

**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 GOVERNMENT)**

**MODEL HISTORY:**

**13 September 2007** - Model originally approved.

**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 Government Performance Design and Construction model, go to the Implementation Memo link to see the Section 595 Models for Government Performance of Work Implementation Memo, dated 13 September 2007.

**MODEL APPLICABILITY:**

The Section 595 Government 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 Government will be performing the work. Optional language is included in the model in case the sponsor wants to perform a portion of the design or construction. 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 all the work will be performed by the sponsor.

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.