

Moody/Via

RESOLUTION NO. 6616

WHEREAS, OPPD issued Request for Proposal (RFP) No. 6101 to procure a multi-year 345-15kV 140/187/233(262) MVA OLTC GSU transformer contract to support reliability and resiliency of the existing Cass County Generation Station; and

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, RFP No. 6101 provides for OPPD to initially procure one (1) 345-15kV 140/187/233(262) MVA OLTC GSU transformer and renew the contract with the successful bidder for up to four (4) additional one (1) year terms based on the bidders' responses; and

WHEREAS, the proposal submitted by HD Hyundai Electric America Corporation was evaluated by Management as the lowest and best bid and provided an acceptable option to renew up to four (4) additional one (1) year terms based on legal and technical evaluation for the procurement of generator step-up transformers; 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 is hereby authorized and directed to accept the proposal of HD Hyundai Electric America Corporation for the purchase of one (1) 345-15kV 140/187/233(262)MVA OLTC GSU, as set forth in Request for Proposal No. 6101, with the option to renew up to four (4) additional one (1) year contract terms, and the bond of such bidder hereby is approved.



Date: December 1, 2023

From: S. J. Hanson

To: T. R. Via

RFP No. 6101
 “345-15kV 140/187/233(262) MVA OLTC GSU Transformer”
Analysis of Proposals

1.00 GENERAL

RFP No. 6101 was advertised for bid on October 19, 2023.

This RFP provides the opportunity to purchase 345-15kV 140/187/233(262) MVA OLTC GSU transformers for an initial term of one (1) year with the option to renew up to four (4) additional one (1) year terms pursuant to negotiated pricing and lead time for future purchases. OPPD will initially procure a quantity of one (1) 345-15kV 140/187/233(262) MVA OLTC GSU transformer that will serve as a spare generator step-up transformer for Cass County Units 1 and 2 with desired delivery in June 2026. It will increase reliability and resiliency of the Cass County Station.

No Letters of Clarification (LOC) were issued for this RFP.

One Addendum was issued to clarify electronic copy of RFP will be provided but the responses must be physical copies.

Proposals were requested and opened at 2:00 p.m., C.S.T., Thursday, November 16, 2023.

Engineer’s Estimate was \$6,500,000.00.

Two (2) total proposals were received. The proposals received are summarized in the table below:

Bidder	Lump Sum Firm Price	Legally Responsive	Technically Responsive
HD Hyundai Electric America Corporation	\$5,990,493.00	Yes	Yes
WEG Transformer USA	\$6,952,200.00	No	Yes

T. R. Via
December 1, 2023
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2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

The District's legal counsel noted that the bid received from WEG Transformer USA is legally non-responsive unless clarification is received for the following: withdraw their standard terms and conditions and utilize the District's contract documents and clarify that their bid is valid through the Board meeting on December 21, 2023, instead of December 10, 2023. The District's legal counsel also noted that the proposal from WEG Transformer USA specified revisions to liquidated damages, warranty, payment, and cancellation provisions of the contract documents which is subject to District evaluation. Note that further clarification was not obtained from WEG Transformer USA regarding the foregoing comments. Therefore, WEG Transformer USA's bid is deemed legally non-responsive.

The District's legal counsel noted that the bid received from HD Hyundai Electric America Corporation proposed a limitation of liability to the total contract price which was noted as being legally acceptable and therefore deemed legally responsive. OPPD's legal counsel also noted that the bid from HD Hyundai Electric America Corporation included a cancellation schedule which is subject to OPPD's evaluation.

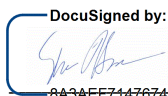
Subject to the foregoing comments and the District's technical and economic evaluation, the proposal received from HD Hyundai Electric America Corporation in response to the District's RFP No. 6101 may be considered by the District's Board of Directors for the award of this contract. The form of performance and payment bond, if any, for this contract also must be approved by the Board.



3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

The proposals received from HD Hyundai Electric America Corporation and WEG Transformers USA were deemed technically responsive.

4.00 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 to award RFP No. 6101, "345-15kV 140/187/233(262) MVA OLTC GSU Transformer" to HD Hyundai Electric America Corporation for an initial one (1) year contract with the option to renew up to four (4) additional one (1) year terms.

DocuSigned by:

8A3AEF74476742A...
Shane Hanson, P.E.
Director Engineering
Utility Operations

<p>TABULATION OF BIDS Opened at 2:00 p.m., C.S.T., Thursday, November 16, 2023, in Omaha, Nebraska</p>	<p>REQUEST FOR PROPOSAL NO. 6101 345-15kV 140/187/233(262)MVA OLTC GSU Transformer</p>		<p><small>DocuSigned by:</small>  <small>C174422F76EE422...</small> Director</p> <p><small>DocuSigned by:</small>  <small>8A15534EAB784CC...</small> Supply Chain Management Compiled by and Certified Correct</p>
<p>Anticipated Award Date December 21, 2023</p>	<p>Page 1</p>		
<p>ENGINEER'S ESTIMATE</p> <p style="font-size: 1.2em;">\$6,500,000.00</p>			
<p>BID ITEM</p>	<p>BIDDER'S NAME & ADDRESS</p>		
	<p>Hyundai EAC 2405 Satellite Blvd. Ste 125 Duluth, GA 30096</p>	<p>WEG Transformer 6350 WEG Drive Washington, MO 63090</p>	
	<p>SUPPLIER'S BID</p>	<p>SUPPLIER'S BID</p>	<p>SUPPLIER'S BID</p>
<p>1. Price Proposal: Firm base price to furnish and deliver one (1) 345-15kV 140/187/233(262)MVA OLTC GSU Transformer, and five (5) year warranty, as described in the RFP documents.</p> <p>[A] Transformer Only: [B] Shipping Only, FOB Foundation: [C] Assembly Only: Total Bid Price [A+B+C]:</p>	<p>(A) \$5,267,375.00 (B) \$549,532.00 (C) \$173,586.00 (Total) \$5,990,493.00</p>	<p>(A) \$6,366,200.00 (B) \$393,000.00 (C) \$193,000.00 (Total) \$6,952,200.00</p>	<p>(A) \$ (B) \$ (C) \$ (Total) \$</p>
<p>2. Desired Delivery Guarantee(s): Desired delivery to OPPD Site 1: Cass County Power Station, 3520 Mill Road, Plattsmouth, NE 68048 is June 1, 2026</p>	<p><u>Guaranteed Delivery Date</u></p> <p>January 30,2026</p>	<p><u>Guaranteed Delivery Date</u></p> <p>130-140 Weeks</p>	<p><u>Guaranteed Delivery Date</u></p> <p>_____</p>



Stephen M. Bruckner
ATTORNEY
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sbruckner@fraserstryker.com
fraserstryker.com

November 22, 2023

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

RE: Request for Proposal No. 6101-345-15kV Transformer

Ladies and Gentlemen:

We have reviewed the proposals received in response to the District's RFP No. 6101 and provide the following legal opinion.

The proposal of WEG Transformers USA submits that company's standard terms and conditions to govern this RFP. That is not acceptable for this sealed bid contract. The District must obtain a letter of clarification from WEG stating that it withdraws its terms and conditions submitted with the proposal and will utilize the District's contract documents, subject to the exceptions discussed below. If WEG does not provide such a letter, then its proposal will be deemed legally non-responsive to the RFP. The WEG proposal states that it remains open only until December 10, 2023, and the District needs to obtain clarification from WEG that the proposal will remain open through the date of the Board of Directors' December meeting, to allow consideration of the proposal. The WEG proposal specifies revisions to the liquidated damages, warranty, payment and cancellation provisions of the contract documents, which are subject to the District's evaluation.

The proposal of Hyundai includes a proposed limitation of liability to the total contract price, which is legally acceptable. The Hyundai proposal also includes a cancellation schedule which is subject to the District's evaluation.

Subject to the foregoing comments and the District's technical and economic evaluation, the proposals received in response to the District's RFP No. 6101 may be considered by the District's Board of Directors for the award of this contract. The form of performance and payment bond, if any, for this contract also must be approved by the Board.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Stephen M. Bruckner', written over a white background.

Stephen M. Bruckner
FOR THE FIRM

SMB:nu
3100360

Fraser Stryker PC LLO

500 Energy Plaza, 409 South 17th Street, Omaha, NE 68102 — TEL: 402.341.6000 — FAX: 402.341.8290



BOARD OF DIRECTORS

Board Action

December 19, 2023

ITEM

Award RFP No. 6101 “345-15kV 140/187/233(262) MVA OLTC GSU Transformer”

PURPOSE

Board of Directors authorization to award RFP No. 6101 a multi-year 345-15kV 140/187/233(262) MVA OLTC GSU Transformer Contract to support reliability and resiliency of the existing Cass County Generation Station.

FACTS

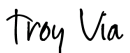
- a. The 345-15kV 140/187/233(262) MVA OLTC GSU Transformers are required to support spare inventory, proactive replacements and provide flexibility for future projects. This contract will initially procure a quantity of one (1) 345-15kV 140/187/233(262) MVA OLTC GSU to serve as a spare generator step-up transformer for the Cass County Generation Station. It is required to support reliability and resiliency of Cass County Units 1 and 2.
- b. Two (2) proposals were received: One (1) is legally responsive and two (2) are technically responsive.
- c. HD Hyundai Electric America Corporation was evaluated as the lowest and best bid.
- d. HD Hyundai Electric America Corporation provided the option to renew up to four (4) additional one (1) year terms with renegotiated pricing and lead time.


ACTION

Authorization by the Board to award RFP No. 6101, “345-15kV 140/187/233(262) MVA OLTC GSU Transformer” to HD Hyundai Electric America Corporation for an initial one (1) year contract with the option to renew up to four (4) additional one (1) year terms based on legal and technical evaluation for the procurement of generator step-up transformers.

RECOMMENDED:

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

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

DocuSigned by:

 AC399FDCE56247E...
 L. Javier Fernandez
 President and Chief Executive Officer

TRV:jgb

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