



Mineral Resources

Orphaned Wells Program
Plugging, Remediation, and Reclamation

Who are we?

- AG Witt was contracted by North Dakota State to manage the Department of Interiors Orphaned Wells Grant
- AG Witt will also conduct the Federal reporting, oversee fiscal management of the program, and assist North Dakota in meeting all Federal Requirements of the grant.

Today's Agenda

- Project Tracking
- Davis Bacon Act & Prevailing Wage Requirements
- Quarterly Reporting

Project Tracking

What do we need from you?

- Workplan
- Timeline (start date and expected completion date)

Davis Bacon Act (DBA)

What is DBA?

- The Davis Bacon Act applies to contractors and subcontractors performing work on federally funded contracts for construction, alteration or repair (plugging, remediation, or reclamation of orphaned wells).
- DBA directs the Department of Labor to determine local prevailing wages.
- Contractors and subcontractors must pay their employees prevailing wages and provide proof to the state they have done so.

<https://www.dol.gov/agencies/whd/laws-and-regulations/laws/dba>

DBA Wage Determinations

How are prevailing wages determined?

- Prevailing wages are determined based on wages paid to various classes of laborers employed on specific types of construction projects in the area (North Dakota).
- Davis Bacon wage determinations are published on the System for Award Management (SAM) website at <https://sam.gov/content/wage-determinations>

What you will need to do in order to comply with DBA:

- Classify your labors and mechanics
- Pay full prevailing wages, including fringe benefits for all hours worked (including overtime hours)
- Keep adequate records including all hours worked, and under what classification
- Submit certified payrolls weekly to AG Witt
- Post Davis Bacon poster and applicable wage determination for employees

Submitting certified payroll weekly

- Submit certified weekly payroll electronically to AG Witt
- You will need to submit the following certified payroll forms:
Form WH-347 and **Form WH348**
- Forms can be found on Department of Labors website:
<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347.pdf>

U.S. Department of Labor
Wage and Hour Division

PAYROLL
(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)



NAME OF CONTRACTOR ☐ OR SUBCONTRACTOR ☐		ADDRESS		OMB No.: 1235-0008 Expires: 07/31/2024				
PAYROLL NO.		FOR WEEK ENDING		PROJECT AND LOCATION		PROJECT OR CONTRACT NO.		
(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	(4) DAY AND DATE M T W T F S S HOURS WORKED EACH DAY	(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS FICA WITH- HOLDING TAX OTHER TOTAL DEDUCTIONS	(9) NET WAGES PAID FOR WEEK
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(i) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement
We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210

(over)

Form WH-347

Reporting

- You will need to provide project data for Quarterly Reports and a Final Report
- North Dakota must submit Quarterly Reports to the Federal Government within 30 days of the close of each Federal fiscal quarter
- **Contractors will need to have their Quarterly Reports to Ag Witt within 15 days of the close of each Federal fiscal quarter**
- **Contractor reports will be due on:**
 - April 15th, 2023
 - July 15th, 2023
 - October 15th, 2023
- Final Report due date: TBD

▶ Invoicing

▶ What do we need from you?

- Invoice with detailed line items
- Back up documents for each line item, to the dollar
- Only submit invoice once all work as been completed for each well being invoiced
- Certified payroll must have been received by AG Witt before invoice can be paid by ND

AG Witt Contact Information:

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Questions?