

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
IRRIGATION ASSOCIATION
AND THE
U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE

This Memorandum of Understanding (MOU) is between the Irrigation Association, hereinafter referred to as the IA, and the U.S. Department of Agriculture, Natural Resources Conservation Service, hereinafter referred to as NRCS.

I. BACKGROUND

NRCS is responsible for providing technical assistance to land owners and operators in protecting soil, water, and related resources under the provisions of the Soil Conservation and Domestic Allotment Act, as amended 16 U.S.C. 590 (a-f), and other applicable legislation. This legislation authorizes NRCS to cooperate with various Federal agencies, State, and local governments, nongovernmental organizations, and individuals in order to carry out its responsibilities and further the conservation mission of NRCS on private lands in a voluntary, scientifically-based manner.

In addition to the technical assistance available from NRCS, USDA program participants in certain programs also have the option of obtaining conservation technical assistance from individuals certified as Technical Service Providers by NRCS.

Section 2701 of the Farm Security and Rural Investment Act of 2002, Public Law 107-171, May 13, 2002, (2002 Farm Bill) amended Section 1242 of the Food Security Act of 1985 to require the Secretary to provide technical assistance under Title XII of the Food Security Act of 1985 to a program participant "directly, or . . . through a payment . . . for an approved third party, if available."

Section 1242 also requires the Secretary to establish a system for approving individuals and entities to provide technical assistance to carry out programs under this title including criteria for the evaluation of providers or potential providers of technical assistance.

The Irrigation Association is a 501c6, non-profit, membership organization that provides members and others with a tested Certification program specializing in all irrigation disciplines.

II. PURPOSE

The purpose of this MOU is to establish a general framework for cooperation between IA and NRCS through which IA may submit recommendations to NRCS of individuals who meet IA tested certification in Agriculture standards, and NRCS may consider such individuals for certification as third-party technical service providers. It is the intent of both parties that this cooperative effort shall be for the mutual benefit of each party as well as program participants who wish to avail themselves of technical services provided by certified Technical Service Providers.

This MOU will benefit NRCS by providing individuals certified by IA the opportunity to become certified as Technical Service Providers by NRCS. This, in turn, will assist NRCS in carrying out its mission of providing quality conservation technical assistance to its customers.

This MOU will benefit IA by providing recommended individuals the opportunity to become certified as Technical Service Providers by NRCS and be placed on the approved list to provide technical service to USDA program participants; thereby, expanding their scope of services to existing and future clientele.

III. RESPONSIBILITIES

A. The IA will:

1. Provide adequate documentation as well as a signed statement that the individuals IA recommends for certification as Technical Service Providers meet the minimum NRCS standards for providing conservation assistance in the areas of irrigation design, system evaluation, scheduling, and auditing;
2. Establish and maintain a registry of individuals who meet IA qualifications to provide conservation technical services, identified in A.1. The registry will include a list of services each individual is qualified to provide. The registry will contain the following information:
 - a) Name of Individual
 - b) Company (if applicable)
 - c) Address
 - d) Phone and Fax Numbers, and e-mail address, if applicable
 - e) Skill Area and Certification type
 - f) Service Area
 - g) Expiration Date of qualification under IA certification

- procedures
- h) Irrigation Association is recommending organization;
3. Annually record recommended individuals' efforts to satisfy continuing education requirements each year to maintain certification under IA guidelines:
 - a) Each individual who wishes to remain on the registry is required to receive appropriate training in conservation assistance to maintain skill levels at least once every 3 years.
 - b) The registry will indicate the deadline that each individual must receive training. Updates indicating the date training was last received will be submitted in accordance with their continuing education cycle dates;
 4. Update all information on its registry annually, or more frequently, if necessary, and provide this information to NRCS in a timely manner;
 5. Remove individuals from the registry who do not maintain required levels of training within the 3-year timeframe or who are found to be providing substandard assistance from its registry and immediately notify the individuals and NRCS;
 6. Notify recommended members to NRCS when technical and programmatic materials are available from NRCS in a timely manner to ensure that the highest quality of conservation technical assistance is available;
 7. Upon request and with an agreement from all parties involved, provide NRCS with a list of courses an individual on IA registry used to fulfill continuing education requirements;
 8. Inform members that all providers certified by NRCS must execute a Certification Agreement as a condition of their certification. Encourage members to review the Certification Agreement prior to having their names placed on the registry of recommended individuals to NRCS;
 9. Inform members certified as Technical Service Providers by NRCS that they are subject to the same annual quality reviews as that performed by NRCS employees; and

10. Inform members that they cannot legally certify completed cost shared practices for payment. Only NRCS employees have the legal authority to do so.

B. NRCS will:

1. Ensure that IA's standards for recommending individuals meet NRCS standard criteria for the specific practices covered by this MOU;
2. Provide IA with access to current program information and appropriate technical reference documents for use by Technical Service Providers. Such documents will include manuals, standards, and specifications for appropriate conservation practices;
3. Provide the approved list of Technical Service Providers to USDA offices;
4. Assist in suggesting training opportunities for IA members and serve as a resource when available; and
5. Initiate the decertification process if NRCS determines that a certified Technical Service Provider fails to meet the terms and conditions of the Certification Agreement.

C. Agreed That Both Parties Will:

1. Meet as requested by either party to review progress and discuss methods of improving this process.

IV. GENERAL PROVISIONS

- A. This MOU takes effect upon the signature of NRCS and the IA and shall remain in effect for 5 years from the date of execution. This MOU may be extended or amended upon written request of either NRCS or IA and the subsequent written concurrences of the other. Either NRCS or IA may terminate this MOU with a 30-day written notice to the other.
- B. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.
- C. Termination of this agreement will not affect individuals certified as Technical Service Providers by NRCS. Certified individuals will continue to be listed on the approved list of Technical Service Providers in accordance with the terms and conditions of their certification.

- D. NRCS and IA and their respective officers will handle their own activities and utilize their own resources, including expenditures of their own funds in pursuing the purposes of this MOU. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.
- E. Nothing in this MOU shall obligate the Department of Agriculture, NRCS or IA to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the Department of Agriculture, NRCS, and the IA will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. Negotiations, execution, and administration of each such agreement must comply with all applicable statutes and regulation.
- F. All activities under this agreement will be in compliance with the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D).
- G. In accordance with NRCS Property Management Regulation, Temporary Regulation A-2, The program or activities conducted under this memorandum of understanding will be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; the Civil Rights Restoration Act of 1987 (Public Law 100-259); and other nondiscrimination statutes: namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. They will also be in accordance with regulations of the Secretary of Agriculture (7 CFR 15, Subparts A & B), which provides that no person in the United States shall on the grounds of race, color, national origin, age, sex, religion, marital status, or handicap be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Agriculture or any agency hereof.

V. TECHNICAL AND ADMINISTRATIVE CONTACTS

A. IA:

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B. NRCS

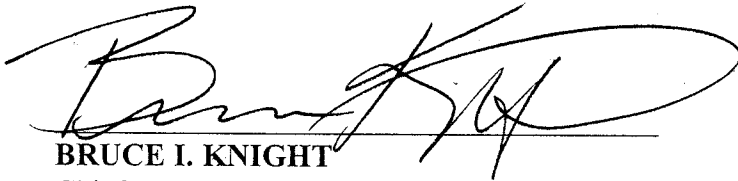
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VI. AUTHORITY

NRCS enters into this agreement under the authority of the Food Security Act of 1985, Section 1242, 16 U.S.C. 3842.

VII. APPROVAL

The undersigned parties hereby agree to the terms and conditions specified above.



BRUCE I. KNIGHT
Chief
Natural Resources Conservation Service

5/8/03
DATE



ADAM SKOLNIK
President
The Irrigation Association

5/8/03
DATE