

SECTION 105(c) – WRDA 86

MODEL AGREEMENT FOR DESIGN

MODEL HISTORY:

12 April 2006 - Model originally approved.

12 September 2012 - Model revised to: 1) correct notes 14, 18, 20, and 31; 2) update note 34 and add new note 8 plus optional text in Whereas clauses, Article VII, and Certificate of Authority to address non-profit entity as sponsor; 3) add new note 9 plus optional Whereas clause to address Federally recognized Indian tribe as sponsor; 4) update text in Articles I.B., II.A., II.D., IV.A.1., IV.A.2., IV.B.1., X.A., and XIV.A.; and 5) delete note 15 and old Article II.A.6. that allowed for deferral in the event of total design costs exceeding a specified amount.

Note: For information regarding the approval authority and signature authority for a project specific agreement developed using the current version of the Design Agreement model, go to the Implementation Memo link to see the Design Agreement Model Implementation Memo, dated 23 May 2006.

MODEL APPLICABILITY:

The Design Agreement model should be used for all Preconstruction Engineering and Design (PED) activities funded by Investigations or Flood Control, Mississippi River and Tributaries (MR&T) appropriations and all Engineering and Design (E&D) activities funded by either Construction, MR&T, or Operation and Maintenance appropriations, except for the following:

A. PED and E&D for an inland waterway project; a dam safety assurance, seepage correction, or static instability correction project; a major rehabilitation project; or a deficiency correction at a Federally operated project.

B. A project or separable element for which the non-Federally financed portion of pre-Project Partnership Agreement (PPA) engineering and design costs alone would exceed the total non-Federal cash share for the project or element; the non-Federal share of the project or element is reduced under ability to pay rules; or pre-PPA engineering and design costs are less than \$100,000.

C. PED initially funded prior to FY 1997 or E&D initially funded prior to FY 1998.

D. Continuing Authority Programs (Sections 14, 103, 107, 111, 204, 205, 206, 208, and 1135), Critical Restoration Project Programs (Sections 514, 542, 544, etc.), and Environmental Infrastructure Programs (Sections 108, 130, 132, 154, 219, 304, 313, 340, 510, 531, 552, 566, 569, 570, 571, 592, 593, 594, 595, etc.).