



REPLY TO

DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
441 G STREET, NW  
WASHINGTON, DC 20314-1000

DEC 10 2015

CECW-P

MEMORANDUM FOR Commanders, Major Subordinate Commands

SUBJECT: Approved Model Design Agreement (DA)

1. Reference. Assistant Secretary of the Army for Civil Works memorandum to the Deputy Commanding General for Civil and Emergency Operations, dated 12 November 2015, subject: Model Design Agreement (enclosure 1).
2. The model DA (enclosure 2) is approved for use as appropriate. This model DA addresses performance of cost shared design for all projects and programs except for projects and programs with project partnership agreements that cover both design and construction, e.g., Continuing Authority Program projects. Consistent with recently approved model agreements, the non-federal sponsor's cost for participation on the Design Coordination Team and cost of audits are not included in the shared design costs and are the sole responsibility of the non-federal sponsor without eligibility for reimbursement or credit by the government. The draft model DA also includes optional language to address several variations. Selection and use of the optional language is not considered a deviation from the model
3. The responsibility for review and approval of a DA that does not deviate from the approved model is delegated to the MSC Commander. Division Counsel concurrence that the DA does not deviate from the subject model, and is appropriate for use for the particular proposal, is required prior to approval.
4. The MSC Commander is also delegated authority to approve non-substantive deviations to the model PPA. Division Counsel review of such deviations, with a recommendation to approve such deviations, is required prior to approval by the MSC Commander. Where there is a question whether the deviation is substantive, HQUSACE is available for consultation. In addition, DAs with substantive deviations, unique circumstances, or controversial matters must be coordinated with the respective HQUSACE RIT.

Encls

STEVEN L. STOCKTON, P.E.  
Director of Civil Works

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(see next page)

CECW-P  
SUBJECT: Approved Model Design Agreement (DA)

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DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
CIVIL WORKS  
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WASHINGTON DC 20310-0108

NOV 12 2015

MEMORANDUM FOR THE DEPUTY COMMANDING GENERAL FOR CIVIL AND  
EMERGENCY OPERATIONS

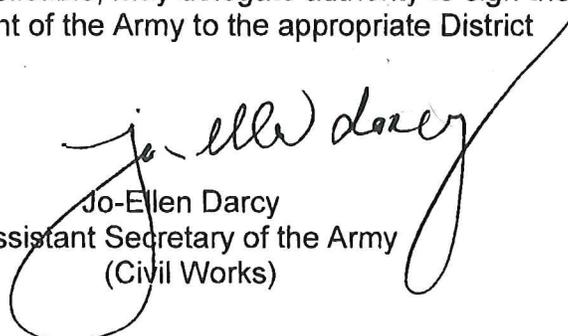
SUBJECT: Model Design Agreement

This responds to a memorandum from the Director of Civil Works dated October 6, 2015, requesting approval of the subject draft design agreement. Approval is granted to use the draft subject agreement as the model design agreement for all projects and programs except for projects and programs with project partnership agreements that cover both design and construction.

Approval is also given to Headquarters, U.S. Army Corps of Engineers to develop and approve variations to this model based on experience gained in negotiating individual agreements.

Authority to sign the model agreements without substantive deviation on behalf of the Department of the Army is hereby delegated to the Director of Civil Works, with additional authority for the Director of Civil Works to delegate signature authority to the appropriate Division Commander as appropriate.

Once the use of a model design agreement is approved, the Director of Civil Works or Division Commander, as applicable, may delegate authority to sign the design agreement on behalf of the Department of the Army to the appropriate District Commander.

  
Jo-Ellen Darcy  
Assistant Secretary of the Army  
(Civil Works)