



Moody/Via

RESOLUTION NO. 6610

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

**REQUEST FOR PROPOSAL (RFP) NO. 6091
SUBSTATION CONTROL BUILDING ENCLOSURE**

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; and

WHEREAS, Section 70-637 of the Nebraska Revised Statutes authorizes the District’s Board of Directors to reject proposals if they are not responsive to the Request for Proposals, and to authorize Management to pursue a negotiated contract without compliance with the sealed bidding provisions of Section 70-637 through 70-639; and

WHEREAS, the Board of Directors concurs with Management’s General Counsel’s recommendation that of the three (3) proposals received for RFP No. 6091 two (2) are legally non-responsive and all three (3) are technically non-responsive.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Omaha Public Power District that all proposals received in response to Request for Proposal No. 6091 are rejected and Management is authorized to negotiate and enter into a contract or contracts for the Substation Control Building Enclosure, subject to review and approval of the final contract(s) by the District’s General Counsel.



DATE: November 3, 2023

FROM: S. J. Hanson

TO: T. R. Via

RFP No. 6091
 “Substation Control Building Enclosure”

Analysis of Proposals

1.00 GENERAL

RFP No. 6091 was advertised for bid on September 14, 2023.

This contract will procure one (1) complete control building enclosure delivered to the substation as a full assembly which includes the building, relay panels, batteries and other equipment to replace an existing control building which is near its end of life and too small to fit new security equipment needed as part of the Enterprise Security Improvements project.

Desired delivery of the substation control building enclosure is November 2024.

Two Letters of Clarification (LOC) were issued. No Addendums were issued.

Bids were requested and opened at 2:00 p.m., C.D.T., Thursday, October 12, 2023.

Three proposals were received which are summarized in the table below:

Bidder	Lump Sum Firm Price	Legally Responsive	Technically Responsive
Electrical Power Products, Inc.	\$1,254,966.00	No	No
Avail Enclosure Systems	\$1,441,241.00	No	No
Keystone Electrical Manufacturer	\$1,521,345.14	Yes	No

2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

OPPD’s legal counsel noted that the bid received from Electrical Power Products, Inc. was unsigned and therefore cannot be considered by the Board of Directors.

OPPD’s legal counsel noted that the bids received from Avail Enclosure Systems and Keystone Electrical Manufacturer are legally non-responsive unless clarification is received from each manufacturer regarding various bid items, particularly withdrawing their standard terms and

T. R. Via
November 3, 2023
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conditions. Avail Enclosure Systems did not withdraw their standard terms and conditions and therefore is legally non-responsive. Keystone Electrical Manufacturer did withdraw their standard terms and conditions and therefore is legally responsive.

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

Electrical Power Products, Inc.'s bid does not meet the desired delivery date. Therefore, Electrical Power Products, Inc.'s bid is deemed technically non-responsive.

Avail Enclosure Systems' bid does not include a complete bill of material for complete technical evaluation. Therefore, Avail Enclosure Systems' bid is deemed technically nonresponsive.

Keystone Electrical Manufacturer's bid does not include a complete bill of material for complete technical evaluation. Therefore, Keystone Electrical Manufacturer's bid is deemed technically non-responsive.

4.00 RECOMMENDATION

On the basis of compliance with the legal and technical requirements, it is recommended that all proposals received for RFP No. 6091 "Substation Control Building Enclosure" be rejected by the Board of Directors and that District Management be authorized to enter into a negotiated contract.

DocuSigned by:



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Shane Hanson, PE
Director Engineering
Utility Operations

<p align="center">TABULATION OF BIDS</p> <p align="center">Opened at 2:00 p.m., C.D.T., Thursday, October 12, 2023, in Omaha, Nebraska</p>	<p align="center">REQUEST FOR PROPOSAL NO. 6091</p> <p align="center">Substation Control Building Enclosure</p>			<p>DocuSigned by: <i>Steven Palmer</i> C171422F76EE422... Director</p> <p>DocuSigned by: <i>Pettina Anderson</i> 8A15534EAB784CC... Supply Chain Management Compiled by and Certified Correct</p>			
<p align="center">Anticipated Award Date November 17, 2023</p>					<p align="right">Page 1 of 1</p>		
<p align="center">ENGINEER'S ESTIMATE</p> <p align="center">\$1,200,000.00</p>							
<p align="center">BID ITEM</p>	<p align="center">BIDDER'S NAME & ADDRESS</p>						
	<p align="center">Avail Enclosure Systems 1801 E. 27th Street Terrace Pittsburg, KS, 66762</p>	<p align="center">Keystone Electrical Manufacturer 2511 Bell Ave. Des Moines, IA 50321</p>	<p align="center">Electrical Power Products, Inc. 4240 Army Post Road Des Moines, IA 50321</p>				
	<p align="center">SUPPLIER'S BID</p>	<p align="center">SUPPLIER'S BID</p>	<p align="center">SUPPLIER'S BID</p>				
<p>1. Price Proposal:</p> <p>1.1. Firm base price to furnish one (1) Sub 963 Substation Control Building Enclosure which includes but is not limited to the equipped Substation Control Building Enclosure complete with relay panels, junction cabinets, DC and battery system, AC Equipment, HVAC system, lighting and other Equipment fully wired as indicated on the Drawings and detailed in the technical Specifications. *To include Letter of Credit or Performance and Payment Bond equal to Contract Value (see Attachment C).</p> <p>1.2. Firm base price to deliver, FOB foundation, to the delivery location specified below, and complete Sub 963 Substation Control Building Enclosure installation, including but not limited to unloading, re-assembly, anchoring to the foundation, surveying and layout, touchup painting, caulking, and completing any punch list items per the Drawings and as detailed in the technical Specifications.</p> <p>1.3. Total lump sum price to furnish, deliver and install Sub 963 Substation Control Building Enclosure: (Proposal Price(s) 1.1 + 1.2)</p>	<p align="center"><u>\$1,369,561.00</u></p> <p align="center"><u>\$71,680.00</u></p> <p align="center"><u>\$1,441,241.00</u></p> <p align="center"><u>Guaranteed Completion Date</u></p>	<p align="center"><u>\$1,443,848.91</u></p> <p align="center"><u>\$77,496.23</u></p> <p align="center"><u>\$1,521,345.14</u></p> <p align="center"><u>Guaranteed Completion Date</u></p>	<p align="center"><u>\$1,171,335.00</u></p> <p align="center"><u>\$83,631.00</u></p> <p align="center"><u>\$1,254,966.00</u></p> <p align="center"><u>Guaranteed Completion Date</u></p>				
<p>2. Completion Date Guarantee(s):</p> <p>Sub 963 - Desired Delivery Date - November 25, 2024</p>	<p align="center"><u>"OKAY"</u></p>	<p align="center"><u>36-38</u></p>	<p align="center"><u>54-56 weeks ARO</u></p>				

October 19, 2023

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

RE: Request for Proposal No. 6091 – Substation Control Building Enclosure (RFP No. 6091)

Ladies and Gentlemen:

We have reviewed the three (3) proposals received in response to the District's RFP No. 6091 and provide the following legal opinion.

The proposal of Avail Enclosure Systems states that Avail's standard terms and conditions enclosed with the proposal must apply to this RFP. If the Avail proposal is to receive consideration by the Board of Directors for the award of this RFP, the District must obtain a letter of clarification from Avail withdrawing the standard terms and conditions. This RFP is governed by the District's contract documents, subject to limited clarifications or exceptions that may be submitted with the bidder's proposal. The Avail proposal also includes additional clarifications, including payment terms, that are for the District's evaluation, provided that Avail withdraws its standard terms and conditions.

The proposal of Keystone Electrical Manufacturer refers to the guaranteed delivery date as "36-38." I understand this to mean "36-38 weeks after receipt of order." The District should obtain a letter of clarification from Keystone on this point. Further, Keystone states that its proposal is valid only for 30 days. The District should obtain clarification from Keystone that the proposal will remain open through the date of the Board's consideration of RFP No. 6091. Finally, the Keystone proposal, like the Avail proposal, references standard terms and conditions that govern its proposal. The District must obtain a letter of clarification from Keystone withdrawing the standard terms and conditions. Otherwise, the Keystone proposal is legally non-responsive and cannot be considered by the Board of Directors.

The proposal of Electrical Power Products is unsigned and therefore cannot be considered by the Board for the award of this RFP.

Subject to the foregoing comments, the receipt of letters of clarification as described above, and the District's technical and economic evaluation, the proposals of Avail and Keystone may be considered by the District's Board of Directors for the award of this contract.

October 19, 2023
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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
3080988



BOARD OF DIRECTORS

Board Action

November 14, 2023

ITEM

Award RFP No. 6091 “Substation Control Building Enclosure”

PURPOSE

Board of Directors authorization to reject the proposals received for RFP No. 6091, and for the District to enter into a negotiated contract for the purchase of one (1) Substation Control Building Enclosure.

FACTS

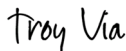
- a. The new substation control building enclosure is needed to replace an existing building which is near its end of life and too small to fit new security equipment associated with the Enterprise Security Improvements project.
- b. Substation control building enclosures house equipment to monitor, control, protect, and operate the energy delivery system.
- c. Three (3) proposals were received; one (1) is legally responsive and zero (0) are technically responsive.
- d. Desired delivery of the substation control building enclosure is November 2024.


ACTION

Authorization by the Board to reject all proposals received for RFP No. 6091 “Substation Control Building Enclosure” and allow District Management to enter into a negotiated contract.

RECOMMENDED:

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

 181167221FA24AE...
 Troy R. Via
 Chief Operating Officer and
 Vice President – Utility Operations

DocuSigned by:

 AG399FDGE56247E...
 L. Javier Fernandez
 President and Chief Executive Officer

TRV:jgb

Attachments: Analysis of Proposals
 Tabulation of Bids
 Legal Opinion
 Resolution