

**SECTION 592 – WRDA 1999, AS AMENDED
MISSISSIPPI**

**MODEL AGREEMENT
FOR
DESIGN AND CONSTRUCTION
ASSISTANCE
(WORK PERFORMED BY GOVERNMENT)**

MODEL HISTORY:

13 September 2007 - Model originally approved.

22 January 2009 – Model revised to increase the program limit in the Whereas clauses and Article I.J. 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 592 Government Performance Design and Construction model, go to the Implementation Memo link to see the Section 592 Models for Government Performance of Work Implementation Memo, dated 13 September 2007.

MODEL APPLICABILITY:

The Section 592 Government Performance Design and Construction model is one of six models developed for providing environmental assistance to non-Federal interests in Mississippi pursuant to Section 592 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 592 project, an agreement addressing construction only of a Section 592 project, nor for any Section 592 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.