

**OPPD Board of Directors – All Committees Meeting**

Tuesday, October 13, 2020

**CLOSED SESSION 9:00 A.M. – PUBLIC SESSION 10:00 A.M.**

*Public may attend by going to [www.oppd.com/CommitteeAgenda](http://www.oppd.com/CommitteeAgenda) to access the Webex meeting link and view instructions.*

<u>TOPIC</u>	<u>TYPE</u>	<u>PRESENTER</u>	<u>TIME*</u>
1. <b>Chair Opening Statement</b>		Moody	<b>9:00 A.M.</b>
2. <b>Closed Session</b>			
Power with Purpose: Solar Update	Reporting (Closed)	Fisher	30 min
<b>BREAK</b>			<b>9:30 A.M.</b>
<i>Open Webex Meeting to Allow Public to Join</i>			<b>9:45 A.M.</b>
3. <b>Public Session – Chair Opening Statement</b>		Moody	<b>10:00 A.M.</b>
4. <b>Safety Briefing</b>		Burke	<b>10:05 A.M.</b>
5. <b>Finance</b>			<b>10:10 A.M.</b>
Finance Chair Report	Reporting	Bogner	5 min
6. <b>System Management &amp; Nuclear Oversight</b>			<b>10:15 A.M.</b>
SM&NO Chair Report (10/7/20)	Reporting	Mollhoff	5 min
Nebraska City Station Unit 1 Deaerator Dome Replacement – Labor Contract Award	Action	Fisher	15 min
Nebraska City Station Unit 2 Reheater Upper Bank Replacement – Labor Contract Award	Action	Fisher	15 min
Jones Street Unit 1 Repair Parts and Services – Request to Negotiate	Action	Fisher	15 min
Nuclear Oversight Committee Report	Reporting	Fisher	40 min
• Fort Calhoun Station Update			
<b>BREAK FOR LUNCH</b>			<b>11:55 P.M.</b>
7. <b>Public Information</b>			<b>12:30 P.M.</b>
Public Information Chair Report (10/6/20)	Reporting	Yoder	5 min
Legislative Resolution	Discussion	Yoder	30 min
Customer Trends Update	Reporting	Comstock	10 min
8. <b>Governance</b>			<b>1:15 P.M.</b>
Governance Chair Report (10/8/20)	Reporting	McGuire	20 min
Severance Agreements	Reporting	Sedky	5 min
SD-12: Information Management and Security Monitoring Report	Action	Brown	20 min
<b>BREAK</b>			<b>2:00 P.M.</b>
9. <b>Other Business</b>			<b>2:15 P.M.</b>
Confirmation of Board Meeting Agenda	Action	Moody	5 min
Power with Purpose: Gas Project Stakeholder Outreach Update	Reporting	Olson	30 min

\* Please note all times and duration are estimates. Please use the link below to find all committee and board agendas, materials and schedules. Board governance policies and contact information for the board and senior management team also can be found at [www.oppd.com/BoardMeetings](http://www.oppd.com/BoardMeetings).



## Pre-Committee Agenda

SYSTEM MANAGEMENT & NUCLEAR OVERSIGHT  
PRE-COMMITTEE MEETING  
WEBEX VIDEOCONFERENCE  
October 7, 2020 4:00 – 5:15 P.M.

1. OPPD Self-Commitments in Southwest Power Pool (SPP) and Generation Economics (75 min)
  - a. Objective: Staff presentation to educate and inform board members
2. Summary of Committee Direction (2 min)
  - a. Objective: Senior management team liaison(s) to summarize direction provided by the committee



**BOARD OF DIRECTORS**

# Board Action

October 13, 2020

ITEM

Installation of Nebraska City Unit 1 Deaerator

PURPOSE

Provide the labor for the removal and installation of the Nebraska City Unit 1 deaerator.


FACTS

- a. The Nebraska City Unit 1 deaerator has been evaluated and should be replaced to maintain unit reliability.
- b. The District requested bids for the removal and installation of replacement materials. Four bids were received. The lowest bid was determined to be legally non-responsive. Three bids were determined to be technically acceptable.
- c. Installation of OPPD supplied materials procured under a previously awarded contract will be performed in the spring of 2021 during a scheduled maintenance outage.
- d. Total-Western, Inc. provided the lowest and best evaluated bid.


ACTION

Authorization by the Board of Directors to award a contract to Total-Western, Inc. for removal and installation of the Nebraska City Unit 1 deaerator, downcomers, and equalizers.

RECOMMENDED:

DocuSigned by:  
  
 \_\_\_\_\_  
 Mary J. Fisher  
 Vice President – Energy Production and  
 Nuclear Decommissioning

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:  
  
 \_\_\_\_\_  
 Timothy J. Burke  
 President and CEO

SAE:mb

- Attachments: Letter of Recommendation  
 Tabulation of Bids  
 Legal Opinion  
 Resolution



## MEMORANDUM

**DATE:** October 6, 2020

EPND-2020-24

**FROM:** S.A. Eidem

**TO:** M. J. Fisher

**SUBJECT:** Nebraska City Unit 1 Deaerator Installation Contract  
Request for Proposal No. 5782  
EC 69402

### 1.00 GENERAL

Request for Proposal (RFP) No. 5782 is for the labor, equipment, rigging, insulation, and scaffolding to replace the Nebraska City Unit 1 (NC1) deaerator including the downcomers and equalizers located between the deaerator and the deaerator storage tank. This contract covers installation work but does not include the design and supply of materials or the replacement of the deaerator storage tank. The material contract for this project was awarded to Kansas City Deaerator on June 26, 2020. There is a scheduled unit outage in the spring of 2021 to install these components.

The deaerator is original equipment supplied by Graver Water Conditioning (Ecodyne Corporation) with commercial operation in 1979. The deaerator has experienced cracking of the internal tray supports and also several through-wall cracks in the shell requiring unit outages to repair. The deaerator was evaluated and should be replaced to maintain unit reliability.

RFP 5782 was advertised on August 11, 2020. Two (2) addendums and three (3) letters of clarification were issued. Bids were received and opened on September 14, 2020. Four (4) companies submitted bids as follows:

BIDDER	LUMP SUM FIRM PRICE
Day & Zimmerman NPS, Inc.	\$956,902.00
Total-Western, Inc.	\$1,569,029.90
A&D Constructors, LLC	\$1,767,246.00
B&N Welding & Fabrication	\$2,351,334.90

The Engineer's Estimate at the time of the bid opening was \$1,400,000.

### 2.00 COMPLIANCE WITH CONTRACT TERMS AND CONDITIONS

The proposals were reviewed by the District's legal counsel. The proposal from Day & Zimmerman was determined to be legally non-responsive. Total-Western clarified insurance requirements and payment schedule after bid opening.

M.J. Fisher  
October 6, 2020  
Page 2 of 2

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS



The legally responsive proposals were reviewed and determined to be technically acceptable.

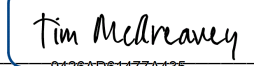
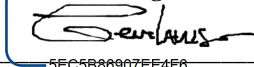
4.00 RECOMMENDATION

Based on compliance with legal and technical requirements of this specification, it is recommended that Request for Proposal No. 5782 be awarded to Total-Western, Inc. for \$1,569,029.90.

*Scott A. Eidem*

S.A. Eidem, P.E.  
Director, Engineering Services  
Energy Production & Nuclear Decommissioning

<b>TABULATION OF BIDS</b> Opened at 2:00 p.m., C.D.T., Monday, September 14, 2020, in Omaha, Nebraska		<b>REQUEST FOR PROPOSAL NO. 5782</b>  <b>Nebraska City Station Unit 1 Deaerator Installation</b>			DocuSigned by:  9426AD61477A435... <b>Director</b> Supply Chain Management  5EC5B86907EE4F6... Compiled by and Certified Correct	
Anticipated Award Date October 15, 2020						
<b>ENGINEER'S ESTIMATE</b>  <u>\$1,400,000.00</u>						
<b>BID ITEM</b>		<b>BIDDER'S NAME &amp; ADDRESS</b>				
		Day & Zimmermann NPS, Inc. 2801 Yorkmont Road, Suite 310 Charlotte, NC 28208	Total-Western, Inc. 8049 Somerset Blvd, Paramount, CA 90723	A & D Constructors, LLC 1449 Kimber Lane Suite 103, Evanville, CA 90724		
		<b>SUPPLIER'S BID</b>	<b>SUPPLIER'S BID</b>	<b>SUPPLIER'S BID</b>		
<b>1.</b>	<u>Proposal Price(S)</u>  Lump Sum Firm Price	<u>\$956,902.00</u>	<u>\$1,569,029.90</u>	<u>\$1,767,246.00</u>		
<b>2.</b>	<u>Completion Guarantee(s)</u>  Deaerator released to Operations: April 27, 2021, 0600 Hours	<u>Desired Completion Date</u>  <u>April 27, 2021 at 0600 hour</u>	<u>Desired Completion Date</u>  <u>April 27, 2021 at 0600 hour</u>	<u>Desired Completion Date</u>  <u>April 27, 2021 at 0600 hour</u>		

<p align="center"><b>TABULATION OF BIDS</b>                  Opened at 2:00 p.m., C.D.T., Monday,                  September 14, 2020, in Omaha, Nebraska</p>		<p align="center"><b>REQUEST FOR PROPOSAL NO. 5782</b></p> <p align="center"><b>Nebraska City Station Unit 1 Deaerator Installation</b></p>			<p align="center">DocuSigned by:                    9426AD61477A435...  <b>Director</b>                  Supply Chain Management                    5EC5B86907EE4F6...                  Compiled by and Certified Correct</p>
<p align="center">Anticipated Award Date                  October 15, 2020</p>					
<p align="center"><b>ENGINEER'S ESTIMATE</b></p> <p align="center"><u>\$1,400,000.00</u></p>					
<p align="center"><b>BID ITEM</b></p>		<p align="center"><b>BIDDER'S NAME &amp; ADDRESS</b></p>			
		<p align="center">B&amp;N Welding &amp; Fabrication                  P.O.Box 4767                  PlantCity, FL 33563</p>			
		<p align="center"><b>SUPPLIER'S BID</b></p>	<p align="center"><b>SUPPLIER'S BID</b></p>	<p align="center"><b>SUPPLIER'S BID</b></p>	
<p><b>1.</b></p>	<p><u>Proposal Price(S)</u></p> <p align="center">Lump Sum Firm Price</p>	<p align="center"><u>\$2,351,334.90</u></p>			
<p><b>2.</b></p>	<p><u>Completion Guarantee(s)</u></p> <p>Deaerator released to Operations:                  April 27, 2021, 0600 Hours</p>	<p align="center"><u>Desired Completion Date</u></p> <p align="center"><u>April 27, 2021 at 0600 hour</u></p>	<p align="center"><u>Desired Completion Date</u></p>	<p align="center"><u>Desired Completion Date</u></p>	



**FRASER STRYKER**

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

September 17, 2020

Omaha Public Power District  
444 South 16<sup>th</sup> Street  
Omaha, NE 68102

RE: Request for Proposal No. 5782 ("RFP No. 5782) Nebraska City Station Unit 1 Deaerator Installation

Ladies and Gentlemen:

We have reviewed the four (4) proposals received in response to RFP No. 5782 and provide the following opinion.

The proposal of Day & Zimmermann NPS proposes to use the terms of a previous OPPD contract, identified as Contract 153447, that was negotiated several years ago for another project at Fort Calhoun Station. This is not acceptable, and the Day & Zimmermann proposal is legally non-responsive to this RFP and cannot be considered for the award of this contract.

The proposal of Total-Western, Inc. submits minor exceptions to the indemnity, warranty, and insurance terms of the contract. These exceptions are subject to the District's evaluation. I have approved a letter of clarification to this bidder to clarify certain other terms in its proposal.

The proposal of B & N Welding and Fabrication Inc. submits an exception to the insurance section and proposes a one year instead of five year warranty. Those exceptions are not materially non-responsive and may be evaluated by the District. The proposal of A & D Constructors, LLC includes a revised payment schedule for evaluation.

Subject to the foregoing comments and the District's technical and economic evaluation, all proposals except the Day & Zimmermann proposal may be considered by the District's Board of Directors for the award of this contract. The bond or letter of credit of the successful bidder also must be approved by the Board.

Very truly yours,

Stephen M. Bruckner  
FOR THE FIRM

SMB:sac  
2427142





Mollhoff/Fisher

**DRAFT**  
**RESOLUTION NO. 6395**

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

**REQUEST FOR PROPOSAL (RFP) NO. 5782**  
**NEBRASKA CITY STATION UNIT 1 DEAERATOR INSTALLATION**

**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 Management hereby is authorized and directed to accept the proposal of Total-Western, Inc., in the amount of \$1,569,029.90, to remove and install the Nebraska City Station Unit 1 deaerator, downcomers and equalizers, and the bond of such bidder hereby is approved.



# Board Action

## BOARD OF DIRECTORS

October 13, 2020

### ITEM

Installation of Nebraska City Unit 2 Reheater Upper Bank Tubing Assemblies

### PURPOSE

Provide the labor for the removal and installation of reheater upper bank tubing assemblies and the removal of furnace rear waterwall screen tube insulation panels for the Nebraska City Unit 2 boiler.

### FACTS

- a. The upper bank of the reheater of the Unit 2 boiler has been evaluated and selected tubing assemblies should be replaced to maintain unit reliability.
- b. The furnace rear waterwall screen tubing insulation panels of the Unit 2 boiler have been evaluated and the panels should be removed to maintain unit reliability.
- c. The District requested bids for the removal and installation of replacement materials. Five bids were received. All of the bids were determined to be legally responsive and technically acceptable.
- d. Installation of OPPD supplied materials will be performed in the spring of 2021 during a scheduled maintenance outage.
- e. TEI Construction Services, Inc. was the lowest best evaluated bid. The lowest bidder was evaluated to lack experience for this type of work and to be of higher risk to the District.

### ACTION

Authorization by the Board of Directors to award a contract to TEI Construction Services, Inc. for removal and installation of reheater upper bank tubing assemblies and the removal of furnace rear waterwall insulation panels for the Nebraska City Station Unit 2 boiler.

#### RECOMMENDED:

DocuSigned by:

MARY J FISHER

Mary J. Fisher

Vice President – Energy Production and Nuclear Decommissioning

#### APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

TIMOTHY J BURKE

Timothy J. Burke

President and CEO

SAE:mb

Attachments: Letter of Recommendation  
Tabulation of Bids  
Legal Opinion  
Resolution



## MEMORANDUM

**DATE:** October 6, 2020

EPND-2020-23

**FROM:** S.A. Eidem

**TO:** M. J. Fisher

**SUBJECT:** Nebraska City Unit 2 Reheater Upper Bank Installation Contract  
Request for Proposal No. 5770  
EC 70386

### 1.00 GENERAL

Request for Proposal (RFP) No. 5770 is for the labor, equipment, rigging, and scaffolding to replace selected reheater upper bank tubing assemblies and remove furnace rear waterwall screen tube insulation panels of the Nebraska City Unit 2 (NC2) boiler. This contract covers installation work but does not include the design and supply of materials. The materials for the reheater were awarded to Chanute Manufacturing at the May 14, 2020 Board of Directors meeting for \$694,510. There is a scheduled unit outage in the spring of 2021 to install these components.

The NC2 reheater and rear waterwall insulation panels are original equipment supplied by IHI. The unit began commercial operation in 2009. The reheater upper bank was evaluated and selected tubing assemblies should be replaced to maintain unit reliability. The furnace rear waterwall screen tubing insulation panels were evaluated and should be removed to maintain unit reliability.

RFP 5770 was advertised on July 14, 2020. Five (5) addendums and seven (7) letters of clarification were issued. Bids were received and opened on September 1, 2020. Five (5) companies submitted bids as follows:

BIDDER	REHEATER	INSULATION PANELS	TOTAL
B&N Welding & Fabrication	\$1,198,343.06	\$38,548.75	\$1,236,891.81
TEI Construction Services, Inc.	\$1,175,833.00	\$118,300.00	\$1,294,133.00
Total-Western, Inc.	\$1,821,318.63	\$127,871.70	\$1,949,190.33
A&D Constructors, LLC	\$2,202,304.00	\$94,633.00	\$2,296,937.00
Enerfab	\$2,261,945.00	\$117,043.00	\$2,378,988.00

The Engineer's Estimate at the time of the bid opening was \$1,400,000.

### 2.00 COMPLIANCE WITH CONTRACT TERMS AND CONDITIONS

The proposals were reviewed by the District's legal counsel. All proposals received were determined to be legally acceptable.

M.J. Fisher  
October 6, 2020  
Page 2 of 2

### 3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS


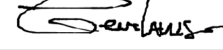
The proposals were reviewed and determined to be technically acceptable. The B&N Welding & Fabrication proposal was evaluated to be of lesser value to the District due to the bidder's lack of demonstrated company experience preventing OPPD from evaluating their ability to furnish repairs and maintenance services and meet performance deadlines for this boiler critical path NC2 outage project.

### 4.00 RECOMMENDATION

Based on compliance with the legal and technical requirements of this specification, it is recommended that Request for Proposal No. 5770 be awarded to TEI Construction Services, Inc. for \$1,294,133.


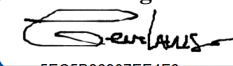
*Scott A. Eidem*

S.A. Eidem, P.E.  
Director, Engineering Services  
Energy Production & Nuclear Decommissioning

<p align="center"><b>TABULATION OF BIDS</b>                  Opened at 2:00 p.m., C.D.T., Tuesday,                  September 1, 2020, in Omaha, Nebraska</p>		<p align="center"><b>REQUEST FOR PROPOSAL NO. 5770</b></p> <p align="center"><b>Nebraska City Station Unit 2 Reheater Upper Bank                  Installation</b></p>		<p align="right">DocuSigned by:                    9426AD61477A435...  <b>Director</b>                  Supply Chain Management</p> <p align="right">                  5EC5B86907EE4F6...  <b>Compiled by and Certified Correct</b></p>	
<p align="center">Anticipated Award Date                  October 15, 2020</p>					
<p align="center"><b>ENGINEER'S ESTIMATE</b></p> <p align="center"><u><b>\$1,400,000.00</b></u></p>					
<p align="center"><b>BID ITEM</b></p>		<b>BIDDER'S NAME &amp; ADDRESS</b>			
		<p align="center">TEI Construction Services, Inc.                  170 Tucapau Road                  Duncan, SC 29334</p>	<p align="center">Total-Western, Inc.                  8049 Somerset Blvd                  Paramount, CA 90723</p>	<p align="center">B&amp;N Welding &amp; Fabrication                  P.O. Box 4767                  Plant City, FL 33563</p>	
		<b>SUPPLIER'S BID</b>	<b>SUPPLIER'S BID</b>	<b>SUPPLIER'S BID</b>	
1.	<p><u><b>Proposal Price(S)</b></u></p> <p><b>A - Lump Sum Firm Price for removing and replacing 70 upper bank tubing assemblies of the NC2 Reheater</b></p> <p><b>B - Lump Sum Firm Price for removing the 36 insulation panels from the furnace rear wall screen tubes of the NC2 Boiler</b></p>	<p><u><b>\$1,175,833.00</b></u></p> <p><u><b>\$118,300.00</b></u></p>	<p><u><b>\$1,821,318.63</b></u></p> <p><u><b>\$127,871.70</b></u></p>	<p><u><b>\$1,198,343.06</b></u></p> <p><u><b>\$38,548.75</b></u>  <b>Not a standalone price</b></p>	
2.	<p><u><b>Completion Guarantee(s)</b></u></p> <p>Desired Completion Date of Boiler Pressure Part Work : March 22 , 2021, 0600 hour</p> <p>Desired Completion Date of Boiler Work : March 23, 2021 , 0600 Hour</p>	<p><u><b>Guaranteed Completion Date</b></u></p> <p><u><b>March 22, 2021, 0600 hour</b></u></p> <p><u><b>March 23, 2021, 0600 hour</b></u></p>	<p><u><b>Guaranteed Completion Date</b></u></p> <p><u><b>March 25, 2021, 1900 hour</b></u></p> <p><u><b>March 26, 2021, 0600 hour</b></u></p>	<p><u><b>Guaranteed Completion Date</b></u></p> <p><u><b>March 21, 2021, 0600 hour</b></u></p> <p><u><b>March 21, 2021, 0600 hour</b></u></p>	

<b>TABULATION OF BIDS</b> Opened at 2:00 p.m., C.D.T., Tuesday, September 1, 2020, in Omaha, Nebraska
Anticipated Award Date October 15, 2020
<b>ENGINEER'S ESTIMATE</b>  <b><u>\$1,400,000.00</u></b>

**REQUEST FOR PROPOSAL NO. 5770**  
  
**Nebraska City Station Unit 2 Reheater Upper Bank  
 Installation**

DocuSigned by:  
  
9426AD61477A435...  
**Director**  
 Supply Chain Management  
  
5EC5B86907EE4F6...  
**Compiled by and Certified Correct**

BID ITEM		BIDDER'S NAME & ADDRESS		
		A&D Constructors, LLC. 1449 Kimber Lane, Suite 103 Evanville, IN 47715	Enerfab 7501 E. Front St Kansas City, KS 64120	
		SUPPLIER'S BID	SUPPLIER'S BID	SUPPLIER'S BID
1.	<b><u>Proposal Price(S)</u></b>  A - Lump Sum Firm Price for removing and replacing 70 upper bank tubing assemblies of the NC2 Reheater  B - Lump Sum Firm Price for removing the 36 insulation panels from the furnace rear wall screen tubes of the NC2 Boiler	<u>\$2,202,304.00</u>  <u>\$94,633.00</u>	<u>\$2,261,945.00</u>  <u>\$117,043.00</u>	_____  _____
2.	<b><u>Completion Guarantee(s)</u></b>  Desired Completion Date of Boiler Pressure Part Work : March 22 , 2021, 0600 hour  Desired Completion Date of Boiler Work : March 23, 2021 , 0600 Hour	<u>Guaranteed Completion Date</u>  <u>March 22, 2021, 0600 hour</u>  <u>March 23, 2021, 0600 hour</u>	<u>Guaranteed Completion Date</u>  <u>March 22, 2021</u>  <u>March 23, 2021</u>	<u>Guaranteed Completion Date</u>  _____  _____

## FRASER STRYKER

PC LLO

LAWYERS

500 ENERGY PLAZA  
409 SOUTH 17TH STREET  
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FAX 402.341.8290  
WWW.FRASERSTRYKER.COM

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

September 9, 2020

Omaha Public Power District  
444 South 16<sup>th</sup> Street  
Omaha, NE 68102

RE: Request for Proposal No. 5770 – NC2 Reheater Upper Bank Replacement  
("RFP No. 5770")

Ladies and Gentlemen:

We have reviewed the five (5) proposals received in response to RFP No. 5770 and provide this legal opinion.

The proposal of TEI Construction Services, Inc. submits redlined revisions to the construction contract for this project. Those revisions include the insurance and indemnity sections, a limitation of liability to the total contract price, a provision that there shall be no termination for convenience without a right to cure, and revisions to the force majeure clause. Also, TEI proposes that change orders be negotiated between the parties. There are less significant revisions in other sections of the contract. In our opinion, the proposed revisions do not render the TEI proposal legally non-responsive to the RFP documents. However, the revisions are subject to the District's economic evaluation as they affect the division of risks for this project.

The proposal of Total-Western, Inc. includes exceptions and clarifications to the construction contract, including to the indemnity, warranty, insurance, and liquidated damages provisions. These revisions do not render the proposal legally non-responsive; however, they are subject to economic evaluation by the District.

The proposal of Enerfab includes technical clarifications that are subject to the District's review. The Enerfab proposal also includes minor revisions to the warranty and other sections of the construction contract, as well as revisions to the liquidated damage, insurance, termination, and force majeure provisions, and those revisions are subject to the District's economic evaluation. Enerfab's revisions do not render the proposal legally non-responsive.

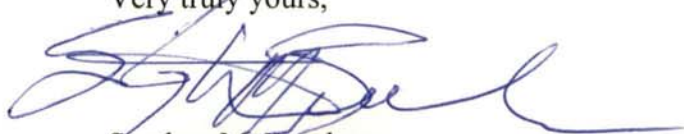
The proposal of B & N Welding and Fabrication includes an exception to the warranty section, limiting the warranty to one year. This exception is subject to the District's economic evaluation.



The proposal of A & D Constructors, LLC submits clarifications and exceptions to the technical portion of the contract, as well as revisions to the construction contract that include insurance, limitation of liability, a limit on liquidated damages, and minor revisions to the warranty provision. These revisions do not render the proposal legally non-responsive, but 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. 5770 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.

Very truly yours,



Stephen M. Bruckner  
FOR THE FIRM

SMB/sac  
2422265





Mollhoff/Fisher

**DRAFT**  
**RESOLUTION NO. 6396**

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

**REQUEST FOR PROPOSAL (RFP) NO. 5770**  
**NEBRASKA CITY STATION UNIT 2 REHEATER UPPER BANK INSTALLATION**

**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 Management hereby is authorized and directed to accept the proposal of TEI Construction Services, Inc., in the amount of \$1,294,133.00, to remove and install reheater upper bank tubing assemblies and remove furnace rear waterwall insulation panels of the Nebraska City Station Unit 2 boiler, and the bond of such bidder hereby is approved.



# Board Action

October 13, 2020

## ITEM

Jones Street Station Unit 1 Repair Parts and Services

## PURPOSE

Provide parts and services needed for the repair of Jones Street Station Unit 1.


## FACTS

- a. The Jones Street Station Unit 1 engine was inspected in the fall of 2019 and fall of 2020 and found to have degradation of the major components and is in need of repair.
- b. The engine is required to be disassembled and repaired in early 2021 to ensure unit reliability.
- c. The District’s engineer has certified the complex nature of the work and that use of the sealed bid process is impractical and not in the public’s best interest.

## ACTION

Approval of the Engineer’s Certificate and authorization for management to negotiate and enter into contract(s) to achieve the best value for the replacement/refurbishing of parts and specialized services for repair of the Jones Street Station Unit 1 engine.


### RECOMMENDED:

DocuSigned by:  
  


---

 Mary J. Fisher  
 Vice President – Energy Production and Nuclear Decommissioning

### APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:  
  


---

 Timothy J. Burke  
 President and CEO

MJF:cjz

Attachments: Letter of Recommendation  
 Engineer’s Certificate  
 Legal Opinion  
 Resolution



## MEMORANDUM

**DATE:** October 2, 2020

EPND-2020-25

**FROM:** S.A. Eidem

**TO:** M.J. Fisher

**SUBJECT:** Jones Street Station Unit 1 Repair Parts and Services

### 1.0 GENERAL

OPPPO utilizes the Original Equipment Manufacturer (OEM) recommendations, operating parameter trends, and regular inspections of the Peaking Station units to determine the optimum time for major work. Jones Street Station Unit 1 engine is approaching the OEM's recommended overhaul interval based on unit operating conditions and utilization. Regular inspections performed in the fall of 2019 and fall of 2020 showed conditions that necessitate an engine major inspection and overhaul in the near future. Recent inspections have shown the turbine to have expected degradation as well as migration of the damping pins which, if not addressed, will eventually result in significant turbine damage.

In addition, the availability of the accredited capacity of this unit is critical to allowing the District to meet their obligations within the Southwest Power Pool integrated market as well as local system reliability. As such, we are planning to obtain the necessary parts and services and to repair the unit before the next summer season which starts June 1, 2021.

Under the current plan, the unit will be disassembled, inspected, and repaired to restore parts for the compressor stages, bearings, combustion section, turbine stages, and accessories to as new conditions. Minor upgrades to seals and parts specifications will also be performed as economically justified to improve the unit service intervals, reliability, and efficiency. Based on past experience, the causes for repair and replacement are expected to include cracking, embrittlement, foreign object damage, and regular wear of internal parts.

Contracts for parts, field assistance, and specialized services are expected to exceed \$500,000.

Compliance with the sealed bidding requirements of the Nebraska Statutes is impractical and not in the public's best interest. The work performed is technically complex as are the pricing strategies, capabilities, and specific techniques employed by the vendors that can provide the necessary services. The exact condition of the parts in the unit will not be known until the unit is disassembled and the availability of replacement parts is expected to vary significantly across the available suppliers. To ensure the best interests of our customer-owners are served, detailed discussion and negotiations with the available suppliers are required to minimize cost, risk, and outage time while ensuring the best total cost of ownership for parts and services.

M.J. Fisher  
October 2, 2020  
Page 2 of 2

Therefore, it is in the District and public's best interest to forgo the sealed bidding process. Instead, competitive bids will be sought through a publically available Request for Proposal (RFP) and detailed negotiation process with the capable bidders will be completed. The contract will be awarded to the supplier or suppliers with the lowest and best bid(s).

While the exact cost of repair will not be known until final proposals are received, the engineer's estimate is \$2,700,000 based on budgetary estimates and past similar work.

## 2.0 RECOMMENDATION

An Engineer's Certificate for the above has been prepared. Approval of that Certification is recommended. We request the Board of Directors approve the Engineer's Certification and to authorize management to forgo the public sealed bidding process and negotiate and award competitively bid contract(s) that meets the District's needs.

*Scott A. Eidem*

S.A. Eidem, P.E.  
Director, Engineering Services  
Energy Production and Nuclear Decommissioning

Encl: Engineers Certification, legal opinion

SAE/cjz

## ENGINEER'S CERTIFICATE

The Jones Street Station Unit 1 engine was inspected and found to have typical degradation of the major internal components and has been scheduled for refurbishment. The unit will be taken out of service and disassembled for a detailed inspection and evaluation, and repair. The disassembly, evaluation, and reassembly will require specialized parts and services to ensure reliable operation.

The undersigned certifies that there are limited potential bidders capable of supplying parts and/or the specialized services required to perform this work.

Furthermore, the technical specifications and contract requirements for this work will be detailed and complex. The ability for OPPD to conduct direct contract negotiations with potential bidders will enable OPPD to prepare detailed, customized contract specifications and commercial terms to assure that the suppliers are capable and will supply the parts and services that are reliable, efficient, and cost effective in meeting the District's needs.

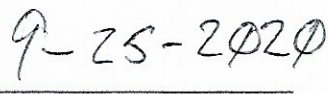
For the reasons set forth above, the undersigned, a Nebraska professional engineer employed by OPPD, certifies that compliance with the sealed bidding requirements of Nebraska statutes, Neb. Rev. Stat. Sections 70-637-70-641, is impractical and not in the public interest.

Pursuant to Section 70-637 R.R.S. (1943, as amended) the Board of Directors is requested to approve this Engineer's Certificate and authorize Management to negotiate and enter into a contract(s) to supply parts and specialized services for the Jones Street Unit 1 engine.

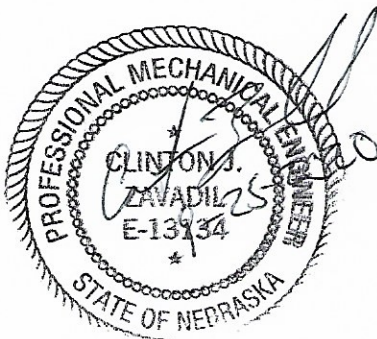
I, Clinton J. Zavadil (registered Professional Engineer in the State of Nebraska), certify the above to be true and correct to the best of my knowledge and belief.



Clinton J. Zavadil, P.E.



Date





**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**

September 24, 2020

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

RE: Jones Street Station Unit 1

Ladies and Gentlemen:

We have reviewed the Engineer's Certification of Clinton J. Zavadil, a registered professional engineer in the State of Nebraska employed by the District. Mr. Zavadil's Engineer's Certification states that it is necessary for the District to refurbish certain internal components of the engine for Jones Street Station Unit 1. The Certification states that there are limited potential bidders capable of supplying parts and specialized services for the refurbishment work; the work is technologically complex; and the District will achieve a better result with face-to-face negotiations on the complex project specifications and contract terms. For these reasons, Mr. Zavadil certifies that the use of sealed bidding would be impractical and not in the public interest.

Section 70-637 of the Nebraska Revised Statutes authorizes the District's Board of Directors, by a two-thirds vote, to approve an Engineer's Certification for technologically complex or unique projects, and to authorize the District to enter into a contract to complete the project. The District is required to advertise its intention to enter into any such contract in three (3) newspapers of general circulation within the District's service area, with not less than seven (7) days between issues. The contract cannot be entered into sooner than twenty (20) days after the last advertisement.

It is our opinion that Mr. Zavadil's Engineer's Certification complies with § 70-637 and is in a form that is appropriate for approval by the District's Board of Directors. Therefore, the Board of Directors may approve the Engineer's Certification and authorize Management to negotiate and enter into the necessary contract(s) for the refurbishment of the Jones Street Station Unit 1 engine. We recommend that any such contract be subject to review and approval by the District's general counsel.

Very truly yours,

Stephen M. Bruckner  
FOR THE FIRM

SMB/sac  
2353463





Mollhoff/Fisher

**DRAFT**  
**RESOLUTION NO. 6397**

**WHEREAS**, the Jones Street Station Unit 1 (JS1) engine was inspected and found to be in need of repair to ensure reliable and resilient supply of electricity for the District’s customers; and

**WHEREAS**, the District’s Engineer has certified that there are limited potential bidders capable of supplying parts and specialized services for the refurbishment work; the work is technologically complex; and the District will achieve a better result with face-to-face negotiations on the complex project specifications and contract terms; and

**WHEREAS**, for these reasons, the District’s Engineer has certified that the use of sealed bidding would be impractical and not in the public interest; and

**WHEREAS**, pursuant to Nebraska Revised Statute Section 70-637 (as amended), and upon approval of the Engineer’s Certification by the Board of Directors, the District may negotiate and enter into a contract or contracts related to such project without sealed bidding.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Omaha Public Power District that:

1. The Engineer’s Certification requesting that the Board waive the sealed bid requirements, in accordance with Nebraska Revised Statutes Sections 70-637 through 70-639, is hereby approved.
2. Management is hereby authorized and directed to negotiate and enter into the necessary contract or contracts to supply parts and specialized refurbishment services for the Jones Street Station Unit 1 engine, subject to review and approval of the final contract(s) by the District’s General Counsel.
3. The notice required by Nebraska Revised Statutes Section 70-637 shall be published in the Omaha World Herald, or other similar newspaper of general circulation.



**BOARD OF DIRECTORS**

# Reporting Item

October 13, 2020

## ITEM

Nuclear Oversight Committee Report

## PURPOSE


The Nuclear Oversight Committee provides a regular oversight of items related to the Fort Calhoun Station (FCS) nuclear plant.

## FACTS


In addition to safe and secure dry cask storage of fuel, the required Preventative Maintenance tasks and Surveillance Tests, the following major decommissioning activities were completed in September:

- Critical path for the deconstruction project remains the segmentation of the reactor vessel internal (RVI) components. In preparation for this work, project teams are cutting and removing several components from containment to clear space for the RVI activities. This work led to the fire referenced below.
- Project teams continue the isolation and preparation of buildings for eventual demolition. To this point, four separate buildings have been physically isolated from all energy. The next step is to verify and disposition universal hazards (e.g. lead, asbestos) prior to building demolition.
- A small industrial fire occurred in the containment structure due to hot slag from cutting operations. Site personnel extinguished the fire utilizing fire extinguishers prior to off-site support arriving. Site safety stand-downs were conducted and each department was required to develop and implement a safety improvement plan prior to proceeding.

### RECOMMENDED:

DocuSigned by:  
  
Mary J. Fisher  
Vice President – Energy Production  
and Nuclear Decommissioning

### APPROVED FOR REPORTING TO BOARD:

DocuSigned by:  
  
Timothy J. Burke  
President and CEO

MJF:tsu



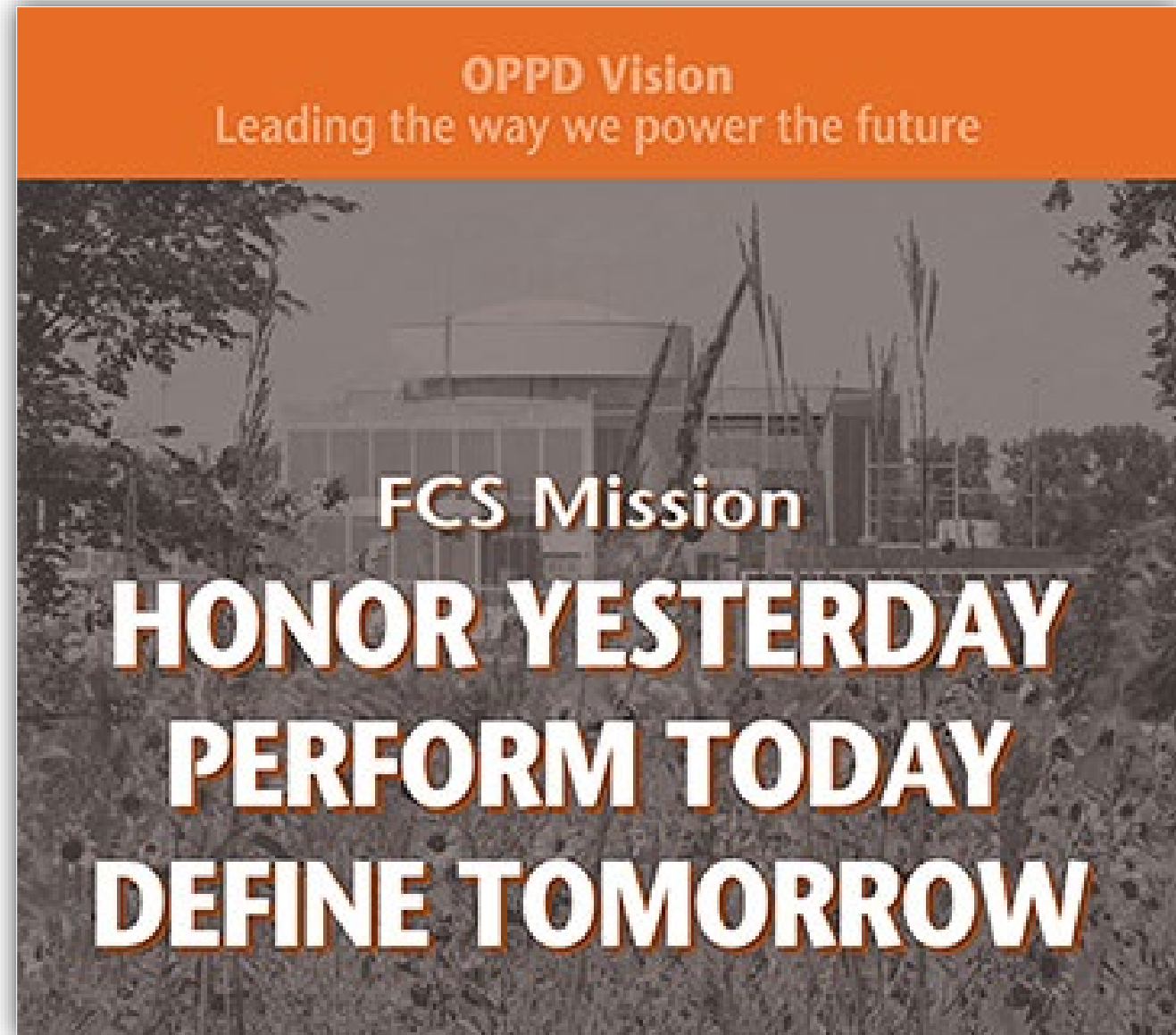
# **Fort Calhoun Station Decommissioning Update October 2020**

Tim Uehling – Senior Director FCS Decommissioning



# Agenda

- Major accomplishments
  - The year in photos
- Future activities preview
  - Timeline
- Performance
  - Opportunities
  - Successes
- Questions



# Major Accomplishments

- Fuel moved
  - 30 canisters, 944 fuel bundles
    - First bundle: Oct. 14, 2019 at 1156
    - Final bundle: May 8, 2020 at 1355
- ISFSI Operations Facility built
  - Operational June 2020
  - Provides operation & security base for long-term fuel storage





# Spent Nuclear Fuel Moved to Dry Storage





# ISFSI Operations Facility



# ISFSI Operations Facility





# Major Accomplishments (continued)

- Legacy Large Components
- Temporary flood protection
- Diesel generators
- Building isolation & material removal
- Deconstruction power ring
- Containment tendon removal
- Site modifications

# Legacy Steam Generator Shipment





# Flood Protection





# Diesel Generator Removal





# Diesel Generator Removal





# Building Abandonment



# Building Abandonment





# Transformer Abandonment & Recycling





# Deconstruction Power System Installation



# Containment Tendon Removal





# Containment Tendon Removal





# Year in Photos – Preparing for DECON

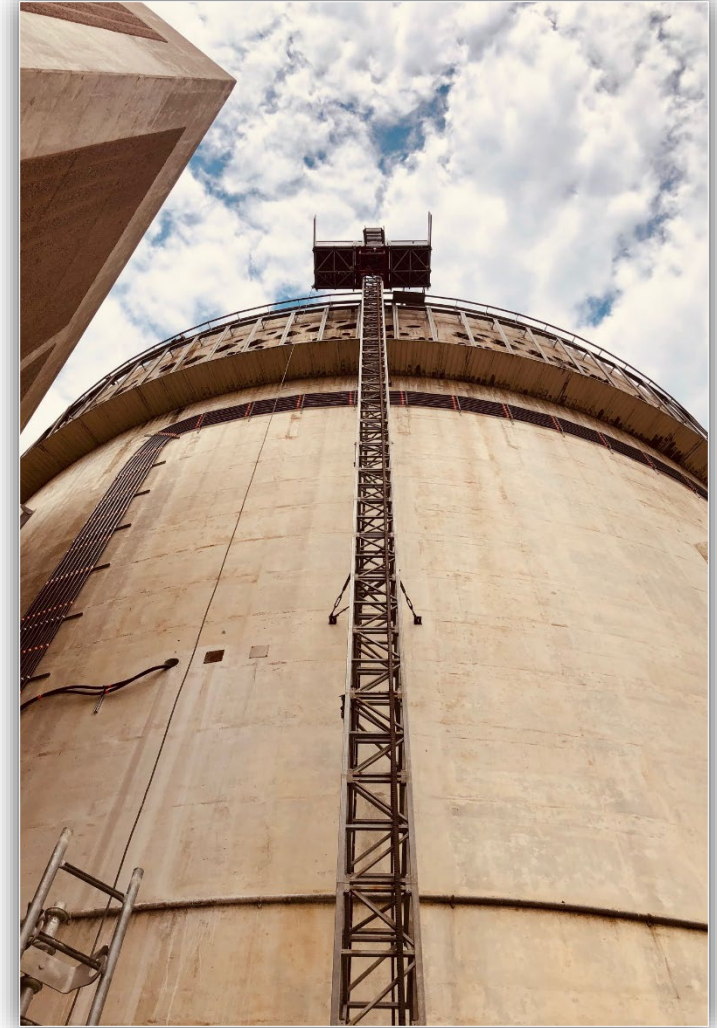


# Future Activities Timeline

## By the end of 2021

- Containment ready for RVI\* work
- RVI segmentation equipment on-site
- Rail & waste processing facility operational
- Several clean building demos complete
- License Termination Plan submitted to NRC

\*RVI = Reactor Vessel Internal



# Future Activities Timeline

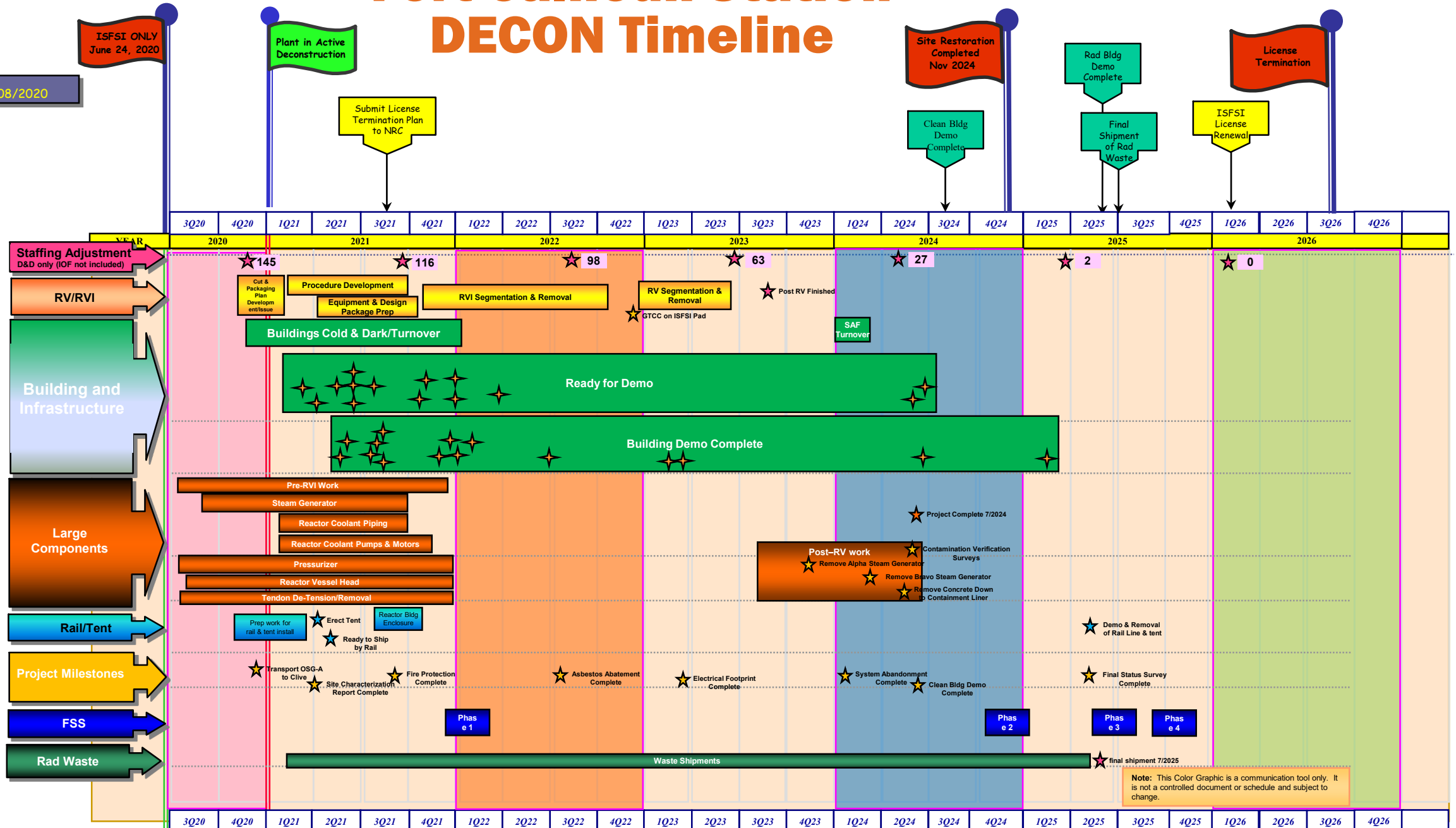
- Phase one of clean building demo complete: **mid 2022**
- RVI segmentation complete: **early 2023**
- Additional building demo complete: **mid 2023**
- Reactor vessel segmentation complete: **mid 2023**
- Containment equipment removed: **mid 2024**
- Containment demo complete: **mid 2025**
- Substantially complete: **late 2025**
- License termination: **late 2026**



# Fort Calhoun Station DECON Timeline

ISFSI ONLY  
June 24, 2020

Rev 0 08/2020



Note: This Color Graphic is a communication tool only. It is not a controlled document or schedule and subject to change.



# Opportunities to Improve Performance

- Safety
- Oversight
- Adjusting to the deconstruction environment



# Performance Successes

## Safety

- No OPPD employee DART injuries since 2018
  - However, declining trend – 10 day work stoppage to correct path
- No challenges to environmental safety
- No challenges to nuclear or radiological safety

## Schedule

- Critical path to license termination remains on-track

## Cost

- End of year costs projected to be under budget

# Performance Successes

- Great support from across the district
- Expanding project management skill across the district
- Embracing new roles at FCS & across the district
- Integrated OPPD/*EnergySolutions* project team
- Virtual career transition experience well received



***Questions?***



## Pre-Committee Agenda

### PUBLIC INFORMATION PRE-COMMITTEE MEETING WEBEX VIDEOCONFERENCE

Tuesday, October 6, 2020 4:00 – 5:00 P.M.

1. BL-9: Delegation to President & CEO – Local, State and Federal Legislation (20 mins)
  - a. Objective: Continue review of proposed draft of legislative board resolution
2. SD-11: Economic Development Monitoring Report (5 mins)
  - a. Objective: Update on timing of monitoring report
3. Legislative and Regulatory Update (15 mins)
  - a. Objective: Provide brief update on federal and state legislative and regulatory activities
4. Customer Trends Update (15 mins)
  - a. Objective: Provide brief update on customers experiencing financial challenges
5. Summary of Committee Direction (5 min)
  - a. Objective: Senior management team liaison(s) to summarize direction provided by the committee



## Legislative Resolution Draft 10-12-2020

WHEREAS, OPPD's vision is to lead the way we power the future.

WHEREAS, OPPD's mission is to provide affordable, reliable, and environmentally sensitive energy services to our customers.

WHEREAS, OPPD's values are: We have a PASSION to serve – We HONOR our community – We CARE about each other.

WHEREAS, OPPD Board uses Strategic Directives (SDs) and Board Linkages (BLs) to set direction and guide management's actions.

NOW, THEREFORE, BE IT RESOLVED with reference to the 107<sup>th</sup> session of the Nebraska Legislature and the 117th U.S. Congress and related regulatory actions, that:

- OPPD supports the most economically efficient means for reducing Greenhouse Gas (GHG) emissions from an economy-wide perspective and supports actions to address the climate crisis while protecting system reliability, rather than requiring the use of any particular type of generation.
- OPPD supports net metering legislation for customer owned renewable energy generation that is installed safely for customers and utility workers and equitably compensates the customer and utility.
- OPPD supports federal and state initiatives at both the distributed and utility scale for renewable energy development, energy efficiency, market adoption for electric vehicles and charging stations, and storage technologies.
- OPPD supports the expansion of access to fiber-optic (or high speed) broadband internet service for all Nebraskans.



# Reporting Item

## BOARD OF DIRECTORS

October 13, 2020

### ITEM

Customer Trends Update

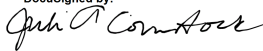
### PURPOSE

To provide an update on customer trends during the COVID-19 pandemic


### FACTS

1. In response to COVID-19 Directed Health Measures declared in March 2020, the Omaha Public Power District developed a Customer First Solutions Package, a variety of programs to assist customers during the COVID-19 pandemic.
2. The Board requested management provide regular reports on the progress of customer programs and trends.
3. Management will provide an update on aged debt and related trends as of September 30, 2020.

### RECOMMENDED:

DocuSigned by:  
  
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Juli A. Comstock  
Vice President – Customer Service

### APPROVED FOR REPORTING TO BOARD:

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Timothy J. Burke  
President and CEO

JAC:rak



# Customer Trends Update

Committee Meeting  
October 13, 2020

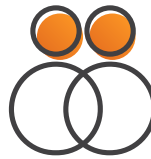


Monitoring and adjusting OPPD's solutions as our customers' needs are changing.



## Continuance of Customer First Solutions

- Maintain flexible bill payment options to help customers financially (via contact center request)
- Waive collection & reconnect fees on first field visit
- Empower customer service representatives to waive up to 3 Late Payment Charges for a customer in a 12 month period
- Suspend assessing additional deposits due to field collection visits
- Increase public education and awareness on Energy Assistance and Energy Efficiency education



## Energy Assistance

- Implemented CARES Act Utility Assistance through Dollar Energy Fund securing \$3 million of energy assistance available to residential customers economically impacted by COVID-19



## Remote Learning

- Collaborated with school districts opting for remote learning options to ensure learning is not disrupted due to disconnection of electric service



## Promotional/Marketing Campaign

- Email and bill insert sharing CARES Act Utility Assistance Funds availability
- Energy Efficiency campaign to run in October



# Summary of Aged Debt

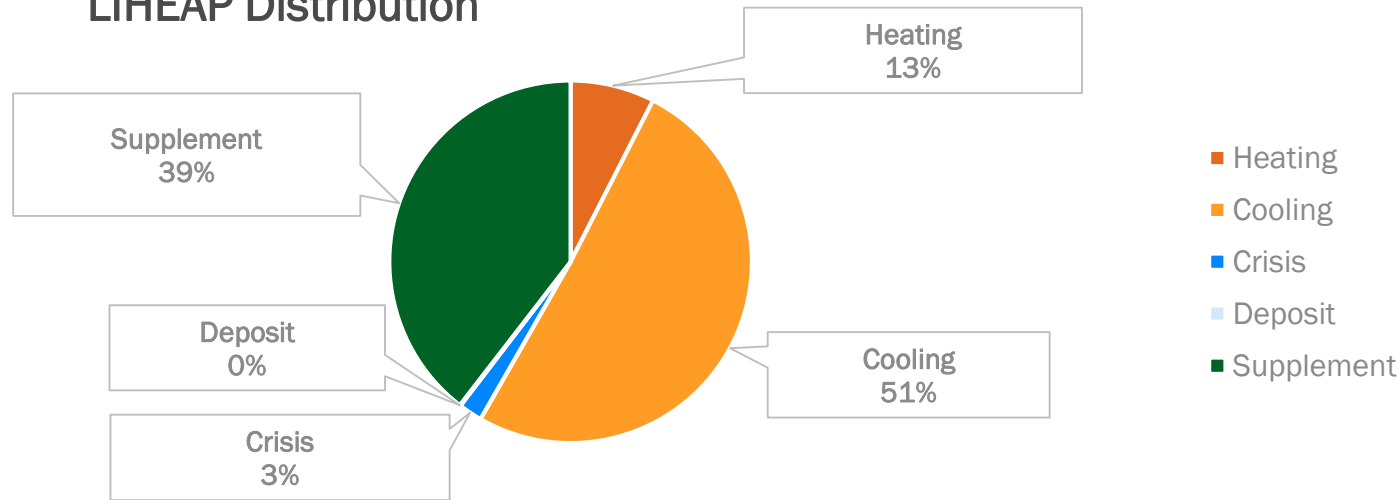
	Residential			Commercial & Industrial		
	Sept 2020	August 2020	Sept 2019	Sept 2020	August 2020	Sept 2019
% of Accounts Current	89.6%	91.7%	90.7%	92.5%	93.6%	93.3%
% of Accounts in Arrears	10.4%	8.3%	9.3%	7.5%	6.4%	6.7%
Total Aged Debt > 30 days (in millions)	\$7.3	\$5.9	\$5.0	\$2.6	\$2.8	\$1.1
Total Aged Debt 91+ Days (in millions)	\$1.1	\$1.4	\$0.3	\$0.3	\$0.4	\$0.1
Total Service Agreement Count > 30 Days (in thousands)	40.0	31.3	33.8	2.2	1.9	1.9
Total Service Agreement Count > 91+ Days (in thousands)	5.8	6.3	3.4	0.5	0.5	0.3

	Sept 2020	August 2020	Sept 2019
<b>LIHEAP Only Accounts</b>			
% of Accounts Current	83%	72%	85%
% of Accounts in Arrears	17%	28%	15%
Total Aged Debt > 30 days (in millions)	\$0.3	\$0.5	\$0.1
Total Aged Debt 91+ Days (in millions)	\$0.1	\$0.3	\$0.02
Total Service Agreement Count > 30 Days (in thousands)	2.3	3.4	1.8
Total Service Agreement Count > 91+ Days (in thousands)	0.6	1.2	0.2

# Energy Assistance September 2020 Year To Date

Funding Source	September 2020 YTD	YOY YTD Increase	Average Benefit	Distinct Accounts	# of Payments	2019 Year End Total
Energy Assistance Program	\$290,111	38%	\$294	938	988	\$252,715
LIHEAP	\$4,520,987	18%	\$346	7,438	13,058	\$4,804,084
CARES Act	\$335,522	100%	\$367	880	913	\$0
Other Agencies Assistance	\$806,182	18%	\$259	2,115	3,109	\$898,911
<b>Total</b>	<b>\$5,952,803</b>	<b>24%</b>	<b>\$329</b>	<b>10,498</b>	<b>18,068</b>	<b>\$5,955,710</b>

## LIHEAP Distribution



<b>CARES Act Update</b>	<b>10/7/2020</b>
Applications In Progress*	4,040
Completed Applications^	1,943
Average benefit	\$374
<b>Total Dollars Granted</b>	<b>\$504,270</b>

\*Customers that started their online application and are in the process of gathering documentation requirements  
 ^Customers that submitted their application with all documentation which has been processed by Dollar Energy Fund



## Pre-Committee Agenda

GOVERNANCE PRE-COMMITTEE MEETING  
WEBEX VIDEOCONFERENCE  
Thursday, October 8, 2020 7:15 – 9:00 A.M.

1. Executive Compensation (Sedky – 30 min)
  - a. Objective: Review and discuss Executive Compensation
2. Policy Refinement Recommendation for BL-5: Unity of Control (Focht – 20 min)
  - a. Objective: Confirm recommendation for proposed policy refinement
3. Board Work Plan (Focht – 20 min)
  - a. Objective: Review draft approach
4. 2021 Board Meetings (Focht – 20 min)
  - a. Objective: Review and determine approach to 2021 Meeting Calendar
5. Board Governance Workshop Final Report (Focht – 5 min)
  - a. Objective: Confirm final report from the Board Governance Workshop
6. Severance Agreements – Fort Calhoun Station (Sedky – 5 min)
  - a. Objective: Review reporting item on severance agreements
7. Summary of Committee Direction (2 min)
  - a. Objective: Senior management team liaison(s) to summarize direction provided by the committee



# Reporting Item

## BOARD OF DIRECTORS

October 13, 2020

### ITEM

Severance Agreements – Fort Calhoun Station Decommissioning

### PURPOSE

Report on severance agreements executed due to decommissioning of Fort Calhoun Station.

### FACTS

- a. OPPD’s Board of Directors voted on June 16, 2016, to cease operations at Fort Calhoun Station (FCS).
- b. OPPD offers a severance program (for the purposes of Fort Calhoun Station Decommissioning) for exempt employees who stay with the district through their layoff date in exchange for a release of claims. IBEW Local 763, IBEW Local 1483, and IAWAM Local 31 entered into Memoranda of Understanding with OPPD, which include the same severance program.
- c. As of September 18, 2020, an additional thirty-seven (37) employees have been separated from OPPD as a result of FCS Decommissioning, and all executed separation agreements.
- d. Eight (8) severance agreements involve payments that exceed \$50,000 and therefore may be subject to the requirement for reporting settlement agreements under Section 84-713 of the Nebraska Revised Statutes. Those agreements are listed on the attachment.
- e. The severance agreements are available for inspection in the office of the corporate secretary.

### RECOMMENDED:

DocuSigned by:

*Martha L. Sedky*

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Martha L. Sedky

Vice President – Human Capital

### APPROVED FOR REPORTING TO BOARD:

DocuSigned by:

*Timothy J. Burke*

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Timothy J. Burke

President and CEO

Attachment: List of September 2020 Severance Agreements Exceeding \$50,000



**Attachment**  
**List of September 2020 Severance Agreements Exceeding \$50,000**

<b>Last Name</b>	<b>First Name</b>	<b>Total Severance</b>
Blessie	William	\$138,383.38
Gade	Melanie	\$98,602.10
Cook	David	\$84,652.46
Vote	Sandra	\$80,778.76
Russell	Jeffrey	\$59,358.14
Bailey	Wesley	\$55,338.58
Amidon	Spring	\$54,357.35
McCoy	Susan	\$51,803.69



# Board Action

## BOARD OF DIRECTORS

October 13, 2020

### ITEM

SD-12: Information Management and Security Monitoring Report

### PURPOSE

To ensure full board review, discussion and acceptance of SD-12: Information Management and Security Monitoring Report.

### FACTS

- a. The first set of Board policies was approved by the Board on July 16, 2015. A second set of Board policies was approved by the Board on October 15, 2015.
- b. Each policy was evaluated and assigned to the appropriate Board Committee for oversight of the monitoring process.
- c. The Governance Committee is responsible for evaluating Board Policy SD-12: Information Management and Security.
- d. The Governance Committee has reviewed and accepted the SD-12: Information Management and Security Monitoring Report and finds that OPPD is taking reasonable and appropriate measures to comply with the policy.

### ACTION

The Governance Committee recommends Board approval of the 2020 SD-12: Information Management and Security Monitoring Report.

#### RECOMMENDED:

DocuSigned by:  
*Kathleen W. Brown*  
31E0709FF881470...  
Kathleen W. Brown  
Vice President and Chief Information Officer

#### APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:  
*Timothy J. Burke*  
5D01A0CCE804D5...  
Timothy J. Burke  
President and Chief Executive Officer

Attachments:  
Exhibit A – Monitoring Report  
Resolution



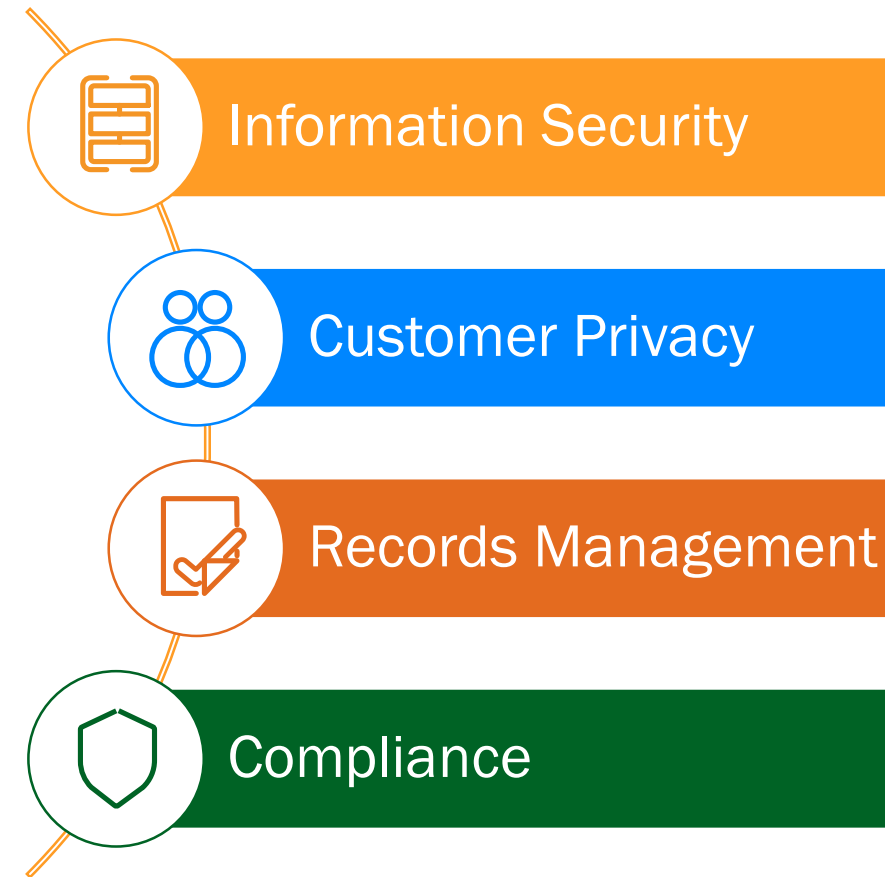
# Monitoring Report SD-12 Information Management and Security

Governance Committee Report  
October 2020



# SD-12: Information Management & Security

- Robust information management and security practices are critical to effective risk management and to ensure regulatory compliance, business resiliency and customer-owner satisfaction
- OPPD shall safeguard and protect data, information and assets from inappropriate use, improper disclosure and unauthorized release





# Ensuring Compliance to SD-12





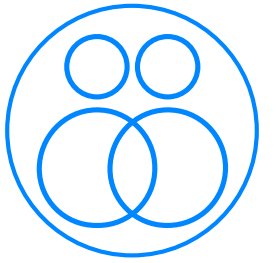
# Information Security

## Objective

- OPPD will implement processes and methodologies to protect print, electronic, or any other form of information or data from unauthorized access, misuse, disclosure, destruction, or modification

## Ongoing Controls

- Maturing our capabilities to identify and respond to cybersecurity events
- Identifying and mitigating known vulnerabilities based on risk to the organization
- Conducting regular cybersecurity incident response exercises to test and improve our processes
- Establishing and maturing plans, procedures, and technologies to detect, analyze, and respond to cybersecurity events
- Leveraging partnerships to collect and provide cybersecurity information, including threats and vulnerabilities, to reduce risks and to increase operational resilience
- Maturing our security awareness services with a focus on phishing prevention
- Creating security awareness to all employees through training and communications



# Customer Privacy

## Objective

- Except as provided by law or for a business purpose, OPPD will not disseminate customer-owner information to a third party for non-OPPD business purposes without customer-owner consent
- Where sensitive and confidential information is disseminated for a business purpose, OPPD will ensure that the third party has information practices to protect the sensitive and confidential customer-owner information
- OPPD will maintain a process that identifies the business purposes for which OPPD will collect, use and disseminate sensitive and confidential customer-owner information

## Ongoing Controls

- OPPD's Identity Theft Prevention Program is cornerstone for ensuring customer privacy throughout OPPD
  - This program is reviewed regularly for effectiveness and compliance with state and federal regulations
  - An annual report of this program is reviewed by OPPD management to ensure its effectiveness
  - All employees with access to customer information are trained based on this program, including annual training and regular assessments in relation to data sharing and security
- Customer Service and Public Affairs teams partner to provide customer communications based on fraud-related trends and events



# Records Management

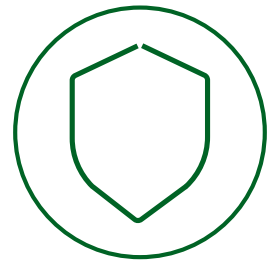
## Objective

- The efficient and systematic control of the creation, capture, identification, receipt, maintenance, use, disposition, and destruction of OPPD records, in accordance with legal requirements

## Ongoing Controls

- Ensuring records management staff are trained on practices and have procedures for maintaining, archiving and destruction of required business records
- Leveraging industry and external partnerships, including outside utilities and government entities such as Nebraska Public Power District and State of Nebraska
- Continuing process and service improvement in light of efficiency, effectiveness and security
- Strengthening collaboration across OPPD in the area of records management
- Supporting records management efforts associated with FCS nuclear decommissioning activities





# Compliance – Ongoing Controls

## Objective

- Comply with contractual and legal requirements through the use of technical controls, system audits and legal review

## Ongoing Controls

- Developing program for policy governance, procedures and standards
- Engaging employees, legal counsel and external entities to stay abreast of the changing landscape from a legal/compliance perspective
- Confirming that security and privacy measures included in contracting processes for the protection of OPPD data and systems provided by or supported by third parties
- Performing internal and external audits and reviews on a regular basis and reports on findings provided to management

# Progress in 2020

## Information Security



- Assessed impact of successful ransomware attacks
- Joined Department of Energy's Cybersecurity Risk Information Sharing Program (CRISP)
- Evaluated security threat from changes from COVID-19
- Made progress on 2020 initiatives
- Participated in cybersecurity incident response exercises

## Records Management



- Continue redesign of records management function
- Completed retention schedule review, seeking State of Nebraska Records Management Office approval
- Leverage industry and external partnerships
- Support records management effort associated with FCS nuclear decommissioning activities

## Customer Privacy



- Partnered to proactively shut down toll free numbers known to be used in attempt to defraud OPPD customers
- Formed local utility partnership with LES & NPPD to alert each other of area scam activities
- Joined Utilities United Against Scams (UUAS)
- Developing self-service reporting

## Compliance



- Created new BTBS policy framework
- Developed security and privacy controls in our supply chain processes, including our vendor selection and contract processes
- Leveraged enterprise change management and corporate communications for socialization of changes

# Recommendation

- The Governance Committee has reviewed and accepted this Monitoring Report for SD-12 and finds that OPPD is taking reasonable and appropriate measures to comply with Board Policy SD-12

# Questions







McGuire/Brown

**DRAFT**  
**RESOLUTION NO. 63xx**

**WHEREAS**, the Board of Directors has determined it is in the best interest of the District, its employees, and its customer-owners to establish written policies that describe and document OPPD's corporate governance principles and procedures; and

**WHEREAS**, each policy was evaluated and assigned to the appropriate Board Committee for oversight of the monitoring process; and

**WHEREAS**, the Board's Governance Committee (the "Committee") is responsible for evaluating Board Policy SD-12: Information Management and Security on an annual basis. The Committee has reviewed the 2020 SD-12: Information Management and Security Monitoring Report and finds OPPD is taking reasonable and appropriate measures to comply with Board Policy SD-12 as stated.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors accepts the 2020 SD-12: Information Management and Security Monitoring Report, in the form as set forth on Exhibit A attached hereto and made a part hereof, and finds that OPPD is taking reasonable and appropriate measures to comply with Board Policy SD-12: Information Management and Security.



# DRAFT Agenda

**OPPD BOARD OF DIRECTORS  
REGULAR BOARD MEETING  
Wednesday, October 14, 2020 at 4:00 P.M.**

*Attend in person at Omaha Douglas Civic Center, 1819 Farnam Street,  
2<sup>nd</sup> Floor – Legislative Chamber, Omaha, NE 68183*

*Public also may attend remotely by going to [www.oppd.com/BoardAgenda](http://www.oppd.com/BoardAgenda) to access the Webex meeting link and view instructions.*

### **Preliminary Items**

1. Chair Opening Statement
2. Safety Briefing
3. Guidelines for Participation
4. Roll Call
5. Announcement regarding public notice of meeting

### **Board Consent Action Items**

6. Approval of the August 2020 Comprehensive Financial and Operating Report, September 2020 Meeting Minutes and the October 14, 2020 Agenda
7. Nebraska City Station Unit 1 Deaerator Dome Replacement – Labor Contract Award – Resolution No. 6395
8. Nebraska City Station Unit 2 Reheater Upper Bank Replacement – Labor Contract Award – Resolution No. 6396
9. Jones Street Unit 1 Repair Parts and Services – Request to Negotiate – Resolution No. 6397
10. SD-12: Information Management and Security Monitoring Report – Resolution No. 6398

### **Board Discussion Action Items**

11. [to be determined]

### **Other Items**

12. Electrical System Evaluation & Modernization Strategic Initiative Update – Troy Via, Vice President – Energy Delivery (30 mins)
13. President’s Report ([redacted] mins)
14. Opportunity for comment on other items of District business
15. Adjournment

Please use the link below to find all committee and board agendas, materials and schedules. Board governance policies and contact information for the board and senior management team also can be found at [www.oppd.com/BoardMeetings](http://www.oppd.com/BoardMeetings).



# Reporting Item

October 13, 2020

## ITEM

Power with Purpose Report

## PURPOSE

Provide updates on the Power with Purpose project for October 2020.

## SOLAR FACTS

1. Conducted technical and financial review of 71 solar proposals to develop short list of suppliers.
2. Form PPA sent to selected developers to facilitate further discussions.

## NATURAL GAS FACTS

1. Continued evaluation of natural gas supply options to support gas generation facilities.
2. Voluntarily submitted documentation to the City of Papillion planning department in support of their process.
3. Issued Reciprocating Internal Combustion Engine Request for Proposal (RFP) to qualified suppliers.
4. Filed applications with the Nebraska Power Review Board for review.
5. Conducted site stakeholder discussions.

### RECOMMENDED:

DocuSigned by:

*MARY J. FISHER*

Mary J. Fisher  
Vice President – Energy Production  
and Nuclear Decommissioning

### APPROVED FOR REPORTING TO BOARD:

DocuSigned by:

*TIMOTHY J. BURKE*

Timothy J. Burke  
President and CEO

MJF:sae

Information as of October 6, 2020