

# PUBLIC SERVICE COMMISSION

## Abandoned Mine Lands Division

### Memorandum

TO: Commissioners Kroshus, Fedorchak and Christmann  
Interim Executive Secretary Steve Kahl  
Chief Counsel Illona Jeffcoat-Sacco

From: *DKM*  
Dean K. Moos, Director - AML Division

Date: April 3, 2019

Subject: Contract for AML's 2019-2020 Sinkhole Filling Project, Case No. AM-19-79

On February 6, the AML Division issued an Invitation for Bids (IFB) for sinkhole filling at numerous locations in western North Dakota. This project involves the excavation and filling of sinkholes that have formed due to the collapse of abandoned underground coal mines. This sinkhole filling project will occur over the 2019 and 2020 construction seasons and the contract ends December 31, 2020.

Competitive sealed bidding procedures were used with notices issued to specified registered vendors through the State Procurement Office. The IFB for this project set a maximum bid price of \$200,000. Award is to be made to the bidder whose combination of unit prices allows the maximum cubic yards of sinkhole filling. The public bid opening was held February 28 and six bids were received.

Earthworm Excavating of Tolna, ND, bid \$6.89 per cubic yard for 25,834 cubic yards of sinkhole filling (and \$15,000 for mobilizations and \$7,000 for tillage and seeding). The next lowest bid was \$7.00 per cubic yard for 22,142 cubic yards. The AML Division's bid estimate was \$7.50 per cubic yard for 20,000 cubic yards. The AML Division has sufficient funds in current OSM grants for this and other projects planned for 2019.

A notice of Intent to Award a contract to Earthworm Excavating was issued on March 4. None of the other bidders appealed the Intent to Award and on March 18, a contract was sent to Earthworm Excavating to sign. The signed contract has been returned and liability insurance form and other materials that were requested have been received. The contract is now ready for execution by the Commission.

The AML Division recommends the Commission execute the contract with Earthworm Excavating in the amount of \$199,996.26 for sinkhole filling at abandoned underground mine sites in western North Dakota. Attached is a motion for the April 11 Commission meeting.

Attachment

1

**AM-19-79**  
Memorandum

Filed: 4/3/2019

Pages: 1

Public Service Commission Staff

Dean Moos