



Williams/Via

RESOLUTION NO. 6451

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

**REQUEST FOR PROPOSAL (RFP) NO. 5896
161-13.8-13.8kV 40/50.3/67(75) MVA OLTC TRANSFORMER**

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, OPPD issued Request for Proposal (RFP) No. 5896 to procure 161-13.8-13.8kV 75 MVA 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 the escalation/de-escalation pricing provisions set forth in the RFP No. 5896 contract documents; and

WHEREAS, OPPD will initially procure a quantity of one (1) 161-13.8-13.8kV 75 MVA transformer to support spare needs with desired delivery in September 2022; and

WHEREAS, the proposal submitted by Virginia Transformer Corp. was evaluated by Management as the lowest and best bid and provided an acceptable escalation/de-escalation formula based on identified indices to address changes in commodity and labor prices; 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: (a) accept the proposal of Virginia Transformer Corp. for the initial purchase of one (1) 161-13.8-13.8 kV 40/50.3/67(75) MVA OLTC Transformer, for the lump sum firm price of \$1,754,884.00; (b) enter into a contract with Virginia Transformer Corp. that includes the price escalation/de-escalation provision offered by Virginia Transformer Corp., for an initial term of one (1) year, with the option to renew for up to four (4) additional one (1) year contract terms; and (c) the form of payment and performance bond of such bidder hereby is approved.



Board Action

BOARD OF DIRECTORS

August 17, 2021

ITEM

Award RFP No. 5896 "161-13.8-13.8kV 40/53.3/67(75)MVA OLTC Transformer"

PURPOSE

Board of Directors authorization to award RFP No. 5896, a multi-year 161-13.8-13.8kV 40/53.3/67(75) MVA OLTC Transformer Contract to support reliability and load growth in developing areas of the community.

FACTS

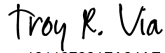
- a. The 161-13.8-13.8kV 40/53.3/67(75)MVA OLTC Transformers are required to support strategic spares, proactive replacements and provide flexibility for future projects.
 - a. Nine (9) similar units are in-service today ranging in age and with no current spare.
 - b. This contract will initially procure a quantity of one (1) 161-13.8-13.8kV 75 MVA transformer to support an inventory of one (1) spare.
- b. Four (4) proposals were received; two (2) are legally and three (3) technically responsive.
- c. Virginia Transformer Corp. proposal was evaluated as the lowest and best bid.
- d. Virginia Transformer Corp. provided the option to renew up to four (4) additional one (1) year terms with an acceptable escalation/de-escalation formula based on identified indices.

ACTION

Authorization by the Board to award Virginia Transformer Corp. for initial one (1) year contract with the option to renew up to four (4) additional one (1) year terms based on the evaluation of RFP No. 5896 "161-13.8-13.8kV 40/53.3/67(75)MVA OLTCTransformer" for the procurement of substation power transformers.

RECOMMENDED:

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

 181167221FA24AE

 Troy R. Via
 Vice President – Energy Delivery

DocuSigned by:

 AC390FDCE56247E...

 L. Javier Fernandez
 President and Chief Executive Officer

TRV:mre

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



Date: August 13, 2021

From: D. D. Buelt

To: T. R. Via

RFP No. 5896
 “161-13.8-13.8kV 40/53.3/67(75)MVA OLTC TRANSFORMER”
Analysis of Proposals

1.00 GENERAL

RFP No. 5896 was advertised for bid on June 15, 2021.

RFP No. 5896 provides the opportunity to purchase 161-13.8-13.8kV 75 MVA transformers for initial term of one (1) year with the option to renew up to four (4) additional one (1) year terms pursuant to the escalation/de-escalation provisions. OPPD will initially procure a quantity of one (1) 161-13.8-13.8kV 75 MVA transformer to support spare needs with desired delivery in September 2022.

No Letters of Clarification (LOC) or Addendums were issued.

Bids were requested and opened at 2:00 p.m., C.D.T., Tuesday, July 13, 2021.

Four (4) total proposals were received. The proposals received are summarized in the table below:

Bidder	Lump Sum Firm Price	Legally Responsive	Technically Responsive
Pennsylvania Transformer Technology, Inc.	\$1,752,448	No	No
Virginia Transformer Corp.	\$1,754,884	Yes	Yes
WEG Transformer USA	\$2,110,900	Yes	Yes
ABB Enterprise Software Inc.	\$2,488,700	No	Yes

2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

OPPD’s legal counsel noted ABB Enterprise Software, Inc. proposal was not signed by the bidder and therefore does not comply with the RFP requirements and cannot be considered for award.



Pennsylvania Transformer Technology, Inc. included their standard terms and conditions which would propose to “negotiate”. To receive further consideration, OPPD must receive a clarification from Pennsylvania Transformer Technology, Inc. that withdraws both the standard terms and conditions and the proposed negotiated terms, accepting OPPD’s form of agreement. Upon clarification, Pennsylvania Transformer would accept OPPD’s form of agreement based on noted clarifications resulting in a proposed “negotiation” hence deemed legally non-responsive.

Virginia Transformer included exceptions to liquidated damages, payment and warranty terms that are subject to OPPD’s economic and risk evaluation. Guaranteed delivery date was noted as 32 weeks after receipt of order, OPPD will need to calculate that date to determine if delivery meets desired delivery date. Exceptions to liquidated damages, payment and warranty terms and guaranteed delivery lead time of 32 weeks after receipt of order were reviewed by OPPD and deemed acceptable.

WEG Transformer USA included exceptions to payment, warranty, cancellation and limit of liability provisions which are subject to OPPD’s economic and risk evaluation.

Subject to the foregoing comments and OPPD’s economic and technical evaluation and clarification from Pennsylvania Transformer Technology, Inc., all of the proposals received, with exception of the ABB Enterprise Software, Inc. proposal, may be considered by OPPD’s Board of Directors for the award of this contract. The form of performance and payment bond, if applicable, must be approved by the Board.

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

The proposal received from Pennsylvania Transformer Technology, Inc. was deemed technically non-responsive based on clarification responses which also resulted in price and schedule increases.

The proposal from Virginia Transformer Corp. was deemed technically responsive based on technical review and requested clarifications.

The proposals received from ABB Enterprise Software, Inc. and WEG Transformer USA were deemed technically responsive.



MEMORANDUM

4.00 RECOMMENDATION

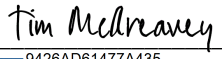
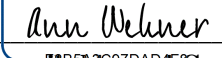
On the basis of compliance with the legal and technical requirements of the specifications, cost evaluations performed and guaranteed completion dates, it is recommended that RFP No. 5896, “161-13.8-13.8kV 40/53.3/67(75)MVA OLTC TRANSFORMER” be awarded to Virginia Transformer Corp. in the amount of One Million, Seven Hundred Fifty-Four Thousand, Eight Hundred Eighty Four Dollars (\$1,754,884.00).


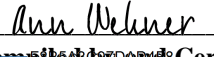
DocuSigned by:

Dannie D. Buel

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Dannie Buel, PE
Director Engineering
Energy Delivery

<p align="center">TABULATION OF BIDS Opened at 2:00 p.m., C.D.T., Tuesday, July 13, 2021, in Omaha, Nebraska</p>	<p align="center">REQUEST FOR PROPOSAL NO. 5896 161-13.8-13.8kV 40/53.3/67(75)MVA OLTC Transformer</p> <p align="right">Page 1 of 2</p>			<p>DocuSigned by:  9426AD61477A435... Director</p> <p>DocuSigned by:  1185A3672A94FC Supply Chain Management Complied by and Certified Correct</p>
<p align="center">Anticipated Award Date August 19, 2021</p>				
<p align="center">ENGINEER'S ESTIMATE \$1,500,000.00</p>				
<p align="center">BID ITEM</p>	<p align="center">BIDDER'S NAME & ADDRESS</p>			
	<p align="center">Pennsylvania Transformer Technology, Inc. 30 Curry Avenue Canonsburg, PA 15317-0440</p>	<p align="center">ABB Enterprise Software Inc. 305 Gregson Drive Cary, NC 27511</p>	<p align="center">Virginia Transformer Corp. 220 Glade View Drive, NE Roanoke, VA 24012</p>	
<p>1. <u>Price Proposal:</u></p> <p>Firm base price to furnish and deliver one (1) 161-13.8-13.8kV 40/53.3/67(75)MVA OLTC Transformer</p> <p>A. Transformer Only B. Shipping Only, FOB Destination C. Assembly Only Total Bid Price (A+B+C)</p> <p>2. <u>Delivery Guarantee(s):</u></p> <p>OPPD Desired Delivery Date: September 1, 2022</p>	<p align="center">SUPPLIER'S BID</p>	<p align="center">SUPPLIER'S BID</p>	<p align="center">SUPPLIER'S BID</p>	
	<p align="center"> <u>\$1,568,348</u> <u>\$114,100</u> <u>\$70,000</u> <u>\$1,752,448</u> <u>Guaranteed Delivery Date</u> September 1, 2022 </p>	<p align="center"> <u>\$1,995,300</u> <u>\$319,700</u> <u>\$173,700</u> <u>\$2,488,700</u> <u>Guaranteed Delivery Date</u> September 30, 2022 </p>	<p align="center"> <u>\$1,754,884</u> Included Included <u>\$1,754,884</u> <u>Guaranteed Delivery Date</u> 32 weeks ARO </p>	

<p>TABULATION OF BIDS Opened at 2:00 p.m., C.D.T., Tuesday, July 13, 2021, in Omaha, Nebraska</p>	<p>REQUEST FOR PROPOSAL NO. 5896 161-13.8-13.8kV 40/53.3/67(75)MVA OLTC Transformer</p>			<p>DocuSigned by:  9426AD61477A435... Director</p> <p>Supply Chain Management DocuSigned by:  Compiled by and Certified Correct</p>
<p>Anticipated Award Date August 19, 2021</p>				<p>Page 2 of 2</p>
<p>ENGINEER'S ESTIMATE</p> <p>\$1,500,000.00</p>				
<p>BID ITEM</p>	<p>BIDDER'S NAME & ADDRESS</p>			
	<p>WEG Transformer USA 6350 WEG Drive Washington, MO 63090</p>			
	<p>SUPPLIER'S BID</p>	<p>SUPPLIER'S BID</p>	<p>SUPPLIER'S BID</p>	
<p>1. <u>Price Proposal:</u></p> <p>Firm base price to furnish and deliver one (1) 161-13.8-13.8kV 40/53.3/67(75)MVA OLTC Transformer</p> <p>A. Transformer Only B. Shipping Only, FOB Destination C. Assembly Only Total Bid Price (A+B+C)</p> <p>2. <u>Delivery Guarantee(s):</u></p> <p>OPPD Desired Delivery Date: September 1, 2022</p>	<p><u>\$1,849,800</u></p> <p><u>\$191,100</u></p> <p><u>\$70,000</u></p> <p><u>\$2,110,900</u></p> <p><u>Guaranteed Delivery Date</u></p> <p>September 1, 2022, if ordered by <u>August 19, 2021</u> otherwise 54 weeks ARO</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><u>Guaranteed Delivery Date</u></p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><u>Guaranteed Delivery Date</u></p> <p>_____</p>	



FRASER STRYKER

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July 16, 2021

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

RE: Request for Proposal No. 5896 ("RFP No. 5896") – 161-13.8 OLTC Transformer

Ladies and Gentlemen:

We have reviewed the four (4) proposals received in response to RFP No. 5896 and provide the following legal opinion.

The proposal of ABB Enterprise Software, Inc. is not signed and, therefore, does not comply with the requirements of the RFP and cannot be considered for the award of this contract.

The proposal of Pennsylvania Transformer Technology, Inc. includes standard terms and conditions of the bidder and a statement that Pennsylvania Transformer is willing to negotiate certain terms. This contract is a sealed bid contract and cannot be negotiated. In order for Pennsylvania Transformer's proposal to receive further consideration, the District must receive from the bidder a letter of clarification that withdraws both the standard terms and conditions and the proposed negotiated terms, and accepts the District's form of agreement for this RFP. Without that written clarification, the Pennsylvania Transformer proposal is legally non-responsive and cannot be considered further for the award of this contract.

The proposal of Virginia Transformer states that its date for delivery is 32 weeks after receipt of an order. The District will have to calculate this time to determine whether it meets the desired delivery date. The Virginia Transformer proposal also includes exceptions to liquidated damages, payment, and warranty terms of the contract documents; these exceptions are subject to evaluation by the District.

The proposal of WEG Transformer USA submits exceptions to payment, warranty, cancellation and limit of liability terms in the contract documents and must be evaluated by the District.

Subject to the foregoing comments and the receipt of the specified letter of clarification from Pennsylvania Transformer, all of the proposals, except the proposal of ABB Enterprise Software, Inc.,

Omaha Public Power District

July 16, 2021

Page 2

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,

A handwritten signature in blue ink, appearing to read "Stephen M. Bruckner", written over a light gray rectangular background.

Stephen M. Bruckner
FOR THE FIRM

SMB/sac
2615841

161-13.8-13.8kV 40/53.3/67(75)MVA OLTC Transformer

