



Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

State of West Virginia  
**Contract**

Order Date: 04-19-2022

CORRECT ORDER NUMBER MUST APPEAR ON ALL PACKAGES, INVOICES, AND SHIPPING PAPERS. QUESTIONS CONCERNING THIS ORDER SHOULD BE DIRECTED TO THE DEPARTMENT CONTACT.

Order Number:	CCT 0313 0313 DEP1700000001 14	Procurement Folder:	157405
Document Name:	Mtn. View Portals	Reason for Modification:	Mtn. View Portals - CO #5 Increase
Document Description:	Mtn. View Portals - CO #5 Increase		
Procurement Type:	Central Contract - Fixed Amt		
Buyer Name:	Joseph E Hager III		
Telephone:	(304) 558-2306		
Email:	joseph.e.hageriii@wv.gov		
Shipping Method:	Best Way	Effective Start Date:	2016-06-01
Free on Board:	FOB Dest, Freight Prepaid	Effective End Date:	2023-05-31

VENDOR		DEPARTMENT CONTACT	
Vendor Customer Code:	000000160331	Requestor Name:	Katrina J Dufourny
MICHAEL BAKER INTERNATIONAL INC AIRSIDE BUSINESS PARK		Requestor Phone:	(304) 926-0499
MOON TOWNSHIP PA 15108		Requestor Email:	katrina.j.dufourny@wv.gov
US			
Vendor Contact Phone:	999-999-9999 Extension:		
<b>Discount Details:</b>			
	Discount Allowed	Discount Percentage	Discount Days
#1	No	0.0000	0
#2	Not Entered		
#3	Not Entered		
#4	Not Entered		

**22**  
 FILE LOCATION \_\_\_\_\_

INVOICE TO	SHIP TO
ENVIRONMENTAL PROTECTION OFFICE OF AML&R 601 57TH ST SE CHARLESTON WV 25304 US	ENVIRONMENTAL PROTECTION OFFICE OF AML&R 601 57TH ST SE CHARLESTON WV 25304 US

4-28-22 Box

Purchasing Division's File Copy

Total Order Amount:	\$182,604.60
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**ENTERED**

PURCHASING DIVISION AUTHORIZATION <i>Linda Harper</i> DATE: 4-25-2022 ELECTRONIC SIGNATURE ON FILE	ATTORNEY GENERAL APPROVAL AS TO FORM <i>John S. Gray</i> DATE: ELECTRONIC SIGNATURE ON FILE	ENCUMBRANCE CERTIFICATION <i>Beverly Tolson</i> DATE: 5-3-2022 ELECTRONIC SIGNATURE ON FILE
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5/3/2022

**Extended Description:**

**Change Order**

Change Order No. 5 issued to increase the original contract according to all terms, conditions, prices, and specifications contained in the original contract and all authorized change orders.

Original Contract Price:	\$169,267.00
Net change by previous Change Orders:	\$5,589.00
Contract Sum Prior to this Change Order:	\$174,856.00
Change Order #5 Increase:	\$7,748.60
<hr/>	
New Contract Total:	\$182,604.60

Effective date of change: 04/06/2022

All provisions of the original contract and subsequent change orders not modified herein shall remain in full force and effect.

No other changes.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
1	81100000	0.00000		0.000000	\$182,604.60
<b>Service From</b>	<b>Service To</b>	<b>Manufacturer</b>		<b>Model No</b>	
2016-06-01	2023-05-31				

**Commodity Line Description:** EOI Engineering Design Services

**Extended Description:**



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west virginia department of environmental protection

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Division of Land Restoration  
Office of Abandoned Mine Lands  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone: 304-926-0499  
Fax: 304-926-0458

Harold D. Ward, Cabinet Secretary  
dep.wv.gov

*Increase OK  
Lunda Harper  
4-22-2022*

Michael Baker International, Inc.  
Attn: William D. Neider, P.E.  
100 Airside Drive  
Moon Township, PA 15108

Re: Change Order #5  
Mountain View Portals  
Contract Number: CCT: DEP17\*01

Dear Mr. Neider,

The WVDEP Office of Abandoned Mine Lands is issuing a change order to increase the original contract according to all terms, conditions, prices, and specifications contained in the original contract including all authorized change orders as shown on Attachment A.

A cost increase of \$7,748.60 is needed due to the inability of AML to obtain right of entry agreements with one of the effected property owners within the project limits (two parcels). The property ownership had gone into heirship after the initiation of the project, and even after exhaustive coordination, AML was unable to convince the owners of the benefit they would receive from this reclamation project. Extensive delays of the project occurred from this, and as was stated in prior change order justifications, a reason for AML previously granting time extensions to the design contract completion date. A proposed soil cover borrow area for the entire project was located on one of those parcels, and as such a significant portion of the overall project will no longer be able to be constructed (unless approvals are obtained for the properties in the future).

While the design project was in a holding status, the WVDEP Division of Water and Waste Management (DWWM) obtained a new Construction Stormwater General Permit from the United States Environmental Protection Agency (USEPA) in 2019. There were significant changes in the approved 2019 general permit; including but not limited to, additional calculations, drawings and various documents which required significantly more effort and work to obtain a permit registration. As such, a revision of the required tasks and quantities is also deemed necessary to complete the work.

The completion date of this contract upon approval of this change order shall remain unchanged May 31, 2023.

The effective date of the change order is April 6, 2022.

Change Order Approved by WVDEP:

Name	Title	Signature	Date
Troy H. Schell, P.E.	Northern Design Administrator	Troy H. Schell	4/7/2022

Digitally signed by Troy H. Schell  
 DN: CN = Troy H. Schell, email = troy.h.schell@wv.gov, C = US, O = WVDEP Division  
 of Land Restoration, OU = Office of Abandoned Mine Lands and Reclamation  
 Date: 2022.04.07 09:31:36 -0400

Completion of this change order approval process requires

- your signature below
- a current copy of your insurance certificate
  - WVDEP must be listed as additional insured and the contract number must be listed in the extended description

I agree with the changes as outlined in this letter and Attachment A.  
 (vendor signature required below)

Name	Title	Signature	Date
William D. Neider, P.E.	Project Manager	William D. Neider	4/7/2022

Digitally signed by William D. Neider  
 DN: CN = William D. Neider, email = wneider@mtbassent.com, OU = Michael Baker (International), Inc., OU = CS&E, CN = William D. Neider  
 Reason: I attest to the accuracy and integrity of this signature  
 Date: 2022.04.07 09:30:31 -0400

Please email the signed documents to [Leigh.A.Shaffer@wv.gov](mailto:Leigh.A.Shaffer@wv.gov) within 7 days of receipt of this letter.

**Change Order  
Attachment A**

**PURCHASE ORDER NUMBER:** CCT: DEP17\*01  
**CHANGE ORDER NUMBER:** 5  
**PROJECT NAME:** Mountain View Portals  
**VENDOR/ CONTRACTOR:** Michael Baker International, Inc.

The following changes will be implemented as part of this contract change order:

CL #	COMMODITY LINE DESCRIPTION	UNIT PRICE	UNIT OF MEASURE	QUANTITY NOW READS	QUANTITY TO READ	CONTRACT PRICE INCREASE/DECREASE
<b>To Increase the Contract Total Amount.</b>						
<b><u>Justifications:</u></b>						
<p>This Contract Total Amount Increase is necessary to provide for additional work due to changes in scope and contract requirements resulting from issues with AML not being able to obtain rights of entry agreements with all landowners. The original contract tasks and costs for unused or no longer applicable services have been removed and the associated costs have been credited (Tasks 1 through 8) [subtract \$10,491.00]. Tasks 9 is being changed to only include the Pre-Bid Conference [subtract \$1,198.80] and Task 10 is being removed [subtract \$1,877.60]. Therefore the total credit to the contract is [subtract \$13,567.40]. Tasks 11 and 12 have been added to the contract to make all necessary design and document revisions and complete the work for the project to the extent possible due to the unexpected landowner issues and changes in permitting requirements [add \$21,316.00]. The resultant total price increase needed is \$7,748.60, with a resultant Contract Sum including this Change Order #5 of \$182,604.60. For additional supporting documentation - See Attached "CHANGE ORDER #5 FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES - REQUEST FOR MODIFICATION" from Michael Baker International dated April 6, 2022.</p>						

	Effective Date:	April 6, 2022
	The original Contract Sum was:	\$169,267.00
	Net change by previous Change Orders:	\$5,589.00
	The Contract Sum prior to this Change Order was:	\$174,856.00
The Contract Sum will be	<u>Increase</u> by this Change Order:	\$7,748.60
	The new Contract Sum including this Change Order will be:	\$182,604.60
	The Contract Time (Days) will be <u>Unchanged</u>	0 Days
	The Date of Completion as of the date of this Change Order therefore is:	May 31, 2023

April 6, 2022

Mr. Troy H. Schell, P.E.  
West Virginia Department of Environmental Protection  
Abandoned Mine Lands  
101 Cambridge Place  
Bridgeport, WV 26330

Subject: Change Order #5 for Additional Professional Engineering Services  
Request for Modification  
Mountain View Portals  
Purchase Order No. DEP 17\*01

Dear Mr. Schell:

Please consider this a formal request for modification to the contract units and corresponding cost for performance of additional services for the above mentioned abandoned mine lands project. This modification is based upon restarting the project after it's been on hold for about four years and to adjust for changes in scope and WVDEP NPDES permitting process, per our meeting on March 9, 2022 and subsequent conversations with you recommending Michael Baker to provide a submission of a modification.

#### **Scope of Services**

Michael Baker's proposed scope of services for these additional services change order is as follows:

#### **Tasks 1 through 5**

Michael Baker is not proposing additional services relative to these tasks through this change order.

#### **Task 6 through 8**

Michael Baker is removing these tasks and will credit back the remaining hours to West Virginia Department of Environmental Protection (WVDEP).

#### **Task 9 – Pre-Bid Conference**

In accordance with the request of the WVDEP, a member of our staff, who was directly involved in the preparation of the design, will attend the pre-bid conference. Michael Baker will not be involved in the pre-construction conference and hours associated with the pre-construction conference will credit back to WVDEP.

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Change Order No. 5 Mtn. View Portals

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**Task 10 – Construction Monitoring**

Michael Baker is removing this task and will credit back the remaining hours to West Virginia Department of Environmental Protection (WVDEP).

**Task 11 – Revised Design, Preparation of Plans, Specifications, and Cost Estimate**

Michael Baker is proposing the following additional services for a new proposed Task 11.

Information obtained from the March 9, 2022 meeting with the WVDEP is the basis of revisions made to the previously submitted September 6, 2017 Construction Plans. See Attachment A for Construction Plan markups that were discussed at the meeting. Below is the revised scope of services.

**Revised Design**

The general revised design elements for the project are described as follows:

- Coordinate with WVDEP Construction Stormwater General Permit staff to establish approach for Erosion and Sediment Controls.
- Develop grading plans consisting of balanced earthwork considering shrinkage and compacted spoil material to accomplish the goal of backfilling designated highwalls to approximate original contours. Proposed highwall backfilling shall include areas approximately from Survey Base Line 1 Sta. 5+00 to Sta. 8+00 and Sta. 10+00 to Sta. 18+00 per the attached mapping. Backfilling designated highwall areas is proposed utilizing the nearest available spoil material which may also include refuse if the wet seal outlet pipes can be conveyed past the refuse to prevent development of another AMD source. Grading and excavation limits will consider the results of exploratory drilling in estimating depth and volume of spoil and locations of bedrock and removal of ponds or poorly draining areas and saturated materials along the base of highwall. Grading will provide for access roads throughout the length of the project area, generally along the toe of the regraded slopes.
- Design erosion and sediment control measures and traps and incorporate these measures into the plans for use during construction and submission to the WVDEP for obtaining the required Construction Stormwater General Permit as described in Task 12. All E&S measures are to be designed in conformance with the Erosion and Sediment Control Best Management Practice Manual, WVDEP, Division of Water and Waste Management. Diversions, sediment traps, collection channels, and other structures and measures to be determined during detailed design will be required. Temporary diversion structures including extensive diversion ditches above highwall backfill areas are anticipated to minimize clean surface runoff impacts. Collection channels and

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benches are anticipated to collect and convey sediment laden runoff to an appropriate sediment control structure. Sediment traps, silt fence, erosion control blankets, and rolled erosion control products are anticipated for this project. Straw wattles will not be proposed.

- Design AMD collection and conveyance systems including wet seals, open channels, cleanouts, and conveyance piping. Provide wet seals for mine entries based on the results of mine research and site reconnaissance as described in Task 1-4. The systems generally extend away from the AMD sources at or near the highwalls and convey water below (past) regraded spoil or refuse areas and access roads, ultimately discharging into a collection channel or other stable point of discharge.
- A Basis of Design report will be updated and provided outlining the design criteria and approach and showing all calculations.

Design of collection ditches, diversion ditches, and culverts will be performed in accordance with the requirements of the WVDEP, the WV Erosion and Sediment Control Best Management Practices Manual and the WVDOH Design Manual. Analysis of surface water hydrology including determination of the watershed and surface run-off generally considering 25-year/ 24-hour storm events for drainage channels over refuse, and 10-year/ 24-hour storm events for diversions or channels over natural ground as required by WVDEP will be performed. This is necessary to design surface drainage and mine water conveyance systems including open channels, conveyance pipelines, and culverts. E&S control systems for the project site shall be such as to prevent sediment transportation from the sites during excavation and grading of soil, mine spoil, or refuse. Temporary sedimentation structures will be designed and proposed for control of sedimentation problems.

Areas of subsidence will be backfilled with grout and brought to grade to promote positive drainage away from the remediated area.

Other design elements will include mine seals for mine portals, bat gates, AMD drainage conveyance channels, and conveyance pipes. It is anticipated that earthwork will not be balanced and that no material borrow areas are available onsite. Acceptable soil covering material will have to be brought into the site. Backfilling of highwalls is required, with earthwork and grading providing for backfilling dangerous highwalls, covering proposed wet seals, and providing positive drainage for irregular spoil areas along the bases on highwalls including removing AMD impoundments and dewatering saturated materials. Black refuse materials, which are present but appear limited in extent, shall be covered and graded to provide positive drainage. Mass earthwork balance calculations will be provided as well as additional mass balance calculations for the anticipated limited grading areas.



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Plans and Specifications

Construction drawings and specifications will be developed based on the design concept approved by WVDEP and in conformance with the WVDEP Guidelines for Preparation of Design Plans and Specifications. Drawings shall be 22" x 34" format on 24" x 36" paper and produced from base mapping files in AutoCAD format. A complete set of about fifty drawings is anticipated to be developed to present the details of the proposed reclamation plans. The drawings shall include all erosion and sediment control measures and details as required for submission and acquisition of the required site stormwater (NPDES) permit. Preliminary submission(s) will be submitted to the WVDEP for review and comment and will be in PDF format. One hard copy of all Final documents shall be provided to WVDEP, along with electronic copies of all work in acceptable formats.

The exact number of drawings is subject to change. A plan sheet scale of 1" = 50' is proposed for clarity. Cross sections and profiles are proposed at 1"=20' horizontal and vertical at 50 foot intervals. A total of 50 drawing sheets are anticipated as follows:

- Title Sheet
- General Notes and Sheet Index
- Geometric Control Plan
- Existing Conditions
- Reclamation Plans
- Mine Seal Profiles
- Channel Profiles
- Access Road Profiles
- Cross Sections
- Construction Details
- Erosion and Sediment Control General Notes
- Erosion and Sediment Control Plans
- Erosion and Sediment Control Details
- Boring Logs, Wet Wells, and Water Quality Analysis
- Tax Map Overlay Plans

Detailed specifications will be collated utilizing the current standard WVDEP AML specifications, describing the technical approach to be implemented in the construction of the abatement measures will be prepared in a manner that will be compatible with the WVDEP contracting documents. Complete project specifications in Microsoft Word will be provided with the final submission. Changes in standard WVDEP specifications will be provided by WVDEP.

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Construction Cost Estimate

An itemized construction cost estimate and bid tabulation sheet will be developed for the proposed abatement measures. Construction costs will be estimated based on cost guides, vendor's quoted prices, and recent bid prices from similar construction, as available from WVDEP or other sources.

***Task 12 – Revised Construction Stormwater General Permit***

As consultant, Michael Baker International on behalf of the WVDEP will be responsible to prepare and submit a West Virginia Construction Stormwater General Permit to the Division of Water and Waste Management. The permit application prepared and submitted by Baker shall include the 'Site Registration Application Form' and the surface water pollution prevention plan (SWPPP) with accompanying plans, drawings, and attachments in accordance with the "Instructions to Complete a Site Registration Application Form for the WV/NPDES General Permit For Construction Stormwater Activity (Three Acres and Greater Only)". Baker will provide test boring results in lieu of a soils report for the project area and will include any soils testing results.

Michael Baker will submit the required permit items including electronic submission using the 'e-permitting' system. Baker will respond to reasonable comments and requests for additional information, assumed to be minimal, as required to obtain permit approval. WVDEP shall be responsible for application fees, if any, for permits submitted by Michael Baker under this Task.

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**Schedule**

The anticipated schedule would be taken from the date of the executed agreement and Michael Baker giving the notice to proceed with the proposed work.

Task 11 - Preliminary Revised Construction Plans	30 days
Task 11 – Final Revised Construction Documents	75 days
Task 12 – Revised Construction Stormwater General Permit	120 days
Task 9	Date provided by the WVDEP

**Cost Estimate**

Michael Baker's detailed man hour and cost estimate for the additional services change order related to Change Order No. 5 are shown on the attached Table 1. With this change order, we are requesting a modification of **\$7,748.60** to the contract value. When adding the additional cost to the contract value of **\$174,856.00**, the result is an estimated cost for services of **\$182,604.60**.

Please call me at 724-495-4225 if you have any questions.

Sincerely,

**MICHAEL BAKER**

William D. Neider, P.E.

Project Manager

Table 1 – Cost Breakdown  
Attachment A – Construction Plan Markup

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**Table 1 – Mountain View Portals (DEP17\*01)**  
**Cost Breakdown**

Item Description	Additional Hours/Quantities	Cost / Unit	Total
<b>Task 4 – Water Quality Analysis &amp; Refuse/Spoil Testing (Acid Base Accounting)</b>			
Water Testing	-16	\$75.00	(-\$1,200.00)
Acid Base Accounting Testing	-7	\$125.00	(-\$875.00)
		<b>Task 4 Change</b>	<b>(-\$2,075.00)</b>
 <b>Task 6 – Preparation of Plans, Specifications, and Cost Estimate</b>			
Project Manager	-1	\$155.00	(-\$155.00)
QA/QC Manager	-4	\$140.00	(-\$560.00)
Senior Engineer	-5	\$130.00	(-\$650.00)
Engineer/Geologist	-9	\$106.00	(-\$954.00)
Senior CAD Designer	-5	\$105.00	(-\$525.00)
Civil Associate	-8	\$80.00	(-\$640.00)
		<b>Task 6 Change</b>	<b>(-\$3,484.00)</b>
 <b>Task 7 – Construction Stormwater General Permit</b>			
Project Manager	-3	\$155.00	(-\$465.00)
Senior Engineer	-24	\$130.00	(-\$3,120.00)
Engineer/Geologist	-10	\$106.00	(-\$1,060.00)
Bond Drawings	-66	\$2.00	(-\$132.00)
		<b>Task 7 Change</b>	<b>(-\$4,777.00)</b>
 <b>Task 8 – Stream Re-Channelization Permitting</b>			
Project Manger	-1	\$155.00	(-\$155.00)
		<b>Task 8 Change</b>	<b>(-\$155.00)</b>

**INTERNATIONAL**

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**Task 9 – Pre-Bid / Conferences**

Senior Engineer	-8	\$130.00	(-\$1,040.00)
Travel-Mileage	-230	\$0.56	(-\$128.80)
Per Diem (per ½ day meals)	-1	\$30.00	(-\$30.00)
		<b>Task 9 Change</b>	<b>(-\$1,198.80)</b>

**Task 10 – Construction Monitoring**

Senior Engineer	-12	\$130.00	(-\$1,560.00)
Travel-Mileage	-460	\$0.56	(-\$257.60)
Per Diem (per ½ day meals)	-2	\$30.00	(-\$60.00)
		<b>Task 10 Change</b>	<b>(-\$1,877.60)</b>

**Task 11 – Revised Design, Preparation of Plans, Specifications, and Cost Estimate**

Project Manager	4	\$155.00	\$620.00
QA/QC Manager	4	\$140.00	\$560.00
Environmental Specialist	4	\$135.00	\$540.00
Senior Engineer	16	\$130.00	\$2,080.00
Engineer/Geologist	16	\$106.00	\$1,696.00
Senior CAD Designer	24	\$105.00	\$2,520.00
Civil Associate	24	\$80.00	\$1,920.00
Bond Drawings	500	\$2.00	\$1,000.00
		<b>Task 11 Change</b>	<b>\$10,936.00</b>

**Task 12 – Revised Construction Stormwater General Permit**

Project Manager	4	\$155.00	\$620.00
Senior Engineer	32	\$130.00	\$4,160.00
Engineer/Geologist	40	\$106.00	\$4,240.00
Senior CAD Designer	12	\$105.00	\$1,260.00
Bond Drawings	50	\$2.00	\$100.00
		<b>Task 12 Change</b>	<b>\$10,380.00</b>

<b><u>Total Change Requested Modification No. 5</u></b>	<b><u>\$7,748.60</u></b>
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