



Williams/Via

RESOLUTION NO. 6514

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

**REQUEST FOR PROPOSAL (RFP) NO. 5976
FALL 2022 TRANSMISSION CONSTRUCTION**

WHEREAS, bids were received and opened at the time and place mentioned in the published notices and the interim 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(5) 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 or exceed the fair market value for the proposed scope of work, and to authorize Management to pursue a negotiated contract without compliance with the sealed bidding provisions of Section 70-637 through 70-639; and

WHEREAS, the Board of Directors concurs with Management’s recommendation that all six of the proposals received for RFP No. 5976 are technically non-responsive or exceed the fair market value for the proposed scope of work.

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. 5976 are rejected and Management is authorized to negotiate and enter into a contract or contracts for transmission construction services, including a transmission line relocation for a customer and replacement of fifty-one (51) structures that have reached the end of their useful life, subject to review and approval of the final contract(s) by the District’s General Counsel.



Board Action

BOARD OF DIRECTORS

August 16, 2022

ITEM

Award RFP No. 5976 Fall 2022 Transmission Construction

PURPOSE

Board of Directors authorization to reject the proposals received for RFP No. 5976 and for the District to negotiate and enter into contract(s) for transmission construction services including a transmission line relocation for a customer and replacement of fifty-one (51) structures that have reached the end of their useful life.

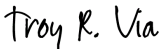
FACTS

- a. Forty-nine (49) wood 69kV structures and two (2) 161kV double circuit lattice structures were identified to be near the end of their useful life and will be replaced.
- b. Relocation of approximately 1 mile of 69kV and 161kV overhead transmission line is needed to support UNMC's Saddlecreek development project.
- c. Construction labor includes the following:
 - 1. Foundation construction, structure erection, and structure framing.
 - 2. Installation of conductor, shield wire, and fiber optic ground wire.
 - 3. Removal of existing structures, conductor, shield wires, and transmission line hardware.
- d. Six (6) proposals were received. Six (6) proposals are legally responsive, and four (4) are technically responsive. All four (4) technically responsive proposals were determined to exceed the fair market value for the requested work.
- e. Construction to begin in September 2022 and conclude first quarter 2023.


ACTION

Authorization by the Board to reject all proposals received for RFP No. 5976 – "Fall 2022 Transmission Construction" and allow District Management to enter into a negotiated contract or contracts.

RECOMMENDED:

DocuSigned by:

 181467224FA24AE...
 Troy R. Via
 Chief Operating Officer and
 Vice President – Utility Operations

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

 AG399FDCE56247E...
 L. Javier Fernandez
 President and Chief Executive Officer

TRV:sjh

- Attachments: Analysis of Proposals
 Tabulation of Bids
 Legal Opinion
 Resolution



Date: July 29, 2022

From: D. D. Buelt

To: T. R. Via

RFP No. 5976
 “Fall 2022 Transmission Construction”
Analysis of Proposals

1.00 GENERAL

RFP No. 5976 was advertised for bid on June 12, 2022.

Contract scope of work includes; Forty-nine (49) wood 69kV structures and two (2) 161kV double circuit lattice structures were identified to be near the end of their useful life and will be replaced, and a relocation of approximately 1 mile of 69kV and 161kV overhead transmission lines west of Saddle Creek to facilitate a UNMC campus development project.

Construction is scheduled to begin September 5, 2022 and conclude first quarter 2023.

Two (2) Letters of Clarifications (LOC) and two RFP addendums were issued to provide clarification on the geotechnical information, outage schedules, and technical aspects of the project requested by the bidders.

Proposals were requested and opened at 2:00 p.m., C.D.T., Tuesday, July 12, 2022.

Engineer’s Estimate was \$ 1,342,090.50.

Six (6) total proposals were received. The proposals received are summarized in the table below:

Bidder	Lump Sum Firm Price	Legally Responsive	Technically Responsive
Watts Electric Company	\$ 1,498,877.75	Yes	No
L.E. Myers Company	\$ 1,844,457.76	Yes	No
Brink Constructors Inc.	\$ 2,302,752.23	Yes	Yes
Haugland Energy Group LLC	\$ 3,003,804.05	Yes	Yes
5 Star Electric West LLC	\$ 3,223,582.37	Yes	Yes
Ward Electric Company Inc.	\$ 6,549,533.20	Yes	Yes



2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

OPPD's legal counsel noted that 5 Star Electric West LLC deletes the requirement for a performance and payment bond. The 5 Star proposal also includes a revision to the contract document that are legally acceptable, but subject to District's economic evaluation.

The Brink Constructors proposal includes clarifications and exclusions to the contract documents that must be evaluated by the District. In addition, there were missing acknowledgements to the letter of clarifications and addendums that would need to be clarified by Brink in order to award.

The L.E. Myers company proposal takes revisions and exceptions to contract terms, including indemnifications. The revisions do not render the proposal materially nonresponsive, but are subject to District's evaluation.

The remaining proposals were legally responsive. Subject to the District's technical and economic evaluation, all proposals could be considered by the District's Board of Directors for the award of this contract.

Alternatively, OPPD's legal counsel noted pursuant to Section 70-637(5) of the Nebraska Revised Statutes, the Board may reject all bids and enter into a negotiated contract for this procurement if the Board finds that no responsive bids were received or the bids are in excess of fair market value for the subject matter of the RFP.

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

The proposals received from Brink Constructors Inc., Haugland Energy Group LLC, 5 Star Electric West LLC, and Ward Electric Company Inc. were deemed to be technically responsive.

The proposal from Watts Electric Company will not meet the desired construction scheduled date and is deemed technically nonresponsive.

The proposal from L.E. Myers Company took several exceptions to the Technical Specifications and Special Conditions in the contract document. After evaluation, it was determined that those exceptions subjectively change the basis of the contract document to warrant the proposal to be deemed technically nonresponsive.

Of the four (4) remaining proposals that were deemed technically responsive, an economic evaluation was completed. Based on recent project experience, it was deemed that those proposals exceed the fair market value of the requested work.



MEMORANDUM

4.00 RECOMMENDATION



On the basis of compliance with the legal and technical requirements of the specifications, cost evaluations performed, guaranteed completion dates, and historical performance with OPPD, it is recommended that all proposals received for RFP No. 5976 "Fall 2022 Transmission Construction" be rejected by the Board of Directors and that Management be authorized to enter into a negotiated contract or contracts for this project.



DocuSigned by:

Dannie D. Buelt

6DD7614246BB4BE

Dannie Buelt, P.E.
Director Engineering
Utility Operations

<p style="text-align: center;">TABULATION OF BIDS Opened at 2:00 p.m., C.D.T., Tuesday, July 12, 2022, in Omaha, Nebraska</p> <hr/> <p style="text-align: center;">Anticipated Award Date August 19, 2022</p> <hr/> <p style="text-align: center;">ENGINEER'S ESTIMATE</p> <p style="text-align: center;"><u>\$1,342,090.50</u></p>	<p>REQUEST FOR PROPOSAL NO. 5976 Fall 2022 Transmission Construction</p> <p style="text-align: right;">Page 1 of 2</p>			<p>DocuSigned by:  <small>C171422F76EE422</small> Steven Palmer Director Supply Chain Management</p> <p>DocuSigned by:  <small>8C15824GD7644C0</small> Patrick Dralota Compiled by and Certified Correct</p>
<p>BID ITEM</p>	<p>BIDDER'S NAME & ADDRESS</p>			
	<p>Watts Electric Company 13351 Dovers Street Waverly, NE 68462</p>	<p>The L.E. Myers Company 1405 Jackson St. Marshalltown, IA 50158</p>	<p>Brink Constructors, Inc. 2950 N Plaza Drive Rapid City, SD 57702</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>Delivery Guarantee(s):</u></p> <p>Desired Delivery Dates:</p> <p>Start Installations: September 5, 2022</p> <p>Complete all Installations: January 4, 2023</p>	<p>SUPPLIER'S BID</p> <p><u>\$1,498,877.75</u></p> <p><u>Guaranteed Delivery Date</u></p> <p><u>January 3, 2023</u></p> <p><u>May 5, 2023</u></p>	<p>SUPPLIER'S BID</p> <p><u>\$1,844,457.76</u></p> <p><u>Guaranteed Delivery Date</u></p> <p><u>September 5, 2022</u></p> <p><u>January 4, 2023</u></p>	<p>SUPPLIER'S BID</p> <p><u>\$2,302,752.23</u></p> <p><u>Guaranteed Delivery Date</u></p> <p><u>Blank</u></p> <p><u>Blank</u></p>	

<p style="text-align: center;">TABULATION OF BIDS Opened at 2:00 p.m., C.D.T., Tuesday, July 12, 2022, in Omaha, Nebraska</p> <hr/> <p style="text-align: center;">Anticipated Award Date August 19, 2022</p> <hr/> <p style="text-align: center;">ENGINEER'S ESTIMATE</p> <p style="text-align: center;"><u>\$1,342,090.50</u></p>	<p>REQUEST FOR PROPOSAL NO. 5976 Fall 2022 Transmission Construction</p> <p style="text-align: right;">Page 2 of 2</p>			<p>DocuSigned by:  <small>C171422F76EE422</small> Director Supply Chain Management</p> <p>DocuSigned by:  <small>8C15824CD7644C0</small> Compiled by and Certified Correct</p>
<p>BID ITEM</p>	<p>BIDDER'S NAME & ADDRESS</p>			
	<p>Haugland Energy Group LLC 336 South Service RD Melville, NY 11747</p>	<p>5 Star Electric West LLC 14201 Caliber Dr, Suite 300 Oklahoma City, OK 73134</p>	<p>Ward Electric Company, Inc. 9586 E I-25 Frontage Rd. Ste. B Longmont, CO 80504</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>Delivery Guarantee(s):</u></p> <p>Desired Delivery Dates:</p> <p>Start Installations: September 5, 2022</p> <p>Complete all Installations: January 4, 2023</p>	<p><u>\$3,003,804.05</u></p> <p><u>Guaranteed Delivery Date</u></p> <p><u>SEPT 5, 2022</u></p> <p><u>JAN 4, 2023</u></p>	<p><u>\$3,223,582.37</u></p> <p><u>Guaranteed Delivery Date</u></p> <p><u>9/05/2022</u></p> <p><u>1/04/2022</u></p>	<p><u>\$6,549,533.20</u></p> <p><u>Guaranteed Delivery Date</u></p> <p><u>9/5/2023</u></p> <p><u>1/21/2023</u></p>	



FRASER STRYKER

PC LLO

LAWYERS

500 ENERGY PLAZA
409 SOUTH 17TH STREET
OMAHA, NEBRASKA 68102-2663
TELEPHONE 402.341.6000
TELEFAX 402.341.8290
WWW.FRASERSTRYKER.COM

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

July 15, 2022

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

RE: Request for Proposal No. 5976 – Fall 2022 Transmission Construction ("RFP No. 5976")

Ladies and Gentlemen:

We have reviewed the six (6) proposals received in response to RFP No. 5976 and provide the following legal opinion.

The proposal of 5 Star Electric West LLC deletes the requirement for a performance and payment bond. If the 5 Star proposal is to receive further consideration, the District must obtain a letter of clarification from this bidder stating that it will provide a performance and payment bond if selected for this contract. The 5 Star proposal also includes revisions to the contract document that are legally acceptable, but subject to the District's economic evaluation.

The proposal of Brink Constructors includes clarifications and exclusions related to the contract documents that must be evaluated by the District. Further, the Brink proposal does not acknowledge receipt of the District's letters of clarification 1 and 2. A letter should be obtained from Brink acknowledging receipt of those documents. Finally, although the proposal form does not include the guaranteed start and completion dates, those dates are set forth on page 2 of Brink's cover letter. Therefore, we deem this proposal responsive to the contract documents.

The proposal of L.E. Myers Company includes some revisions to contract terms, including indemnification. Although the provisions are legally acceptable, they are subject to the District's economic evaluation.

Subject to the foregoing comments and the District's technical and economic evaluation, all of the proposals received in response to the District's RFP No. 5976 may be considered by the 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.

Omaha Public Power District

July 15, 2022

Page 2

Alternatively, pursuant to Section 70-637(5) of the Nebraska Revised Statutes, the Board may reject all bids and enter into a negotiated contract for this procurement if the Board finds that no responsive bids were received or the bids are in excess of fair market value for the subject matter of the RFP.

Very truly yours,



Stephen M. Bruckner
FOR THE FIRM

SMB/sac
2852076.2