

**SECTION 595 – WRDA 1999, AS AMENDED
IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO,
RURAL UTAH, AND WYOMING**

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

MODEL HISTORY:

25 October 2005 - Model originally approved.

19 November 2005 - Model revised to update the Whereas clause and Article I.K. with the change in the limitation on reimbursements contained in Section 102 of the Energy and Water Development Appropriations Act, 2006, Public Law 109-103.

15 July 2009 - Model revised in the Whereas clauses and Article I.J. of the agreement to increase the program limits for Idaho, rural Nevada, and rural Utah. In addition, text was added at each location of Note 7 to address work undertaken in the state of Wyoming.

Note: For information regarding the approval authority and signature authority for a project specific agreement developed using the current version of the Section 595 Sponsor Performance Design and Construction model, go to the Implementation Memo link to see the Section 595 Models for Sponsor Performance of Work Implementation Memo, dated 25 October 2005.

MODEL APPLICABILITY:

The Section 595 Sponsor Performance Design and Construction model is one of six models developed for providing environmental assistance to non-Federal interests in Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming pursuant to Section 595 of the Water Resources Development Act of 1999, Public Law 106-53, as amended. The other models 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 595 project, an agreement addressing construction only of a Section 595 project, nor for any Section 595 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.