



Mollhoff/Fisher

**RESOLUTION NO. 6399**

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

**REQUEST FOR PROPOSAL (RFP) NO. 5785  
NEBRASKA CITY STATION UNIT 1 MAIN CONDENSER WATERBOX B, C AND D RE-TUBE  
INSTALLATION**

**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.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Omaha Public Power District that Management hereby is authorized and directed to accept the proposal of TEi Construction Services, Inc. in the amount of \$1,957,998.00, to provide labor for the replacement of tubes for the Nebraska City Station Unit 1 main condenser, and the bond of such bidder hereby is approved.



# Board Action

## BOARD OF DIRECTORS

November 10, 2020

### ITEM

Re-tube Nebraska City Unit 1 Condenser Waterboxes B, C, and D

### PURPOSE

Provide the labor to re-tube the B, C, and D waterboxes of the Nebraska City Unit 1 condenser.

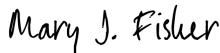
### FACTS

- a. The Nebraska City Unit 1 condenser waterboxes B, C, and D tubes have been evaluated and should be replaced to maintain unit reliability.
- b. The District requested bids for the labor to re-tube the condenser waterboxes. Two bids were received. Both bids were determined to be legally responsive and technically acceptable.
- c. The re-tubing of the condenser waterboxes will be completed with OPPD supplied tubes procured under a previously awarded material contract. The tubing installation will be performed in the spring of 2021 during a scheduled maintenance outage.
- d. TEi Construction Services, Inc. provided the lowest and best evaluated bid.

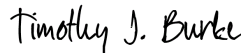
### ACTION

Authorization by the Board of Directors to award a contract to TEi Construction Services, Inc. for the labor to re-tube the Nebraska City Unit 1 condenser waterboxes B, C, and D.

#### RECOMMENDED:

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 C185D0BBE12A4BA...  
 Mary J. Fisher  
 Vice President – Energy Production and  
 Nuclear Decommissioning

#### APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:  
  
 \_\_\_\_\_  
 3DD1A0C8CE8D4D5...  
 Timothy J. Burke  
 President and CEO

SAE:mb

- Attachments: Letter of Recommendation  
 Tabulation of Bids  
 Legal Opinion  
 Resolution



## MEMORANDUM

**DATE:** November 3, 2020

EPND-2020-28

**FROM:** S.A. Eidem

**TO:** M. J. Fisher

**SUBJECT:** Nebraska City Unit 1 Condenser Waterbox B, C, and D Re-tube Installation  
Request for Proposal No. 5785  
EC 70287

### 1.00 GENERAL

Request for Proposal (RFP) No. 5785 is for the labor, equipment, rigging, and scaffolding to re-tube the Nebraska City Unit 1 (NC1) waterboxes B, C, and D located in the two main condensers. This contract covers installation work but does not include the fabrication and supply of condenser tubes. The tube material contract was awarded to Plymouth Tube on July 20, 2020 for \$1,357,429.06. There is a scheduled unit outage in the spring of 2021 to re-tube the NC1 condenser waterboxes.

The condenser tubes in waterboxes B, C, and D are original equipment with commercial operation commencing in 1979. The condenser tubes in these waterboxes have been evaluated and are seeing an upward trend in tube wall thinning which result in tube plugging. The waterbox A was re-tubed in 2016. Waterboxes B, C and D should be re-tubed to maintain unit reliability.

RFP 5785 was advertised on August 11, 2020. One (1) addendum and two (2) letters of clarification were issued. Bids were received and opened on October 6, 2020. Two (2) companies submitted bids as follows:

BIDDER	LUMP SUM FIRM PRICE
TEi Construction Services, Inc.	\$1,957,998.00
American Efficiency Services, LLC	\$2,457,753.13

The Engineer's Estimate at the time of the bid opening was \$2,050,000.

### 2.00 COMPLIANCE WITH CONTRACT TERMS AND CONDITIONS

The proposals were reviewed by the District's legal counsel and both are considered to be legally acceptable and can be considered by the Board of Directors for award. TEi Construction Services, Inc. clarified scaffolding and tube off-loading manpower requirements are supplied by them after bid opening. Also, TEi Construction Services, Inc. clarified the bid is good for 90 days allowing further consideration for award per OPPD Board meeting schedule.

Both proposals included commercial clarifications and exceptions to the contract documents. TEi Construction Services proposed changes in accordance with a 2019 Master Services Agreement

M.J. Fisher  
November 3, 2020  
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already executed with OPPD. OPPD's review of the Master Services Agreement and comparison to the original contract documents found it to be appropriate for this scope of work and of minimal effect on the economic evaluation of the proposals.

### 3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

Both proposals were reviewed and determined to be technically acceptable.

### 4.00 RECOMMENDATION


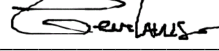
Based on compliance with legal and technical requirements of this specification, it is recommended that Request for Proposal No. 5785 be awarded to TEi Construction Services, Inc. for \$1,957,998.00.

*Scott A. Eidem*

EIDEM, SCOTT A

Digitally signed by EIDEM, SCOTT A  
DN: E=saidem@oppd.com, CN=EIDEM,  
SCOTT A, OU=Accounts, DC=oppd,  
DC=oppd-01, DC=com  
Date: 2020.11.03 14:42:09 -06'00'

S.A. Eidem, P.E.  
Director, Engineering Services  
Energy Production & Nuclear Decommissioning

<p><b>TABULATION OF BIDS</b>                  Opened at 2:00 p.m., C.D.T., Wednesday,                  October 6, 2020, in Omaha, Nebraska</p>		<p><b>REQUEST FOR PROPOSAL NO. 5785</b></p> <p><b>Nebraska City Station Unit 1                  Condenser Waterbox B, C &amp; D Re-tube Installation</b></p>		<p>DocuSigned by:                    9426AD61477A435...  <b>Director</b>                  Supply Chain Management</p> <p>                  5EC5B86907EE4F6                  Compiled by and Certified Correct</p>	
<p><b>Anticipated Award Date</b>                  November 12, 2020</p>					
<p><b>ENGINEER'S ESTIMATE</b></p> <p><u>\$2,050,000.00</u></p>					
<p><b>BID ITEM</b></p>		<p><b>BIDDER'S NAME &amp; ADDRESS</b></p>			
		<p><b>TEi Construction Services Inc</b>                  155 S. Limerick Rd                  Limerick, PA 19468</p>		<p><b>American Efficiency Services,                  LLC</b>                  15925 North Avenue                  Woodbine, MD 21797</p>	
		<p><b>SUPPLIER'S BID</b></p>		<p><b>SUPPLIER'S BID</b></p>	
1.	<p><u>Proposal Price(S)</u></p> <p><b>Lump Sum Firm Price</b></p>	<p><u>\$1,957,998.00</u></p>	<p><u>\$2,457,753.13</u></p>		
2.	<p><u>Completion Guarantee(s)</u></p> <p>Waterbox B, C and D Re-tube Installation: May 2,                  2021, 6:00 p.m.</p>	<p><u>Guaranteed Completion Date</u></p> <p><u>May 2, 2021*</u></p>	<p><u>Guaranteed Completion Date</u></p> <p><u>Circulating Waterside Hydrotest</u>  <u>May 2, 2021</u></p>	<p><u>Guaranteed Completion Date</u></p>	

\*May 2, 2020 shows on the proposal. The Bid Tab reflects the correction.



**FRASER STRYKER**

PC LLO

LAWYERS

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STEPHEN M. BRUCKNER  
DIRECT DIAL: 402.978.5225  
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October 8, 2020

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

RE: Request for Proposal No. 5785 – Nebraska City Unit 1 Condenser Waterbox  
B, C and D Re-tube Installation ("RFP No. 5785")

Ladies and Gentlemen:

We have reviewed the two (2) proposals received in response to RFP No. 5785 and provide the following legal opinion.

The proposal of TEi Construction Services, Inc. states that the proposal is only valid for 30 days. If the TEi proposal is to receive further consideration, TEi must provide a letter of clarification stating that its proposal remains open for the requisite time needed by the District's Board to consider the contract, as stated in the RFP documents. The TEi proposal also states that the requested services will be performed under an existing master services agreement executed between OPPD and TEi on February 27, 2019. If the District considers the existing master services agreement to be appropriate for this scope of work, then the District may utilize that contract for this work, rather than the contract that was included in the RFP package. If the District does not consider the existing master services agreement appropriate for this scope of work, then this proposal should not be given further consideration because it would be legally nonresponsive to the contract documents. The TEi proposal also includes conditions for the proposed schedule and a revised payment schedule for consideration by the District. The proposal also submits technical clarifications that require evaluation by the District.

The proposal of American Efficiency Services, Inc. has alternate pricing options and an alternate payment schedule that are subject to the District's evaluation. The American Efficiency Services proposal also includes commercial clarifications and exceptions to the contract documents, including on the liquidated damages, warranty, and indemnity provisions. The proposal also submits a proposed limitation of financial liability for the work under this contract. In our opinion, these commercial exceptions do not render the American Efficiency Services proposal legally nonresponsive. However, the exceptions are subject to the District's economic evaluation.

Subject to the foregoing comments and the District's technical and economic evaluation, both proposals received in response to the District's RFP No. 5785 may be considered by the Board of

Directors for the award of this contract. The form of performance and payment bond or letter of credit for the successful bidder also must be approved by the Board.

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  
2439024