

## IV. Cost-Share Forms

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### ***A. Contract***

#### 1. **MoSWIMS**

- a. The district must use the automated Missouri Soil and Water Information Management System (MoSWIMS) to generate the forms for cost-share assistance. Board responsibilities for approval of the contract are contained in Section II. The contract, if approved by the district board, will result in the obligation of funds until completion or cancellation of the practice.
- b. A detailed description of the data required for the automated cost-share forms can be found in the MoSWIMS District Office Training Manual.

#### 2. **Contents of Contract**

The cost-share contract printed from MoSWIMS is composed of multiple pages and contains conditions of the maintenance agreement. The cooperator is required to initial and date the first page of the contract. Page two of the contract, reflects technical information and the components approved for cost-share assistance. The second page also contains required signature blocks for the cooperator, technician, and board. Once the board approval date has been entered in MoSWIMS, funds are obligated.

#### 3. **District's Copy**

The district must retain the original, signed contract on file.

#### 4. **Cooperator's Copy**

The cooperator should be provided a photocopy of the approved contract. This copy should accompany the official notification of contract approval from the board. The board-approved contract shows the amount of cost-share funds obligated to the cooperator for installing the practice.

### ***B. Change Order***

#### 1. **General**

Change orders that change the name of the cooperator being paid or the amount of cost-share payment, as well as change orders for technical design changes and contract cancellations must be signed by the cooperator, technician, and a board member.

A change order for a time extension must be signed by the cooperator and a board member.

Administrative change orders to correct things such as cooperator name misspellings, cooperator addresses, section/township/range, farm number, tract number, field number(s), hydrologic unit codes (HUC), and acres served (if doing so does not change the obligation amount) will require a reason note to be entered in MoSWIMS, for example stating, "*Administrative change order for cooperator address correction.*" No signatures are required. These change orders will go through the

same review process that is in place now, but will not have to be recorded in board meeting minutes.

The approved change order shall take precedence over the last board-approved event. Any change in the amount of funds obligated to the cooperator for implementation of the practice will take effect only after the board approval date is entered into MoSWIMS. Change orders must comply with the guidelines under the section Change Order Justification.

## 2. **Change Order Justification**

- a. *A change order is authorized for any one or more of the following reasons:*
  - 1) To extend the termination date (only if implementation of the practice has begun, and if approved prior to the current termination date).
  - 2) To comply with a changed conservation plan (only before implementation of a practice).
  - 3) To correct an error(s) made on a cost-share contract or change order.
  - 4) To modify the practice for technical reasons.
  - 5) To correct the name of the cooperator.
  - 6) To correct "Acres Served."
- b. A change order is not authorized to increase the obligation for components chosen for personal preference above and beyond what is required as minimum and necessary.
- c. A brief but concise statement for the change order is required in the Notes screen in MoSWIMS.

## 3. **Records**

- a. The district must retain the original signed change order on file.
- b. The cooperator shall receive a photocopy of the approved change order.

## ***C. Contract Payment***

1. The district must retain on file the original, signed contract payment.
2. The district shall provide the cooperator a photocopy of the approved contract payment. The approved contract payment shows the amount of payment the cooperator will receive for completing the practice. The board of supervisors is responsible for notifying the cooperator of any change to the amount of the cost-share assistance payment and the reason for the adjustment.

## ***D. Signatures***

Digital or electronic signatures have the same legal status as handwritten signatures. The intent is for cooperators to be able to provide their signature via electronic means such as fax or email, or to allow an individual to utilize an electronic form of their signature to place on documents. Signatures that appear to be a computer generated font will not be accepted as there is no way to determine the source of the signature. There needs to be a

way to authenticate that the individual actually made the agreement and not another party.

1. **Cooperator**

The signature of the cooperator on cost-share forms indicates agreement with funding received for installation of the practice. It also signifies the cooperator understands the required maintenance of the practice. Signatures must include the MoSWIMS cooperator name in full and the name of the person signing the form if different from the MoSWIMS cooperator name (EX: Farms Incorporated by Frank Operator).

- a. District staff shall not complete signatures on behalf of cooperators or board members. All signatures must be dated by the person signing when the signature is obtained and be after the print date of the forms.
- b. The board may allow other individuals to sign cost-share forms on behalf of the cooperator if they are listed as having signature authority on the Cooperator Authorization form. A primary owner or legal representative (legal power of attorney (POA) for primary owner, trustee of a trust) must sign the Cooperator Authorization form. United States Department of Agriculture, Farm Service Agency power of attorney is not acceptable.

2. **Technician**

The technician's signature indicates the forms have been reviewed and the practice complies with commission policy in accordance to NRCS standards and specifications.

3. **Board of Supervisors**

- a. In no instance shall the board's signature be prior to the cooperator or technician's signature.
- b. The board member's signature on a contract verifies that the contract was reviewed by the board and consent has been given for use of state funding on the installation of the practice.
- c. The board member's signature on a change order verifies that the corrections shown meet approval of the board of supervisors.
- d. The board member's signature on a contract payment certifies that the board of supervisors has reviewed and found all costs incurred were correct and reasonable.
- e. District supervisors cannot approve their own cost-share forms.

4. **Cancellations**

If a cooperator chooses to not complete a practice or if the practice is not started prior to the termination date, a cancellation must be completed. In most cases of cancellation the cooperator and board member are required to sign. In cases where the cooperator refuses to sign, a board approved cancellation accompanied by a letter must be issued certified with return receipt requested informing them of cancellation of the practice. Funds are unobligated within MoSWIMS upon entry of the board approval date of the cancellation.