

**SECTION 531 – WRDA 1996, AS AMENDED  
SOUTHERN AND EASTERN KENTUCKY**

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

**MODEL HISTORY:**

**19 December 2005** - Model originally approved.

**16 April 2014** - Model revised to 1) replace notes 3 and 26; 2) update notes 7 and 30, and modify optional text in Whereas clauses, Article X, and the Certificate of Authority to address a non-profit entity acting as a sponsor; 3) delete optional text in Article IV.C.2.; and 4) update Articles I.I., II.C.6., II.I., II.J., II.K., II.N.5., IV.A., and XIX.A. of the agreement.

**5 May 2014** - Model revised to 1) update text in Article I.M.; 2) deleted reference to letter of credit in Article VI.D.1.; and 3) update text in Articles VI.C.2. and VI.D.3.a. of the agreement.

**Note:** For information regarding the approval authority and signature authority for a project specific agreement developed using the current version of the Section 531 Sponsor Performance Design and Construction model, go to the Implementation Memo link to see the Section 531 Models for Sponsor Performance of Work Implementation Memo, dated 19 December 2005.

**MODEL APPLICABILITY:**

The Section 531 Sponsor Performance Design and Construction model is one of six models to be developed for providing environmental assistance to non-Federal interests in southern and eastern Kentucky pursuant to Section 531 of the Water Resources Development Act of 1996, Public Law 104-303, as amended. 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 531 project, an agreement addressing construction only of a Section 531 project, nor for any Section 531 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.