



Moody/Via

**RESOLUTION NO. 6552**

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

**REQUEST FOR PROPOSAL (RFP) NO. 6023  
SPRING 2023 TRANSMISSION CONSTRUCTION**

**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 bid 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 the proposal of Watts Electric Company in the amount of \$1,684,590.50 for the procurement of construction services pursuant to Request for Proposal No. 6023 is hereby accepted, and the form of payment and performance bond of such bidder is approved.



# Board Action

## BOARD OF DIRECTORS

February 14, 2023

### ITEM

Award RFP No. 6023 Spring 2023 Transmission Construction

### PURPOSE

Board of Directors authorization to award a contract for construction services regarding transmission system modifications including a transmission line relocation for a road project and seventy-seven (77) structure replacements.

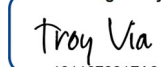
### FACTS

- a. A 0.8 mile relocation of a 69kV transmission line is required to support a City of Omaha road widening project.
- b. Five (5) 161kV lattice towers were identified for replacement as part of upgrading the line capacity to support load growth in the service territory and will be replaced with steel monopole structures.
- c. Seventy-one (71) wood 69kV structures and one (1) 161kV double circuit lattice structure were identified to be near the end of their useful life and will be replaced with steel monopole structures.
- d. Construction labor includes the following:
  - 1. Foundation construction, structure erection, and structure framing.
  - 2. Installation of conductor, shield wire, and fiber optic ground wire.
  - 3. Removal of existing structures, conductor, shield wires, and transmission line hardware.
- e. Five (5) proposals were received. Three (3) proposals are legally responsive, and two (2) are legally non-responsive. The three (3) legally responsive proposals are also technically responsive.
- f. Construction to begin in March 2023 and conclude in July 2023.
- g. The bid from Watts Electric Company was evaluated to be the lowest and best bid.

### ACTION

Authorization by the Board to award a labor contract to Watts Electric Company in the amount of One Million, Six Hundred Eighty-Four Thousand, Five Hundred Ninety Dollars and Fifty Cents (\$1,684,590.50) for the procurement of construction services to construct and modify the aforementioned transmission lines based on the evaluation of RFP No. 6023 Spring 2023 Transmission Construction.

### RECOMMENDED:

  
 \_\_\_\_\_  
 181187221FA24AE...  
 Troy R. Via  
 Chief Operating Officer and  
 Vice President – Utility Operations

### APPROVED FOR BOARD CONSIDERATION:

  
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 AC399FDCE56247E...  
 L. Javier Fernandez  
 President and Chief Executive Officer

TRV:sjh

Attachments: Analysis of Proposals  
Tabulation of Bids  
Legal Opinion  
Resolution



## MEMORANDUM

Date: February 3, 2023

From: D. D. Buelt

To: T. R. Via

RFP No. 6023  
 “Spring 2023 Transmission Construction”  
Analysis of Proposals

### 1.00 GENERAL

RFP No. 6023 was advertised for bid on December 22, 2022.

Contract scope of work includes approx. 0.8 mile portion of transmission line relocation for a road project, replacement of five (5) structures for line uprate, and replacement of seventy two (72) structures that have reached the end of their useful life.

Construction is scheduled to begin March 13, 2023 and conclude July 14, 2023.

One (1) Letters of Clarifications (LOC) and was issued to provide clarification on the geotechnical information, and technical aspects of the project requested by the bidders.

No Addendums were issued.

Proposals were requested and opened at 2:00 p.m., C.S.T., Thursday, January 12, 2023.

Engineer’s Estimate was \$ 2,312,795.80

Five (5) total proposals were received. The proposals received are summarized in the table below:

Bidder	Lump Sum Firm Price	Legally Responsive	Technically Responsive
Watts Electric Company	\$ 1,684,550.50	Yes	Yes
The L.E. Myers Company	\$ 1,752,091.33	Yes	Yes
Brink Constructors Inc.	\$ 1,903,859.64	No	N/A
High Voltage Inc.	\$ 2,158,327.08	No	N/A
Ward Electric Company, Inc.	\$ 2,856,658.01	Yes	Yes

T.R. Via  
February 3, 2023  
Page 2 of 2

## 2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

OPPD's legal counsel deemed that the proposals from High Voltage, Inc, for not signing by bidder, and Brink Constructors, for stating that pricing was subject to change and not providing a firm price, as legally non-responsive and cannot be considered by the Board of Directors for the award of this contract.

The legal counsel also noted that the proposal response from The L.E. Myers Co. included minor revisions to certain contract provisions, however the alternate terms are minor, thus the proposal was deemed legally responsive.

Finally, legal counsel noted that Watts Electric didn't include a start date in their proposal. This was deemed as administrative oversight and was rectified, according to the counsel recommendation, by issuing a letter of clarification for Watts to provide a start date for construction, if awarded the contract.

The other remaining proposal from Ward Electric Company was deemed to be legally responsive.

## 3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

All legally responsive proposals were deemed technically responsive.

## 4.00 RECOMMENDATION

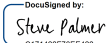
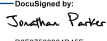
On the basis of compliance with the legal and technical requirements of the specifications, cost evaluations performed and guaranteed completion dates, it is recommended that RFP No. 6023 Spring 2023 Transmission Construction be awarded to Watts Electric Company for the evaluated amount of One Million, Six Hundred Eighty-Four Thousand, Five Hundred Ninety Dollars and Fifty Cents (\$1,684,590.50).


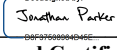
DocuSigned by:

*Dannie D. Buelt*

6DD7614246DD4BE...

Dannie Buelt, P.E.  
Director Engineering  
Utility Operations

<p align="center"><b>TABULATION OF BIDS</b>                  Opened at 2:00 p.m., C.S.T., Thursday, January 12, 2023, in                  Omaha, Nebraska</p>	<p align="center"><b>REQUEST FOR PROPOSAL NO. 6023</b>  <b>Spring 2023 Transmission Construction</b></p>			<p align="center"> <small>DocuSigned by:</small>                        Steve Palmer  <small>C171422E79E492</small>                      Director                      Supply Chain Management  <small>DocuSigned by:</small>                        Jonathan Parker  <small>D1E37508964D45E</small>                      Compiled by and Certified Correct                 </p>
<p align="center">Anticipated Award Date                  February 16, 2023</p>				
<p align="center"><b>ENGINEER'S ESTIMATE</b></p> <p align="center">\$2,312,795.80</p>				
<p align="center"><b>BID ITEM</b></p>	<p align="center"><b>BIDDER'S NAME &amp; ADDRESS</b></p>			
	<p align="center">Watts Electric Company                  13351 Dovers Street                  Waverly, NE 68462</p>	<p align="center">The L.E. Myers Co                  1405 Jackson St.                  Marshalltown, IA 50158</p>	<p align="center">Brink Constructors Inc.                  2950 N. Plaza Dr                  Rapid City, SD 57702</p>	
<p><b>1. Price Proposal:</b></p> <p>3.1 Lump sum firm price ("Contract Price") to perform all Work as specified. Total of <u>all</u> bid items from price quotation summary tab of "Attachment A" worksheet and reflected on page 23 of this RFP.</p> <p><b>2. Completion Guarantee:</b>                  Start Installations: March 13, 2023                  Complete all Installations: July 21, 2023</p>	<p align="center"><b>SUPPLIER'S BID</b></p> <p align="center"><u>\$1,684,590.50</u></p> <p align="center"><b><u>Guaranteed Completion Date</u></b></p> <p align="center">*Contractor did not provide date*  <u>July 21, 2023</u></p>	<p align="center"><b>SUPPLIER'S BID</b></p> <p align="center"><u>\$1,752,091.33</u></p> <p align="center"><b><u>Guaranteed Completion Date</u></b></p> <p align="center"><u>March 13, 2023</u>  <u>July 21, 2023</u></p>	<p align="center"><b>SUPPLIER'S BID</b></p> <p align="center"><u>\$1,903,859.64</u></p> <p align="center"><b><u>Guaranteed Completion Date</u></b></p> <p align="center"><u>March 13, 2023</u>  <u>July 21, 2023</u></p>	

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<p style="text-align: center;"><b>BID ITEM</b></p>	<b>BIDDER'S NAME &amp; ADDRESS</b>		
	<p style="text-align: center;">High Voltage Inc                  PO Box 428                  Vernal UT, 84078</p>	<p style="text-align: center;">Ward Electric Company, Inc.                  9586 E I-25 Frontage Rd, Suite B                  Longmont, CO 80504</p>	
<p><b>1. Price Proposal:</b></p> <p>3.1 Lump sum firm price ("Contract Price") to perform all Work as specified. Total of <u>all</u> bid items from price quotation summary tab of "Attachment A" worksheet and reflected on page 23 of this RFP.</p> <p><b>2. Completion Guarantee:</b>                  Start Installations: March 13, 2023                  Complete all Installations: July 21, 2023</p>	<b>SUPPLIER'S BID</b>	<b>SUPPLIER'S BID</b>	<b>SUPPLIER'S BID</b>
<p style="text-align: center;"><u>\$2,158,327.08</u></p> <p style="text-align: center;"><b><u>Guaranteed Completion Date</u></b></p> <p style="text-align: center;"><u>3/13/2023</u>  <u>3/13/2023</u></p>	<p style="text-align: center;"><u>\$2,856,658.01</u></p> <p style="text-align: center;"><b><u>Guaranteed Completion Date</u></b></p> <p style="text-align: center;"><u>March 13, 2023</u>  <u>July 21, 2023</u></p>		



## FRASER STRYKER

P C L L O

LAWYERS

500 ENERGY PLAZA  
409 SOUTH 17TH STREET  
OMAHA, NEBRASKA 68102-2663  
TELEPHONE 402.341.6000  
TELEFAX 402.341.8290  
WWW.FRASERSTRYKER.COM

STEPHEN M. BRUCKNER  
DIRECT DIAL: 402.978.5225  
SBRUCKNER@FRASERSTRYKER.COM

January 16, 2023

Omaha Public Power District  
444 South 16<sup>th</sup> Street  
Omaha, NE 68102

RE: Request for Proposal No. 6023 – Spring 2023 Transmission Construction  
("RFP No. 6023")

Ladies and Gentlemen:

We have reviewed the five (5) proposals received in response to the District's RFP No. 6023 and provide the following legal opinion.

The proposal of High Voltage, Inc. is not signed by the bidder and therefore cannot be considered by the Board of Directors for the award of this contract.

The proposal of Brink Constructors states that its pricing is subject to change due to changes in market pricing. This RFP seeks a firm price from the bidders. Therefore, it is our opinion that the Brink proposal is materially non-responsive to the contract documents and cannot be considered for the award of this contract.

The proposal of L.E. Myers Co. submits revisions to the District's proposed Construction Services Contract. In our opinion, these revisions do not render the proposal non-responsive to the contract documents.

The proposal of Watts Electric included a guaranteed completion date for the project but did not include a date, as requested, to start the project. We deem this to be an administrative oversight and, if the Watts Electric proposal is to be considered, we recommend that the District obtain a letter of clarification from Watts Electric stating the date it would commence the project, if awarded the contract.

Subject to the foregoing comments and the District's technical and economic evaluations, the proposals submitted for RFP No. 6023, other than the proposals of High Voltage, Inc. and Brink Constructors, may be considered by the District's Board of Directors for the award of this contract. The form of performance and payment bond for the successful bidder also must be approved by the Board.

January 16, 2023  
Page 2

Very truly yours,

A handwritten signature in blue ink, appearing to read "Stephen M. Bruckner". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Stephen M. Bruckner  
FOR THE FIRM

SMB:sac  
2944587