and installation/checkout deliverables expected from the TSP prior to NRCS certification. Clearly identify the process and requirements, to ensure both the program participant and TSP are aware that program funding is contingent upon their adherence to requirements.
 8. Upon receiving a completed CAP, review the submittal for the deliverables as discussed in the pre-planning meeting and as identified in Section III of the eFOTG, for the particular type of CAP. For assistance, contact the Area Engineer. If a functional review of the CAP was determined to be necessary, forward to the State Conservation Engineer for review prior to certification.

Upon receiving a completed Design, review the submittal for the deliverables as discussed at the pre-design meeting and as identified in the Statement of Work for each practice listed in Section IV of the eFOTG. For assistance, contact the Area Engineer. If a functional design review was determined to be necessary, forward to the State Conservation Engineer for review prior to certification.
 9. Following successful completion of step 7, certify the CAP or the 911-Design as appropriate and contact program assistant to generate the NRCS-CPA-1245, Practice Approval and Payment Application form(s) and work with the program participant for signature.

For a CAP, the process is now finished and NRCS will complete the remainder of conservation planning tasks on the project. Following conservation planning, ranking, and contracting steps the program participant may choose to implement practices via a TSP. If this is the case, start at Step 1 of these procedures again for a TSP Design.

10. NRCS must ensure ND NRCS cultural resources guidance requirements have been met, and verify that the CPA-52 document prepared during planning is accurate for the final design, prior to construction.
11. As needed, complete a contract modification based on final design practices and quantities. Contact Area Engineer for assistance if needed. If the final design project modifications result in areas or effects not considered in the initial screening or survey, contact the State Cultural Resources Specialist (SCRS) for additional recommendations. Additional onsite cultural resource review may be recommended. Confirm CPA-52 completed at the planning stage is valid. Revise and/or work with program participant to address issues as needed. Contact the

program participant when these steps are completed, to notify them that they may move forward with construction.

12. As practices, or groups of practices, are installed (as agreed to at the pre-design meeting) review the construction/checkout documentation provided by the TSP for the deliverables as discussed at the pre-design meeting and as identified in the Statement of Work for the individual practices, as listed in Section IV of the eFOTG. For assistance, contact the Area Engineer.
13. Contact program assistant to generate the NRCS-CPA-1245, Practice Approval and Payment Application form(s) and work with the program participant for signature.
14. Report progress in the Performance Results System (PRS).
15. Provide follow up assistance to the program participant as needed, for practice operation and maintenance. Complete conservation planning step 9, to evaluate the effectiveness of practices to address resource concerns over time.

TSP ROLES AND RESPONSIBILITIES

1. Accept full responsibility to negotiate and reach agreement on costs and terms of engineering services with the program participant. Understand that your contractual arrangement for technical services is with the program participant and any engineering costs that exceed TSP payment rates in the program contract must be borne by the program participant.
2. Pre-Planning Meeting
 - For a CAP, participate in a pre-planning meeting with the program participant and NRCS. If possible, these meetings should be onsite. NRCS will outline expected deliverables, applicable planning criteria, and expectations of alternatives to be evaluated in the planning process. Any cultural resource concerns identified in the file search will be shared with the TSP, to ensure they are taken into account in the planning process.
 - For a Design, participate in a pre-design meeting with the program participant and NRCS. These meetings typically can take place by teleconference, but can also be onsite in situations where NRCS has substantially planning effort into the practices which needs to be effectively relayed to the TSP. NRCS will outline expected deliverables, applicable design criteria/references, CPA-52 evaluations and cultural resource concerns regarding the proposed practices. In all cases NRCS must ensure ND NRCS Cultural Resources guidance requirement have been met, and verify that the CPA-52 document prepared during planning is accurate for the final design, prior to construction. The timing of program payments, and installation/checkout deliverables expected, will also be discussed at the meeting.
3. In some cases, typically a TSP's first submittal for a specific conservation practice design, NRCS must complete a functional review prior to certifying the technical assistance or allowing construction to commence.
4. Complete final design work, as outlined in the National Engineering Manual, National Engineering Handbook, and as required by individual practice standards. A typical design package will include: design drawings, construction specifications, materials list, supporting

computations, and an operation and maintenance plan. Send electronic and paper copies of the final design and deliverables per the Statement of Work for each conservation practice standard to the NRCS prior to construction. Do not allow construction to proceed until program participant is notified by NRCS.

5. Keep the FO and program participant involved and aware of issues that arise during the final design process, particularly if substantial changes are made that will impact the program contract.
6. Provide technical assistance to the program participant in acquiring project permits.
7. Conduct a pre-construction meeting with the program participant and installer to go over critical details of the design and key elements of construction inspection.
8. Provide oversight to construction inspection activities throughout the project, and schedule time onsite as needed.
9. Conduct final inspection of installed practices and compute quantities. As needed, provide formal written communication to the program participant of deficiencies. Provide paper and electronic copies of inspection documentation, construction surveys, materials submittals, asbuilt drawings, and other items as listed in the SOW to the NRCS for certification.

I have read and understand the responsibilities indicated above.

Program Participant

Date

Technical Service Provider

Date

NRCS Planner

Date