

**SECTION 219 – WRDA 1992, AS AMENDED
ENVIRONMENTAL INFRASTRUCTURE**

**MODEL AGREEMENT
FOR
DESIGN AND CONSTRUCTION
ASSISTANCE**

MODEL HISTORY:

10 January 2006 - Model originally approved.

27 April 2006 - Model revised to clarify that any contracts awarded are to be fully funded.

Note: For information regarding the approval authority and signature authority for a project specific agreement developed using the current version of the Section 219 Design and Construction model, go to the Implementation Memo link to see the Section 219 Models Implementation Memo, dated 1 February 2006.

MODEL APPLICABILITY:

The Section 219 Design and Construction model is one of three models developed for providing environmental assistance to non-Federal interests pursuant to Section 219 of the Water Resources Development Act of 1992, Public Law 102-580, as amended. The other models address design only and construction only. **NOTE:** There is one major difference between this authority and the regional environmental infrastructure authorities - work on Section 219 projects must be performed by the Government - Section 219 does not contain authority to credit or reimburse for work performed by a sponsor except for work to provide LERRs.

This model should be used when the sponsor requests both design and construction of the project be undertaken in the proposed agreement. 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 219 project, or an agreement addressing construction only of a Section 219 project.

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.