



Moody/Via

RESOLUTION NO. 6638

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

**REQUEST FOR PROPOSAL (RFP) NO. 6126
15KV METALCLAD SWITCHGEAR CUBICLES AND SWITCHGEAR ENCLOSURE**

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.

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; and

WHEREAS, the Board of Directors concurs with management’s recommendation that both of the proposals for RFP No. 6126 are technically non-responsive 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. 6126 are rejected and Management is authorized to negotiate and enter into a contract for this project, subject to review and approval of the final contract by the District’s General Counsel.



BOARD OF DIRECTORS

Board Action

March 19, 2024

ITEM

Award RFP No. 6126 15kV Metalclad Switchgear Cubicles and Switchgear Enclosure

PURPOSE

Board of Directors authorization to reject the proposals received for RFP No. 6126, and for the District to enter into a negotiated contract for the purchase of 15kV metalclad switchgear cubicles and switchgear enclosure.

FACTS

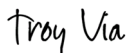
- a. The new 15kV metalclad switchgear cubicles and switchgear enclosure is needed to replace aging switchgear at a substation in Sarpy County.
- b. Metalclad switchgear cubicles contain 15kV circuit breakers and relaying equipment that protect distribution circuits and substation transformers from faults on the distribution system.
- c. The switchgear enclosure keeps the switchgear cubicles out of the elements and provides area for electricians and relay techs to operate and maintain the switchgear, 15kV circuit breakers and relays.
- d. Two (2) proposals were received. One (1) proposal was deemed legally non-responsive, and both proposals were deemed technically non-responsive.
- e. Desired delivery of the 15kV metalclad switchgear cubicles with switchgear enclosure is April 2025.


ACTION

Authorization by the Board to reject all proposals received for RFP No. 6126 “15kV Metalclad Switchgear Cubicles and Switchgear Enclosure” and allow District Management to enter into a negotiated contract.

RECOMMENDED:

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

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

DocuSigned by:

 AC389FDCE56247E...
 L. Javier Fernandez
 President and Chief Executive Officer

TRV:jgb

Attachments: Analysis of Proposals
Tabulation of Bids
Legal Opinion
Resolution



MEMORANDUM

DATE: March 1, 2024

FROM: S. J. Hanson

TO: T. R. Via

RFP No. 6126
 “15kV Metalclad Switchgear Cubicles and Switchgear Enclosure”

Analysis of Proposals

1.00 GENERAL

RFP No. 6126 was advertised for bid on January 18, 2024.

This contract will procure 15kV metalclad switchgear cubicles housed in a dedicated enclosure to replace aging switchgear at a substation in Sarpy County.

Desired delivery of the 15kV metalclad switchgear and enclosure is April 2025.

No Letters of Clarification (LOC) and no Addendums were issued.

Bids were requested and opened at 2:00 p.m., C.S.T., Thursday, February 15, 2024.

Two proposals were received which are summarized in the table below:

Bidder	Lump Sum Firm Price	Legally Responsive	Technically Responsive
Harold K. Scholz Company	\$1,360,000.00	Yes	No
Myers Controlled Power, LLC	\$1,128,056.00 ^{1,2}	No	No
¹ Modified price based on individual unit prices			
² Does not include firm delivery cost			

2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

OPPDP’s legal counsel noted that the proposal of Myers Controlled Power, LLC submits an exception for a unilateral price adjustment to the Purchase Price after submittal of the bid making the proposal legally non-responsive. The Board of Directors should not consider the proposal for the award of this contract.

OPPDP’s legal counsel did not note any legal deficiencies with the proposals from Harold K. Scholz Company.

T. R. Via
March 1, 2024
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3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

Harold K. Scholz Company's bid does not meet the desired delivery date. Therefore, Harold K. Scholz Company's bid is deemed technically non-responsive.

Myers Controlled Power, LLC's bid does not meet the desired delivery date. Therefore, Myers Controlled Power, LLC is deemed technically non-responsive.


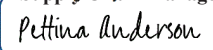
4.00 RECOMMENDATION

On the basis of compliance with the legal and technical requirements, it is recommended that all proposals received for RFP No. 6126 "15kV Metalclad Switchgear Cubicles and Switchgear Enclosure" be rejected by the Board of Directors and that District Management be authorized to enter into a negotiated contract.

DocuSigned by:



Shane Hanson, PE
Director Engineering
Utility Operations

<p style="text-align: center;">TABULATION OF BIDS Opened at 2:00 p.m., C.S.T., Thursday, February 15, 2024, in Omaha, Nebraska</p> <p style="text-align: center;">Anticipated Award Date March 21, 2024</p> <p style="text-align: center;">ENGINEER'S ESTIMATE</p> <p style="text-align: center;">\$920,000.00</p>	<p>REQUEST FOR PROPOSAL NO. 6126 15kV Metalclad Switchgear Cubicles and Switchgear Enclosure</p> <p style="text-align: right;">Page 1</p>			<p>DocuSigned by:  C:171422F76EE422... Director</p> <p>Supply Chain Management  8A15634EA8784CC Compiled by and Certified Correct</p>
<p style="text-align: center;">BID ITEM</p>	BIDDER'S NAME & ADDRESS			
	<p>HK Scholz Co. 7800 Serum Ave Ralston, NE 68127</p>	<p>Myers Power Products 219 E Maple Street North Canton, OH 44720</p>		
	SUPPLIER'S BID	SUPPLIER'S BID	SUPPLIER'S BID	
<p>1. Price Proposal:</p>				
<p>1.1 Firm base price to furnish, freight prepaid and included 15kV Metalclad Switchgear Cubicles and other accessories fully wired as indicated on the Drawings and detailed in the Technical Specifications to Substation 904, 4001 La Platte Road, Bellevue, NE 68123.</p>	<p><u>\$780,000.00</u></p>	<p><u>\$634,054.00</u></p>	<p>\$ _____</p>	
<p>1.2 Firm base price to furnish, freight prepaid and included Switchgear Enclosure fully wired as indicated on the Drawings and detailed in the Technical Specifications to Substation 904, 4001 La Platte Road, Bellevue, NE 68123.</p>	<p><u>\$520,000.00</u></p>	<p><u>\$387,157.00</u></p>	<p>\$ _____</p>	
<p>1.3 Firm price to complete installation, including unloading, FOB foundation, anchoring, re-connecting wire, and bus, and removing any shipping braces, per the Drawings and per Technical Specifications at Substation 904, 4001 La Platte Road, Bellevue, NE 68123.</p>	<p><u>\$60,000.00</u></p>	<p><u>\$106,845.00</u></p>	<p>\$ _____</p>	
<p>1.4 Total lump sum price to furnish, deliver and install Substation 904 15kV metalclad Switchgear Cubicles and Switchgear Enclosure. (Proposal Prices 1.1 + 1.2 + 1.3)</p>	<p><u>\$1,360,000.00</u></p>	<p><u>\$1,128,029.00</u> (\$1,128,056.00 correct calculation)</p>	<p>\$ _____</p>	
<p>2. OPPD Desired Delivery Dates</p>	<p><u>Guaranteed Delivery Date</u></p>	<p><u>Delivery Date (NO Guarantee)</u></p>	<p><u>Guaranteed Delivery Date</u></p>	
<p>Proposal Article 1.1 + 1.2 - April 16, 2025</p>	<p><u>10/15/2025</u></p>	<p><u>10/ 2025</u></p>	<p>_____</p>	
<p>Proposal Article 1.3 - April 23, 2005</p>	<p><u>10/22/2025</u></p>	<p><u>10 /2025</u></p>	<p>_____</p>	



Troy F. Meyerson
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March 1, 2024

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

RE: Request for Proposal No. 6126-15kV Metalclad Switchgear Cubicles and Switchgear Enclosure

Ladies and Gentlemen:

We have reviewed the two (2) proposals received in response to the District's RFP No. 6126 and provide the following legal opinion.

The proposal of Myers Controlled Power, LLC ("Myers") submits an exception for a unilateral price adjustment to the Purchase Price after submittal of the bid making the proposal legally non-responsive. In addition, The Myers proposal was unable to meet the desired delivery date provided by the District by more than five (5) months making it technically non-responsive. Since the Myers proposal was legally and technically non-responsive, the Board of Directors should not consider the proposal for the award of this contract.

The proposal of Harold K. Scholz Company ("Scholz") submitted no exceptions to the commercial terms; however, Scholz was unable to meet the desired delivery date provided by the District by more than five (5) months making its proposal technically non-responsive. Since the Scholz proposal was technically non-responsive, the Board of Directors should not consider the proposal 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. 6126 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.

Very truly yours,

Troy F. Meyerson
FOR THE FIRM

3179644

Fraser Stryker PC LLO

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