

**PUBLIC SERVICE COMMISSION**  
**Abandoned Mine Lands Division**

Memorandum

TO: Commissioners Kroshus, Fedorchak and Christmann  
 John Schuh Legal Counsel  
 Steven Kahl Executive Director  
 DKM

From: Dean K. Moos, Director – AML Division  
 Joan Breiner, Assistant Director – AML Division

Date: October 16, 2020

Subject: Change Order for 2020 Noonan Foamed AML Project, Case No. AM-20-182;  
 Contract No. AM-835-20

In late March, the AML Division issued a Request for Proposals (RFP) for the 2020 Noonan Foamed Sand AML Project. This remote backfilling project would stabilize collapsing underground mines near public use areas and roads south of Noonan and included pumping grout and a sand, water and surfactant foam mixture into the mine voids as needed. The AML Division estimated that 1,000 tons of foamed sand and 500 cubic yards of grout would be pumped in these areas. The contract was awarded to Agassiz Concrete Pumping, LLC. for \$406,750 on July 8, 2020.

The foamed sand portion of the work is new to the AML Division. The intent of the foamed sand portion was to determine the effectiveness of foamed sand to fill rubble areas as well as open voids as a potential replacement for grout. The foamed sand is less expensive and more environmentally friendly than grout. Work began on or about July 21, 2020. The project is complete and quantities exceeding the AML Division estimate for both foamed sand and grout were not evident prior to the last week of work. The AML Division recommends the Commission allow staff to write a change order up to \$100,000 for:

<u>Bid Item</u>	<u>Additional Quantity Requested</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Contract Quantity</u>	<u>Total Increase to Contract</u>
Foamed Sand	250	Tons	\$150	1,250	\$ 37,500
Grout	200	Cu.Yd.	\$300	700	\$ 60,000
Additional unknown expenses					<u>\$ 2,500</u>
<b>TOTAL INCREASE TO CONTRACT</b>					<u><b>\$100,000</b></u>

These requested changes increase the contract price by almost 25% which exceeds the amount allowed by the Commission's change order policy. Attached is a motion to allow staff to issue change orders to increase the amount of Contract No. AM-835-20 with Agassiz Concrete Pumping, LLC up to \$100,000.

We have more than enough federal funds for this additional work. Agassiz Concrete Pumping, LLC. did the additional work under the terms of the original contract.