Purchasing Division
Finance Department

Room 120
411 West First Street
Duluth, Minnesota 55802

218-730-5340
purchasing@duluthmn.gov

Addendum # 3
Solicitation # 26-99116
Project 2321
Lead Service Line Replacement – Spirit Valley

NOTICE

This Addendum is issued to modify, explain or correct the original drawings, specifications and/or previous addenda and is hereby made a part of the Contract Documents.

CLARIFICATION

None.

CHANGES TO CONTRACT DOCUMENTS

The Minnesota Public Facilities Authority (MPFA) has issued a revised Contract Packet. The Contract Packet is attached to this addendum and supersedes the existing MPFA Contract Packet dated January 2024.

CHANGES TO SPECIAL PROVISIONS

1. The following sentence is hereby added to **SP-19.1.2 (1806) DETERMINATION AND EXTENSION OF CONTRACT TIME:**
   Work Sites that require the item POTHOLE WATER SERVICE FOR MATERIAL IDENTIFICATION and a non-lead material is observed, resulting in no water service replacement of any kind, will not be counted as 'complete' when determining conformance with the intermediate completion requirement.

RESPONSES TO BIDDER QUESTIONS

1. **Question:** Can you please detail the work for the incidental surface abandonment of curb stops? How deep below grade do they get removed and what are they backfilled with?
   Response: Refer to **SP-57 (2504) INSTALL CURB STOP**. When a curb stop is installed in a different location than an existing location the INSTALL CURB STOP item shall be used. This pay item includes "surface abandonment" of the existing curb stop which entails removing the standpipe to a minimum of 2 feet below grade. Backfill shall be suitable, on-site material and surface restoration will be paid for under separate, appropriate pay

items.

2. **Question:** On site 45 there is a garden adjacen the retaining wall, but no SALVAGE & REINSTALL LANDSCAPE GARDEN is identified in the estimated quantities. Can this item be added to the site?
   Response: Yes, if the garden is necessarily impacted to accomplish the Work at site 45, SALVAGE & REINSTALL LANDSCAPE GARDEN will be measured and paid.

3. **Question:** Site 289-290 both have 35' of public 1" HDPE for both sites is that correct?
   Response: The estimated quantities are correct. However, the depicted line work is inaccurate. Site 290 contains the item PROVIDE EXCAVATION FOR HOT TAP BY CITY EMPLOYEES with the intent to replace the shared public water service with two separate public water services, each approximately 35 feet in length. The plan view for site 290 should depict a second proposed public service to appropriately represent the intended Work.

4. **Question:** Will sites requiring pothole identification that ultimately confirm copper services be counted as completed sites for purposes of calculating the intermediate completion percentage?
   Response: No. See SP-19 and the Changes to Special Provisions section of this addendum. SP-19.2 states the 40% completion requirement will be based on the "number of water service replacements" completed. The special provision further defines 'complete' to require "water service replacement, interior plumbing work, and all required surface restoration" be "fully performed".

SUPPLEMENTAL INFORMATION

None

Please acknowledge receipt of this Addendum by including a copy of it with your proposal.

Posted: **1/16/2026**

END OF ADDENDUM

MINNESOTA
PUBLIC FACILITIES AUTHORITY

BID SOLICITATION CONTRACT PACKET

For projects requiring BABA compliance

For recipients with projects funded through State Fiscal Year 2026 Clean Water and Drinking Water Intended Use Plans that are equivalency projects

Clean Water Revolving Fund
Drinking Water Revolving Fund

This packet and the appropriate federal Davis Bacon and Minnesota prevailing wages requirements must be PHYSICALLY included in all bidding solicitation and contract documents, including subcontracts.

Posted January 2026

Minnesota Public Facilities Authority
1st National Bank Building|332 Minnesota St. Suite W820|Saint Paul, MN 55101-1378
651-259-7469|800-657-3858 TOLL FREE|651-296-8833 FAX| MN.PFA@state.mn.us
An equal opportunity employer and service provider

1 GENERAL INFORMATION AND RESOURCES 3

2 GENERAL CONTRACT PROVISIONS 4

2.1 Project Sign and Public Notice Posting 4
2.1.1 Physical Project Signs 4
2.1.2 Clean Water Council Funded Project Signs 4
2.1.3 Project Funding Notice 4
2.2 Project Costs 4
2.3 Reporting 5
2.3.1 The Contract Packet 5
2.3.2 Records 5

3 BUILD AMERICA, BUY AMERICA (BABA) ACT 6

3.1 BABA Resources 6
3.2 Sample Build America, Buy America Contract Language 6

4 DISADVANTAGED BUSINESS ENTERPRISES (DBE) 10

4.1 Good Faith Efforts 10
4.2 Certified M/WBE Firms 11
4.2.1 Other Minority/Women Business Enterprises Resources 11
4.2.2 Minnesota Targeted Business Vendors (State Funded Projects) 11

5 FEDERAL AND STATE PREVAILING WAGES 12

6 CONTRACT CONDITIONS 13

6.1 General Contract Conditions 13
6.2 Contract Conditions: BABA 15
6.4 Required Contract Conditions: Federal Davis Bacon Prevailing Wages 16
6.5 Required Conditions: U. S. DOL Wage and Hour Division Davis-Bacon Prevailing Wages 23
6.6 Required Conditions: State of Minnesota Prevailing Wages 25
6.7 Required Conditions: MN DOLI and Industry Prevailing Wages for State Funded Construction Projects 26

1 General Information and Resources

This packet lists required contract conditions that apply to Clean Water and Drinking Water State Revolving Fund (SRF) projects. Equivalency projects are subject to Build America, Buy America (BABA) Act requirements.

Equivalency projects use this Bid Solicitation Contract Packet.

Review this packet prior to bidding. This packet and the appropriate federal Davis Bacon and Minnesota prevailing wages must be physically included in all bidding solicitations and contract documents, including subcontracts.

Use the 2026 Clean Water Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) Applicant Guidance and Information handbook as a resource for this contract packet. The handbook is posted to the MPFA website.

2 General Contract Provisions

2.1 Project Sign and Public Notice Posting

2.1.1 Physical Project Signs

MPFA does not require physical signs for SRF-funded projects.

2.1.2 Clean Water Council Funded Project Signs

Projects funded with Clean Water Funds must comply with funding identification requirements of the Clean Water Council. This applies to CW and DW SRF projects funded with Point Source Implementation Grant (PSIG) program dollars.

2.1.3 Project Funding Notice

MPFA requires posting of funding awards by all recipients. Post the MPFA-provided notice on the Recipient's website or in a public area of their local unit of government offices. Retain the notice in your project files.

2.2 Project Costs

The Recipient acknowledges eligible and ineligible costs as noted below. Travel-related expenses are not reimbursable. They must be built into a contractor's base or employee rates and be directly related to the construction project.

Eligible Costs	Ineligible Costs
Construction and capital costs for items identified in MPCA and MDH project certifications.	Costs associated with seeking, coordinating or securing other financing for the project.
Engineering costs, including planning, design, construction and start-up.	Operation and maintenance of the sewer or water system.
Land costs (see Miscellaneous Administrative Items) and costs associated with complying with the Uniform Act, including appraisals and related legal costs, are eligible costs.	Administrative costs of a board, sanitary district or governmental unit.
Reasonable costs associated with labor standards, BABA and AIS compliance.	Indirect costs.
Legal costs associated with establishment of the revenue stream for repayment of MPFA financing, such as development of sewer/water ordinance and special assessments, or review of construction contracts.	MPCA or MDH permits.
Reasonable costs to set up and implement long-term financial and asset management tools.	Non-capital costs. Travel related costs including mileage, meals, and lodging: Travel related costs can be eligible project costs if they are necessary and directly related to the capital project, but they must be built into the contractor's base or employee hourly rates.
Financing costs directly associated with MPFA financing: bond counsel costs for preparation of General Obligation Bond and	

related documents, limited financial advisor fees for establishing a dedicated source of revenue.	
Eligible Costs-LSLR	**Ineligible Costs-LSLR**
Directly connected to the planning, design, and replacement of lead service lines. Removal of lead or galvanized goosenecks, pigtails, and connectors. Replacement of curb stops, curb stop boxes, and other service line appurtenances that are removed as part of a full LSLR. Site restoration, including landscaping, sidewalks, driveways, etc. if the removal was necessary to replace the lead service line. Reasonable costs associated with labor standards, Build America, Buy American (BABA), and American Iron and Steel compliance. Temporary pitcher filters or point-of-use (POU) devices certified by an American National Standards Institute accredited certifier to reduce lead for a designated period after LSLR replacement is complete. Outreach and engagement activities, including translation services.	Corrosion control activities and measures. Premise/interior plumbing. Water meters. Funding for bottled water.

2.3 Reporting

2.3.1 The Contract Packet

This packet includes information on state and federal laws related to procurement, pre-bid and post bid requirements, required contract language for bid and contract documents and reporting forms.

The proper Contract Packet must be physically incorporated into the bid and contract documents along with the appropriate State and Federal prevailing wage rates. IMPORTANT: The Contractor must provide information to the recipient for required reporting and to document compliance with specific contract conditions such as:

- ☐ Build America, Buy America (unless project qualifies for Adjustment Period Waiver).
- ☐ American Iron & Steel (certifications, letters, de minimis tracking).
- ☐ DBE/M/WBE fair share efforts.
- ☐ Prevailing Wages (both state and federal).

2.3.2 Records

The Recipient must keep all project accounts and records for the MPFA-funded project (water and/or sewer fund) in accordance with Generally Accepted Accounting Principles (GAAP). Financial statements must comply with GASB 34 (Governmental Accounting Standards Board) standards related to the reporting of infrastructure assets.

3 Build America, Buy America (BABA) Act

3.1 BABA Resources

Environmental Protection Agency Guidance and Resources

- Environmental Protection Agency main webpage: Build America, Buy America (BABA) | US EPA
- Environmental Protection Agency BABA De Minimis Waiver: US EPA BABA De Minimis Waiver
- Environmental Protection Agency BABA Minor Components Waiver: Public Interest: Minor Components of Iron and Steel Products Waiver for Build America, Buy America Act (epa.gov)

3.2 Sample Build America, Buy America Contract Language

The BABA language below is a sample from the Environmental Protection Agency's November 3, 2022 memorandum (OW-BABA-Implementation-Procedures-Final-November-2022.pdf (epa.gov)). Include actual BABA language into project specifications and construction contracts and sub-contracts.

Example Build America, Buy America (BABA) Act Construction Contract Language

ALL CONSTRUCTION CONTRACTS MUST HAVE A CLAUSE REQUIRING COMPLIANCE WITH THE BABA REQUIREMENTS. THIS IS AN EXAMPLE OF WHAT COULD BE INCLUDED IN A PROJECT'S CONSTRUCTION CONTRACT THAT USE STATE REVOLVING FUNDS (SRF). EPA MAKES NO CLAIMS REGARDING THE LEGALITY OF THIS CLAUSE WITH RESPECT TO STATE OR LOCAL LAW:

The Contractor acknowledges to and for the benefit of the _____ ("Owner") and the _____ (the "Funding Authority") that it understands the goods and services under this Agreement are being funded with federal monies and have statutory requirements commonly known as "Build America, Buy America;" that requires all of the iron and steel, manufactured products, and construction materials used in the project to be produced in the United States ("Build America, Buy America Requirements") including iron and steel, manufactured products, and construction materials provided by the Contactor pursuant to this Agreement. The Contractor hereby represents and warrants to and for the benefit of the Owner and Funding Authority (a) the Contractor has reviewed and understands the Build America, Buy America Requirements, (b) all of the iron and steel, manufactured products, and construction materials used in the project will be and/or have been produced in the United States in a manner that complies with the Build America, Buy America Requirements, unless a waiver of the requirements is approved, and (c) the Contractor will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the Build America, Buy America Requirements, as may be requested by the Owner or the Funding Authority. Notwithstanding any other provision of this Agreement, any failure to comply with this paragraph by the Contractor shall permit the Owner or Funding Authority to recover as damages against the Contractor any loss, expense, or cost (including without limitation attorney's fees) incurred by the Owner or Funding Authority resulting from any such failure (including without limitation any impairment or loss of funding, whether in whole or in part, from the Funding Authority or any damages owed to the Funding Authority by the Owner). If the Contractor has no direct contractual privity with the Funding Authority, as a lender or awardee to the Owner for the funding of its project, the Owner and the Contractor agree that the Funding Authority is a third-party beneficiary and neither this paragraph (nor any other provision of this Agreement necessary to give this paragraph force or effect) shall be amended or waived without the prior written consent of the Funding Authority.

3.3 Build America, Buy America De Minimis Waiver Tracking Form

The Environmental Protection Agency (EPA) granted a national waiver for de minimis components (US EPA BABA De Minimis Waiver) for eligible water infrastructure projects. Products that qualify for a de minimis waiver cumulatively may comprise no more than a total of five percent of the total project cost. Please note the BABA de minimis waiver is not additive to the existing American Iron and Steel national de minimis waiver.

To use the de minimis waiver, SRF recipients "should in consultation with their contractors determine the items to be covered by this waiver and must retain relevant documentation (i.e. invoices) as to those items in their project files." Recipients must maintain documentation (i.e., invoices) for the de minimis items in the project file and submit a summary report to the MPFA at project conclusion, or sooner, if available. An example tracking form for BABA de minimis is included on the next page.

Minnesota State Revolving Funds (CWRF and DWRF)
Use of Build America, Buy America - De Minimis Final Utilization and Certification Form

Use of Build America, Buy America (BABA) is required for CWRF and DWRF-funded projects unless the project qualifed for a waiver. The Environmental Protection Agency has issued a public interest waiver for De Minimis components. The PFA recipient wishing to use this waiver should consult with their contractor(s) to maintain an itemized list of components covered under De Minimis. At the conclusion of the project, this form must be completed and retained in the assistance recipient's project files and a copy provided to the Public Facilities Authority. **It is strongly recommended that you maintain a list as the project progresses**. Please print clearly or type. EPA Deminimis Waiver:

US EPA BABA De Minimis Waiver

PFA Recipient _____ Loan #: _____

Project Name: _____

NOTE: The De Minimis waiver is only applicable to the cost of the total project. Recipients must have sufficient documentation to support all costs included in this calculation. NOTE: the BABA De Minimis waiver is not additive with the existing American Iron and Steel national de minimis waiver.

Funds used for de minimis incidental components cumulatively may comprise no more than a total of 5 percent of the total project cost.

Total Project Cost: _____ 5% Limit: _____

Item or Component Description (Please include model number, part number, etc. to clearly identify item or component)	Quantity (if applicable)	Cost per Unit (if applicable)	Component's Total Cost	How is Cost Documented?*

Use additional sheets as necessary

Total Cost of Components deemed to be De Minimis: _____

If approaching the 5% limit, contact PFA immediately

* Documentation must demonstrate confirmation of the components' actual costs (invoice, etc.).

Completed by:

Name: _____ Title: _____

Signature: _____ Date: _____

3.4 Build America, Buy America Documentation

Contractors must comply with and provide documentation that shows compliance with BABA requirements. Product certifications letters need to include the following five items:

1. Documentation linked to the project. Identify the project name, project location, contract number, or project number.
2. Documentation linked to the product used on the project. Description of product(s) (simple explanation sufficient to identify the product(s)), or an attached (or electronic link to) purchase order, invoice, or bill of lading.
3. Documentation includes statement attesting that the products supplied to the MPFA Recipient are compliant with BABA requirement. Reference to the Infrastructure Investment and Jobs Act (IIJA) or the Bipartisan Infrastructure Law (BIL) are also acceptable. For iron and steel items under BABA, references to the American Iron and Steel (AIS) requirement are also acceptable and reciprocal with BABA for such items.
4. Documentation that manufacturing occurred in the United States, which could include, for example, the location(s) of manufacturing for each manufacturing step that is being certified. It is acceptable for manufactured products to note a single point of manufacturing, documenting that the final point of manufacturing is in the United States. Note that each BABA category may require different determinations for compliance.
5. Signature of company representative (on company letterhead and signature can be electronic). The signatory of the certifying statement affirms their knowledge of the manufacturing processes for the referenced product(s) and attests that the produce meets the BABA requirements.

4 Disadvantaged Business Enterprises (DBE)

EPA issued Recipient/Applicant Information Notice (RAIN) 2025-GO2 immediately suspending major components of its DBE regulations at 40 CFR Part 33 for all EPA awards. The notice suspends requirements for fair share objectives (goals for DBE participation) under 40 CFR Part 33 Subpart D, recipient reporting requirements under 40 CFR 33.502, and compliance and enforcement provisions under 40 CFR Part 33.105 and collection of EPA form 5700-52A as a condition of closeout. The General Term and Condition "Utilization of Disadvantaged Business Enterprises: is revised and applicable to all recipients of EPA funding and supersedes all previously existing DBE terms and conditions.

The following requirements remain in effect:

- Compliance with 40 CFR Part 33 regarding DBE program rules.
- Six good faith efforts (described on in Section 4.1 below).
- Fair share objectives applied to procurements after they are approved.
- Recordkeeping where recipients maintain records related to their DBE utilization efforts, including a bidders list.
- Contract administration provisions.

4.1 Good Faith Efforts

Borrowers and their prime contractors must follow, document, and maintain documentation of their good faith efforts as listed below to ensure that Disadvantage Business Enterprises (DBEs) have the opportunity to participate in the project. This applies to procurement for **construction, equipment, supplies and services.**

The Six Good Faith Efforts:

1. Outreach and Recruitment: Ensure that DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. This includes placing DBEs on solicitation lists and actively soliciting them whenever they are potential sources.
2. Information Availability: Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitation for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
3. Subcontracting Considerations: Consider whether firms competing for large contracts could subcontract with DBEs. This may involve dividing total requirements into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
4. Encourage Consortia: Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually, thereby promoting collaboration among DBEs.
5. Utilizing Assistance Services: Use the services and assistance of the SBA and the U. S. Department of Commerce Minority Business Development Agency to support DBE participation.
6. Replacement Subcontractors: If a DBE subcontractor fails to complete work under the subcontract for any reason, the recipient must require the prime contractor to employ the six good faith efforts when soliciting a replacement subcontractor. These requirements are designed to promote fair competition and ensure DBEs have a meaningful opportunity to participate in federally funded

projects. Recipients must document compliance with these efforts and report their accomplishments to the EPA as part of their obligations under federal law.

4.2 Certified M/WBE Firms

M/WBE firms certified by the Minnesota Unified Certification Program, the SBA, or the US Department of Transportation can be counted towards the M/WBE reporting to MPFA. See "How do I find information on DOT's and SBA's certification programs?"

Frequently Asked Questions for Disadvantaged Business Enterprises | US EPA

US DOT Office of Small and Disadvantaged Business Utilization | US Department of Transportation

Women-Owned Small Business Federal Contract program (sba.gov)

8(a) Business Development program (sba.gov)

Verifying firm M/WBE status: Check the *Minnesota Unified Certification Program Directory* or the *SBA Dynamic Small Business Search Directory*. Links are listed below.

Minnesota Unified Certification Program: http://mnucp.metc.state.mn.us/ includes a free search engine that lists certified DBE contractors and suppliers. Links to this directory are on the MN Department of Transportation website: http://www.dot.state.mn.us/civilrights/

The SBA **Dynamic Small Business Search**: search engine that lists businesses with 8(a) Certifications; Small Disadvantaged Business Certifications; HUBZone Certifications and DBE Certifications. Check contractor detail to see what current certifications are in place. Dynamic Small Business Search can be found at this link https://www.sba.gov/partners/contracting-officials/small-business-procurement under "Finding Contractors".

4.2.1 Other Minority/Women Business Enterprises Resources

- *A*ssociation of Women Contractors http://www.awcmn.org/
- Diversity Information Resources, Inc. www.diversityinforesources.com
- Metropolitan Economic Development Association http://www.meda.net/
- Minority Business Development Agency (U. S. Department of Commerce) http://www.mbda.gov/

4.2.2 Minnesota Targeted Business Vendors (State Funded Projects)

The Minnesota Department of Administration maintains a directory for Targeted Group Economically Disadvantaged and Veteran-Owned (TG/ED/VO) businesses Equity in Procurement (TG/ED/VO) Directory / Minnesota Office of State Procurement (mn.gov). The Environmental Protection Agency does not consider Minnesota Department of Administration TG/ED/VO listings as meeting EPA certification requirements; thus TG/ED/VO vendors cannot be counted as M/WBE vendors by the Environmental Protection Agency. However, state-funded projects are encouraged to consider and provide procurement opportunities to vendors on this list.

5 Federal and State Prevailing Wages

Both Federal Davis Bacon prevailing wages and State of Minnesota prevailing wages (Minnesota Statute, sections 177.41-177.43) apply to MPFA funded projects.. Payment of the wages, fringe benefits and overtime rates that are most beneficial to the employees are required. **All worker classifications must have a state and federal prevailing wage.** Overtime is governed by Minnesota Prevailing Wage Statutes at M.S. 177.42 which requires overtime for over 8 hours per day and for more than 40 hours per week, thus any employee working more than 8 hours in one day is entitled to overtime.

Both the proper Federal (Davis-Bacon) and State of Minnesota Prevailing Wage rates and contract conditions must be physically incorporated into the bidding and contract documents for primary and subcontracts.

Obtain required state posters from the Minnesota Department of Labor and Industry at http://www.dli.mn.gov/about-department/workplace-posters

Obtain federal posters at http://www.dol.gov/whd/regs/compliance/posters/davis.htm

Weekly certified payroll submittal is required under the Federal Davis Bacon laws.

6 Contract Conditions

This project is being financed in whole or in part by the MPFA through the Clean Water or Drinking Water State Revolving Fund. The MPFA recipient is required to comply with certain state and federal laws, rules and regulations and to ensure that their contractor(s) also complies with these laws, regulations, rules, including, but not limited to the items below which will be included in all contracts and subcontracts.

6.1 General Contract Conditions

1. Title VI of the Civil Rights Act of 1964 (P.L 88-352), the Rehabilitation Act of 1973 (P.L. 93-1123, 87 Stat. 355, 29 U.S.C. Sec. 794), the Older Americans Amendments of 1975 (P.L. 94-135 Sec. 303, 89 Stat. 713, 728, 42 U.S.C. Sec. 6102), and subsequent regulations, ensures access to facilities or programs regardless of race, color, national origin, sex, age or handicap.

2. Executive Orders 11625, 12138 and 12432; 40 CFR part 33; Section 129 of P. L. 100-590 Small Businesses Reauthorization & Amendment Act of 1988; Public Law 102-389 (42 U.S.C. 437d); a 1993 appropriations act; Public Law 101-549, Title X of the Clean Air Acts Amendments of 1990 (42 U.S.C. 7601 note). Encourages recipients to award construction, supply and professional service contracts to minority and women's business enterprises (MBE/WBE) and small businesses and requires recipients to utilize affirmative steps in procurement.

3. 40 CFR Part 33 Participation by Disadvantaged Business Enterprises in Procurement under Environmental Protection Agency (EPA) Financial Assistance Agreements.

4. Executive Orders 12549 and 12689, 2 CFR Part 180, and 2 CFR Part 1532, Subparts B and C. Prohibits entering into contracts or sub-contracts with individuals or businesses who are debarred or suspended. Before contracts are awarded, MPFA Recipients are required to check the status of all contractors (construction and professional services) and must require contractors to check the status of subcontractors and suppliers for contracts expected to be equal to or over $25,000 via the U. S. General Services Administration System for Award Management website SAM.gov | Home or search the internet for sam.gov. Also verify the status on the Minnesota Department of Administration's listing: Suspended/Debarred Vendors / Minnesota Office of State Procurement (mn.gov).

5. Section 602(b)(6) of the Federal Water Pollution Control Act, as amended and section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e))require that all laborers and mechanics employed by contractors or subcontractors be paid wages at rates not less than those prevailing for the same type of work as determined by the U. S. Secretary of Labor in accordance with the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., sec. 276a through 276a-5). Reorganization Plan Number 14 of 1950 (15 F.R. 3176) and section 2 of the Davis-Bacon Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

6. Build America, Buy America Act ("the Act"). Pub. L. No. 117-58, §§ 70901-52 requires all the iron and

steel, manufactured products and construction materials used in the CWSRF and DWSRF projects be produced in the United States, unless the MPFA Recipient has requested and obtained a waiver from the EPA pertaining to the products used in the project. Pursuant to Section 70914(c) of the Build America, Buy America Act, EPA may waive Buy America preference where EPA finds that:

a. Applying the domestic content procurement preference would be inconsistent with the public interest (a "public interest waiver");

b. Types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (a "nonavailability waiver"); or

c. Inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (an "unreasonable cost waiver").

7. 2 CFR 200.216 Prohibition on certain telecommunications and video surveillance services or equipment (implementing Section 889 of Public Law 115-232).

8. Minnesota Statutes, Section 471.345, Uniform Municipal Contracting Law.

9. Minnesota Statutes, Section 574.26 to 574.32, the Public Contractors' Performance and Payment Bond Act, as applicable

10. Minnesota Statutes sections 176.181-176.182. Requires recipients and subcontractors to have worker's compensation insurance coverage.

11. Minnesota Statutes sections 177.41-177.43 and Minnesota Rules 5200.1000 to 5200.1120 (prevailing wage rate law and rules). Requires that contractors pay laborers and mechanics prevailing wages established by the Minnesota Department of Labor and Industry for public works projects.

12. Minnesota Statutes 290.9705. Requires that 8 percent of payments made to out-of-state contractors be withheld once cumulative payments made to the contractor for work done in Minnesota exceed $50,000 in a calendar year, unless an exemption is granted by the Department of Revenue.

13. Minnesota Statutes, Chapter 16C.285, Responsible Contractor Requirements.

14. Minnesota Statutes Sec. 363A.36, Minnesota Department of Human Rights (MDHR) affirmative action plan requirements for contracts exceeding $250,000. An affirmative action plan and a workforce certificate for affected contractors is required prior to bidding (Apply for a Workforce Certificate / Minnesota.gov (mn.gov)).

15. Minnesota Statutes Section 363A.43, Minnesota Department of Human Rights (MDHR) equal pay certificate. Required for agreements and contracts for goods and services exceeding $1,000,000

with a business that has 40 or more full-time employees in Minnesota or a state where the business has its primary place of business on a single day during the prior 12 months, unless the business has an equal pay certificate, or it has certified in writing that it is exempt.

16. Minnesota Statutes Section 181.59, Discrimination on Account of Race, Creed, or Color Prohibited in Contract.

6.2 Contract Conditions: BABA

The Contractor acknowledges to and for the benefit of the City of Duluth ("Owner") and the Public Facilities Authority (the "Funding Authority") that it understands the goods and services under this Agreement are being funded with federal monies and have statutory requirements commonly known as "Build America, Buy America;" that requires all of the iron and steel, manufactured products, and construction materials used in the project to be produced in the United States ("Build America, Buy America Requirements") including iron and steel, manufactured products, and construction materials provided by the Contactor pursuant to this Agreement. The Contractor hereby represents and warrants to and for the benefit of the Owner and Funding Authority (a) the Contractor has reviewed and understands the Build America, Buy America Requirements, (b) all of the iron and steel, manufactured products, and construction materials used in the project will be and/or have been produced in the United States in a manner that complies with the Build America, Buy America Requirements, unless a waiver of the requirements is approved, and (c) the Contractor will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the Build America, Buy America Requirements, as may be requested by the Owner or the Funding Authority. Notwithstanding any other provision of this Agreement, any failure to comply with this paragraph by the Contractor shall permit the Owner or Funding Authority to recover as damages against the Contractor any loss, expense, or cost (including without limitation attorney's fees) incurred by the Owner or Funding Authority resulting from any such failure (including without limitation any impairment or loss of funding, whether in whole or in part, from the Funding Authority or any damages owed to the Funding Authority by the Owner). If the Contractor has no direct contractual privity with the Funding Authority, as a lender or awardee to the Owner for the funding of its project, the Owner and the Contractor agree that the Funding Authority is a third-party beneficiary and neither this paragraph (nor any other provision of this Agreement necessary to give this paragraph force or effect) shall be amended or waived without the prior written consent of the Funding Authority.

6.3 Required Contract Conditions: DBE

These conditions must be included in all procurement contracts entered by the Borrower for all DWRF and CWRF projects:

1. The prime contractor must pay its subcontractor for satisfactory performance no more than 30 days from the prime contractor's receipt of payment from the owner.2. The prime contractor must notify the owner in writing prior to the termination of any Disadvantage Business Enterprise subcontractor for convenience by the prime contractor.
3. If a Disadvantage Business Enterprise contractor fails to complete work under the subcontract for any reason, the prime contractor must employ the six good faith efforts if soliciting a replacement contractor.
4. The prime contractor must continue to employ the six good faith efforts even if the prime contractor has achieved its fair share objectives.
5. A Borrower must ensure that each procurement contract it awards contains the following terms and conditions:

   The contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies.

6.4 Required Contract Conditions: Federal Davis Bacon Prevailing Wages

NOTE: Both federal Davis Bacon prevailing wages and State of Minnesota prevailing wages (Minnesota Statute, sections 177.41-177.43) apply to this project. Payment of the wages, fringe benefits and overtime rates that are most beneficial to the employees are required.

Federal posters can be obtained at http://www.dol.gov/whd/regs/compliance/posters/davis.htm

The "recipient" referred to throughout the Davis Bacon contract conditions is the MPFA borrower. The "MPFA" is the Minnesota Public Facilities Authority.

This language must be included in all Davis Bacon covered construction contracts and subcontracts. (29 CFR Part 5.5)

(a) The Recipient shall insert in full in any contract in excess of $2,000 which is entered into for the actual construction, alteration and/or repair, including painting and decorating, of a treatment work under the CWRF or a construction project under the DWRF, financed in whole or in part from Federal funds or in accordance with guarantees of a Federal agency or financed from funds obtained by pledge of any contract of a Federal agency to make a loan, grant or annual contribution (except

where a different meaning is expressly indicated), and which is subject to the labor standards provisions of any of the acts listed in Sec. 5.1 the following clauses:

(1) **Minimum wages**. (i) All laborers and mechanics employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (a)(1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in Sec. 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph (a)(1)(ii) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

Recipients may obtain wage determinations from: https://sam.gov/content/wage-determinations.

(ii)(A) The Recipient, on behalf of EPA, shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The Recipient's award official shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the Recipient agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), documentation of the action taken and

the request, including the local wage determination shall be sent by the Recipient to the Administrator of the Wage and Hour Division, Conformance and CBA Update public email address:

WHD-CBACONFORMANCE_INCOMING@dol.gov and to the EPA DB Regional Coordinator concurrently at (USEPA REGION 5, 77 West Jackson Boulevard Mail Code: MC-10J, Chicago, IL 60604-3507. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the Recipient or will notify the Recipient within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the Recipient do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the award official shall refer the request and the local wage determination, including the views of all interested parties and the recommendation of the Recipient's award official, to the Administrator for determination. The request shall be sent to the EPA DB Coordinator concurrently. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii) (B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, provided, that the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(2) **Withholding**. The Recipient shall upon its own action or upon written request of the MPFA, EPA award official or an authorized representative of the Department of Labor (DOL) withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the Recipient may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) **Payrolls and basic records**. (i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(ii)(A) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the Recipient. Such documentation shall be available on request of the MPFA or EPA. The payrolls shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), **except that full social security numbers and home addresses shall not be included on weekly payrolls**. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 and instructions are available for this purpose from the Wage and Hour Division Web site at WHD | U.S. Department of Labor (dol.gov) or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the Recipient for transmission to the MPFA or EPA, if requested by EPA, the MPFA, the contractor, or the Wage and Hour Division of the DOL for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the Recipient.

(B) Each payroll submitted shall be accompanied by a ``Statement of Compliance,'' signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information required to be provided under Sec. 5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under Sec. 5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the ``Statement of Compliance'' required by paragraph (a)(3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the MPFA, EPA or the DOL, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency or MPFA may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(4) **Apprentices and trainees**-(i) Apprentices. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program

for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) Trainees. Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the DOL, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of 29 CFR part 30.

(5) **Compliance with Copeland Act requirements**. The contractor shall comply with the requirements of 29 CFR Part 3, which are incorporated by reference in this contract.

(6) **Subcontracts**. The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the EPA determines may be appropriate, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

(7) **Contract termination: debarment**. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(8) **Compliance with Davis-Bacon and Related Act (DBRA) requirements**. DBRA is a collection of labor standards provisions administered by the DOL applicable to Federal assistance agreements and subawards involving construction. All rulings and interpretations of the DBRA contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

(9) **Disputes concerning labor standards**. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the DOL set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the Recipient, MPFA, EPA, theDOL, or the employees or their representatives.

(10) **Certification of eligibility**. (i) By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

(b) **Contract Work Hours and Safety Standards Act**. The Recipient shall insert the following clauses set forth in paragraphs (b)(1), (2), (3), and (4) of this section in full in any contract in an amount in excess of $100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR Sec. 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

(1) **Overtime requirements.** No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) **Violation; liability for unpaid wages; liquidated damages.** In the event of any violation of the clause set forth in paragraph (b)(1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (b)(1) of this section, in the sum of $10 for each calendar day on which such individual was required or permitted to work in excess of the

standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (b)(1) of this section.

(3) **Withholding for unpaid wages and liquidated damages.** The Recipient, upon its own action or upon written request of the MPFA, EPA Award Official or an authorized representative of the DOL shall withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b)(2) of this section.

(4) **Subcontracts.** The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (b)(1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (b)(1) through (4) of this section.

(c) In addition to the clauses contained in paragraph (b), in any contract subject only to the Contract Work Hours and Safety Standards Act and not to any of the other statutes cited in 29 CFR Sec. 5.1, the Recipient shall insert a clause requiring that the contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Further, the Recipient shall insert in any such contract a clause providing that the records to be maintained under this paragraph shall be made available by the contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the MPFA, EPA and the DOL, and the contractor or subcontractor will permit such representatives to interview employees during working hours on the job.

6.5 Required Conditions: U. S. DOL Wage and Hour Division Davis-Bacon Prevailing Wages

Under the Davis-Bacon and Related Acts and Reorganization Plan No. 14 of 1950, the DOL is responsible for determining prevailing wages, issuing regulations and standards to be observed by federal agencies that award or fund projects subject to Davis-Bacon labor standards, and overseeing consistent enforcement of the Davis-Bacon labor standards.

The Davis-Bacon and Related Acts apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of $2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.

The Davis-Bacon Act directs the DOL to determine such locally prevailing wage rates. The Davis-Bacon Act applies to contractors and subcontractors performing work on federal or District of Columbia contracts. The Davis-Bacon Act prevailing wage provisions apply to the "Related Acts," under which federal agencies assist construction projects through grants, loans, loan guarantees, and insurance.

For prime contracts in excess of $100,000, contractors and subcontractors must also, under the provisions of the Contract Work Hours and Safety Standards Act, as amended, pay laborers and mechanics, including guards and watchmen, at least one and one-half times their regular rate of pay for all hours worked over 40 in a workweek. The overtime provisions of the Fair Labor Standards Act may also apply to DBA-covered contracts.

The rest of this page is intentionally kept blank

"General Decision Number: MN20250231 06/13/2025

Superseded General Decision Number: MN20240231

State: Minnesota

Construction Types: Heavy and Highway

Counties: Carlton, Cook, Itasca, Koochiching, Lake, Pine and St Louis Counties in Minnesota.

Heavy and Highway Construction Projects

Please refer to Minnesota Rules 5200.1100, 5200.1101, and 5200.1102 for definitions of labor classifications on this wage determination, and direct any questions regarding such classifications to the Branch of Construction Wage Determinations.

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).

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:	• Executive Order 14026 generally applies to the contract. • 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.
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:	• Executive Order 13658 generally applies to the contract. • 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 performing on that contract in 2025.

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
1	01/24/2025
2	05/02/2025
3	06/13/2025

* SAMN2024-001 11/18/2024

	Rates	Fringes
ARTICULATED HAULER	$ 44.67	26.90
ASBESTOS ABATEMENT WORKER	$ 36.13	22.45
BLASTER	$ 38.53	22.67
BOILERMAKER	$ 48.35	31.93
BOOM TRUCK	$ 47.25	26.90
BRICKLAYER	$ 45.69	30.93
CARPENTER	$ 47.45	31.75
CARPET LAYER (LINOLEUM)	$ 32.13	12.85
CEMENT MASON	$ 48.56	24.04
ELECTRICIAN	$ 49.02	34.18
FLAG PERSON	$ 40.81	28.08
GROUND PERSON	$ 33.40	16.30
HEATING AND FROST INSULATORS	$ 45.56	20.20
IRONWORKER	$ 41.19	35.68
LABORER: Common or General (GENERAL LABOR WORK)	$ 42.58	26.33
LABORER: Landscape (GARDENER, SOD LAYER AND NURSERY OPERATOR)	$ 30.04	21.16
LANDSCAPING EQUIPMENT (INCLUDES HYDRO SEEDER OR MULCHER, SOD ROLLER, FARM TRACTOR WITH ATTACHMENT SPECIFICALLY SEEDING, SODDING, OR PLANT, AND TWO-FRAMED FORKLIFT (EXCLUDING FRONT, POSIT-TRACK, AND SKID STEER LOADERS), NO EARTHWORK OR GRADING FOR ELEVATIONS)	$ 24.00	16.96
LINEMAN	$ 47.71	20.31
MILLWRIGHT	$ 48.13	29.41

OFF-ROAD TRUCK.....$ 44.67 26.90

PAINTER
INCLUDING HAND BRUSHED,
HAND SPRAYED, AND THE
TAPING OF PAVEMENT MARKINGS.$ 45.50 27.69

PAVEMENT MARKING OR MARKING
REMOVAL EQUIPMENT ((ONE OR
TWO PERSON OPERATORS);
SELF-PROPELLED TRUCK OR
TRAILER MOUNTED UNITS).....$ 41.29 23.48

Piledriver
INCLUDING VIBRATORY DRIVER
OR EXTRACTOR FOR PILING
AND SHEETING OPERATIONS.....$ 45.71 29.73

PIPEFITTER/STEAMFITTER.....$ 50.64 25.78

PIPELAYER (WATER, SEWER AND
GAS).....$ 46.08 26.33

PLUMBER.....$ 41.02 22.03

POWER EQUIPMENT OPERATOR:
(Highway/Heavy Group 2).....$ 45.61 26.90
HELICOPTER PILOT; CONCRETE PUMP; ALL CRANES WITH OVER 135-FOOT BOOM, EXCLUDING JIB; DRAGLINE, CRAWLER, HYDRAULIC BACKHOE (TRACK OR WHEEL MOUNTED) AND/OR OTHER SIMILAR EQUIPMENT WITH SHOVEL-TYPE CONTROLS THREE CUBIC YARDS AND OVER MANUFACTURER.S RATED CAPACITY INCLUDING ALL ATTACHMENTS; GRADER OR MOTOR PATROL; PILE DRIVING; TUGBOAT 100 H.P. AND OVER WHEN LICENSE REQUIRED

POWER EQUIPMENT OPERATOR:
(Highway/Heavy Group 3).....$ 45.01 26.90
ASPHALT BITUMINOUS STABILIZER PLANT; CABLEWAY; CONCRETE MIXER, STATIONARY PLANT; DERRICK (GUY OR STIFFLEG)(POWER)(SKIDS OR STATIONARY); DRAGLINE, CRAWLER, HYDRAULIC BACKHOE (TRACK OR WHEEL MOUNTED) AND/OR SIMILAR EQUIPMENT WITH SHOVEL-TYPE CONTROLS, UP TO THREE CUBIC YARDS MANUFACTURER.S RATED CAPACITY INCLUDING ALL ATTACHMENTS; DREDGE OR ENGINEERS, DREDGE (POWER) AND ENGINEER; FRONT END LOADER, FIVE CUBIC YARDS AND OVER INCLUDING ATTACHMENTS; LOCOMOTIVE CRANE OPERATOR; MIXER (PAVING) CONCRETE PAVING, ROAD MOLE, INCLUDING MUCKING OPERATIONS, CONWAY OR SIMILAR TYPE; MECHANIC ON POWER EQUIPMENT; TRACTOR, BOOM TYPE; TANDEM SCRAPER; TRUCK CRANE, CRAWLER CRANE; TUGBOAT 100 H.P AND OVER

POWER EQUIPMENT OPERATOR:
(Highway/Heavy Group 4).....$ 44.67 26.90
AIR TRACK ROCK DRILL; AUTOMATIC ROAD MACHINE (CMI OR SIMILAR); BACKFILLER OPERATOR; CONCRETE BATCH PLANT OPERATOR; BITUMINOUS ROLLERS, RUBBER TIRED OR STEEL DRUMMED (EIGHT TONS AND OVER); BITUMINOUS SPREADER AND FINISHING MACHINES (POWER), INCLUDING PAVERS, MACRO SURFACING AND MICRO SURFACING, OR SIMILAR TYPES (OPERATOR AND SCREED PERSON); BROKK OR R.T.C. REMOTE CONTROL OR SIMILAR TYPE WITH ALL ATTACHMENTS; CAT CHALLENGER TRACTORS OR SIMILAR TYPES PULLING ROCK WAGONS, BULLDOZERS AND SCRAPERS; CHIP HARVESTER AND TREE CUTTER; CONCRETE DISTRIBUTOR AND SPREADER FINISHING MACHINE, LONGITUDINAL FLOAT, JOINT MACHINE, AND SPRAY MACHINE; CONCRETE MIXER ON JOBSITE; CONCRETE MOBIL; CRUSHING PLANT (GRAVEL AND STONE) OR GRAVEL WASHING, CRUSHING AND SCREENING PLANT; CURB MACHINE; DIRECTIONAL BORING MACHINE;

DOPE MACHINE (PIPELINE); DRILL RIGS, HEAVY ROTARY OR CHURN OR CABLE DRILL; DUAL TRACTOR; ELEVATING GRADER; FORK LIFT OR STRADDLE CARRIER; FORK LIFT OR LUMBER STACKER; FRONT END, SKID STEER OVER 1 TO 5 C YD; GPS REMOTE OPERATING OF EQUIPMENT; HOIST ENGINEER (POWER); HYDRAULIC TREE PLANTER; LAUNCHER PERSON (TANKER PERSON OR PILOT LICENSE); LOCOMOTIVE; MILLING, GRINDING, PLANNING, FINE GRADE, OR TRIMMER MACHINE; MULTIPLE MACHINES, SUCH AS AIR COMPRESSORS, WELDING MACHINES, GENERATORS, PUMPS; PAVEMENT BREAKER OR TAMPING MACHINE (POWER DRIVEN) MIGHTY MITE OR SIMILAR TYPE; PICKUP SWEEPER, ONE CUBIC YARD AND OVER HOPPER CAPACITY; PIPELINE WRAPPING, CLEANING OR BENDING MACHINE; POWER PLANT ENGINEER, 100 KWH AND OVER; POWER ACTUATED HORIZONTAL BORING MACHINE, OVER SIX INCHES; PUGMILL; PUMPCRETE; RUBBER-TIRED FARM TRACTOR WITH BACKHOE INCLUDING ATTACHMENTS; SCRAPER; SELF-PROPELLED SOIL STABILIZER; SLIP FORM (POWER DRIVEN) (PAVING); TIE TAMPER AND BALLAST MACHINE; TRACTOR, BULLDOZER; TRACTOR, WHEEL TYPE, OVER 50 H.P. WITH PTO UNRELATED TO LANDSCAPING; TRENCHING MACHINE (SEWER, WATER, GAS) EXCLUDES WALK BEHIND TRENCHER; TUB GRINDER, MORBARK, OR SIMILAR TYPE; WELL POINT DISMANTLING OR INSTALLATION

POWER EQUIPMENT OPERATOR:
(Highway/Heavy Group 5).....$ 41.36 26.90
AIR COMPRESSOR, 600 CFM OR OVER; BITUMINOUS ROLLER (UNDER EIGHT TONS); CONCRETE SAW (MULTIPLE BLADE) (POWER OPERATED); FORM TRENCH DIGGER (POWER); FRONT END, SKID STEER UP TO 1C YD; GUNITE GUNALL; HYDRAULIC LOG SPLITTER; LOADER (BARBER GREENE OR SIMILAR TYPE); POST HOLE DRIVING MACHINE/POST HOLE AUGER; POWER ACTUATED AUGER AND BORING MACHINE; POWER ACTUATED JACK; PUMP; SELF-PROPELLED CHIP SPREADER (FLAHERTY OR SIMILAR); SHEEP FOOT COMPACTOR WITH BLADE . 200 H.P. AND OVER; SHOULDERING MACHINE (POWER) APSCO OR SIMILAR TYPE INCLUDING SELF-PROPELLED SAND AND CHIP SPREADER; STUMP CHIPPER AND TREE CHIPPER; TREE FARMER (MACHINE)

POWER EQUIPMENT OPERATOR:
(Highway/Heavy Group 6).....$ 40.02 26.90
CAT, CHALLENGER, OR SIMILAR TYPE OF TRACTORS, WHEN PULLING DISK OR ROLLER; CONVEYOR; DREDGE DECK HAND; FIRE PERSON OR TANK CAR HEATER; GRAVEL SCREENING PLANT (PORTABLE NOT CRUSHING OR WASHING); GREASER (TRACTOR); LEVER PERSON; OILER (POWER SHOVEL, CRANE, TRUCK CRANE, DRAGLINE, CRUSHERS, AND MILLING MACHINES, OR OTHER SIMILAR HEAVY EQUIPMENT); POWER SWEEPER; SHEEP FOOT ROLLER AND ROLLERS ON GRAVEL COMPACTION, INCLUDING VIBRATING ROLLERS; TRACTOR, WHEEL TYPE, OVER 50 H.P., UNRELATED TO LANDSCAPING

SHEET METAL WORKER.....$ 57.96 34.57

Survey Field Technician
(OPERATE TOTAL STATION, GPS
RECEIVER, LEVEL, ROD OR RANGE
POLES, STEEL TAPE
MEASUREMENT; MARK AND DRIVE
STAKES; HAND OR POWER DIGGING
FOR AND IDENTIFICATION OF
MARKERS OR MONUMENTS; PERFORM
AND CHECK CALCULATIONS;
REVIEW AND UNDERSTAND
CONSTRUCTION PLANS AND LAND
SURVEY MATERIALS).....$ 42.58 26.33

TRAFFIC CONTROL PERSON
(TEMPORARY SIGNAGE).....$ 40.81 28.08

TRUCK DRIVER (Group 1).....$ 40.88 24.70
MECHANIC; TRACTOR TRAILER DRIVER; TRUCK DRIVER (HAULING MACHINERY INCLUDING OPERATION OF HAND AND POWER OPERATED WINCHES)

TRUCK DRIVER (Group 2).....$ 40.25 24.70
FOUR OR MORE AXLE UNIT, STRAIGHT BODY TRUCK

TRUCK DRIVER (Group 3).....$ 40.13 24.70
BITUMINOUS DISTRIBUTOR DRIVER; BITUMINOUS DISTRIBUTOR (ONE PERSON OPERATION); THREE AXLE UNITS

TRUCK DRIVER (Group 4).....$ 39.85 24.70
BITUMINOUS DISTRIBUTOR SPRAY OPERATOR (REAR AND OILER); DUMP PERSON; GREASER; PILOT CAR DRIVER; RUBBER-TIRED, SELF-PROPELLED PACKER UNDER 8 TONS; TWO AXLE UNIT; SLURRY OPERATOR; TANK TRUCK HELPER (GAS, OIL, ROAD OIL, AND WATER); TRACTOR OPERATOR, UNDER 50 H.P.

Tunnel Miner.....$ 35.63 22.02

UNDERGROUND AND OPEN DITCH
LABORER (EIGHT FEET BELOW
STARTING GRADE LEVEL).....$ 44.08 26.33

WIRING SYSTEM TECHNICIAN.....$ 44.61 20.61

WIRING SYSTEMS INSTALLER.....$ 33.44 17.82

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 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"

6.6 Required Conditions: State of Minnesota Prevailing Wages

Pursuant to Minnesota Statutes 177.41 to 177.44 and corresponding Minnesota Rules 5200.1000 to 5200.1120, this contract is subject to the prevailing wages as established by the Minnesota Department of Labor and Industry (DOLI). Specifically, all contractors and subcontractors must pay all laborers and mechanics the established prevailing wages for work performed under the contract. Failure to comply with the aforementioned may result in civil or criminal penalties. The applicable wage determination must be incorporated into proposals and all contracts.

Payrolls/Records

The contractor and subcontractor shall furnish to the OWNER copies of any or all payrolls not more than 14 days after the end of each pay period. The payrolls must contain all data required by Minnesota Statutes Section 177.30. Subcontractors must furnish payrolls to the contractor. The OWNER may examine all records relating to wages paid laborers or mechanics on work to which Minnesota Statutes Sections 177.41 to 177.44 apply.

Posting of Wage Rates/Required Posters

Each contractor and subcontractor performing work on a public project shall post on the project the applicable prevailing wage rates and hourly basic rates of pay for the county or area within which the project is being performed, including the effective date of any changes thereof, in at least one conspicuous place for the information of the employees working on the project. The information so posted shall include a breakdown of contributions for health and welfare benefits, vacation benefits, pension benefits, and any other economic benefits required to be paid.

For more information regarding prevailing wage and its application, contact:

Minnesota Department of Labor and Industry
Prevailing Wage unit
443 Lafayette Road North
St. Paul, MN 55155
Phone: (651) 284-5091
E-mail: dli.prevwage@state.mn.us
Web: Prevailing-wage information | Minnesota Department of Labor and Industry (mn.gov)

6.7 Required Conditions: MN DOLI and Industry Prevailing Wages for State Funded Construction Projects

MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY PREVAILING WAGES FOR STATE FUNDED CONSTRUCTION PROJECTS

THIS NOTICE MUST BE POSTED ON THE JOBSITE IN A CONSPICUOUS PLACE

Construction Type: Highway and Heavy

Region Number: 01

Counties within region:

- CARLTON-09
- COOK-16
- ITASCA-31
- KOOCHICHING-36
- LAKE-38
- PINE-58
- ST. LOUIS-69

Effective: 2025-11-03 Revised: 2025-12-01

This project is covered by Minnesota prevailing wage statutes. Wage rates listed below are the minimum hourly rates to be paid on this project.

All hours worked in excess of eight (8) hours per day or forty (40) hours per week shall be paid at a rate of one and one half (1 1/2) times the basic hourly rate. *Note: Overtime pay after eight (8) hours on the project must be paid even if the worker does not exceed forty (40) hours in the work week.*

Violations on MnDOT highways and road projects should be reported to:

Department of Transportation
Office of Construction
Transportation Building MS650
John Ireland Blvd
St. Paul, MN 55155
(651) 366-4209

All other prevailing wage violations and questions should be sent to:

Department of Labor and Industry
Prevailing Wage Section
443 Lafayette Road N
St Paul, MN 55155
(651) 284-5091
DLI.PrevWage@state.mn.us

LABOR CODE AND CLASS		EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
LABORERS (101 - 112) (SPECIAL CRAFTS 701 - 730)					
101	LABORER, COMMON (GENERAL LABOR WORK)	2025-11-03	42.58	26.33	68.91
102	LABORER, SKILLED (ASSISTING SKILLED CRAFT JOURNEYMAN)	2025-11-03	42.58	26.33	68.91
103	LABORER, LANDSCAPING (GARDENER, SOD LAYER AND	2025-11-03	31.66	22.78	54.44

LABOR CODE AND CLASS		EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
	NURSERY OPERATOR)				
104	FLAG PERSON	2025-11-03	42.58	26.33	68.91
105	WATCH PERSON	2025-11-03	30.58	21.77	52.35
106	BLASTER	2025-11-03	38.53	22.67	61.20
107	PIPELAYER (WATER, SEWER AND GAS)	2025-11-03	46.08	26.33	72.41
108	TUNNEL MINER	2025-11-03	35.63	22.02	57.65
109	UNDERGROUND AND OPEN DITCH LABORER (EIGHT FEET BELOW STARTING GRADE LEVEL)	2025-11-03	44.08	26.33	70.41
110	SURVEY FIELD TECHNICIAN (OPERATE TOTAL STATION, GPS RECEIVER, LEVEL, ROD OR RANGE POLES, STEEL TAPE MEASUREMENT; MARK AND DRIVE STAKES; HAND OR POWER DIGGING FOR AND IDENTIFICATION OF MARKERS OR MONUMENTS; PERFORM AND CHECK CALCULATIONS; REVIEW AND UNDERSTAND CONSTRUCTION PLANS AND LAND SURVEY MATERIALS). THIS CLASSIFICATION DOES NOT APPLY TO THE WORK PERFORMED ON A PREVAILING WAGE PROJECT BY A LAND SURVEYOR WHO IS LICENSED PURSUANT TO MINNESOTA STATUTES, SECTIONS 326.02 TO 326.15.	2025-11-03	42.58	26.33	68.91
111	TRAFFIC CONTROL PERSON (TEMPORARY SIGNAGE)	2025-11-03	40.81	28.08	68.89
112	QUALITY CONTROL TESTER (FIELD AND COVERED OFF-SITE FACILITIES; TESTING OF AGGREGATE, ASPHALT, AND CONCRETE MATERIALS); LIMITED TO MN DOT HIGHWAY AND HEAVY CONSTRUCTION PROJECTS WHERE THE MN DOT HAS RETAINED QUALITY ASSURANCE PROFESSIONALS TO REVIEW AND INTERPRET THE RESULTS OF QUALITY CONTROL TESTERS. SERVICES PROVIDED BY THE CONTRACTOR.	2025-11-03	31.00	11.55	42.55

LABOR CODE AND CLASS		EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
SPECIAL EQUIPMENT (201 - 204)					
201	ARTICULATED HAULER	2025-11-03	46.25	29.40	75.65
		2026-05-04	47.68	31.00	78.68
202	BOOM TRUCK	2025-11-03	48.96	29.40	78.36
203	LANDSCAPING EQUIPMENT, INCLUDES HYDRO SEEDER OR MULCHER, SOD ROLLER, FARM TRACTOR WITH ATTACHMENT SPECIFICALLY SEEDING, SODDING, OR PLANT, AND TWO-FRAMED FORKLIFT (EXCLUDING FRONT, POSIT-TRACK, AND SKID STEER LOADERS), NO EARTHWORK OR GRADING FOR ELEVATIONS	2025-11-03	41.37	29.40	70.77
		2026-05-04	42.60	31.00	73.60
204	OFF-ROAD TRUCK	2025-11-03	46.25	29.40	75.65
		2026-05-04	47.68	31.00	78.68
205	PAVEMENT MARKING OR MARKING REMOVAL EQUIPMENT (ONE OR TWO PERSON OPERATORS); SELF-PROPELLED TRUCK OR TRAILER MOUNTED UNITS.	2025-11-03	41.29	23.48	64.77
HIGHWAY/HEAVY POWER EQUIPMENT OPERATOR					
GROUP 2		2025-11-03	47.24	29.40	76.64
		2026-05-04	48.71	31.00	79.71
302	HELICOPTER PILOT (HIGHWAY AND HEAVY ONLY)				
303	CONCRETE PUMP (HIGHWAY AND HEAVY ONLY)				
304	ALL CRANES WITH OVER 135-FOOT BOOM, EXCLUDING JIB (HIGHWAY AND HEAVY ONLY)				
305	DRAGLINE, CRAWLER, HYDRAULIC BACKHOE (TRACK OR WHEEL MOUNTED) AND/OR OTHER SIMILAR EQUIPMENT WITH SHOVEL-TYPE CONTROLS THREE CUBIC YARDS AND OVER MANUFACTURER.S RATED CAPACITY INCLUDING ALL ATTACHMENTS. (HIGHWAY AND HEAVY ONLY)				
306	GRADER OR MOTOR PATROL				
307	PILE DRIVING (HIGHWAY AND HEAVY ONLY)				
308	TUGBOAT 100 H.P. AND OVER WHEN LICENSE REQUIRED (HIGHWAY AND HEAVY ONLY)				

LABOR CODE AND CLASS		EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
GROUP 3		2025-11-03	46.61	29.40	76.01
		2026-05-04	48.05	31.00	79.05
309	ASPHALT BITUMINOUS STABILIZER PLANT				
310	CABLEWAY				
311	CONCRETE MIXER, STATIONARY PLANT (HIGHWAY AND HEAVY ONLY)				
312	DERRICK (GUY OR STIFFLEG)(POWER)(SKIDS OR STATIONARY) (HIGHWAY AND HEAVY ONLY)				
313	DRAGLINE, CRAWLER, HYDRAULIC BACKHOE (TRACK OR WHEEL MOUNTED) AND/OR SIMILAR EQUIPMENT WITH SHOVEL-TYPE CONTROLS, UP TO THREE CUBIC YARDS MANUFACTURER.S RATED CAPACITY INCLUDING ALL ATTACHMENTS (HIGHWAY AND HEAVY ONLY)				
314	DREDGE OR ENGINEERS, DREDGE (POWER) AND ENGINEER				
315	FRONT END LOADER, FIVE CUBIC YARDS AND OVER INCLUDING ATTACHMENTS. (HIGHWAY AND HEAVY ONLY)				
316	LOCOMOTIVE CRANE OPERATOR				
317	MIXER (PAVING) CONCRETE PAVING, ROAD MOLE, INCLUDING MUCKING OPERATIONS, CONWAY OR SIMILAR TYPE				
318	MECHANIC . WELDER ON POWER EQUIPMENT (HIGHWAY AND HEAVY ONLY)				
319	TRACTOR . BOOM TYPE (HIGHWAY AND HEAVY ONLY)				
320	TANDEM SCRAPER				
321	TRUCK CRANE . CRAWLER CRANE (HIGHWAY AND HEAVY ONLY)				
322	TUGBOAT 100 H.P AND OVER (HIGHWAY AND HEAVY ONLY)				
GROUP 4		2025-11-03	46.25	29.40	75.65
		2026-05-04	47.68	31.00	78.68
323	AIR TRACK ROCK DRILL				
324	AUTOMATIC ROAD MACHINE (CMI OR SIMILAR) (HIGHWAY AND HEAVY ONLY)				
325	BACKFILLER OPERATOR				
326	CONCRETE BATCH PLANT OPERATOR (HIGHWAY AND HEAVY ONLY)				
327	BITUMINOUS ROLLERS, RUBBER TIRED OR STEEL DRUMMED (EIGHT TONS AND OVER)				
328	BITUMINOUS SPREADER AND FINISHING MACHINES (POWER), INCLUDING PAVERS, MACRO SURFACING AND MICRO SURFACING, OR SIMILAR TYPES (OPERATOR AND SCREED PERSON)				
329	BROKK OR R.T.C. REMOTE CONTROL OR SIMILAR TYPE WITH ALL ATTACHMENTS				
330	CAT CHALLENGER TRACTORS OR SIMILAR TYPES PULLING ROCK WAGONS, BULLDOZERS AND SCRAPERS				
331	CHIP HARVESTER AND TREE CUTTER				
332	CONCRETE DISTRIBUTOR AND SPREADER FINISHING MACHINE, LONGITUDINAL FLOAT, JOINT MACHINE, AND SPRAY MACHINE				
333	CONCRETE MIXER ON JOBSITE (HIGHWAY AND HEAVY ONLY)				
334	CONCRETE MOBIL (HIGHWAY AND HEAVY ONLY)				
335	CRUSHING PLANT (GRAVEL AND STONE) OR GRAVEL WASHING, CRUSHING AND SCREENING PLANT				
336	CURB MACHINE				
337	DIRECTIONAL BORING MACHINE				
338	DOPE MACHINE (PIPELINE)				
339	DRILL RIGS, HEAVY ROTARY OR CHURN OR CABLE DRILL (HIGHWAY AND HEAVY ONLY)				

LABOR CODE AND CLASS		EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
340	DUAL TRACTOR				
341	ELEVATING GRADER				
342	FORK LIFT OR STRADDLE CARRIER (HIGHWAY AND HEAVY ONLY)				
343	FORK LIFT OR LUMBER STACKER (HIGHWAY AND HEAVY ONLY)				
344	FRONT END, SKID STEER OVER 1 TO 5 C YD				
345	GPS REMOTE OPERATING OF EQUIPMENT				
346	HOIST ENGINEER (POWER) (HIGHWAY AND HEAVY ONLY)				
347	HYDRAULIC TREE PLANTER				
348	LAUNCHER PERSON (TANKER PERSON OR PILOT LICENSE)				
349	LOCOMOTIVE (HIGHWAY AND HEAVY ONLY)				
350	MILLING, GRINDING, PLANNING, FINE GRADE, OR TRIMMER MACHINE				
351	MULTIPLE MACHINES, SUCH AS AIR COMPRESSORS, WELDING MACHINES, GENERATORS, PUMPS (HIGHWAY AND HEAVY ONLY)				
352	PAVEMENT BREAKER OR TAMPING MACHINE (POWER DRIVEN) MIGHTY MITE OR SIMILAR TYPE				
353	PICKUP SWEEPER, ONE CUBIC YARD AND OVER HOPPER CAPACITY(HIGHWAY AND HEAVY ONLY)				
354	PIPELINE WRAPPING, CLEANING OR BENDING MACHINE				
355	POWER PLANT ENGINEER, 100 KWH AND OVER (HIGHWAY AND HEAVY ONLY)				
356	POWER ACTUATED HORIZONTAL BORING MACHINE, OVER SIX INCHES				
357	PUGMILL				
358	PUMPCRETE (HIGHWAY AND HEAVY ONLY)				
359	RUBBER-TIRED FARM TRACTOR WITH BACKHOE INCLUDING ATTACHMENTS (HIGHWAY AND HEAVY ONLY)				
360	SCRAPER				
361	SELF-PROPELLED SOIL STABILIZER				
362	SLIP FORM (POWER DRIVEN) (PAVING)				
363	TIE TAMPER AND BALLAST MACHINE				
364	TRACTOR, BULLDOZER (HIGHWAY AND HEAVY ONLY)				
365	TRACTOR, WHEEL TYPE, OVER 50 H.P. WITH PTO UNRELATED TO LANDSCAPING (HIGHWAY AND HEAVY ONLY)				
366	TRENCHING MACHINE (SEWER, WATER, GAS) EXCLUDES WALK BEHIND TRENCHER (HIGHWAY AND HEAVY ONLY)				
367	TUB GRINDER, MORBARK, OR SIMILAR TYPE				
368	WELL POINT DISMANTLING OR INSTALLATION (HIGHWAY AND HEAVY ONLY)				
GROUP 5		2025-11-03	42.77	29.40	72.17
		2026-05-04	44.06	31.00	75.06
369	AIR COMPRESSOR, 600 CFM OR OVER (HIGHWAY AND HEAVY ONLY)				
370	BITUMINOUS ROLLER (UNDER EIGHT TONS)				
371	CONCRETE SAW (MULTIPLE BLADE) (POWER OPERATED)				
372	FORM TRENCH DIGGER (POWER)				
373	FRONT END, SKID STEER UP TO 1C YD				

LABOR CODE AND CLASS		EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
374	GUNITE GUNALL (HIGHWAY AND HEAVY ONLY)				
375	HYDRAULIC LOG SPLITTER				
376	LOADER (BARBER GREENE OR SIMILAR TYPE)				
377	POST HOLE DRIVING MACHINE/POST HOLE AUGER				
378	POWER ACTUATED AUGER AND BORING MACHINE				
379	POWER ACTUATED JACK				
380	PUMP (HIGHWAY AND HEAVY ONLY)				
381	SELF-PROPELLED CHIP SPREADER (FLAHERTY OR SIMILAR)				
382	SHEEP FOOT COMPACTOR WITH BLADE . 200 H.P. AND OVER				
383	SHOULDERING MACHINE (POWER) APSCO OR SIMILAR TYPE INCLUDING SELF-PROPELLED SAND AND CHIP SPREADER				
384	STUMP CHIPPER AND TREE CHIPPER				
385	TREE FARMER (MACHINE)				
GROUP 6		2025-11-03	41.37	29.40	70.77
		2026-05-04	42.60	31.00	73.60
387	CAT, CHALLENGER, OR SIMILAR TYPE OF TRACTORS, WHEN PULLING DISK OR ROLLER				
388	CONVEYOR (HIGHWAY AND HEAVY ONLY)				
389	DREDGE DECK HAND				
390	FIRE PERSON OR TANK CAR HEATER (HIGHWAY AND HEAVY ONLY)				
391	GRAVEL SCREENING PLANT (PORTABLE NOT CRUSHING OR WASHING)				
392	GREASER (TRACTOR) (HIGHWAY AND HEAVY ONLY)				
393	LEVER PERSON				
394	OILER (POWER SHOVEL, CRANE, TRUCK CRANE, DRAGLINE, CRUSHERS, AND MILLING MACHINES, OR OTHER SIMILAR HEAVY EQUIPMENT) (HIGHWAY AND HEAVY ONLY)				
395	POWER SWEEPER				
396	SHEEP FOOT ROLLER AND ROLLERS ON GRAVEL COMPACTION, INCLUDING VIBRATING ROLLERS				
397	TRACTOR, WHEEL TYPE, OVER 50 H.P., UNRELATED TO LANDSCAPING				
TRUCK DRIVERS					
GROUP 1		2025-11-03	40.88	24.70	65.58
		2026-05-01	42.80	25.40	68.20
601	MECHANIC . WELDER				
602	TRACTOR TRAILER DRIVER				
603	TRUCK DRIVER (HAULING MACHINERY INCLUDING OPERATION OF HAND AND POWER OPERATED WINCHES)				
GROUP 2		2025-11-03	40.25	24.70	64.95
		2026-05-01	42.15	25.40	67.55
604	FOUR OR MORE AXLE UNIT, STRAIGHT BODY TRUCK				

LABOR CODE AND CLASS		EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
GROUP 3		2025-11-03	40.13	24.70	64.83
		2026-05-01	42.02	25.40	67.42
605	BITUMINOUS DISTRIBUTOR DRIVER				
606	BITUMINOUS DISTRIBUTOR (ONE PERSON OPERATION)				
607	THREE AXLE UNITS				
GROUP 4		2025-11-03	39.85	24.70	64.55
		2026-05-01	41.73	25.40	67.13
608	BITUMINOUS DISTRIBUTOR SPRAY OPERATOR (REAR AND OILER)				
609	DUMP PERSON				
610	GREASER				
611	PILOT CAR DRIVER				
612	RUBBER-TIRED, SELF-PROPELLED PACKER UNDER 8 TONS				
613	TWO AXLE UNIT				
614	SLURRY OPERATOR				
615	TANK TRUCK HELPER (GAS, OIL, ROAD OIL, AND WATER)				
616	TRACTOR OPERATOR, UNDER 50 H.P.				
SPECIAL CRAFTS					
701	HEATING AND FROST INSULATORS	2025-11-03	45.56	20.20	65.76
702	BOILERMAKERS	2025-11-03	48.35	31.93	80.28
703	BRICKLAYERS	2025-11-03	45.69	30.93	76.62
704	CARPENTERS	2025-11-03	46.82	32.87	79.69
		2026-05-01	50.01	32.87	82.88
705	CARPET LAYERS (LINOLEUM)	2025-11-03	32.13	12.85	44.98
706	CEMENT MASONS	2025-11-03	47.26	25.38	72.64
707	ELECTRICIANS	2025-11-03	47.46	33.33	80.79
711	GROUND PERSON	2025-11-03	33.40	16.30	49.70
712	IRONWORKERS	2025-11-03	42.89	37.78	80.67
		2026-05-03	46.79	37.78	84.57

LABOR CODE AND CLASS		EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE
713	LINEMAN	2025-11-03	47.71	20.31	68.02
714	MILLWRIGHT	2025-11-03	45.13	32.44	77.57
		2026-05-01	48.23	32.44	80.67
715	PAINTERS (INCLUDING HAND BRUSHED, HAND SPRAYED, AND THE TAPING OF PAVEMENT MARKINGS)	2025-11-03	48.00	29.09	77.09
		2026-05-04	50.50	29.09	79.59
716	PILEDRIVER (INCLUDING VIBRATORY DRIVER OR EXTRACTOR FOR PILING AND SHEETING OPERATIONS)	2025-11-03	47.71	31.98	79.69
		2026-05-01	50.90	31.98	82.88
717	PIPEFITTERS . STEAMFITTERS	2025-11-03	50.82	29.33	80.15
		2026-05-01	54.57	29.33	83.90
719	PLUMBERS	2025-11-03	50.82	29.33	80.15
		2026-05-01	54.57	29.33	83.90
721	SHEET METAL WORKERS	2025-11-03	57.96	34.57	92.53
723	TERRAZZO WORKERS	FOR RATE CALL 651-284-5091 OR EMAIL DLI.PREVWAGE@STATE.MN.US			
724	TILE SETTERS	FOR RATE CALL 651-284-5091 OR EMAIL DLI.PREVWAGE@STATE.MN.US			
725	TILE FINISHERS	FOR RATE CALL 651-284-5091 OR EMAIL DLI.PREVWAGE@STATE.MN.US			
727	WIRING SYSTEM TECHNICIAN	2025-11-03	51.07	24.02	75.09
		2026-07-01	54.44	24.02	78.46
728	WIRING SYSTEMS INSTALLER	2025-11-03	35.78	18.73	54.51
729	ASBESTOS ABATEMENT WORKER	2025-11-03	36.13	22.45	58.58
730	SIGN ERECTOR	FOR RATE CALL 651-284-5091 OR EMAIL DLI.PREVWAGE@STATE.MN.US			

LABOR CODE AND CLASS	EFFECT DATE	BASIC RATE	FRINGE RATE	TOTAL RATE

PREVAILING WAGE: REGION 1 MINIMUM TRUCK RENTAL RATES

The operating costs were determined by survey on a statewide basis. The operating cost for "four or more axle units, straight-body trucks" is determined to be $51.50 an hour. The operating cost for "three-axle units" is determined to be $37.35 an hour. The operating cost for "tractor only" is determined to be $54.96 an hour. The operating cost for "tractor trailers" is determined to be $66.42 an hour.

Adding the prevailing wage for drivers of these four types of trucks from each of the state's 10 highway and heavy construction areas to the operating costs, the minimum hourly truck rental rate for the four types of trucks in each area is certified as follows:

Region 1 minimum hourly truck rental rates

Effective date	Tractor trailer	Four or more axle	Three axle	Tractor only
Dec. 22, 2025	$132	$138.36	$102.18	$120.54
Increase May 1, 2026	$134.62	$140.96	$104.77	$123.16