Part 505 – Non-NRCS Engineering Services
Subpart B – Procedures

NY505.10 Technical Service Providers

(1) When TSP dollars are obligated into a contract for a practice, the District Conservationist will provide a letter to the contract holder describing the roles of all parties, including NRCS. A sample letter is provided in Subpart C, - Exhibits, Section NY505.30, of this manual. Include a copy of the applicable practice standard and Statement of Work (SOW) for each applicable practice as attachments with the letter.

(4) For construction acceptance prior to payment certification, NRCS will perform a spot check of the constructed practice or system. This spot check must be completed by an NRCS employee with the appropriate construction engineering job approval authority, and must be documented in writing. If deficiency is found, contract holder is responsible to have the TSP correct any deficiencies to the satisfaction of the NRCS reviewer. If this is not done, the contract holder is in violation of their contract.

(5) In NY, when a contract holder engages the services of a TSP for technical assistance in implementation of engineering practices without associated TSP dollars in their contract, Section NY505.11 applies.

NY505.11 Non-TSP Providers

(3) In NY, for work on NRCS projects utilizing non-NRCS engineering services not associated with the TSP program, including those services provided by individuals who are certified as a TSP for the work product but not acting through the TSP program for a particular project, the following policy applies. The client in this case may be a contract holder, an agricultural producer or landowner, or other entity for whom NRCS is providing technical assistance.

(i) Non-NRCS engineering services must be provided by a professional engineer licensed in the state of New York (NY PE). The professional engineer is responsible for determining the allowable scope of his or her activities and for engaging an additional consultant as needed to accomplish the project. NRCS will accept only one engineer of record for a project, therefore any additional consultants deemed necessary will act as a sub-contractor to the named engineer of record.

(ii) The NRCS District Conservationist or representative will provide a letter to the contract holder describing the roles of all parties, including NRCS. A sample letter is provided in Subpart C - Exhibits, Section NY505.40, of this manual. Include the following as attachments to the letter:
- A copy of each applicable Conservation Practice Standard;
- A copy of the SOW for each applicable practice. Practice documentation requirements and deliverables are clearly stated in the conservation practice statement of work (SOW).

(iii) **Before the design is substantially underway**, a pre-design conference with NRCS staff, the NY PE acting as engineer of record, and the contract holder or designated representative is required on all projects to facilitate communication.
early in the design process. Other meetings during the design may be necessary for more complex projects.

(iv) **Before any construction activities commence**, the contract holder is responsible for submitting the design and construction package, including practice documentation requirements as described in the appropriate SOW, to NRCS. The construction package must contain the NY PE’s seal and signature, and must include the certification as per NEM Part 505, Subpart B, 505.11(2). Acceptance of the design and construction package must occur prior to any construction activity, including but not limited to purchase and delivery of materials.

For design acceptance, NRCS will perform a functional review of the design and construction package to ensure, at a minimum, that the work—

- Achieves the objectives of the plan and programs,
- Meets the criteria in the applicable conservation practice standards,
- Complies with the applicable State and Federal programs,
- Includes an inspection plan and operation and maintenance plan,
- Does not require a technical review as defined in Section 511.5.

This review must be completed by an NRCS employee with the appropriate design engineering job approval authority and must be documented in writing.

When the design and construction package is accepted by NRCS, NRCS will inform the landowner in writing (sample letter is provided in Subpart C, Section NY505.50) that construction may begin when the appropriate permits are obtained and after the preconstruction conference is held in accordance with NEM Part 512 – Construction, Subpart B – Preconstruction Activities, Section 512.13. The NY PE acting as engineer of record for the project is responsible for providing leadership at the preconstruction conference.

(v) **During construction**, the engineer of record is responsible for coordinating with the contract holder and the contractor to ensure that enough data is collected to develop the required as built drawings, to verify that materials meet the specified quality before being incorporated into the work, and that inspections occur as required by the quality control plan prepared by the NY PE and accepted by NRCS. Inspections will be documented in writing and photographs, as applicable to the inspected item, for inclusion in the final as built package.

(vi) **When the construction is complete**, as-built drawings and supporting documentation must be provided to NRCS, along with the certification statement as per NEM 505.11(4).

For construction acceptance, NRCS will perform an onsite review of the constructed project, and a review of the as built plans and other project construction documentation. This review must be completed by an NRCS employee with the appropriate construction engineering job approval authority, and must be documented in writing. When complete, the written documentation must state that NRCS accepts the installed practice(s), based on the certification of the NY PE acting as engineer of record.