



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

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June 8, 2022

Ms. Beth Kalisiak  
Young Gun Construction LLC  
10609 South Cave Road  
Ludlow, SD 57755

**RE: Contract Amendment 2 for the 2021 North Sinkhole Filling AML Project, Contract Number AM-853-21 and Contract Amendment 1 for the 2021 South Sinkhole Filling AML Project, Contract Number AM-582-21.**

Dear Ms. Kalisiak:

Please find enclosed **two (2) original Contract Amendments** for each of the above-named contracts. The amendments increase the unit prices by 15% as requested. The contracts end on June 30, 2023. The amendment also includes updated insurance requirements. Please execute and return all signed contracts within ten (10) days from receipt of this letter.

Upon receipt of the signed contract amendments, the Commission will execute all original Contract Amendments and one executed copy of each amendment will be returned to you.

If you have any questions, feel free to contact Joan Breiner or me.

Sincerely,

Zanna Brinkman  
Director, AML Division

Enclosures

11 AM-21-143 Filed 06/08/2022 Pages: 5  
Letter enclosing contract amendment renewals for North and South sinkholes - electronic only  
Public Service Commission

AML\2021\Sinkhole\_Filling\North Sinkhole Filling\Bids\_Bonds\_Contracts\Contract\_Amend\_2-N\_SF\_6-8-2  
AML\2021\Sinkhole\_Filling\South Sinkhole Filling\Bids\_Bonds\_Contracts\Contract\_Amend\_1-S\_SF\_6-8-2

## CONTRACT AMENDMENT

**CONTRACT NAME AND NUMBER: 2021 North Sinkhole Filling Project**

**Contract Number: AM-853-21**

**Case Number: AM-21-143**

**AMENDMENT NUMBER: 2**

This amendment is made to 2021 North Sinkhole Filling Project Contract Number: AM-853-21 (Contract) between the State of North Dakota, acting through its Public Service Commission (STATE), and Young Gun Construction, LLC, 10609 South Cave Road, Ludlow, SD 57755 (CONTRACTOR).

The parties agree to the following terms and conditions and expressly agree that if any of the following terms and conditions conflict with any of the terms and conditions of the Contract, then, notwithstanding any term in the Contract, the following terms and conditions govern and control the rights and obligations of the parties.

The parties agree to amend the Contract as follows:

**Renewal.** General Provisions: Term of Contract, Renewal Option. The Term of Contract is amended as follows:

The Contract commenced on July 8, 2021, for a term ending on June 30, 2022, with an option to renew the contract for up to twelve (12) months. The parties have agreed to renew the Contract for a time not to exceed twelve (12) months from the original end date (June 30, 2023). Upon execution of Amendment Number 2, the Contract has no renewals remaining.

**Price Adjustment.** Compensation: Contractual Amount. The contractual amount is hereby amended as follows: The total contract amount is increased under this contract in an amount not to exceed forty-six thousand dollars and zero cents (\$46,000.00). Unit price is increased by 15% as shown in the table below.

<b>Item</b>	<b>Estimated Quantity</b>	<b>Unit</b>	<b>Original Unit Price</b>	<b>15% increase in Unit Price</b>
Mobilization/Demobilization	5	site	\$2,000.00	\$2,300.00
Tillage & Seeding	2	acre	\$700.00	\$805.00
Sinkhole Filling	4,163.02	cubic yards	\$6.87	\$7.90

The final contractual amount is determined using final quantities computed by the Commission's Project Manager and unit prices submitted by CONTRACTOR.

CONTRACT AMENDMENT NUMBER: 2  
 CONTRACT: 2021 North Sinkhole Filling Project  
 Contract Number: AM-853-21  
 Case Number: AM-21-143

**Insurance.** The required coverages are hereby amended as follows: The commercial general liability, including premise or operations, contractual and products or completed operations coverage (if applicable) is increased under this contract to minimum liability limits of \$2,000,000 per occurrence. The Automobile liability, including Owned (if any), Hired and Non-Owned automobiles, is increased under this contract to minimum liability limits of \$500,000 per person and \$2,000,000 per occurrence. Employer’s liability or “stop-gap” insurance is increased to not less than \$2,000,000 as an endorsement on the workers compensation or commercial liability insurance.

The parties agree that the terms and conditions of the Contract and this Amendment govern and control the rights and obligations of the parties.

All other terms of the Contract remain in effect. This Contract Amendment is not effective until fully executed by all parties.

**EXECUTION**

<b>CONTRACTOR</b>	<b>STATE OF NORTH DAKOTA</b>
Young Gun Construction LLC	Acting through its Public Service Commission
BY:	BY:
Printed Name: Beth Kalisiak	Printed Name: Steve Kahl
Title: Owner	Title: Executive Director
Date:	Date:

**CONTRACT AMENDMENT**

**CONTRACT NAME AND NUMBER: 2021 South Sinkhole Filling Project**

**Contract Number: AM-852-21**

**Case Number: AM-21-143**

**AMENDMENT NUMBER: 1**

This amendment is made to 2021 South Sinkhole Filling Project Contract Number: AM-852-21 (Contract) between the State of North Dakota, acting through its Public Service Commission (STATE), and Young Gun Construction, LLC, 10609 South Cave Road, Ludlow, SD 57755 (CONTRACTOR).

The parties agree to the following terms and conditions and expressly agree that if any of the following terms and conditions conflict with any of the terms and conditions of the Contract, then, notwithstanding any term in the Contract, the following terms and conditions govern and control the rights and obligations of the parties.

The parties agree to amend the Contract as follows:

**Renewal.** General Provisions: Term of Contract, Renewal Option. The Term of Contract is amended as follows:

The Contract commenced on June 16, 2021, for a term ending on June 30, 2022, with an option to renew the contract for up to twelve (12) months. The parties have agreed to renew the Contract for a time not to exceed twelve (12) months from the original end date (June 30, 2023). Upon execution of Amendment Number 1, the Contract has no renewals remaining.

**Price Adjustment.** Compensation: Contractual Amount. The contractual amount is hereby amended as follows: The total contract amount is increased under this contract in an amount not to exceed fifty-seven thousand five hundred dollars and zero cents (\$57,500.00). Unit price is increased by 15% as shown in the table below.

<b>Item</b>	<b>Estimated Quantity</b>	<b>Unit</b>	<b>Original Unit Price</b>	<b>15% increase in Unit Price</b>
Mobilization/Demobilization	5	site	\$1,000.00	\$1,150.00
Tillage & Seeding	2	acre	\$700.00	\$805.00
Sinkhole Filling	6,346	cubic yards	\$6.87	\$7.90

CONTRACT AMENDMENT NUMBER: 1  
 CONTRACT 2021 South Sinkhole Filling Project  
 Contract Number: AM-852-21  
 Case Number: AM-21-143

The final contractual amount is determined using final quantities computed by the Commission’s Project Manager and unit prices submitted by CONTRACTOR.

**Insurance.** The required coverages are hereby amended as follows: The commercial general liability, including premise or operations, contractual and products or completed operations coverage (if applicable) is increased under this contract to minimum liability limits of \$2,000,000 per occurrence. The Automobile liability, including Owned (if any), Hired and Non-Owned automobiles, is increased under this contract to minimum liability limits of \$500,000 per person and \$2,000,000 per occurrence. Employer’s liability or “stop-gap” insurance is increased to not less than \$2,000,000 as an endorsement on the workers compensation or commercial liability insurance.

The parties agree that the terms and conditions of the Contract and this Amendment govern and control the rights and obligations of the parties.

All other terms of the Contract remain in effect. This Contract Amendment is not effective until fully executed by all parties.

**EXECUTION**

<b>CONTRACTOR</b>	<b>STATE OF NORTH DAKOTA</b>
Young Gun Construction LLC	Acting through its Public Service Commission
BY:	BY:
Printed Name: Beth Kalisiak	Printed Name: Steve Kahl
Title: Owner	Title: Executive Director
Date:	Date: