

**SECTION 594 – WRDA 1999, AS AMENDED
OHIO AND NORTH DAKOTA**

**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.

6 May 2014 - Model revised to 1) replace notes 3 and 27; 2) add new note 7, update note 13, and add options in Whereas clauses and Articles I.J., II.D., II.E., VI.B.2., VI.C.1., and XVII.D. to address work undertaken in the state of North Dakota; 3) add new note 8, update note 31, and add options in the Whereas clauses, Articles I.M., III.A., X, and the Certificate of Authority to address a non-profit entity acting as a sponsor; and 4) update Articles I.I., II.C.6., II.I., II.J., II.K., II.N.5., IV.A., VI.C.2., VI.D.1., VI.D.3.a., and XIX.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 594 Sponsor Performance Design and Construction model, go to the Implementation Memo link to see the Section 594 Models for Sponsor Performance of Work Implementation Memo, dated 25 October 2005.

MODEL APPLICABILITY:

The Section 594 Sponsor Performance Design and Construction model is one of six models developed for providing environmental assistance to non-Federal interests in Ohio and North Dakota pursuant to Section 594 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 594 project, an agreement addressing construction only of a Section 594 project, nor for any Section 594 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.