

Williams/Via

RESOLUTION NO. 6485

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

**REQUEST FOR PROPOSAL (RFP) NO. 5933
15KV METALCLAD SWITCHGEAR CUBICLES AND SWITCHGEAR ENSLOSURE**

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 the proposal of Harold K. Scholz Company in the amount of \$545,000.00 for the procurement of 15kV metalclad switchgear cubicles and switchgear enclosure and installation at an existing 161kV substation in Saunders County pursuant to Request for Proposal No. 5933 is hereby accepted, and the form of payment and performance bond of such bidder is approved.



Board Action

BOARD OF DIRECTORS

January 18, 2022

ITEM

Award RFP No. 5933 15kV Metalclad Switchgear Cubicles and Switchgear Enclosure

PURPOSE

Board of Directors authorization to award RFP 5933 for procurement of 15kV metalclad switchgear and enclosure to support load growth and reliability at an existing 161kV substation in Saunders County.

FACTS


- a. Expansion of this substation supports load growth and reliability in the Saunders County area.
- b. Procurement includes 15kV metalclad switchgear and switchgear enclosure including site installation.
- c. Three (3) proposals were received; one (1) is legally and two (2) technically responsive.
- d. Equipment is scheduled to be delivered in July 2022.
- e. Harold K. Scholz Company proposal was evaluated as the lowest and best bid.

ACTION

Authorization by the Board to award RFP No. 5933, 15kV Metalclad Switchgear Cubicles and Switchgear Enclosure to Harold K. Scholz Company in the amount of Five Hundred Forty-Five Thousand Dollars and Zero Cents (\$545,000.00).

RECOMMENDED:

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

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

DocuSigned by:

AC309FDCE56247E...
 L. Javier Fernandez
 President and Chief Executive Officer

TRV:mre

Attachments: Analysis of Proposals
 Tabulation of Bids
 Legal Opinion
 Resolution



MEMORANDUM

DATE: January 7, 2022
FROM: D. D. Buelt
TO: T.R. Via

RFP No. 5933
 “15kV Metalclad Switchgear Cubicles and Switchgear Enclosure”

Analysis of Proposals

1.0 GENERAL

RFP No. 5933 was advertised for bid on November 16, 2021.

This contract will procure 15kV metalclad switchgear and enclosure to support load growth at an existing 161kV substation in Saunders County.

Equipment is scheduled to be delivered on July 18, 2022.

Zero (0) Letters of Clarification and zero (0) addendums were issued.

Bids were requested and opened at 2:00 p.m., C.S.T., Tuesday, December 14, 2021.

Three (3) total proposals were received. The proposals received are summarized in the table below:

Bidder	Proposal Price	Legally Responsive	Technically Responsive
Harold K. Scholz Company	\$545,000.00	Yes	Yes
Myers M & I Electric, LLC	\$558,461.00	No	Yes
AZZ, Inc.	Incomplete*	No	No

*AZZ, Inc.’s proposal was incomplete with no official price proposal provided in the proposal form.

2.0 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

In the opinion of the District’s legal counsel the proposal of AZZ, Inc. does not contain a price proposal. Therefore, this proposal cannot be considered by the Board of Directors for the award of this contract.

The proposal of Myers M & I Electric, LLC states that it is limited only to 30 days after bid opening, compared to the 90 days requested by the District. If this time period is not sufficient and the

January 7, 2022
Page 2 of 2

District wishes to consider this proposal further, a letter of clarification will have to be obtained extending the time frame for consideration of the proposal. The Myers proposal submits commercial clarifications and exceptions. Because this is a sealed bid contract, the District is unable to negotiate those terms. Therefore, if the District accepted this proposal, it would have to accept the clarifications and exceptions specified by this bidder. The Myers proposal also contains exceptions related to the payment provisions of the contract documents, cancellation charges, and warranty terms. The proposal states that the bidder will not accept liquidated damages. Finally, Myers includes revisions to the District's master procurement agreement applicable to this project. Those revisions are not, taken in their entirety, legally non-responsive. However, they diminish the economic protection afforded to the District under that agreement. Such revisions are subject to the economic evaluation of the District. OPPD evaluated the identified exceptions and deemed the proposal non-responsive based on economic risks posed to the District.

The proposal of Harold K. Scholz Company also includes technical exceptions that must be evaluated by the District. OPPD has evaluated the technical exceptions and deemed them acceptable.

Subject to the foregoing comments and the District's technical and economic evaluation, the proposals of Harold K. Scholz Company and Myers M & I Electric, LLC may be considered by the District's Board of Directors for the award of this contract. The form of performance and payment bond for the successful bidder also must be approved by the Board.

3.0 COMPLIANCE WITH TECHNICAL REQUIREMENTS

The proposals received from Harold K. Scholz Company and Myers M & I Electric, LLC were deemed technically responsive.

The proposal from AZZ, Inc. was reviewed and deemed technically non-responsive based on exceptions ranging from bus and enclosure construction, incomplete proposal, and unacceptable delivery date.

4.0 RECOMMENDATION

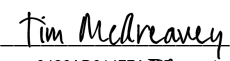
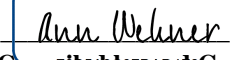
On the basis of compliance with the legal and technical requirements of the specifications, cost evaluations performed and guaranteed completion dates, it is recommended that RFP No. 5933 "15kV Metalclad Switchgear Cubicles and Switchgear Enclosure" be awarded to Harold K. Scholz Company in the amount of Five Hundred Forty-Five Thousand Dollars and Zero Cents (\$545,000.00).

DocuSigned by:

Dannie D. Buelt

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Dannie Buelt, PE
Director, Engineering
Utility Operations

<p align="center">TABULATION OF BIDS Opened at 2:00 p.m., C.S.T., Tuesday, December 14, 2021, in Omaha, Nebraska</p>	<p align="center">REQUEST FOR PROPOSAL NO. 5933 15kV Metalclad Switchgear Cubicles and Switchgear Enclosure</p> <p align="right">Page 1 of 1</p>			<p>DocuSigned by:  9426AD61477A Director</p> <p>DocuSigned by:  Supply Chain Management Compiled by and Certified Correct</p>
<p align="center">Anticipated Award Date January 20, 2022</p>				
<p align="center">ENGINEER'S ESTIMATE</p> <p align="center">\$585,000.00</p>				
<p align="center">BID ITEM</p>	<p align="center">BIDDER'S NAME & ADDRESS</p>			
	<p align="center">AZZ, Inc. 7911 Old Hwy 54 Fulton, MO 65251</p>	<p align="center">Harold K. Scholz Company 7800 Scrum Avenue Ralston, NE 68127</p>	<p align="center">Myers M & I Electric, LLC 14825 St. Mary's Lane, Suite 204 Houston, TX 77079</p>	
<p>1. <u>Price Proposal:</u></p> <p>Total Price (Combined Sum of Extended Unit Prices for Sections V.2, Articles 1.1.1 & 1.1.2)</p> <p>2. <u>Delivery Guarantee(s):</u></p> <p>Desired Delivery Dates:</p> <p>Section V.2 Article 1.1.1: July 18, 2022</p> <p>Section V.2 Article 1.1.2: July 25, 2022</p>	<p align="center">SUPPLIER'S BID</p>	<p align="center">SUPPLIER'S BID</p>	<p align="center">SUPPLIER'S BID</p>	
<p align="center">\$None listed *</p> <p align="center"><u>Guaranteed Delivery Date</u></p> <p align="center">None listed*</p> <p align="center">None listed*</p> <p align="center"><u>*Proposal states "See Preliminary Construction Schedule"</u></p>	<p align="center">\$545,000.00</p> <p align="center"><u>Guaranteed Delivery Date</u></p> <p align="center">July 18, 2022</p> <p align="center">July 25, 2022</p>	<p align="center">\$558,461.00</p> <p align="center"><u>Guaranteed Delivery Date</u></p> <p align="center">July 18, 2022</p> <p align="center">July 25, 2022</p>		



FRASER STRYKER

PC LLO

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STEPHEN M. BRUCKNER
DIRECT DIAL: 402.978.5225
SBRUCKNER@FRASERSTRYKER.COM

December 16, 2021

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

RE: Request for Proposal No. 5933 – 15kV metalclad switch gear cubicles and switch gear enclosure (RFP No. 5933)

Ladies and Gentlemen:

We have reviewed the three (3) proposals received in response to RFP No. 5933 and provide the following legal opinion.

The proposal of AZZ, Inc. does not contain a price proposal. Therefore, this proposal cannot be considered by the Board of Directors for the award of this contract.

The proposal of Myers M & I Electric, LLC states that its proposal is limited only to 30 days after bid opening, compared to the 90 days requested by the District. If this time period is not sufficient and the District wishes to consider this proposal further, a letter of clarification will have to be obtained extending the time frame for consideration of the proposal. The Myers proposal (at pages 6 and 30) submits commercial clarifications and exceptions. The exceptions beginning at page 30 of the proposal state that such items must be resolved between the parties prior to the award of the contract. Because this is a sealed bid contract, the District is unable to negotiate those terms. Therefore, if the District accepted this proposal, it would have to accept the clarifications and exceptions specified by this bidder. The Myers proposal also contains exceptions related to the payment provisions of the contract documents, cancellation charges, and warranty terms. The proposal states that the bidder will not accept liquidated damages. Finally, Myers includes revisions to the District's master procurement agreement applicable to this project. Those revisions are not, taken in their entirety, legally non-responsive. However, they diminish the economic protection afforded to the District under that agreement. Such revisions are subject to the economic evaluation of the District.

The proposal of Harold K. Scholz Company also includes technical exceptions (page 12.20) that must be evaluated by the District.

Subject to the foregoing comments and the District's technical and economic evaluation, the proposals of Harold K. Scholz Company and Myers M & I Electric, LLC may be considered by the

District's Board of Directors for the award of this contract. The form of performance and payment bond 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', written in a cursive style.

Stephen M. Bruckner
FOR THE FIRM

SMB/sac
2721761



RFP 5933 – 15kV Metalclad Switchgear Cubicles & Switchgear Enclosure

Board of Directors
All Committees Meeting
January 18, 2022

Metalclad Switchgear Cubicles and Switchgear Enclosure

