Omaha Public Power District

Williams/Via

RESOLUTION NO. 6793

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

REQUEST FOR PROPOSAL (RFP) NO.6263
HOUSE SERVICE TRANSFORMER

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 Proposal, and to authorize Management to pursue a negotiated contract; and

WHEREAS, the Board of Directors concurs with management's recommendation that all the proposals for RFP No. 6180 are legally or 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.6263 are rejected and Management is authorized to negotiate and enter into a multi-year contract for the procurement of a pare House Service Transformer to support sparing strategies, subject to review and approval of the final contract(s) by the District's General Counsel.

Omaha Public Power District

MEMORANDUM

Date: November 10, 2026 UO-2026-018

From: S.A. Eidem

To: T. R. Via

Subject: RFP No. 6263 House Service Transformer Analysis of Proposals

1.0 GENERAL

RFP No. 6263 was advertised for bid on August 13, 2026.

RFP No. 6263 provides the opportunity to purchase House Service Transformers as specified in RFP No. 6263 for an initial term of one (1) year with the option to renew up to four (4) additional one (1) year terms pursuant to the escalation/de-escalation provisions. OPPD will initially procure one (1) House Service Transformer, which will serve as a spare for two (2) existing House Service Transformers at Nebraska City Station Unit 1 with a desired delivery date of May 2030. These transformers are vital for proper and reliable unit operation, so a ready spare strategy is prudent based upon long lead times.

One (1) Letter of Clarification (LOC) was issued. No addendums were issued.

Proposals were requested and opened at 1:00 p.m., C.D.T., Thursday, October 15, 2026.

Engineer's Estimate was $ 3,750,000.00.

Three (3) proposals were received, which are summarized in the table below:

Bidder	Lump Sum Firm Price	Legally Responsive	Technically Responsive
Howard Industries Inc.	$2,270,000	No	Yes
Virginia Transformer Corp	$1,840,297	No	No
WEG Transformer USA	$2,462,680	No	Yes

2.0 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

OPPD's legal counsel deemed that the bids received from Howard Industries Inc. ("Howard"), Virginia Transformer Corp ("Virginia"), and WEG Transformer USA ("WEG") were all legally non-responsive with most notable deficiencies described below:

Howard submitted significant redlines to the District's standard Master Procurement Agreement ("MPA"), many of which materially differ from the RFP's stated requirements and, taken as a whole, would materially shift risk to the District. Further, Howard seeks to apply a price adjustment mechanism, contrary to the RFP's firm pricing requirement. Howard also states that conflicts within the MPA may be negotiated prior to order placement, which is not permitted under the sealed-bid process.

444 S. 16th St.
Omaha, NE 68102

Virginia did not accept or redline the District's standard MPA. Instead, it conditioned its bid on its own standard terms, substituting Virginia law and binding arbitration in Roanoke for the MPA's Nebraska governing law and Douglas County venue, capping liability, disclaiming implied warranties, and waiving liquidated damages upon broad triggers. Further, its price is not firm despite being labeled as such. Per its proposal, Virginia reserves the right to pass through cost increases whenever an "abnormal" increase raises the unit cost by two percent (2%) or more, and to apply additional index-based and tariff/surcharge adjustments. Finally, its bid is valid only through November 13, 2026, short of the RFP's mandatory ninety (90) day period.

WEG did not accept or redline the District's standard MPA. Instead, it bid on a different, previously executed agreement from 2024 plus its own commercial terms (notably, modified payment terms, warranty limitations, cancellation and suspension charges, and scope exclusions). Further, WEG's pricing is subject to its own adjustment methodology, contrary to the RFP's firm price requirement. Finally, WEG's bid is valid only through November 12, 2026, short of the ninety (90) day minimum.

3.0 COMPLIANCE WITH TECHNICAL REQUIREMENTS

The proposals received from both Howard Industries Inc., and WEG Transformer USA were deemed technically responsive. The proposal received from Virginia Transformer Corp was deemed technically non-responsive largely because the transformer drawing that was submitted with the bid did not include everything that was specified.

4.0 RECOMMENDATION

On the basis of compliance with the legal and technical requirements, it is recommended that the three (3) proposals received for RFP No. 6263 "House Service Transformer" be rejected by the Board of Directors and that District Management be authorized to enter into a negotiated contract.

Scott A. Eidem, P.E.
Director Generation Engineering
Utility Operations

Docusign Envelope ID: 9DE48A41-C302-8FF9-81F6-02ED00CDED78

TABULATION OF BIDS Opened at 1:00 p.m., CST Thursday, October 15, 2026, in Omaha, Nebraska Anticipated Award Date November 20, 2026 ENGINEER'S ESTIMATE $3,750,000.00	REQUEST FOR PROPOSAL NO. 6263 House Service Transformer Page 1 of 1	Signed by: Steve Palmer C171422F76EE422... Director Supply Chain Management Signed by: Tony Autry 3A263EA0AB5D42... Compiled by and Certified Correct

BID ITEM	BIDDER'S NAME & ADDRESS		
	Virginia Transformer Corp 220 Glade view Drive, NE Roanoke, VA 24012	Howard Industries, Inc. 3225 Pendorff Rd Laurel, MS 39440	WEG Transformer USA 6350 Bluff Road Washington, MO 63090
	SUPPLIER'S BID	SUPPLIER'S BID	SUPPLIER'S BID
1. **Price Proposal** **Lump Sum Firm Price (Contract Price) to perform all Work as specified.**	$1,840,297.00	$2,270,000.00	$2,462,680.00
2. **Desired Delievery Date** **Date: May 13, 2030**	**Guaranteed Delivery Date** 55-60 Weeks from Order Acknowledment	**Guaranteed Delivery Date** May 13 ,2030	**Guaranteed Delivery Date** 140 Weeks ARO

Amelia V. Prickett
ATTORNEY
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aprickett@fraserstryker.com
fraserstryker.com

October 28, 2026

Omaha Public Power District
1919 Aksarben Drive
Omaha, NE 68106

RE: Request for Proposal No. 6263 – House Service Transformer

Ladies and Gentlemen:

We have reviewed the three (3) proposals received in response to the Omaha Public Power District ("District") RFP No. 6263 as submitted by Howard Industries, Inc. ("Howard"), Virginia Transformer Corp/Georgia Transformer ("Virginia"), and WEG Transformers USA ("WEG"), and provide the following legal opinion. Each proposal is legally non-responsive and should not be considered by the Board for award. Though non-exhaustive, the most notable deficiencies are briefly described below.

Howard Industries, Inc.
Howard submitted significant redlines to the District's standard Master Procurement Agreement ("MPA"), many of which materially differ from the RFP's stated requirements and, taken as a whole, would materially shift risk to the District. Further, Howard seeks to apply a price adjustment mechanism, contrary to the RFP's firm pricing requirement. Howard also states that conflicts within the MPA may be negotiated prior to order placement, which is not permitted under the sealed-bid process.

Virginia Transformer Corp
Virginia did not accept or redline the District's standard MPA. Instead, it conditioned its bid on its own standard terms, substituting Virginia law and binding arbitration in Roanoke for the MPA's Nebraska governing law and Douglas County venue, capping liability, disclaiming implied warranties, and waiving liquidated damages upon broad triggers. Further, its price is not firm despite being labeled as such. Per its proposal, Virginia reserves the right to pass through cost increases whenever an "abnormal" increase raises the unit cost by two percent (2%) or more, and to apply additional index-based and tariff/surcharge adjustments. Finally, its bid is valid only through November 13, 2026, short of the RFP's mandatory ninety (90) day period.

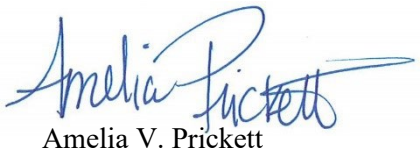
WEG Transformers USA
WEG did not accept or redline the District's standard MPA. Instead, it bid on a different, previously executed agreement from 2024 plus its own commercial terms (notably, modified payment terms, warranty limitations, cancellation and suspension charges, and scope exclusions).

Further, WEG's pricing is subject to its own adjustment methodology, contrary to the RFP's firm price requirement. Finally, WEG's bid is valid only through November 12, 2026, short of the ninety (90) day minimum.

Conclusion

The proposals of Howard, Virginia, and WEG are legally non-responsive and none may be considered by the Board for award. Because no responsive bids were received, Neb. Rev. Stat § 70-637(5)(a) permits the District to procure the equipment by direct negotiation. Therefore, we recommend that the Board determine that no responsive bids were received under RFP No. 6263 and authorize the District to negotiate a contract directly with a qualified supplier.

Best,



Amelia V. Prickett
FOR THE FIRM

#3638027

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Omaha Public Power District
BOARD OF DIRECTORS

Action Item

November 17, 2026

ITEM

Award RFP No. 6263 “House Service Transformer”

PURPOSE

Board of Directors’ authorization to reject all bids received for RFP No. 6263, and for the District to enter into a negotiated multi-year contract for the procurement of a spare House Service Transformer to support sparing strategies.

FACTS

a. House Service Transformers are required to support plant operations. This contract will initially procure one (1) House Service Transformer to serve as a spare for the existing House Service Transformers at Nebraska City Station Unit 1 and enhance plant reliability.

b. Desired contract will be for an initial term of one (1) year with the option to renew up to four (4) additional one (1) year terms with an acceptable escalation/de-escalation formula based on identified indices.

c. Three (3) proposals were received; zero (0) are legally responsive and two (2) are technically responsive.

d. Desired delivery of the initial House Service Transformer is May 2030.

ACTION

Authorization by the Board to reject all bids received for RFP No. 6263, “House Service Transformer” and allow District Management to enter into a negotiated contract.

RECOMMENDED:

Signed by:
Troy R. Via
1811B7221FA24AE...
Troy R. Via
Chief Operating Officer and Vice President – Utility Operations

APPROVED FOR REPORTING TO BOARD:

Signed by:
L. Javier Fernandez
AC399FDCE5B247E...
L. Javier Fernandez
President and Chief Executive Officer

Attachment: Analysis of Proposals
Tabulation of Bids

Docusign Envelope ID: 3FB314E4-DD5E-8B3F-836F-EB320DE91B90

Legal Opinion
Resolution