§PA505.10(a)(3)(i)

(3)(i) To ensure that the landowner and non-NRCS Engineer understand their responsibilities in providing adequate technical assistance and documentation to support NRCS certification of completed practices, a letter based on the example in Exhibit §505.43a shall be sent to the landowner as soon as NRCS is aware of the involvement of a non-NRCS Engineer. It is the landowner's responsibility to provide:

- A copy of the site specific design drawings and specifications which meet Pennsylvania Technical Guide Standards and Specifications, signed and sealed by a Professional Engineer.
- The Professional Engineer's certification statement: "To the best of my professional knowledge, judgment, and belief, these plans meet applicable Pennsylvania Technical Guide Standards and Specifications" shall appear on the design drawings.
- A copy of the design Engineer's cost estimate.
- A copy of the construction quality assurance (inspection) plan.
- A copy of the Operation and Maintenance Plan for the project.

NRCS will review the plan for compatibility with the conservation plan, the nutrient management plan, and the applicable Pennsylvania Technical Guide standards. If there are inconsistencies with the conservation plan or the nutrient management plan, NRCS will bring these to the attention of the landowner for resolution by the non-NRCS Engineer. NRCS will not be responsible for checking or approving engineering designs or calculations prepared by others. If there are apparent design discrepancies or deviations from the standards, these should be brought to the attention of the NRCS Area Engineer for guidance on how to proceed.

During construction, NRCS should monitor the performance of quality assurance responsibilities by the non-NRCS Engineer, but avoid any appearance of inspecting or supervising construction. If NRCS observes apparent deviations from the design or errors in construction, NRCS should inform the landowner and the non-NRCS Engineer. At no time should NRCS intervene directly with the contractor unless a life-threatening situation is observed.

Upon completion of construction, the landowner must submit to NRCS:

- A copy of the "as-built" drawings with design changes approved by the non-NRCS Engineer.
- The "as-built" drawings shall include a certification statement signed by the Professional Engineer. The certification statement should read "To the best of my professional knowledge, judgment, and belief, the installed practice(s) meets the Pennsylvania Technical Guide Standards and Specifications."
- A copy of any construction documentation required in the inspection plan.

NRCS will make a field visit to the site and can then certify completion on the appropriate cost share certification form.

PA505.10(a)(3)(ii)

(ii) When the engineering services are provided by a Technical Service Provider (TSP), the requirements are modified from §PA505.10(a)(3i), since the TSP assumes full responsibility for the adequacy and certification of technical assistance. A letter like the sample shown in Subpart E – Exhibit §PA505.44, shall be used to ensure effective communication with all involved parties.

NRCS does not review the TSP's design, and relies on the TSP to provide technical certification of the adequacy of the installed practice(s).

(iii) Both non-NRCS Engineers and TSPs assume the roles and responsibilities of the Engineer of Record when they provide technical assistance. Listed below are the roles and responsibilities for the Engineer of Record:

- Leads and provides technical direction through the completion of the project.
- Accepts and rejects work performance by the installer(s) of the project.
- Provides regular construction quality assurance and job oversight (delegates inspection responsibilities) consistent with §PA512.32.
- Selects sources and extent of consultations, if needed.

(iv) Listed below are the roles and responsibilities for NRCS when others (including TSPs) are the Engineer of Record:

- NRCS can provide recommendations to the Engineer of Record who is in charge.
- NRCS can provide training to the landowner, Engineer, conservation district and other agency employees, etc.
- NRCS can explain the Technical Guide Standards.
- NRCS can monitor the construction quality assurance being performed by the Engineer of Record.
- NRCS does not perform construction quality assurance inspections.
- NRCS does not assume responsibilities of the Engineer of Record.
- NRCS makes clear its role in the project to the landowner, regulatory agencies, cost share agency, and Engineer of Record.