

Part 531 – Regional Conservation Partnership Program Manual

Subpart D – Programmatic Partnership Agreement Management

531.30 General

- A. This subpart provides policy related to the administration and management of programmatic partnership agreements (PPAs), including amendments, noncompliance, cancelations, termination, and remedies.
- B. The 2018 Farm Bill Regional Conservation Partnership Program (RCPP) PPAs are managed by NRCS and lead partners, primarily at the State level. Each PPA documents the terms of a project-specific partnership between NRCS and a lead partner and their respective roles, forming the basis for actions by each party.
- C. See subpart E, “Supplemental Agreements,” of this manual, National Instruction (NI) 440-315, “Guidance for Regional Conservation Partnership Program (RCPP) Negotiated Supplemental Agreements,” and NI 440-316, “Guidance for Regional Conservation Partnership Program (RCPP) Programmatic Partnership Agreements,” for guidance related to administering and managing supplemental agreements associated with a PPA.

531.31 Agreement Amendments

- A. NRCS or the lead partner may propose and negotiate an amendment to the PPA at any time during the term of the agreement. Amendments are requested and negotiated in the NRCS Programs Portal.
- B. Amendments must be consistent with program rules and support the original intent of the project, PPA, and notice of funding opportunity. Amendments cannot change the scope of the project, such as project area or conservation benefits, unless necessary to correct errors made during the PPA negotiations.
- C. Minor changes are updates to the NRCS Program Portal PPA record that do not require an amendment to the signed agreement. NRCS or the lead partner can propose and negotiate minor changes to the project and PPA.
 - (1) Any minor change to the PPA must be mutually agreed upon by NRCS and the lead partner and, if approved by NRCS, documented in the NRCS Programs Portal using the “Project Documents” tab.
 - (2) NRCS only approves minor changes when the proposed changes are consistent with program rules and policy and will not adversely affect the project scope, nor impact the ability to achieve the project purposes described in the PPA.

Note: See the NRCS Programs Portal user guides for additional guidance on requesting and negotiating PPA amendments in the portal, and NI 440-316 and exhibit 4 – “PPA Amendment Process Workflow,” for the most common types of PPA amendments and a diagram of the amendment process.
- D. NRCS lead State will work with the RCPP lead partner to complete all proposed amendments to the PPA and submit them to National Headquarters (NHQ) for review and approval, as applicable. Once the amendment is approved by NHQ, the lead State will follow NRCS Programs Portal guidance to complete the amendment process in the portal.

531.32 Cancellation and Termination of Agreements

A. In the event of noncompliance with the PPA, the lead State will provide the lead partner written notification and, when appropriate, an opportunity to voluntarily correct the noncompliance in accordance with the terms of the PPA. States may use the template letter in subpart U, exhibit 531.201C, “Sample Programmatic Partnership Agreement Noncompliance Letter,” of this manual to notify partners of noncompliance and corrective actions needed to bring the agreement into compliance.

B. Lead partners may request a cancellation of a PPA by submitting a written request to the lead State conservationist that includes the reason(s) for the request. A cancellation is an equitable remedy that allows NRCS and the partners(s) to mutually end the contractual relationship.

C. NRCS may cancel a PPA if requested and justified by the lead partner. A cancellation may be justified for circumstances beyond the lead partner’s control that prevents completion of one or more provisions of the PPA, such as a natural disaster or other circumstances in which NRCS may determine cancellation is in the public interest.

D. NRCS may unilaterally terminate a PPA as a result of a material breach of the terms and conditions of the agreement. NRCS may terminate a PPA if—

- (1) NRCS determines that an adjustment of the PPA is necessary to comply with applicable law and the lead partner does not concur with such adjustment; or
- (2) The lead partner fails to correct noncompliance with terms of the PPA in the time frame determined by NRCS.

E. Failure of an RCPP lead partner to comply with annual and final reporting requirements, project timelines, or contribution expenditures may result in NRCS requiring additional project oversight, adjustments to enhancement or implementation technical assistance, or ultimately terminating a PPA.

F. If a PPA is canceled or terminated, the lead partner forfeits all rights to any remaining technical or financial assistance under the PPA, unless work was completed prior to cancellation or termination, or otherwise determined allowable by NRCS under terms of the PPA and supplemental agreement (SA).

G. Effect on Other Agreements

Cancellation or Termination of a PPA will—

- (i) Not affect the validity of any program (producer) contract that was entered into within the project area encompassed by the PPA; and
- (ii) Result in the cancellation or termination of SAs unless NRCS determines that the SAs would continue to provide necessary program implementation assistance to producers with program contracts or otherwise advance an eligible program activity within the project area.

H. Refund and Right to Future Assistance

If NRCS terminates a partnership agreement due to noncompliance with its terms or conditions, the lead partner will forfeit any right to future assistance under the PPA and will refund all or part of any payments received directly by the lead partner, plus interest.

I. Liquidated Damages

NRCS may include terms in a PPA that allow for the assessment of liquidated damages against the lead partner in the event of an intentional breach. See subpart G, section 531.63, “Liquidated Damages,” of this manual for additional guidance.

J. Partner Appeals

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See subpart G, section 531.64B, of this manual for appeals guidance.