



Williams/Via

RESOLUTION NO. 6543

WHEREAS, Section 316(b) of the Clean Water Act establishes requirements that apply to cooling water intake structures at existing facilities for minimizing adverse environmental impacts. These requirements are to be established and implemented in National Pollutant Discharge Elimination System (NPDES) permits issued under the Clean Water Act per 40 CFR 125 subpart J; and

WHEREAS, in order to comply with the requirement to install technology to minimize mortality of aquatic life impinged upon the intake screens during operation, the District intends to comply by replacing the existing traveling intake screens with Modified Traveling Screens designed to remove impinged fish and shellfish and return them to the source water; and

WHEREAS, the design of the new Modified Traveling Screens must be coordinated with design of the associated return systems and other balance of plant support systems in order to ensure that overall operation meets the requirements of the NPDES permits and is technically complex in nature, pursuant to Nebraska Revised Statute Section 70-637 (as amended), and upon approval of the Engineer's Certification by the Board of Directors, the District may negotiate and enter into a contract or contracts related to such project without sealed bidding.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Omaha Public Power District that:

1. The Engineer's Certification that the Board waive the sealed bid requirements, in accordance with Nebraska Revised Statutes Sections 70-637 through 70-639, is hereby approved.
2. Management is hereby authorized and directed to negotiate and enter into the necessary contract or contracts for the design and supply of Modified Traveling Screens for installation at the OPPD Nebraska City Station and North Omaha Station "B" and "C" cooling water intake structures, subject to review and approval of the final contract(s) by the District's General Counsel.
3. The notice required by Nebraska Revised Statutes Section 70-637 shall be published in the Omaha World Herald, or other similar newspaper of general circulation.



Board Action

BOARD OF DIRECTORS

December 13, 2022

ITEM

Nebraska City Station and North Omaha Station Traveling Water Screen Equipment Procurement

PURPOSE

Issue contract(s) for the design and supply of replacement traveling water screens and related equipment for installation in the Nebraska City Station and North Omaha Station cooling water intake structures.

FACTS

- a. The latest revisions of the National Pollutant Discharge Elimination System permits for the Nebraska City and North Omaha "B" and "C" intake structures require installation and operation of Modified Traveling Screens by January 1, 2026 to comply with regulatory changes to the Clean Water Act.
- b. The District's engineer has certified the complex nature of the replacement work and that use of the sealed bid process is impractical and not in the public's best interest.
- c. The District will solicit competitive proposals from qualified contractors for the work. A negotiated contract process will allow for the communication necessary to optimize the design and integrate the new Modified Traveling Screens with existing plant equipment and structures.

ACTION

Approval of the Engineer's Certificate and authorization for Management to negotiate and enter into a contract(s) for the design and supply of new Modified Traveling Screens and related equipment for the Nebraska City Station and North Omaha Station "B" and "C" cooling water intake structures.

RECOMMENDED:

Troy Via

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 Troy R. Via
 Vice President – Utility Operations
 And Chief Operating Officer

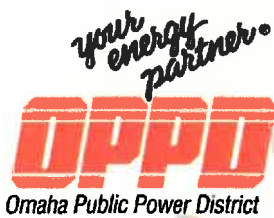
APPROVED FOR BOARD CONSIDERATION:

L. Javier Fernandez

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

TRV:sae

Attachments: Letter of Recommendation
Engineer's Certificate
Legal Opinion
Resolution



MEMORANDUM

DATE: November 30, 2022

UO-2022-018

FROM: S.A. Eidem

TO: T.R. Via

SUBJECT: Nebraska City Station and North Omaha Station Traveling Water Screen Equipment Procurement

1.00 GENERAL

The latest revision of the National Pollutant Discharge Elimination System (NPDES) permits for the Nebraska City Station and North Omaha Station "B" and "C" intake structures include requirements to install technology to comply with regulatory changes to the Clean Water Act. OPPD intends to comply with this requirement by replacing the existing traveling intake screens with Modified Traveling Screens designed to remove impinged fish and shellfish and return them to the source water.

Design of the new Modified Traveling Screens must be coordinated with design of the associated return systems and other balance of plant support systems in order to ensure that overall operation meets the requirements of the NPDES permits and is therefore technically complex in nature. Compliance with the sealed bidding requirements of the Nebraska Statutes is impractical and not in the public's best interest.

Competitive bids will be sought through a publically available Request for Proposal (RFP) and detailed negotiation process with competitive bidders. The contract(s) will be awarded to the contractor with the lowest and best evaluated bid following negotiations.

2.00 RECOMMENDATION

An Engineer's Certification of the above has been prepared. Approval of the Certification is recommended. We request the Board of Directors to approve the Engineer's Certification and authorize management to negotiate and enter into contract(s) for the design and supply of Modified Traveling Screens for installation at the OPPD Nebraska City Station and North Omaha Station "B" and "C" cooling water intake structures.

S.A. Eidem, P.E.
Director, Engineering Services
Utility Operations

ENGINEER'S CERTIFICATION

Compliance with Section 316(b) of the federal Clean Water Act requires that the Omaha Public Power District (OPPD) utilize modified traveling water screens at the North Omaha Station (NOS) and Nebraska City Station (NCS) in order to minimize impingement mortality of fish and other aquatic lifeforms. Compliance with Section 316(b) of the Clean Water Act is administered by the Nebraska Department of Environment and Energy (NDEE) through the Stations' National Pollutant Discharge Elimination System (NPDES) permits.

OPPD intends to enter into a contract or contracts for the design, supply, and installation of replacement traveling water screens, and associated equipment, for installation at NOS and NCS. The design of replacement traveling water screens requires coordination and integration with designs for associated Balance of Plant (BoP) systems necessary for operation of the traveling water screens. Associated BoP systems include: electrical power supply, control systems, screen wash water supply systems, fish and debris removal trough systems, and facilities for implementation of mandatory two year post-installation system optimization studies. OPPD Management seeks approval from the Board of Directors to enter into the necessary contract(s) for this project without using the statutory sealed bid process.

The undersigned, a Nebraska professional engineer employed by OPPD, certifies that compliance with the sealed bidding requirements of Nebraska Revised Statutes 70-637 to 70-641 is impractical and not in the public interest for the following reasons:

- The design of new traveling water screen equipment must be integrated with the design, procurement, and installation of associated Balance of Plant (BoP) systems in order to assure that overall system operation is compliant with requirements of the NPDES permits.
- A negotiated contract process is necessary to enable detailed discussions between OPPD and potential contractors to optimize traveling water screen specifications, identify and implement procurement of associated BoP systems, and establish performance requirements for the various aspects of the project.
- An iterative and integrated negotiated contract process provides the proper mechanism to develop optimal pricing, schedule, and contract terms and conditions with acceptable risk mitigation.

Pursuant to Section 70-637 of the Nebraska Revised Statutes, as amended, the Board of Directors is requested to approve this Engineer's Certificate and authorize Management to negotiate a contract or contracts for the design and supply of traveling water screen equipment for the North Omaha Station and the Nebraska City Station without compliance with Sections 70-637 to 70-641 of the Nebraska Revised Statutes.

I, Kevin E. Keller (registered Professional Engineer in the State of Nebraska), certify the above to be true and correct to the best of my knowledge and belief.



Kevin E. Keller, P.E.



11-21-22

Date



FRASER STRYKER

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October 31, 2022

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

RE: Nebraska City and North Omaha Stations-Design and Supply of Replacement Traveling Water Screens and Related Equipment

Ladies and Gentlemen:

We have reviewed the Engineer's Certification of Kevin E. Keller, P.E., a registered professional engineer in the State of Nebraska employed by the District. Mr. Keller's Engineer's Certification states that the District intends to enter into one or more contracts to design, furnish, and install traveling water screens at the Nebraska City and North Omaha Stations to meet requirements of the federal Clean Water Act. Mr. Keller explains that this project entails integration with the design for and procurement of associated balance of plant systems necessary for operation of the traveling water screens, including electrical power supply, instrumentation and control systems, screen wash water supply systems, and other equipment. Mr. Keller certifies that a negotiated contract process is necessary to enable detailed discussions required between OPPD and potential contractors to optimize traveling water screen specifications, integrate associated system requirements, and establish performance requirements and other essential contract terms. For these and other reasons set forth in the Certification, Mr. Keller certifies that the use of sealed bidding for this scope of work would be impractical and not in the public interest.

Section 70-637 of the Nebraska Revised Statutes authorizes the District's Board of Directors, by a two-third vote, to approve an Engineer's Certification when it is impractical or not in the public interest to use sealed bidding, and to authorize the District to enter into a contract to complete the project. The District is required to advertise its intention to enter into any such contract in three (3) newspapers of general circulation within the District's service area, with not less than seven (7) days between issues. The contract cannot be entered into sooner than twenty (20) days after the last advertisement.

It is our opinion that Mr. Keller's Engineer's Certification complies with Section 70-637 and is in a form that is appropriate for approval by the District's Board of Directors. Therefore, the Board of Directors may approve the Engineer's Certification and authorize Management to negotiate and enter into the necessary contract(s) for the Nebraska City and North Omaha Stations traveling water screens project. We recommend that any such contract(s) be subject to review and approval by the District's General Counsel.

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 at the end.

Stephen M. Bruckner
FOR THE FIRM

SMB/sac
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