

## **Part 505 – Non-NRCS Engineering Services**

### **Subpart B – Procedures**

#### **505.10 Technical Service Providers (TSPs)**

Landowners may engage the services of certified TSPs directly for technical assistance in implementation of engineering practices in accordance with Title 440, Conservation Programs Manual (CPM), Part 504, “Technical Service Provider Assistance.”

- (1) NRCS will provide the applicable NRCS standards and provide appropriate predesign support at the request of the landowner.
- (2) The certification of practices or activities accomplished by the TSP is the responsibility of the TSP. The TSP must furnish documentation as outlined in the statement of work for the conservation practice or activity.
- (3) The TSP must include the following certification on drawings for engineering practices: “To the best of my professional knowledge, judgment, and belief, these plans meet applicable NRCS standards.”
- (4) NRCS is responsible for quality assurance and spot-checking of work performed by TSPs in accordance with Title 450, General Manual (GM), Part 407, “Documentation, Certification, and Spot Checking.”
- (5) Services performed by certified TSPs may be accepted under these provisions independent of the source of compensation for the services.

#### **505.11 Non-TSP Providers**

Consultants and others may complete designs, drawings, and specifications and may inspect construction for NRCS, sponsors, or landowners.

- (1) The provider must submit documentation as required in the statement of work for the practice.
- (2) The provider must include the following certification on the drawings: “To the best of my professional knowledge, judgment, and belief, these plans meet applicable NRCS standards.”
- (3) The State conservation engineer (SCE) will establish State policy for reviewing the submittal to ensure, at a minimum, that the work achieves the objectives and criteria in the applicable conservation practice standards.
- (4) When the provider assists with construction inspection the landowner or sponsor must submit final as-built drawings with the following certification by the responsible individual: “To the best of my professional knowledge, judgment, and belief, this practice is installed in accordance with the plans and specifications and meets NRCS standards.”

#### **505.12 Conservation Contractors**

Conservation contractors may provide technical services to landowners and land users in conjunction with the installation of terraces, diversions, grassed waterways, stabilization structures, on-farm drainage and irrigation systems, low-hazard agricultural waste management systems, land grading and leveling, and other conservation practices.

- (1) NRCS is responsible for technical standards, conservation planning and application, and the certification and reporting for conservation practices assisted by conservation contractors.

- Field office staff will review the checkout and layout and other construction documentation provided by the contractor. Practice documentation must comply with 450-GM, Part 407.
- (2) NRCS must ensure that services provided by the contractor during the design phase meets NRCS program needs and technical standards.
  - (3) Upon request from a contractor, the field office staff will furnish information related to acceptance of his or her work by NRCS in writing describing the specific practices and elements of work performed. A sample letter is included in subpart C, section 505.20. This information is protected by the Privacy Act from unwarranted disclosure and may not be divulged by NRCS to any individual or organization other than the contractor to whom it pertains. Exceptions to this require approval of the Freedom of Information Act officer.

### **505.13 Engineering Services Contracts and Agreements**

Contracts and agreements must comply with the following:

- (1) Coordinate acquisition of engineering services with the NRCS Acquisitions, Grants, and Agreements Division.
- (2) If NRCS provides funds for engineering performed by a sponsoring local organization or by a private source engaged by a sponsoring local organization, an agreement for services is required. The SCE and the NRCS acquisition specialist must assist in selection and negotiation.
- (3) Guidance and assistance in establishing engineering services contracts and agreements are available through the Acquisitions, Grants, and Agreements Division SharePoint site.

### **505.14 Exchange of Technical Services Between Government Agencies**

NRCS participates in the exchange of engineering services between Government agencies to expedite and improve technical work of the agencies by sharing expertise and enhancing on-the-job training. An agreement for exchange of services may be formal or informal depending on the nature of the work. Generally, simple routine exchanges are arranged by correspondence between the agencies. More complex jobs require formal agreements. Contact the Acquisitions, Grants, and Agreements Division for assistance and guidance in establishing agreements.

### **505.15 Standard Designs and Drawings**

A. NRCS is often requested to approve standard drawings for such measures as manure tanks or prefabricated structures by a vendor.

B. The SCE may perform the review using available NRCS resources and approve the standard design and drawing.

- (1) The SCE may request that the vendor supply a peer review conducted by an independent engineering firm.
- (2) The SCE must require the vendor to supply NRCS with a certification by a licensed professional engineer registered in the State that the measure meets all NRCS standards for the States where the measure is to be applied.
- (3) The submittal must include all necessary substantiating data, including calculations, design constraints, and limitations.
- (4) The SCE will notify the Director, Conservation Engineering Division, of all approved standard designs and drawings prepared by others.

## 505.16 Engineering Services Not Provided by NRCS

NRCS engineers do not provide certain engineering services that are outside the scope of NRCS authority or engineering capacity. NRCS also avoids competition with private-sector providers better suited for specialized services. NRCS does not provide the following engineering services:

- (1) Boundary or location surveys for legal purposes, unless the State Conservationist has determined that providing such service in a State meets the requirements of the State Professional Engineers and Land Surveyors Board.
- (2) Representation of drainage or irrigation districts or similar enterprises in legal proceedings required by State laws, unless non-NRCS sources are not available and the State Conservationist presents justification acceptable to the Chief.
- (3) Obtaining water rights or filing applications with regulating agencies for pollution abatement facilities, except as provided in 130-GM, Part 400, “Mission Statement.”
- (4) Single-Purpose Municipal and Industrial Water Supply.—NRCS does not provide or contract for engineering services for the planning, design, or installation of single-purpose structures for municipal and industrial water supply.
- (5) Multiple-Purpose Municipal and Industrial Water Supply.—Multiple-purpose structures for municipal and industrial water supply may have provisions for flood control, irrigation water management, recreation, fish and wildlife, water quality management, or any combination of these or other purposes. The division of engineering work among NRCS and others depends on which purposes are included. The Chief may consider exceptions to this rule at the request of sponsoring local organizations and on submission of justification if the storage volume for municipal and industrial water is less than 20 percent of the total water storage volume.