



Williams/Via

RESOLUTION NO. 6756

WHEREAS, OPPD issued Request for Proposal (RFP) No. 6235 to procure a multi-year supplemental construction services contract for the installation of underground Residential and Commercial Developments; and

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, RFP No. 6235 provides for OPPD to initially procure supplemental construction services for the installation of underground Residential and Commercial Developments for a three (3) year initial term and renew contract with the successful bidder for up to three (3) additional one (1) year terms based on the bidders' responses; and

WHEREAS, the proposal submitted by Nielsen Construction was evaluated by Management as the lowest and best bid and provided an acceptable option to renew up to three (3) additional one (1) year terms based on legal and technical evaluation for the procurement of construction services related to the installation of new underground Residential and Commercial Developments; 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 is hereby authorized and directed to accept the proposal of Nielsen Construction for the procurement of construction services for installation of new power facilities in Underground Residential and Commercial Developments, with the option to renew up to three (3) additional one (1) year contract terms, and the bond of such bidder is hereby approved.



MEMORANDUM

Date: April 16, 2026

From: B. D. Kramer

To: T. R. Via

RFP No. 6235
 “Resources for Underground Residential and Commercial Developments”
Analysis of Proposals

1.00 GENERAL

RFP No. 6235 was advertised for bid on February 12, 2026.

This contract will provide construction services for the installation of distribution system components in new underground Residential and Commercial Developments including primary backbone cable, secondary pedestals, streetlight cable, and other associated equipment.

Construction is scheduled to begin July 1, 2026 and conclude by June 30, 2029. OPPD will award this contract for a three (3) year initial term, beginning in calendar year 2026. OPPD will have option to renew the contract with three (3) additional one (1) year contract renewal terms potentially extending contract to 2032.

One (1) Letter of Clarification (LOC) was issued to provide explanation on the technical aspects of the project as requested by bidders.

Proposals were requested and opened at 1:00 p.m., C.S.T., Thursday, March 12, 2026.

Two (2) total proposals were received. The proposals received are summarized as follows:

Bidder	Lump Sum Firm Price	Legally Responsive	Technically Responsive
Nielsen Construction	\$ 2,390,413.00	Yes	Yes
Valley Corporation	\$ 8,104,589.77	No	Yes

T.R. Via
April 16, 2026
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2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

OPPD's legal counsel has determined that the proposal submitted by Valley Corporation is legally non-responsive. Supplemental materials were received after the submission deadline, and the documents provided were also materially incomplete. As a result, the proposal cannot be considered by the Board of Directors for the award of this contract.

The proposal from Nielsen Construction was deemed to be legally responsive.

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

All proposals were deemed to be technically responsive.

4.00 RECOMMENDATION

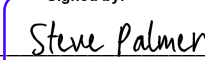
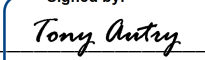
On the basis of compliance with the legal and technical requirements of the specifications, cost evaluations, and guaranteed completion dates, it is recommended that RFP No. 6235 Resources for Underground Residential and Commercial Developments be awarded to Nielsen Construction for an initial term of three (3) years, with an option to renew up to three (3) additional one (1) year contract terms, for the procurement of construction services related to the installation of underground Residential and Commercial Developments.

DocuSigned by:

Brian D. Kramer

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Brian D. Kramer

Senior Director Utility Operations Construction and Maintenance
Utility Operations

<p>TABULATION OF BIDS Opened at 1:00 p.m., CST Thursday, March 12, 2026, in Omaha, Nebraska</p>	<p>REQUEST FOR PROPOSAL NO. 6235 Underground Residential & Commercial Developments Project</p>		<p>Signed by:  _____ Director Signed by:  _____ Compiled by and Certified Correct</p>
<p>Anticipated Award Date April 17, 2026</p>			<p>Page 1 of 1</p>
<p>ENGINEER'S ESTIMATE</p> <p>\$6,510,618.00</p>			
<p>BID ITEM</p>	<p>BIDDER'S NAME & ADDRESS</p>		
	<p>Nielsen Construction 10120 S 148th St, Omaha, NE 68138</p>	<p>Valley Corporation 28001 Ida Cir. Valley, NE 68064</p>	
	<p>SUPPLIER'S BID</p>	<p>SUPPLIER'S BID</p>	<p>SUPPLIER'S BID</p>
<p>1. <u>Price Proposal:</u></p> <p>Lump Sum Firm Price (Contract Price) to perform all Work as specified.</p> <p>2. <u>Start/Completion Dates:</u></p> <p>Desired Start: 07/01/26</p> <p>Completion Dates: 06/30/29</p>	<p><u>\$2,390,413.00</u></p> <p><u>Guaranteed Start/Completion Date</u></p> <p><u>July 1, 2026</u></p> <p><u>June 30, 2029</u></p>	<p><u>\$8,104,589.77</u></p> <p><u>Guaranteed Start/Completion Date</u></p> <p><u>July 1, 2026</u></p> <p><u>June 30, 2029</u></p>	<p><u>Guaranteed Start/Completion Date</u></p>

March 26, 2026

Omaha Public Power District
1919 Aksarben Drive
Omaha, NE 68106

RE: Request for Proposal No. 6235 – Resources for Underground Residential and Commercial Developments (“RFP No. 6235”)

Ladies and Gentlemen:

We have reviewed the two (2) proposals received in response to the Omaha Public Power District (“District”) RFP No. 6235 and provide the following legal opinion:

The initial proposal of Valley Corporation, Inc. (“Valley”) was timely submitted. However, Valley’s initial submission included template forms for various attachments that were not substantively completed, including Attachment G (References) and Attachment H (Resources). These items are not ministerial in nature; rather, they are components of the evaluation criteria and are necessary for the District to assess bidder responsibility and comparative qualifications. Following the submission deadline, Valley provided additional materials indicating that certain required information had not been included in its original submission. To the extent those materials supply previously omitted information regarding references, resource information, or other supporting documentation, they constitute substantive additions to the proposal rather than clarification of information already provided. While the District may, in limited circumstances, request clarifications or permit the correction of minor informalities in a sealed bid process, it may not accept post-deadline submissions that materially alter or supplement a bidder’s proposal in a manner that affects evaluation or provides a competitive advantage. Accordingly, the supplemental materials received after the submission deadline cannot be considered, and Valley’s timely submission was materially incomplete, rendering the proposal legally non-responsive.

Further, we note that Valley’s supplemental materials remain incomplete. The Valley Safety Questionnaire references an attachment relating to regulatory citations (including OSHA-related citations) as “see attached,” but no such attachment was included or clearly identified in the submitted materials.

The proposal of Nielsen Construction (“Nielsen”) was timely submitted, signed by its President on March 9, 2026, and does not contain any exceptions to the District’s standard terms. We note that Nielsen’s proposed pricing is substantially lower than both the Engineer’s Estimate

March 26, 2026

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and the competing proposal, which may warrant further evaluation by the District. Nielsen's representative provided a follow-up confirmation of its proposed pricing to the District via email on March 18, 2026. Accordingly, the difference between Nielsen's pricing and the Engineer's Estimate or competing proposal does not present a legal responsiveness issue but is a matter for the District's technical and commercial evaluation.

The Valley Corporation proposal is legally non-responsive and cannot be considered by the Board. Subject to the District's technical and economic evaluation, the Nielsen Construction proposal may be considered by the Board for the award of RFP No. 6235.

Best,



Amelia V. Prickett
FOR THE FIRM

3541054



Omaha Public Power District

BOARD OF DIRECTORS

Board Action

April 14, 2026

ITEM

RFP No. 6235 Resources for Underground Residential and Commercial Developments.

PURPOSE

Award supplemental labor contract for construction services related to installation of new underground Residential and Commercial Developments.

FACTS

- a. Contract provides additional construction labor to support the District's current resources.
- b. The RFP and bidder responses were based on an expected number of units, multiplied by the bidder's unit rate, to compare each bidder's costs. Total annual costs will vary based on the actual volume of work performed.
- c. Two (2) proposals were received in response to RFP 6235. One (1) proposal was legally responsive. Two (2) proposals were technically responsive.
- d. Contract offers a three (3) year initial term with the option to renew three (3) additional one (1) year terms based on Management's assessment of the contractor's performance.
- e. The Nielsen Construction proposal, evaluated as the sum of \$2,390,413.00 as described in item (b) above, is recommended as the lowest and best bid.
- f. Work associated with this contract will begin July 2026.

ACTION

Authorization by the Board to award a labor-only contract to Nielsen Construction for an initial term of three (3) years, with an option to renew up to three (3) additional one (1) year contract terms, for the procurement of construction services related to the installation of underground Residential and Commercial Developments.

RECOMMENDED:

Signed by:

Troy R. Via

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

APPROVED FOR BOARD CONSIDERATION:

Signed by:

L. Javier Fernandez

L. Javier Fernandez
President and Chief Executive Officer

TRV:kab

Attachments: Analysis of Proposals
Tabulation of Bids
Legal Opinion
Resolution