



Mollhoff/Fisher

RESOLUTION NO. 6369

WHEREAS, sealed bids were requested and advertised, as required by law, for the following:

**REQUEST FOR PROPOSAL (RFP) NO. 5699
NEBRASKA CITY STATION UNIT 2 SCR CATALYST LOWER LAYER MATERIALS**

WHEREAS, bids were received and opened at the time and place mentioned in the published notices and the Director – Supply Chain Management supervised the tabulations, which have been submitted to this Board; and

WHEREAS, the Board of Directors has carefully considered the bids submitted, as well as the recommendations of the District's Management and General Counsel.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Omaha Public Power District that Management hereby is authorized and directed to accept the proposal of IBIDEN CERAM, Inc. for the material and fabrication of the catalyst modules, test elements, seals and cover screens for the Nebraska City Station Unit 2 SCR System and the bond of such bidder hereby is approved.



Board Action

BOARD OF DIRECTORS

April 14, 2020

ITEM

Nebraska City Station Unit 2 Selective Catalytic Reduction (SCR) System Lower Layer Catalyst Replacement

PURPOSE

Provide materials and fabrication for the supply of catalyst modules, test elements, seals and cover screens for one layer of the SCR system.

FACTS

- a. As part of the ongoing Catalyst Management Plan, it was determined that one catalyst layer of each SCR should be replaced every two years in order to meet NOx limits.
- b. The lower layer of catalyst modules will be six years old in 2021 and their stored potential activity depleted.
- c. Installation of the catalyst modules, seals and cover screens will be performed during the maintenance outage scheduled for spring of 2021. The installation will be performed under a different contract.
- d. Three bids were received. Two bids were determined to be legally non-responsive. One bid was determined to be technically acceptable.

ACTION

Authorization by the Board of Directors to award a contract to IBIDEN CERAM, Inc. for the material and fabrication of the catalyst modules, test elements, seals and cover screens for the Nebraska City Station Unit 2 SCR System.

RECOMMENDED:

/s/ Mary J. Fisher

Mary J. Fisher
Vice President – Energy Production and
Nuclear Decommissioning

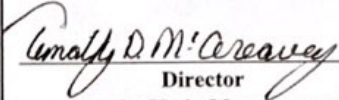
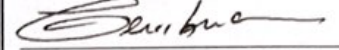
APPROVED FOR BOARD CONSIDERATION:

/s/ Timothy J. Burke

Timothy J. Burke
President and CEO

SAE:mb

Attachments: Tabulation of Bids
Legal Opinion
Resolution

TABULATION OF BIDS Opened at 2:00 p.m., C.D.T., Tuesday, March 10, 2020, in Omaha, Nebraska		REQUEST FOR PROPOSAL NO. 5699 Nebraska City Station Unit 2 SCR Catalyst Lower Layer Materials		 Director Supply Chain Management	
Anticipated Award Date April 16, 2020				 Compiled by and Certified Correct	
ENGINEER'S ESTIMATE \$ <u>1,875,000.00</u>					
BID ITEM		BIDDER'S NAME & ADDRESS			
		MITSUBISHI HITACHI POWER SYSTEMS, AMERICAS, Inc. 645 Martinsville Rd Basking Ridge, NJ 07920	CORMETECH, Inc. 11707 Steele Creek Road Charlotte, NC 28273	IBIDEN CERAM, Inc. 7304 W 130 street, Suite 140 Overland Park, KS 66213	
		SUPPLIER'S BID	SUPPLIER'S BID	SUPPLIER'S BID	
1.	<u>Proposal Price(S)</u> Lump Sum Firm Price	<u>\$1,090,000.00</u>	<u>\$1,219,720.00</u>	<u>\$1,315,968.00</u>	
2.	<u>Delivery Guarantee(s)</u> Desired Delivery Date: February 8, 2021	<u>Guaranteed Delivery Date</u> <u>February 8, 2021</u>	<u>Guaranteed Delivery Date</u> <u>February 8, 2021</u>	<u>Guaranteed Delivery Date</u> <u>February 8, 2021</u>	



FRASER STRYKER

PC LLO

LAWYERS

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STEPHEN M. BRUCKNER
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SBRUCKNER@FRASERSTRYKER.COM

March 23, 2020

Omaha Public Power District
444 South 16th Street
Omaha, NE 68102

RE: Request for Proposal No. 5699 -- Nebraska City Station Unit 2 SCR Catalyst Lower Layer Materials ("RFP No. 5699")

Ladies and Gentlemen:

We have reviewed the three (3) proposals received in response to RFP No. 5699 and provide the following opinion.

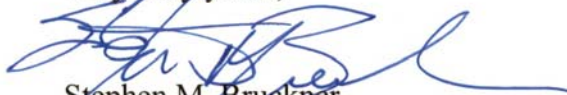
The proposal of CORMETECH, Inc. incorporates exceptions to the Terms and Conditions included in RFP No. 5699 which would materially increase the commercial and legal risks to be accepted by the District. As a result, we believe this bidder's proposal is legally non-responsive and should not receive further consideration from the District.

The proposal of IBIDEN CERAM, Inc. includes certain commercial and technical clarifications that must be evaluated by the District.

The proposal of Mitsubishi Hitachi Power Systems Americas, Inc. ("MHPS") includes several commercial and legal exceptions which would materially increase the legal risks to be accepted by the District. In addition, MHPS's proposal includes language stating, "[l]egal to review," which reserved right to modify its bid is prohibited under the sealed bidding statutes of the State of Nebraska. As a result, we believe MHPS' proposal is legally non-responsive and should not receive further consideration from the District.

Subject to the foregoing comments and the District's technical and economic evaluation, one (1) of the three (3) proposals received in response to RFP No. 5699 may be considered by the District's Board of Directors for the award of this contract. The bond of the successful bidder also must be approved by the Board.

Very truly yours,



Stephen M. Bruckner
FOR THE FIRM