



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

State of West Virginia
Contract

Order Date: 11-04-2022

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 DEP2100000001 9	Procurement Folder:	808624
Document Name:	Owl Creek #2 Highwall	Reason for Modification:	CO #9 Increase
Document Description:	Owl Creek #2 Highwall - CO #9 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:	2013-08-20
Free on Board:	FOB Dest, Freight Prepaid	Effective End Date:	2023-08-19

VENDOR				DEPARTMENT CONTACT	
Vendor Customer Code: 000000204787				Requestor Name:	Katrina J Dufourny
THE THRASHER GROUP INC				Requestor Phone:	(304) 926-0499
600 WHITE OAKS BLVD				Requestor Email:	katrina.j.dufourny@wv.gov
BRIDGEPORT		WV	26330		
US					
Vendor Contact Phone:		304-343-7601	Extension:		
Discount Details:					
	Discount Allowed	Discount Percentage	Discount Days		
#1	Yes	0.0000	0		
#2	Not Entered				
#3	Not Entered				
#4	Not Entered				

23

FILE LOCATION

23

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

Total Order Amount: \$95,465.15

Purchasing Division's File Copy

ENTERED

6/16/22-22
PURCHASING DIVISION AUTHORIZATION

DATE: *Don Van* 11-22-22
ELECTRONIC SIGNATURE ON FILE

ATTORNEY GENERAL APPROVAL AS TO FORM

DATE: *John S. Grant*
ELECTRONIC SIGNATURE ON FILE

ENCUMBRANCE CERTIFICATION

DATE: *Beverly Toler* 11-29-2022
ELECTRONIC SIGNATURE ON FILE

Extended Description:
Change Order

Change Order No. 9 issued to increase the original contract according to all terms, conditions and specifications contained in the contract including all authorized change orders.

Original Contract Sum: \$164,573.15
Change Order #9 Increase: \$24,500.00

New Contract Total: \$189,073.15

Effective Date: July 14, 2022

All provisions of the of the original contract and the subsequent change orders not modified herein shall remain in full force and effect. Final Quantities. No other changes.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
1	81100000	0.00000		0.000000	\$6,990.00
Service From	Service To	Manufacturer		Model No	
2013-08-20	2023-08-19				

Commodity Line Description: OWL CREEK HW #2 DESIGN

Extended Description:

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
2	81100000	0.00000		0.000000	\$88,475.15
Service From	Service To	Manufacturer		Model No	
2013-08-20	2023-08-19				

Commodity Line Description: OWL CREEK HW #2 DESIGN

Extended Description:



west virginia department of environmental protection

Office of Abandoned Mine Lands & Reclamation
601 57th Street SE
Charleston, WV 25304-2345
Phone 304-926-0485/Fax 304-926-0458

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

MEMORANDUM

To: Josh Hager, Senior Buyer
Purchasing Division

From: Leigh Ann Shaffer, Procurement Specialist
DEP/Office of Abandoned Mine Lands & Reclamation

Date: November 17, 2022

Subject: CCT: DEP21*01 – Owl Creek #2 Highwall CO #9

D.H.
W.A.S.
11/22/22

Please be advised that the major change in scope of the project occurred with CO #6 in which the project was revised to include full reclamation of a dangerous highwall (40 to 100 ft vertical face) and remove a different section of the project due to issues with the U.S. Army Corps of Engineers permit.

We have a contract with Thrasher to complete the project design, document preparations, bidding, construction consultations (if needed), etc. The change became known only after works were already completed once, but must be done now due to landowner objections to impacts to previously undisturbed areas and timber for the originally approved Erosion and Sediment Control plans for the NPDES Stormwater Construction permit package, public comments, etc.

Our office believes that the work should be continued with the original contracted consultant because it would not be in anyone's interest to delay the project again and ultimately require significantly more cost by hiring another consultant to do the work.

The hourly rate change from 2013 is due to adding new tasks to the contract in CO #6 as well as the rise in costs over the last 10 years. None of the original personnel work for The Thrasher Group Inc. any longer. Additionally, the tasks and subtasks (which only state the position classifications) are under new tasks sections and should not be binding to the same unit rate throughout the entire contract.

Promoting a healthy environment.

Please feel free to contact our office if you have any additional questions.

Thanks,

Leigh Ann Shaffer

Digitally signed by
Leigh Ann Shaffer
Date: 2022.11.17
08:40:37 -05'00'

Leigh Ann Shaffer

LAS/File



west virginia department of environmental protection

Division of Land Restoration
Office of Abandoned Mine Lands
101 Cambridge Place
Bridgeport, WV 26330
Phone: 304-842-1900
Fax: 304-842-1948

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

The Thrasher Group, Inc.
Attn: Richard Hovatter, Jr., P.E.
P.O. Box 940
600 White Oaks Blvd
Bridgeport, WV 26330

Re: Change Order ~~#3~~-#9 ~~4k~~
Owl Creek #2 Highwall
Contract Number: CCT: DEP21*01

Dear Mr. Hovatter,

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 \$24,500.00 is needed due to changes in scope and contract requirements resulting from issues with the proposed sediment basins and traps along the southern extent of the site. These originally approved Best Management Practices (BMP's) structures were designed in accordance with the standards and requirements to obtain the required permits, which The Thrasher Group, Inc., correctly performed as required under the original contract. Subsequent to the submittal of final documents, AML determined that the BMP structures as shown were not acceptable for this project due to the excessive disturbance of previously undisturbed areas and the landowners' potential refusal to allow their construction, as well as due to changes in the WVDEP Division of Water and Waste Management (DWWM) acceptance of equivalent BMP's. Task XVI – Revisions to Plans for NPDES Changes and Task XVII – Modifying NPDES Stormwater Permit and Associated Documents must be added to the contract to make all necessary design and document revisions and complete the work for the project.

The Thrasher Group, Inc., previously obtained from the WVDEP (DWWM) the required Construction Stormwater (CSW) General Permit. Due to the necessary changes in the design (as previously described), The Thrasher Group, Inc., will be required to revise the project design, including the construction plans, specifications, engineer estimates, and other impacted documents, as needed to apply for and obtain an approved NPDES CSW Permit Modification. The final contract documents need to be revised as well to obtain approval of the modification. A revision of the required tasks and quantities is deemed necessary to complete the work.

The completion date of this contract upon approval of this change order shall remain unchanged August 19, 2023.

The effective date of the change order is July 14, 2022.

Change Order Approved by WVDEP:

Name	Title	Signature	Date
Troy H. Schell, P.E.	Northern Design Administrator	Troy H. Schell	<small>Digitally signed by: Troy H. Schell DN: CN = Troy H. Schell email = troy.hschell@wv.gov C = US O = WVDEP Division of and Restoration OU = Office of Abandoned Mine Land and Reclamation Date: 2022.06.06 12:13:28 -0413</small>

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
Richard Hovath Jr	Project Man.		8/8/22

Please email the signed documents to Leigh.A.Shaffer@wv.gov (and cc Troy.H.Schell@wv.gov and Charlotte.K.Woodson@wv.gov) within 7 days of receipt of this letter.

Change Order

PURCHASE ORDER NUMBER: CCT: DEP21*01

CHANGE ORDER NUMBER: ~~3~~ 9 ~~4~~

PROJECT NAME: Owl Creek #2 Highwall

VENDOR/ CONTRACTOR: The Thrasher Group, Inc.

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

[illegible]**Effective Date:**

July 14, 2022

The original Contract Sum was:

\$76,740.00

Net change by previous Change Orders:

\$87,833.15

The Contract Sum prior to this Change Order was:

\$164,573.15

The Contract Sum will be Increase by this Change Order:

\$24,500.00

The new Contract Sum including this Change Order will be:

\$189,073.15

The Contract Time (Days) will be Unchanged

0

The Date of Completion as of the date of this Change Order therefore is:

August 19, 2023



ARCHITECTURE
ENGINEERING
FIELD SERVICES

CHANGE ORDER COST PROPOSAL

**THE THRASHER GROUP, INC.
FOR
ENGINEERING SERVICES**

**WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

OFFICE OF ABANDONED MINE LANDS AND RECLAMATION

**OWL CREEK #2 HIGHWALL
MONONGALIA COUNTY, WEST VIRGINIA**

WVDEP CEOI: 16159

JULY 14, 2022

THRASHER PROJECT #101-025-0125

**PRICE PROPOSAL
OWL CREEK #2 HIGHWALL
MONONGALIA COUNTY, WEST VIRGINIA**

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**PRICE PROPOSAL
OWL CREEK #2 HIGHWALL
MONONGALIA COUNTY, WEST VIRGINIA**

PROPOSAL BASIS

This proposal is based on a phone conversation with Troy Schell where he requested us to modify the NPDES permit for this site to eliminate the need for sediment basins and traps.

NEED FOR PROJECT REVISION

A NPDES Stormwater Construction permit was issued for this site on 5/24/2022. This permit includes the installation of proposed sediment basins and traps along the southern extent of the site to control sediment release and stormwater runoff management. Based upon a conversation between WVDEP officials it has been determined that these BMP structures will not be acceptable for this project due to the excessive disturbance of undisturbed areas and potential landowner refusal to allow this construction. In order to alter the bid plans to reflect these changes the NPDES permit will need to be modified.

A modification will be completed and submitted for review and approval. Once approved The Thrasher Group, Inc. (TTG) will modify the Construction plans, specifications, and engineer construction cost estimate to reflect the removal of these structures and the addition of perimeter controls.

**PRICE PROPOSAL
OWL CREEK #2 HIGHWALL
MONONGALIA COUNTY, WEST VIRGINIA**

PREFERRED SCOPE OF WORK

Modify plans and hydrologic calculations to remove the proposed sediment basin and trap structures.

Submit the revised plans to WVDEP AML officials for review.

Address comments from WVDEP AML's review.

Submit to the WVDEP DWWWM for approval of the modification.

Revise the Construction plans, specifications, and engineer construction cost estimate to reflect the changes approved for the permit.

**PRICE PROPOSAL
OWL CREEK #2 HIGHWALL
MONONGALIA COUNTY, WEST VIRGINIA**

SUMMARY OF ANTICIPATED SCOPE OF WORK

Task XVI. Revisions to Plans for NPDES Changes

TTG will revise the existing plans to remove the proposed sediment basins and traps and to include additional perimeter controls. These plans will be submitted to the WVDEP AML for review prior to submission to the WVDEP DWWP for the modification. TTG will address comments from the DEP and reflect those in the plans. Once approved TTG will modify the existing construction plans, specifications, and engineers construction cost estimate to reflect the approved NPDES permit.

Task XVII. Modifying NPDES Stormwater Permit and Associated Documents

Thrasher shall prepare and submit a WV DEP General Construction Stormwater NPDES permit modification for the project. This shall include both the plans and the hydrologic calculations necessary for the permit modification. Thrasher shall address any comments received from the DEP in order to get the permit issued. The WVDEP AML Division will be responsible for paying the permit fee for this permit. Those fees are not part of this proposal. Once the project is complete the WVDEP AML Division will be responsible for filing the Notice of Termination for the project.

The following items will also be provided:

1. Revised Engineers estimate for quantities, construction cost, and construction time.
2. Revised construction plans and specifications.
3. Revised design calculations.

**PRICE PROPOSAL
OWL CREEK #2 HIGHWALL
MONONGALIA COUNTY, WEST VIRGINIA**

PROPOSED SCHEDULE

Plan Revisions	14	Days
Permit Modification	30	Days
<u>Construction plan and Specification Revision</u>	<u>7</u>	<u>Days</u>
Total	51	Days

The revised plans and Modified NPDES permit will be completed and ready for bid 51 days from receiving a purchase order.

ENGINEERING CHANGE ORDER COST PROPOSAL

Page 1 of 1 pages

Project Name: OWL CREEK #2 HIGHWALL

CCT DEP21*01

DATE. 7/14/2022

ITEM # A	DESCRIPTION B	CONTRACT UNITS C		UNIT BID PRICE D	UNITS THIS APPLICATION E		COST THIS APPLICATION F		UNITS COMPLETED TO DATE G		PROPOSED PROJECT COST H=(C x D)
TASK XVI: Revisions to Plans for NPDES Changes											
A. Professional Services:											
I. Professional Staff:											
101	Senior Project Manager	10	Hrs.	\$200.00	0	Hrs.	\$0.00	0	Hrs.	\$2,000.00	
102	Project Engineer	40	Hrs.	\$140.00	0	Hrs.	\$0.00	0	Hrs.	\$5,600.00	
103	Staff Engineer	80	Hrs.	\$125.00	0	Hrs.	\$0.00	0	Hrs.	\$10,000.00	
TASK XVI: Revisions to Plans for NPDES Changes Subtotal							\$0.00			\$17,600.00	
TASK XVII: Modifying NPDES Stormwater Permit and Associated Documents											
A. Professional Services:											
I. Professional Staff:											
101	Senior Project Manager	8	Hrs.	\$200.00	0	Hrs.	\$0.00	0	Hrs.	\$1,600.00	
102	Project Engineer	20	Hrs.	\$140.00	0	Hrs.	\$0.00	0	Hrs.	\$2,800.00	
103	Staff Engineer	20	Hrs.	\$125.00	0	Hrs.	\$0.00	0	Hrs.	\$2,500.00	
TASK XVII: Modifying NPDES Stormwater Permit and Associated Documents Subtotal							\$0.00			\$6,900.00	
OWL CREEK CHANGE ORDER TOTAL										\$24,500.00	