

**SECTION 108 – E&WDAA, 2005
LAKE TAHOE BASIN RESTORATION, NEVADA AND CALIFORNIA**

**MODEL AGREEMENT
FOR
DESIGN AND CONSTRUCTION
ASSISTANCE
(WORK PERFORMED BY NON-FEDERAL SPONSOR)**

MODEL HISTORY:

21 September 2009 - Model originally approved.

Note: For information regarding the approval authority and signature authority for a project specific agreement developed using the current version of the Section 108 Sponsor Performance Design and Construction model, go to the Implementation Memo link to see the Section 108 Models for Sponsor Performance of Work Implementation Memo, dated 21 September 2009.

MODEL APPLICABILITY:

The Section 108 Sponsor Performance Design and Construction model is one of six models to be developed for providing environmental assistance to non-Federal interests in the Lake Tahoe Basin, Nevada and California pursuant to Section 108 of the Energy and Water Development Appropriations Act, 2005 (Division C of the Consolidated Appropriations Act, Public Law 108-447). The other models will address different combinations of design, construction, design and construction, and whether the work will be performed by the sponsor or the Government.

This model should be used only when the sponsor requests both design and construction of the project be undertaken in the proposed agreement and the sponsor will be performing the work. The Federal share will be provided in the form of reimbursement. This model should not be used for implementation of projects under any of the other environmental infrastructure authorities, an agreement addressing design only of a Section 108 project, an agreement addressing construction only of a Section 108 project, nor for any Section 108 projects where the work will be performed by the Government.

Project specific agreements developed using this model may be approved and executed prior to compliance with all applicable environmental laws and regulations including, but not necessarily limited to, the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347; hereinafter “NEPA”) and Section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341). Compliance with all applicable environmental laws and regulations can be performed during the design portion of the agreement but **MUST** be completed prior to initiation of construction.