

PART 505 - NON-NRCS ENGINEERING SERVICES

SUBPART B - USE OF NON-NRCS ENGINEERING SERVICES

MT505.10(a)(2)(ii)

MT505.10(a)(2)(ii) Non-project activities

a) Engineering Services provided by non-NRCS employees, shall provide a quality of work and details that is required for NRCS employees. This is outlined in Part 409.03 of GM-180. Quality of work shall not be less than NRCS technical requirements as required by job class.

b) The NRCS employee with proper engineering approval authority is to ensure that the engineering measures in the plan will function as planned throughout their design life expectancy as outlined in the National Engineering Manual, Part 510.04, Planning Criteria. Planning requirements on projects that have engineering practices or components are outlined in the National Engineering Manual, Part 510, Planning.

MT505.10(a)(3) Non-NRCS Engineering Services.

(i) In Montana, the NRCS individual with proper approval authority shall meet and explain to the landowner and the non-NRCS individual the items necessary as defined in the appropriate sections of the National Engineering Manual, Part 505 and the Montana Amendments.

(ii) The summary of this discussion and NRCS requirements as outlined in MT505.03(b)(1)(ii) and (iii) shall be documented in a letter to all non-NRCS engineers and landowners. The letter shall address site specific portions of the National Engineering Manual, Part 505 and the Montana Amendments. Items that shall also be addressed in the letter are:

1) Funding for the non-NRCS technical assistance will not be provided by NRCS, without prior written agreement from NRCS.

2) All non-NRCS technical assistance will be subject to quality review spot checks.

3) Only NRCS employees have authority to certify completed practices for federal payment.

4) Any modifications or deviations from the approved plans and specifications shall have NRCS approval prior to construction changes and payment.

MT505-6(1)

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MT505.10(b)(2) Technical Services

(i) A needs and feasibility check and job classification shall be made by an NRCS employee, prior to the start of any planning, design, layout or construction. An NRCS employee shall verify the cooperators compliance with the National Environmental Policy Act (NEPA), Archaeological and Historical, and other Federal and State laws and permits as appropriate, prior to start of any design, layout, or construction.

(ii) Survey, layout and construction checks may be accepted provided all conditions covered by this section, the NRCS practice standards, State and Federal laws, drawings and specifications are met.

(iii) The contractor shall provide documentation to NRCS that the practice installed meets NRCS standards and specifications prior to the NRCS's certification. See SUBPART E--EXHIBITS, MT505.42, CONTRACTOR DOCUMENTATION, MT-ENG-6.

MT505.10(b)(3) Technical Services

(i) Design performed by contractors shall conform to NRCS technical standards and specifications. The contractor shall furnish statements, survey notes, design calculations, materials, quantity calculations, and drawings as documentation to show that NRCS standards and specifications have been met. An NRCS employee with appropriate job approval authority shall review and verify that the work of these individuals meets the NRCS technical standards and specifications before accepting their statements, survey notes, design calculations, drawings, measurements and quantities as supporting data. (See SUBPART E--EXHIBITS, MT505.40, MINIMUM DOCUMENTATION FOR CONSERVATION CONTRACTORS AND MT505.41, SPECIFIC DOCUMENTATION FOR CONSERVATION PRACTICES.)

(ii) Checked and signed survey notes, design notes, designs, layout notes and construction check notes from the contractor are to be received and filed in the responsible NRCS office location.

(iii) Designs provided by a contractor with adequate training shall be reviewed and approved by an NRCS employee having appropriate approval authority before the installation is started. Adequate time must be scheduled for review and approval of the designs.

(iv) The contractor needs to be aware of and comply with State of Montana, Professional Engineers and Land Surveyors, Laws and Rules, Part I for all surveys and designs submitted, when the "Practice of engineering" or the "Practice of land surveying" is required as defined by state law. In certain cases as defined by state law, only professional engineers or professional land surveyors may assume legal responsibility for surveys and designs.

a) NRCS does not certify conservation contractors and NRCS does not give contractors engineering job approval authority.

MT505-6(2)

(210-V-NEM, Amend. MT40, June 1999)

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b) Conservation contractors do not certify conservation practices. The contractors provide documentation which will be the basis for NRCS certification of the conservation practice.

c) NRCS employees, with appropriate approval authority shall review, approve, or certify that the contractors documentation meets NRCS practice standards. If the documentation is not adequate, or does not conform to SUBPART E--EXHIBITS, MT505.40, MINIMUM DOCUMENTATION FOR CONSERVATION CONTRACTORS AND MT505.41, SPECIFIC DOCUMENTATION FOR CONSERVATION PRACTICES, NRCS approval or certification shall not be given for the conservation practice.

(v) Acceptance of a contractor's required documentation for survey, design, layout, and construction services shall cover the approved administrative area. This acceptance shall be given by the appropriate NRCS team member and concurred by the team engineer (see SUBPART E--EXHIBITS, MT505.43, CONSTRUCTION SERVICES). If a contractor requests construction services beyond a field office, this shall be coordinated with the appropriate team and field engineer(s) at the respective locations or teams.

(vi) Acceptance of a contractor's required documentation shall only be made for contractors who have demonstrated their ability to perform the appropriate construction services and have adequate training. The adequacy of the training shall be determined by the appropriate NRCS team member and be concurred by the field engineer.

(vii) A letter to the contractor for construction services shall be sent by the appropriate NRCS team member. An example of the letter is located in SUBPART E--EXHIBITS, MT505.43, CONTRACTOR SERVICES. The letter shall contain as a minimum the following information:

- a) Identify the administrative county(s) and team(s) covered by the agreement.
- b) Identify those conservation practices by name and practice number.
- c) Identify phases of construction services for the appropriate conservation practices. Phases may include all or parts of survey, design, layout and completion checks.
- d) Identify restrictions and limitations related to phases.
- e) Documentation required from the contractor, for appropriate survey, design, layout and completion checks. Attach SUBPART E--EXHIBITS, MT505.40, MINIMUM DOCUMENTATION FOR CONSERVATION PRACTICES AND MT505.41, SPECIFIC DOCUMENTATION FOR CONSERVATION PRACTICES as appropriate.

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MT505.10(b)(3)(vii)g)

- g) Statement as to the spot checks which shall be made by the NRCS.
 - h) Current NRCS practice standards, design tools and other references for appropriate phases of construction services.
 - i) Documentation by the contractor on the as-built drawings that the practice was built according to the plans and specifications and that all quantities are correct, checked, and documented.
 - j) The contractor shall submit CONTRACTOR DOCUMENTATION (MT-ENG-6); documenting quantities, materials, etc. See SUBPART E--EXHIBITS, MT505.42, CONTRACTOR DOCUMENTATION.
- (viii) Each year current contractor letters for construction services shall be reviewed and updated by the appropriate NRCS team member. Each year the contractor shall be trained on applicable changes in policies, methods, standards, specifications, etc. The training will be given by an NRCS individual with appropriate job approval authority such as the field engineer.

MT505.10(b)(4) Technical Services

- (i) Each year, a NRCS employee with appropriate job approval authority shall perform a complete construction check on one or more of each type of practice(s) that a contractor has installed, for which technical assistance has been furnished by the contractor or firm.
- (ii) In addition, quality reviews for jobs where a contractor has provided design, layout and/or construction check services during the year shall be performed on ten percent of the jobs (or a minimum of one) for each type of practice.

MT505.10(b)(5) Technical Services

- (i) If a pattern of deficiencies are found, a timely plan for correction shall be prepared by NRCS.
- (ii) The contractor shall provide the minimum documentation for survey, design, layout, checkout, and quantity calculations before the specific practice will be approved by NRCS.

MT505.10(b)(6) Technical Services

- (i) NRCS will provide the contractor adequate training in the necessary documentation required so the conservation practices can be certified by the appropriate NRCS official.

MT505-6(4)