



Moody/Via

RESOLUTION NO. 6579

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

**REQUEST FOR PROPOSAL (RFP) NO. 6051
JS 1&2 and SC 1&2 13.8KV GENERATOR PROTECTIVE RELAY UPGRADE**

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 Proposals, 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 the two proposals received for RFP No. 6051 are legally 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. 6051 are rejected and Management is authorized to negotiate and enter into a contract or contracts for the design and supply of replacement 13.8 kV Generator Protection Relays for Jones Street Station Units 1 & 2 and Sarpy County Station Units 1 & 2, subject to review and approval of the final contract(s) by the District’s General Counsel.

MEMORANDUM

DATE: May 26, 2023

UO-2023-009

FROM: S.A. Eidem

TO: T.R. Via

SUBJECT: Jones Street Station Units 1 & 2 and Sarpy County Station Units 1 & 2 13.8kV
Generator Protective Relay Upgrades

1.00 GENERAL

Request for Proposal (RFP) No. 6051 is for the material design and procurement contract for the Jones Street Station Units 1 & 2 and Sarpy County Station Units 1 & 2 13.8kV Generator Protective Relay Upgrades. This contract does not include installation which will be completed by OPPD craft labor during future scheduled maintenance outages.

The existing General Electric electro-mechanical protective relays have been in operation for over 40 years and are near the end of their life cycle per the original equipment manufacturer. The existing relays will be replaced with microprocessor based relays offering important Sequence of Events (SOE) information and advanced diagnostic capabilities not available with the existing technology.

The contract was advertised on April 6, 2023. No addenda or letters of clarification were issued. Bids were received and opened on May 11, 2023. Two companies submitted bids. The Engineers estimate for this work was \$600,000. The bid prices are as follows:

H.K. Scholz	\$540,000
SEL Engineering	\$1,688,100

2.00 COMPLIANCE WITH CONTRACT TERMS AND CONDITIONS

OPPD's legal counsel noted the proposal received from SEL Engineering Services, Inc. (SEL) is legally non-responsive due to guaranteed completion dates that are 7-8 months later than the desired completion dates.

In addition, SEL references that its proposal is subject to a previously negotiated Master Procurement Agreement that is effective until December 31, 2023 and SEL's proposal includes several additional commercial exceptions to the contract documents.

OPPD's legal counsel noted the proposal received from Harold K. Scholz Co. ("Scholz") states that the guaranteed completion dates are "to be determined." Scholz's failure to include definitive guaranteed completion dates makes its' proposal legally non-responsive to the bidding documents.

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

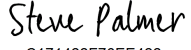
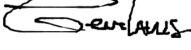
Both proposals received were determined to comply with the technical requirements and were economically evaluated.

4.00 RECOMMENDATION

Based on compliance with legal and technical requirements of this specification, it is recommended that all proposals received for RFP No. 6051 be rejected by the Board of Directors and that District Management be authorized to enter into a negotiated contract.



S.A. Eidem, P.E.
Director, Engineering Services
Utility Operations

<p align="center">TABULATION OF BIDS Opened at 2:00 p.m., C.D.T., Thursday, May 11, 2023, in Omaha, Nebraska</p>		<p align="center">REQUEST FOR PROPOSAL NO. 6051</p> <p align="center">JS 1&2 AND SC 1&2 13.8KV GENERATOR PROTECTIVE RELAY UPGRADE</p>		<p align="right">DocuSigned by:  G171422F76EE422... Director Supply Chain Management</p> <p align="right"> 5EC5B86907EE4F6... Compiled by and Certified Correct</p>	
<p align="center">Anticipated Award Date June 15, 2023</p>					
<p align="center">ENGINEER'S ESTIMATE</p> <p align="center"><u>\$600,000.00</u></p>					
<p align="center">BID ITEM</p>		BIDDER'S NAME & ADDRESS			
		<p align="center">Harold K. Scholz Co. 7800 Serum Ave. Ralston, NE 68127</p>		<p align="center">SEL Engineering Services, Inc. 1597 Cole Boulevard, Building 15, Suite 350 Lakewood, CO 80401</p>	
		SUPPLIER'S BID	SUPPLIER'S BID	SUPPLIER'S BID	
<p>1.</p>	<p><u>Proposal Price(S)</u></p>				
	<p>Lump Sum Firm Price for SC1 Project</p>	<p><u>\$120,000.00</u></p>	<p><u>\$422,025.00</u></p>		
	<p>Lump Sum Firm Price for SC2 Project</p>	<p><u>\$120,000.00</u></p>	<p><u>\$422,025.00</u></p>		
	<p>Lump Sum Firm Price for JS1 Project</p>	<p><u>\$120,000.00</u></p>	<p><u>\$422,025.00</u></p>		
	<p>Lump Sum Firm Price for JS2 Project</p>	<p><u>\$120,000.00</u></p>	<p><u>\$422,025.00</u></p>		
<p>2.</p>	<p><u>Delivery Guarantee(s)</u></p>	<p><u>Guaranteed Delivery Date</u></p>	<p><u>Guaranteed Delivery Date</u></p>	<p><u>Guaranteed Delivery Date</u></p>	
	<p>Completion of SC1 project: November 10, 2023</p>	<p><u>To Be Determined</u></p>	<p><u>6/15/2024</u></p>		
	<p>Completion of SC2 project: October 20, 2023</p>	<p><u>To Be Determined</u></p>	<p><u>6/15/2024</u></p>		
	<p>Completion of JS1 project: November 13, 2023</p>	<p><u>To Be Determined</u></p>	<p><u>6/15/2024</u></p>		
	<p>Completion of JS2 project: November 20, 2023</p>	<p><u>To Be Determined</u></p>	<p><u>6/15/2024</u></p>		



Troy F. Meyerson
ATTORNEY
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fraserstryker.com

May 31, 2023

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

RE: Request for Proposal No. 6051 – JS1 & 2 and SC1 & 2 13.8KV Generator Protective Relay Upgrade ("RFP No. 6051")

Ladies and Gentlemen:

We have reviewed the two (2) proposals received in response to the District's RFP No. 6051 and provide the following legal opinion.

The proposal of SEL Engineering Services, Inc. ("SEL") includes guaranteed completion dates that are 7 – 8 months later than the desired completion dates provided in RFP No. 6051. In addition, SEL references that its proposal is subject to a previously negotiated Master Procurement Agreement that is effective until December 31, 2023 and SEL's proposal includes several additional commercial exceptions to the contract documents. It is our opinion that these substantial deviations to the District's requested RFP terms render the SEL proposal legally non-responsive, and the SEL proposal may not be considered by the Board of Directors for the award of this contract.

The proposal of Harold K. Scholz Co. ("Scholz") states that the guaranteed completion dates are "to be determined". Scholz's failure to include definitive guaranteed completion dates makes its proposal legally non-responsive to the bidding documents and may not be considered by the Board of Directors for the award of this contract.

Section 70-637(5) of the Nebraska Revised Statutes authorizes the Board of Directors to reject all bids if they are non-responsive to the contract documents or exceed the fair market value of the RFP's subject matter. Accordingly, the Board of Directors may reject both proposals for RFP No. 6051 and authorize Management to negotiate an acceptable contract. We recommend that the final contract documents be reviewed and approved by the District's General Counsel.

Sincerely,

Troy F. Meyerson
FOR THE FIRM

TFM:
3009463.1



Board Action

BOARD OF DIRECTORS

June 13, 2023

ITEM

Jones Street Station Units 1 & 2 and Sarpy County Station Units 1 & 2 13.8kV Generator Protective Relay Upgrades

PURPOSE

Board of Directors authorization to reject proposals received for RFP 6051, and for the District to enter into a negotiated contract for the design and supply of replacement 13.8kV Generator Protection Relays for Jones Street Station Units 1 & 2 and Sarpy County Station Units 1 & 2.


FACTS

- a. The existing electro-mechanical protective relays have been in operation for over 40 years and are near their end-of-life cycle per the original equipment manufacturer.
- b. Retrofitting with a microprocessor based relay offers valuable information reporting and advanced diagnostic capabilities not currently available with the existing electro-mechanical relays.
- c. The generator protective relay upgrades will be installed at each unit during future scheduled maintenance outages. Installation work will be done using OPPD craft labor.
- d. Two proposals were received and both were determined to be legally non-responsive.

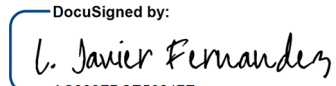
ACTION

Authorization by the Board to reject all proposals received for RFP No. 6051 and allow District management to enter into a negotiated contract.

RECOMMENDED:

DocuSigned by:

 181187221FA24AE...
 Troy R. Via
 Vice President – Utility Operations
 And Chief Operating Officer

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

 AC399FDC56247E...
 L. Javier Fernandez
 President and Chief Executive Officer

TRV:sae

Attachments: Letter of Recommendation
 Tabulation of Bids
 Legal Opinion
 Resolution