

**NORTH DAKOTA PUBLIC SERVICE COMMISSION**  
**CONTRACT AMENDMENT**

**Purchase of Service Contract  
Amendment #: 1**

**CONTRACT NUMBER AM-901-24  
Case No. AM-24-100**

This is made to amend contract # **AM-901-24** (Contract) between the State of North Dakota, acting through its North Dakota Public Service Commission, Abandoned Mine Lands Division (STATE) and Young Gun Construction, LLC (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.

Per Section 6.3 (D) – Contract Changes – Unanticipated Amendments in RFP Number 408.24.04.005, 2024-2025 Sinkhole Filling and Maintenance AML Project, the parties agree to amend the Contract as follows:

Scope of Work: Contract Section 1, Scope of Work. The scope of work shall remain the same as described in the 2024-2025 Sinkhole Filling and Maintenance AML Project Request for Proposal. The following additional work is to be included and is amended as follows: Felling of approximately 600 trees located 9 miles south of Velva ND. The trees are to be cut as close to the ground as practical and remain where they land. This is a lump sum bid that will include all equipment, labor, materials, incidentals, mobilization, and demobilization to complete the work. Tree felling must be completed by March 31, 2025.

Price Adjustment: Contract Section 2, Compensation. The Compensation is amended as follows: The contract amount will change from “not to exceed Four Hundred Ninety-Nine Thousand, Four Hundred Thirty-Five Dollars and Zero Cents (\$499,435.00)” to “not to exceed Five Hundred Seventy-Four Thousand, Four Hundred Thirty-Five Dollars and Zero Cents (\$574,435.00).” The compensation for the tree felling is not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00).

The negotiated cost proposal dated September 30, 2024, provided by CONTRACTOR is attached to and incorporated into this agreement.

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.

CONTRACTOR NAME:  
Young Gun Construction, LLC.

STATE OF NORTH DAKOTA  
Acting through its North Dakota Public  
Service Commission

By: Beth Halesrak

By: Steve Kahl

Title: President

Title: Steve Kahl, Executive Director

Date: 1/8/25

Date: 1/13/25

"General Decision Number: ND20250043 01/03/2025

Superseded General Decision Number: ND20240043

State: North Dakota

Construction Type: Heavy  
HEAVY CONSTRUCTION PROJECTS

County: Ward County in North Dakota.

HEAVY CONSTRUCTION PROJECTS

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(1).

<p>If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:</p>	<ul style="list-style-type: none"> <li>. Executive Order 14026 generally applies to the contract.</li> <li>. The contractor must pay all covered workers at least \$17.75 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in 2025.</li> </ul>
<p>If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:</p>	<ul style="list-style-type: none"> <li>. Executive Order 13658 generally applies to the contract.</li> <li>. The contractor must pay all covered workers at least \$13.30 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2025.</li> </ul>

The applicable Executive Order minimum wage rate will be adjusted annually. If this contract is covered by one of the Executive Orders and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must still submit a conformance request.

Additional information on contractor requirements and worker protections under the Executive Orders is available at <http://www.dol.gov/whd/govcontracts>.

Modification Number      Publication Date  
0                              01/03/2025

CARP1091-005 05/01/2024

	Rates	Fringes
CARPENTER.....	\$ 35.87	25.10

-----  
ELEC0714-017 07/01/2024

	Rates	Fringes
ELECTRICIAN.....	\$ 38.94	13.21+11.5%

-----  
ENGI0049-043 05/01/2022

	Rates	Fringes
POWER EQUIPMENT OPERATOR Bobcat/Skid Steer/Skid Loader.....	\$ 35.05	21.60
Bulldozer.....	\$ 35.05	21.60
Loader.....	\$ 35.05	21.60
Roller.....	\$ 35.05	21.60

-----  
ENGI0049-080 10/01/2023

	Rates	Fringes
POWER EQUIPMENT OPERATOR Crane.....	\$ 32.65	20.65
Forklift.....	\$ 32.25	20.65

-----  
LAB00563-010 05/01/2024

	Rates	Fringes
LABORERS Common or General.....	\$ 28.83	21.15
Pipelayer.....	\$ 30.80	20.45

-----  
SUND2017-006 07/31/2020

	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER...	\$ 24.33	0.00
IRONWORKER, REINFORCING.....	\$ 25.28	0.00
OPERATOR: Backhoe/Excavator/Trackhoe.....	\$ 29.92	15.43
OPERATOR: Grader/Blade.....	\$ 28.00	0.00
TRUCK DRIVER: Dump Truck.....	\$ 31.95	18.80

-----  
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

=====

Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours

they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at <https://www.dol.gov/agencies/whd/government-contracts>.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (iii)).

-----

The body of each wage determination lists the classifications and wage rates that have been found to be prevailing for the type(s) of construction and geographic area covered by the wage determination. The classifications are listed in alphabetical order under rate identifiers indicating whether the particular rate is a union rate (current union negotiated rate), a survey rate, a weighted union average rate, a state adopted rate, or a supplemental classification rate.

#### Union Rate Identifiers

A four-letter identifier beginning with characters other than ""SU"", ""UAVG"", ?SA?, or ?SC? denotes that a union rate was prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2024. PLUM is an identifier of the union whose collectively bargained rate prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. The date, 07/01/2024 in the example, is the effective date of the most current negotiated rate.

Union prevailing wage rates are updated to reflect all changes over time that are reported to WHD in the rates in the collective bargaining agreement (CBA) governing the classification.

#### Union Average Rate Identifiers

The UAVG identifier indicates that no single rate prevailed for those classifications, but that 100% of the data reported for the classifications reflected union rates. EXAMPLE: UAVG-OH-0010 01/01/2024. UAVG indicates that the rate is a weighted union average rate. OH indicates the State of Ohio. The next number, 0010 in the example, is an internal number used in producing the wage determination. The date, 01/01/2024 in the example, indicates the date the wage determination was updated to reflect the most current union average rate.

A UAVG rate will be updated once a year, usually in January, to reflect a weighted average of the current rates in the collective bargaining agreements on which the rate is based.

## Survey Rate Identifiers

The ""SU"" identifier indicates that either a single non-union rate prevailed (as defined in 29 CFR 1.2) for this classification in the survey or that the rate was derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As a weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SUFL2022-007 6/27/2024. SU indicates the rate is a single non-union prevailing rate or a weighted average of survey data for that classification. FL indicates the State of Florida. 2022 is the year of the survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. The date, 6/27/2024 in the example, indicates the survey completion date for the classifications and rates under that identifier.

?SU? wage rates typically remain in effect until a new survey is conducted. However, the Wage and Hour Division (WHD) has the discretion to update such rates under 29 CFR 1.6(c)(1).

## State Adopted Rate Identifiers

The ""SA"" identifier indicates that the classifications and prevailing wage rates set by a state (or local) government were adopted under 29 C.F.R 1.3(g)-(h). Example: SAME2023-007 01/03/2024. SA reflects that the rates are state adopted. ME refers to the State of Maine. 2023 is the year during which the state completed the survey on which the listed classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. The date, 01/03/2024 in the example, reflects the date on which the classifications and rates under the ?SA? identifier took effect under state law in the state from which the rates were adopted.

## -----

### WAGE DETERMINATION APPEALS PROCESS

1) Has there been an initial decision in the matter? This can be:

- a) a survey underlying a wage determination
- b) an existing published wage determination
- c) an initial WHD letter setting forth a position on a wage determination matter
- d) an initial conformance (additional classification and rate) determination

On survey related matters, initial contact, including requests for summaries of surveys, should be directed to the WHD Branch of Wage Surveys. Requests can be submitted via email to [davisbaconinfo@dol.gov](mailto:davisbaconinfo@dol.gov) or by mail to:

Branch of Wage Surveys  
Wage and Hour Division  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

Regarding any other wage determination matter such as conformance decisions, requests for initial decisions should be

directed to the WHD Branch of Construction Wage Determinations. Requests can be submitted via email to BCWD-Office@dol.gov or by mail to:

Branch of Construction Wage Determinations  
Wage and Hour Division  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

2) If an initial decision has been issued, then any interested party (those affected by the action) that disagrees with the decision can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Requests for review and reconsideration can be submitted via email to dba.reconsideration@dol.gov or by mail to:

Wage and Hour Administrator  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210.

=====

END OF GENERAL DECISION"