

AMENDMENT NO. 1 TO BID CONTRACT**BETWEEN****THE CITY OF NEW ORLEANS****AND****MURPHY PIPELINE CONTRACTORS, LLC****DPW672 - 2019 DRAINAGE IMPROVEMENT (ISAAC WAVE 2)
BID PROPOSAL NO. 2524**

THIS FIRST AMENDMENT (the “**Amendment**”) is entered into by and between the City of New Orleans, represented by LaToya Cantrell, Mayor (the “**City**”) and Murphy Pipeline Contractors, LLC, represented by Andrew Mayer, Assistant Secretary (the “**Contractor**”). The City and the Contractor may sometimes be referred to as the “**Parties**”. This Amendment is effective as of the date of execution by the City (the “**Effective Date**”).

RECITALS

WHEREAS, the City and the Contractor are parties to a bid contract dated March 13, 2023 (the “**Contract**”) for the Contractor to provide repairs to the infrastructure within the City’s right-of-way that was damaged during Hurricane Isaac under Project No. DPW672 (the “**Project**”), as provided in the Invitation To Bid No. 2524;

WHEREAS, the City and the Contractor, each having the authority to do so, desire to enter into this Amendment to update the applicable wage rates that changed during the period between bid opening and contract execution;

NOW THEREFORE, for good and valuable consideration, the City and the Contractor agree to amend the Contract as follows:

A. Updated Wage Rates. The following Wage Determinations attached and incorporated herein as Exhibit A will govern the referenced job classifications for this Project:

- Wage Determination for LA20230005 Construction Type: Heavy 03/10/2023
- Wage Determination for LA20230011 Construction Type: Highway 01/06/2023

B. Convicted Felon Statement. The Contractor complies with City Code § 2-8(c) and no principal, member, or officer of the Contractor has, within the preceding 5 years, been convicted of, or pled guilty to, a felony under state or federal statutes for embezzlement, theft of public funds, bribery, falsification, or destruction of public records.

C. **Non-Solicitation Statement.** The Contractor has not employed or retained any company or person, other than a bona fide employee working solely for it, to solicit or secure this Amendment. The Contractor has not paid or agreed to pay any person, other than a bona fide employee working for it, any fee, commission, percentage, gift, or any other consideration contingent upon or resulting from this Amendment.

D. **Prior Terms Binding.** Except as otherwise provided by this Amendment, the terms and conditions of the Contract remain in full force and effect.

IN WITNESS WHEREOF, the City and the Contractor, through their duly authorized representatives, execute this Amendment.

THE CITY OF NEW ORLEANS

BY: _____


LATOYA CANTRELL,
MAYOR

Executed on this 7th of May, 2023.

FORM AND LEGALITY APPROVED:


Law Department

By: _____

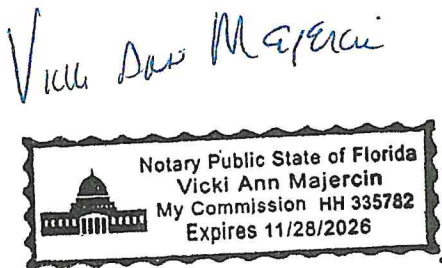
Printed Name: Tracey Taylor

MURPHY PIPELINE CONTRACTORS, LLC

BY: _____


ANDREW MAYER,
ASSISTANT SECRETARY

FEDERAL TAX I.D. NO. _____



(Exhibit A contained on the following pages)

"General Decision Number: LA20230005 03/10/2023

Superseded General Decision Number: LA20220005

State: Louisiana

Construction Type: Heavy

Counties: Jefferson, Orleans, Plaquemines, St Bernard, St Charles, St James, St John the Baptist and St Tammany Counties in Louisiana.

HEAVY CONSTRUCTION PROJECTS (Includes flood control, water & sewer lines, and water wells. Also includes elevated storage tanks in all listed parishes except Plaquemines and St. James. Excludes industrial construction-chemical processing, power plants, and refineries.)

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)(2)-(60).

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:	<ul style="list-style-type: none"> Executive Order 14026 generally applies to the contract. The contractor must pay all covered workers at least \$16.20 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 2023.
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:	<ul style="list-style-type: none"> Executive Order 13658 generally applies to the contract. The contractor must pay all covered workers at least \$12.15 per-hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2023.

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	01/06/2023
1	01/20/2023
2	03/10/2023

CARP0729-001 01/01/2022

	Rates	Fringes
MILLWRIGHT.....	\$ 33.73	14.17

CARP1846-006 07/01/2022

	Rates	Fringes
CARPENTER (formbuilding/formsetting and Piledrivers).....	\$ 29.09	10.27

ELEC0130-005 12/05/2022

JEFFERSON, ORLEANS, PLAQUEMINES, ST. BERNARD, ST. CHARLES, ST. JAMES, AND ST. JOHN THE BAPTIST PARISHES

	Rates	Fringes
ELECTRICIAN (including low voltage wiring).....	\$ 32.75	14.51

ELEC1077-002 12/05/2022

ST. TAMMANY PARISH

	Rates	Fringes
ELECTRICIAN (including low voltage wiring).....	\$ 27.39	3%+9.42

ENGI0406-018 07/01/2009

	Rates	Fringes
OPERATOR: Power Equipment Bulldozer.....	\$ 21.26	6.70
Mechanic.....	\$ 23.31	6.70

PLAS0567-003 08/01/2022

JEFFERSON, ORLEANS, PLAQUEMINES, ST. BERNARD, ST. CHARLES, ST. JOHN THE BAPTIST, and ST. TAMMANY PARISHES

	Rates	Fringes
Cement Mason/Concrete Finisher...	\$ 30.47	7.97

PLAS0812-003 01/01/2022

ST. JAMES PARISH

	Rates	Fringes
Cement Mason/Concrete Finisher...	\$ 31.83	5.90

PLUM0060-002 06/06/2022

JEFFERSON, ORLEANS, PLAQUEMINES, ST. BERNARD, ST. CHARLES, ST. JAMES (Southeastern Portion), ST. JOHN THE BAPTIST, and ST. TAMMANY PARISHES

	Rates	Fringes
Plumbers (excluding pipe laying).....	\$ 31.20	13.65

* PLUM0198-005 12/08/2022

ST. JAMES PARISH (Northwestern Portion)

	Rates	Fringes
PLUMBER (excluding pipe laying).....	\$ 32.42	16.50

* SULA2004-007 05/13/2004

	Rates	Fringes
CARPENTER (all other work).....	\$ 13.75 **	2.60

Laborers:

Common/Landscape.....	\$ 9.88 **	0.00
Fence.....	\$ 11.24 **	0.00
Flagger.....	\$ 8.58 **	0.00
Mason Tender.....	\$ 7.25 **	0.00
Pipelayer.....	\$ 9.84 **	0.00

PIPEFITTER (excluding pipelaying).....	\$ 17.52	4.51
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Power equipment operators:

Backhoe/Excavator.....	\$ 14.42 **	0.00
Crane.....	\$ 16.34	3.30
Dragline.....	\$ 16.50	0.00
Front End Loader.....	\$ 13.89 **	0.00
Oiler.....	\$ 10.03 **	0.00

Truck drivers:

Dump.....	\$ 11.01 **	0.00
Pickup.....	\$ 12.25 **	0.00

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

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 ** Workers in this classification may be entitled to a higher minimum wage under Executive Order 14026 (\$16.20) or 13658 (\$12.15). Please see the Note at the top of the wage determination for more information.

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) (ii)).

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

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than ""SU"" or ""UAVG"" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which 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. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

Survey Rate Identifiers

Classifications listed under the ""SU"" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of 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. 5/13/2014 indicates the survey completion date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

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

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour National Office because National Office has responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write 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 the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write 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 by 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

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISIO"

"General Decision Number: LA20230011 01/06/2023

Superseded General Decision Number: LA20220011

State: Louisiana

Construction Type: Highway

Counties: Jefferson, Orleans, Plaquemines, St Bernard, St Charles, St John the Baptist and St Tammany Counties in Louisiana.

HIGHWAY CONSTRUCTION PROJECTS

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60).

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Modification Number Publication Date
0 01/06/2023

CARP1846-001 07/01/2022

	Rates	Fringes
Carpenter (includes form work)...	\$ 29.09	10.27

ENGI0406-001 10/28/2010

	Rates	Fringes
Mechanic.....	\$ 25.40	8.05

LAB00099-001 07/01/2017

ORLEANS, JEFFERSON and ST. BERNARD PARISHES

	Rates	Fringes
LABORER (Common or General).....	\$ 17.22	3.40

LAB00099-002 07/01/2017

PLAQUEMINES, ST.CHARLES and ST. JOHN THE BAPTIST PARISHES

	Rates	Fringes
LABORER (Common or General).....	\$ 17.22	3.40

SULA2011-003 08/17/2011

	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER...	\$ 20.03	4.24

IRONWORKER, REINFORCING.....\$ 17.49

LABORER: Common or General

St. Tammany County.....\$ 9.51 ** 1.14

Power equipment operators:

Asphalt Paver.....\$ 17.20 4.97

Backhoe/Excavator/Trackhoe..\$ 16.85 4.91

Broom/Sweeper.....\$ 15.17 ** 5.15

Bulldozer.....\$ 16.40

Crane.....\$ 25.35

Grader/Blade.....\$ 15.88 **

Milling Machine.....\$ 16.63 2.14

Roller (Dirt and Grade

Compaction)

Jefferson, St. Bernard,

St. Charles and St. John

the Baptist.....\$ 12.59 ** 4.37

Orleans, Plaquemines, St.

Tammany.....\$ 14.74 ** 4.23

Trencher.....\$ 14.38 **

Truck drivers:

Dump Truck.....\$ 12.93 ** 0.18

Water Truck.....\$ 13.79 **

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A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

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

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