



# Agenda

**OPPDD Board of Directors – All Committees Meeting**  
**Tuesday, September 19, 2023**  
**CLOSED SESSION – 8:00 A. M. – PUBLIC SESSION 10:00 A.M.**

*Conducted in person at BCBS, Aksarben Conference Room and virtually via WebEx audio/video conference. Public may attend remotely by going to [www.oppd.com/CommitteeAgenda](http://www.oppd.com/CommitteeAgenda) to access the WebEx meeting link or the public may watch the WebEx at BCBS, 1919 Aksarben Dr –Wahoo Room Omaha, NE, which will be set up as a physical location to view the WebEx.*

	<u>TOPIC</u>	<u>TYPE</u>	<u>PRESENTER</u>	<u>TIME*</u>	
1.	<b>Chair Opening Statement</b>		Williams	8:00	<b>A.M.</b>
2.	<b>Closed Session</b>			8:05	<b>A.M.</b>
	Corporate Officer Performance Reviews and Compensation Adjustments	Action	Fernandez	30	min
	CEO Performance Review and Compensation Adjustment	Action	Williams	30	min
	Enterprise Risk Management Quarterly Update	Reporting	Focht	20	min
	Near Term Generation Strategic Partner	Reporting	Via	25	min
	<i>Break – Open WebEx to Allow Public to Join</i>			9:50	<b>A.M.</b>
3.	<b>Public Session – Chair Opening Statement</b>		Williams	10:00	<b>A.M.</b>
4.	<b>Safety Briefing</b>		Fernandez	10:05	<b>A.M.</b>
5.	<b>Governance Committee</b>			10:10	<b>A.M.</b>
	Governance Chair Report (09/14/23)	Reporting	Bogner	5	min
	Claim Settlement in Excess of \$50,000 - W 32nd Ave and Calhoun Street, Bellevue, NE	Reporting	Focht	5	min
	2024 Board Meeting Schedule	Action	Focht	5	min
	SD-10: Ethics Monitoring Report	Action	Purnell	15	min
	Corporate Officer Performance Reviews and Compensation Adjustments	Action	Fernandez	5	min
	CEO Performance Review and Compensation Adjustment	Action	Williams	5	min
6.	<b>Finance Committee</b>			10:50	<b>A.M.</b>
	Finance Chair Report	Reporting	Spurgeon	5	min
	Revisions to Rate Rider Schedules 467, 467H & 467L	Action	Bishop	15	min
7.	<b>Customer &amp; Public Engagement Committee</b>			11:10	<b>A.M.</b>
	C & PE Chair Report	Reporting	Howard	5	min
	<i>Break for Lunch</i>			11:15	<b>A.M.</b>
8.	<b>System Management &amp; Nuclear Oversight Cmte</b>			11:55	<b>A.M.</b>
	SM & NO Chair Report (09/14/23)	Reporting	Moody	5	min
	Acquisition of Land Rights for Utility Operations Infrastructure Projects	Action	Focht	10	min
	SD-9: Integrated System Planning Monitoring Report	Action	Underwood	30	min
	Nuclear Oversight Committee Quarterly Report	Reporting	Via	10	min
	Cass to Sarpy Transmission Project Routing Update	Reporting	Via	10	min
	RFP 6054 Substation Foundation, Ductline, and Misc. Work	Action	Via	5	min

	<b><u>TOPIC</u></b>	<b><u>TYPE</u></b>	<b><u>PRESENTER</u></b>	<b><u>TIME*</u></b>	
	NC1 Air Preheater Basket & Seal Replacement -- Labor Contract Award	Action	Via	5	min
	NO5 Air Preheater Basket & Seal Replacement -- Labor Contract Award	Action	Via	5	min
	NC1 HCV-15 Installation – Labor Contract Award	Action	Via	5	min
	NC1 DCS Modular Power System Replacement Project – Engineer’s Certification	Action	Via	5	min
	Jones Street Station Unit 2 – Repair Parts and Services – Engineer’s Certification	Action	Via	5	min
<b>9.</b>	<b>Other Business</b>			<b>1:30</b>	<b>P.M.</b>
	Confirmation of Board Meeting Agenda	Action	Williams	5	min
	Review of Board Work Plan	Discussion	Williams	5	min
	New Generation & Transmission: Natural Gas Generation, Energy Delivery and Solar Updates	Reporting	Via / Underwood	10	min

\* All times and duration are estimates. Please use the link below to find 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).

## Physical Safety



Feeling ill?



Locate AED's, exits  
and first aid



Environmental  
hazards



Identify help



Active shooter

## Psychological Safety



Respect



Healthy conflict



Multiple  
perspectives



Trust



Culture of  
curiosity

## CyberSecurity

**See something, say something** - the sooner the better

- Identify unknown phone numbers(s) or person(s) in virtual meetings



**Central Station:** 531-226-3700 for an emergency  
**Safety:** 531-226-7233 (SAFE) to report a safety issue  
**OPPD Service Desk:** 531-226-3848  
**Huddle Space Security:** 402-982-8200

Your Energy Partner<sup>®</sup>  
**OPPD**  
Omaha Public Power District

# Safety Focus for September

## 1. Slow is fast.

*Whether learning a new task or thinking critically in a stressful situation; take a deep breath and slow down. Remember, slow is smooth, and smooth is fast.*

## 2. Behind the wheel.

*We continue to experience a handful of driving incidents each month; almost all of which are preventable. Remember safe backing practices and aim to prevent an incident regardless of other's actions or adverse conditions.*

## 3. Countering complacency.

*Be intentional about safe work practices this month. Use tools such as pre-job briefs, tailgates, and job site inspections, to keep complacency from creeping into your work.*



## Pre-Committee Agenda

GOVERNANCE PRE-COMMITTEE MEETING  
WEBEX VIDEOCONFERENCE  
September 14, 2023, 8:00 – 9:00 A.M.

1. Safety Briefing (Purnell – 2 min)
2. Officer's & CEO Performance Reviews & Compensation Adjustments
  - a. Objective: Review and confirm performance and compensation adjustments.
3. Prior Month Pre-Committee Action Items (DeSeure – 0 min)
  - a. Objective: Review and confirm prior pre-committee action items have been completed.
4. Claim Settlements in Excess of \$50,000
  - a. Objective: Present and discuss claims.
5. Board Governance Workshop (Focht – 10 min)
  - a. Objective: Reflections and take-aways
6. SD-10 Ethics Monitoring Report (Rainey/Purnell – 5 min)
  - a. Objective: Answer Committee's clarification-focused questions, affirm report includes the necessary information desired by the Committee, and confirm recommendation.
7. 2024 Board Meeting Schedule (Focht – 5 min)
  - a. Objective: Present and discuss meeting schedule
8. Governance Committee Planning Calendar (Focht – 5 min)
  - a. Objective: Review and confirm items on the Planning Calendar
9. Board Work Plan (Focht – 2 min)
  - a. Objective: Committee members to review and confirm items on the Board Work Plan.
10. Summary of Meeting (2 min)
  - a. Objective: Executive Leadership Team liaison(s) to summarize direction provided by the committee.

2023 Agenda Planning Calendar

<b>Governance Committee Three Month Outlook - 2023</b>	<b>TYPE</b>	<b>COMMENTS</b>
<b>September</b>	<b>9/19/2023</b>	
Governance Pre-Committee (09/14/2023)	Reporting	
Enterprise Risk Management Quarterly Update	Reporting (Closed)	
SD-10: Ethics Monitoring Report	Action	
2024 Board Meeting Schedule	Action	
Claim Settlement in Excess of \$50,000 - W 32nd Ave and Calhoun Street, Bellevue, NE	Reporting	
Officers' Compensation Adjustment - OPEN SESSION	Action	
CEO Performance Review and Compensation Adjustment - OPEN SESSION	Action	
CEO Performance Review and Compensation Adjustment - CLOSED SESSION	Action (Closed)	
Corporate Officer Performance Reviews and Compensation Adjustments - CLOSED SESSION	Action (Closed)	
<b>October</b>	<b>10/17/2023</b>	
Governance Pre-Committee (10/12/2023)	Reporting	
CEO Growth & Effectiveness Update - CLOSED SESSION	Reporting	
<b>November</b>	<b>11/14/2023</b>	
Governance Pre-Committee (11/09/2023)	Reporting	
SD-12: Information Management and Security Monitoring Report	Action	
<b>December</b>	<b>12/19/2023</b>	
Governance Pre-Committee (12/14/2023)	Reporting	
Enterprise Risk Management Quarterly Update	Reporting (Closed)	
2024 Agenda Planning Calendar	Reporting	
SD-8: Employee Relations Monitoring Report	Action	



**BOARD OF DIRECTORS**

# Reporting Item

September 19, 2023

## ITEM

Claim Settlement Report

## PURPOSE

Report settlement of a claim in excess of \$50,000

## FACTS

- a. On April 26, 2023, a District crew was installing new conduit and bored into a private water service line and a sewer lateral at or about 812 W 32nd Avenue, Bellevue NE. As a result of the bore damage to the two utilities, water and mud flowed into seven residences along W 32nd Avenue, Bellevue NE. Total claimed damages from all affected properties exceeded \$118,000.
- b. Nebraska State Statute §84-713 requires a report to the Board of Directors for the settlement of any claim in excess of \$50,000.
- c. The District and the seven affected property owners have agreed to a settlement in the amount of \$100,047.38 without any admission of liability by the District. One of the seven affected properties sustained damages in excess of \$50,000. The parties have entered into written settlement for each claim.

## RECOMMENDED:

DocuSigned by:

*Scott M. Focht*

Scott M. Focht

Vice President – Corporate Strategy and Governance

SMF:lsh

## APPROVED FOR REPORTING TO BOARD:

DocuSigned by:

*L. Javier Fernandez*

L. Javier Fernandez

President and Chief Executive Officer



## Board Action

September 19, 2023

### ITEM

2024 Board Meeting Schedule

### PURPOSE

Approve schedule for 2024 Board of Directors meetings.

### FACTS

- a. Article IV, Section 1 of the Bylaws of the Omaha Public Power District directs that the Board annually shall approve a schedule of regular Board meetings.
- b. The proposed 2024 OPPD Board of Directors meeting schedule is outlined on the attached Exhibit A.

### ACTION

Obtain approval from the Board of Directors for the 2024 Board meeting schedule.

#### RECOMMENDED:

DocuSigned by:  
*Scott M. Focht*  
B626AD4392E3483...

Scott M. Focht  
Vice President – Corporate Strategy and  
Governance

#### APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:  
*L. Javier Fernandez*  
AG306FD6E56247E...

L. Javier Fernandez  
President and Chief Executive Officer

SMF:ehl

Attachments:

Exhibit A  
Resolution



**Exhibit A**  
**Omaha Public Power District**  
**Board of Directors**  
**TENTATIVE PROPOSED**  
**2024 Regular Board Meeting Schedule**

<b>All Committees Meeting Tuesdays</b>			<b>Board Meeting Thursdays</b>		
<b>Date*</b>	<b>Location*</b>	<b>Time*</b>	<b>Date*</b>	<b>Location*</b>	<b>Time*</b>
January 16	BCBS 1919 Aksaben Dr.	10:00 a.m.	January 18	Omaha Douglas Civic Center	6:00 p.m.
February 13	BCBS 1919 Aksaben Dr.	10:00 a.m.	February 15	Omaha Douglas Civic Center	5:00 p.m.
March 19	BCBS 1919 Aksaben Dr.	10:00 a.m.	March 21	Omaha Douglas Civic Center	5:00 p.m.
April 16	BCBS 1919 Aksaben Dr.	10:00 a.m.	April 18	Omaha Douglas Civic Center	5:00 p.m.
May 14	BCBS 1919 Aksaben Dr.	10:00 a.m.	May 16	Omaha Douglas Civic Center	5:00 p.m.
June 18	BCBS 1919 Aksaben Dr.	10:00 a.m.	June 20	Omaha Douglas Civic Center	5:00 p.m.
July – No Meeting					
August 13	BCBS 1919 Aksaben Dr.	10:00 a.m.	August 15	Omaha Douglas Civic Center	5:00 p.m.
September 17	BCBS 1919 Aksaben Dr.	10:00 a.m.	September 19	Omaha Douglas Civic Center	5:00 p.m.
October 15	BCBS 1919 Aksaben Dr.	10:00 a.m.	October 17	Omaha Douglas Civic Center	5:00 p.m.
November 19	BCBS 1919 Aksaben Dr.	10:00 a.m.	November 21	Omaha Douglas Civic Center	5:00 p.m.
December 17	BCBS 1919 Aksaben Dr.	10:00 a.m.	December 19	Omaha Douglas Civic Center	5:00 p.m.

\* *Dates, times, and locations are subject to change. All meeting information will be publicly noticed in advance of the meeting. The public may attend in person or remotely via the WebEx audio/video conferencing platform.*



Bogner/Focht

**RESOLUTION NO. 6xxx**

**WHEREAS**, Article IV, Section 1 of the Bylaws of the Omaha Public Power District directs that the Board annually shall approve a schedule of regular Board meetings.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Omaha Public Power District that the Board meeting schedule for 2024, as outlined on Exhibit A attached hereto, is hereby approved.

DRAFT



**BOARD OF DIRECTORS**

# Board Action

September 19, 2023

ITEM

SD-10: Ethics Monitoring Report

PURPOSE

To ensure full board review, discussion, and acceptance of the 2023 SD-10: Ethics Monitoring Report.

FACTS

- a. The first group of Board policies was approved by the Board on July 16, 2015.
- b. A second group of Board policies was approved by the Board on October 15, 2015.
- c. Each policy was evaluated and assigned to the appropriate Board Committee for oversight of the monitoring process.
- d. The Governance Committee is responsible for evaluating Board Policy SD-10: Ethics.
- e. The Governance Committee has reviewed the SD-10: Ethics Monitoring Report and is recommending that OPPD be found to be sufficiently in compliance with the policy as stated.

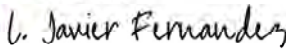
ACTION

The Governance Committee recommends Board approval of the 2023 SD-10: Ethics Monitoring Report.

**RECOMMENDED:**

DocuSigned by:  
  
70617B400E7B45D  
McKell V. Purnell  
Vice President – Human Capital

**APPROVED FOR BOARD CONSIDERATION:**

DocuSigned by:  
  
AC399FDCE56247E  
L. Javier Fernandez  
President and Chief Executive Officer

Attachments:  
Exhibit A – SD-10: Ethics Monitoring Report  
Resolution



# SD-10 Ethics Monitoring Report

McKell Purnell  
Vice President Human Capital  
September 19, 2023



# SD-10: Ethics

It is essential that OPPD maintain the public trust and confidence in the integrity and ethical conduct of its Board of Directors and the OPPD employees. Therefore, to ensure the public interest is paramount in all official conduct, the Board shall adopt and update, as necessary, a Code of Ethics and Business Conduct (the “Code”). OPPD shall also maintain and enforce a code of conduct applicable to all employees.

Among other things the Code shall:

- Require high ethical standards in all aspects of official conduct;
- Establish clear guidelines for ethical standards and conduct by setting forth those acts that may be incompatible with the best interests of OPPD and the public;
- Require disclosure and reporting of potential conflicts of interests; and
- Provide a process for: (i) reporting suspected violations of the Code and policies; (ii) investigating suspected violations of the Code and policies; and, (iii) providing an annual report to the Board.

# Require high ethical standards in all aspects of official conduct

Board of Directors	Employees (Policy 3.01)
<ul style="list-style-type: none"><li>• Loyalty</li><li>• Compliance with Applicable Laws</li><li>• Observance of Ethical Standards</li></ul>	<ul style="list-style-type: none"><li>• Integrity</li><li>• Compliance with Applicable Laws and Regulations</li><li>• Act in a Legal and Ethical Manner</li></ul>

# Establish clear guidelines for ethical standards and conduct by setting forth those acts that may be incompatible with the best interests of OPPD and the public

Board of Directors	Employees
<ul style="list-style-type: none"><li>• Conflicts of Interest<ul style="list-style-type: none"><li>• Improper Conduct and Activities</li><li>• Compensation from non-Company Sources</li><li>• Personal Use of Company Assets</li></ul></li><li>• Corporate Opportunities</li><li>• Gifts</li><li>• Business Courtesies</li><li>• Confidentiality</li><li>• Compliance</li></ul>	<ul style="list-style-type: none"><li>• Laws, Regulations, and Personal Conduct</li><li>• Accuracy of District Records, Reports and Communications</li><li>• Use of Assets</li><li>• Confidentiality and Disclosure of Information</li><li>• Current and Potential Relationships with Vendors</li><li>• Travel and lodging for Business/Trade Organizations</li><li>• Employee and Customer Relations</li><li>• Political Office, Government Relations, and Public Service</li><li>• Conflicts of Interest</li><li>• Purchase and Sales of Goods and Services</li><li>• Fraudulent Activities</li><li>• Retention of OPPD Records</li><li>• Reporting Violations</li></ul>

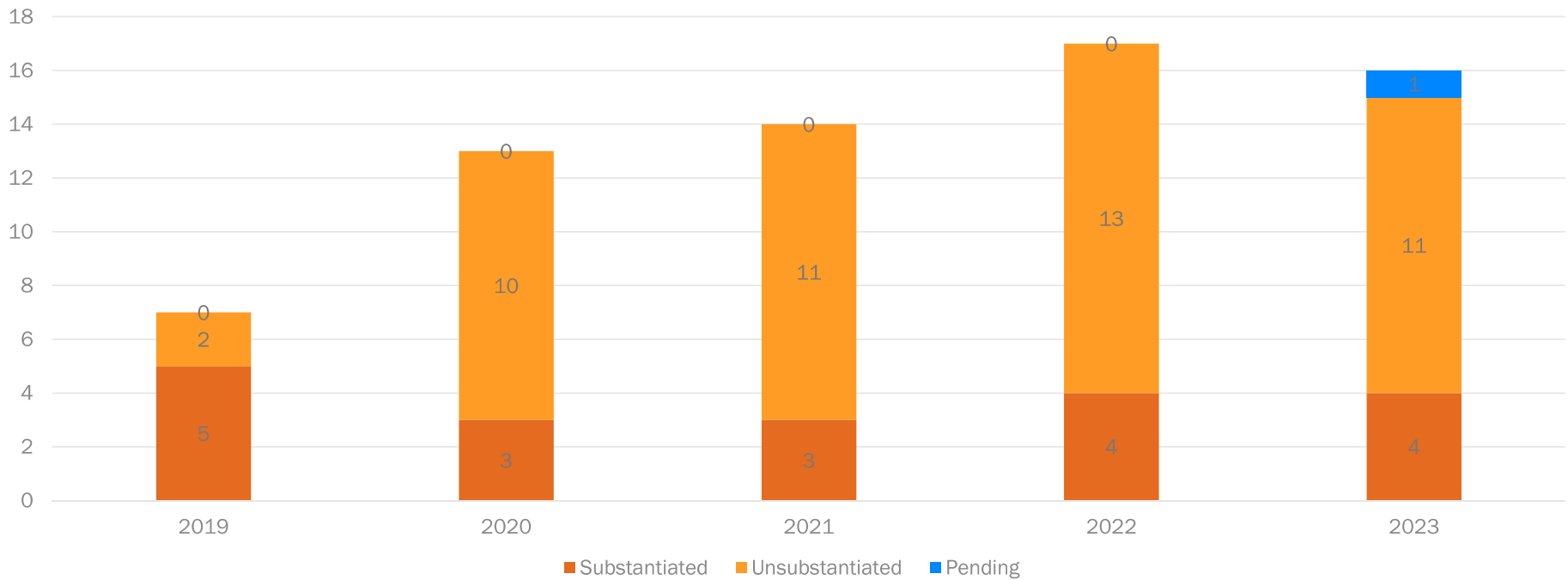
# Provide a process for: (i) reporting suspected violations of the Code and policies; (ii) investigating suspected violations of the Code and policies; and (iii) providing an annual report to the Board

Board of Directors	Employees
<ol style="list-style-type: none"> <li>1. Communicate violations promptly to the Chair of the Governance Committee</li> <li>2. Potential violations investigated by the Governance Committee, or the person designated (legal counsel)</li> <li>3. Appropriate actions taken</li> <li>4. Report annually to the Board</li> </ol> <p><i>No allegations were reported for the previous 12-month period.</i></p>	<ol style="list-style-type: none"> <li>1. Report anonymously through 3<sup>rd</sup> Party (Ethics Point)</li> <li>2. Report through Human Capital</li> <li>3. Investigated by appropriate party/parties</li> <li>4. Appropriate actions taken</li> <li>5. Reported annually to the Board</li> </ol> <p><i>16 reported for the previous 12-month period – 15 investigated and appropriate action taken; 1 pending investigation</i></p>



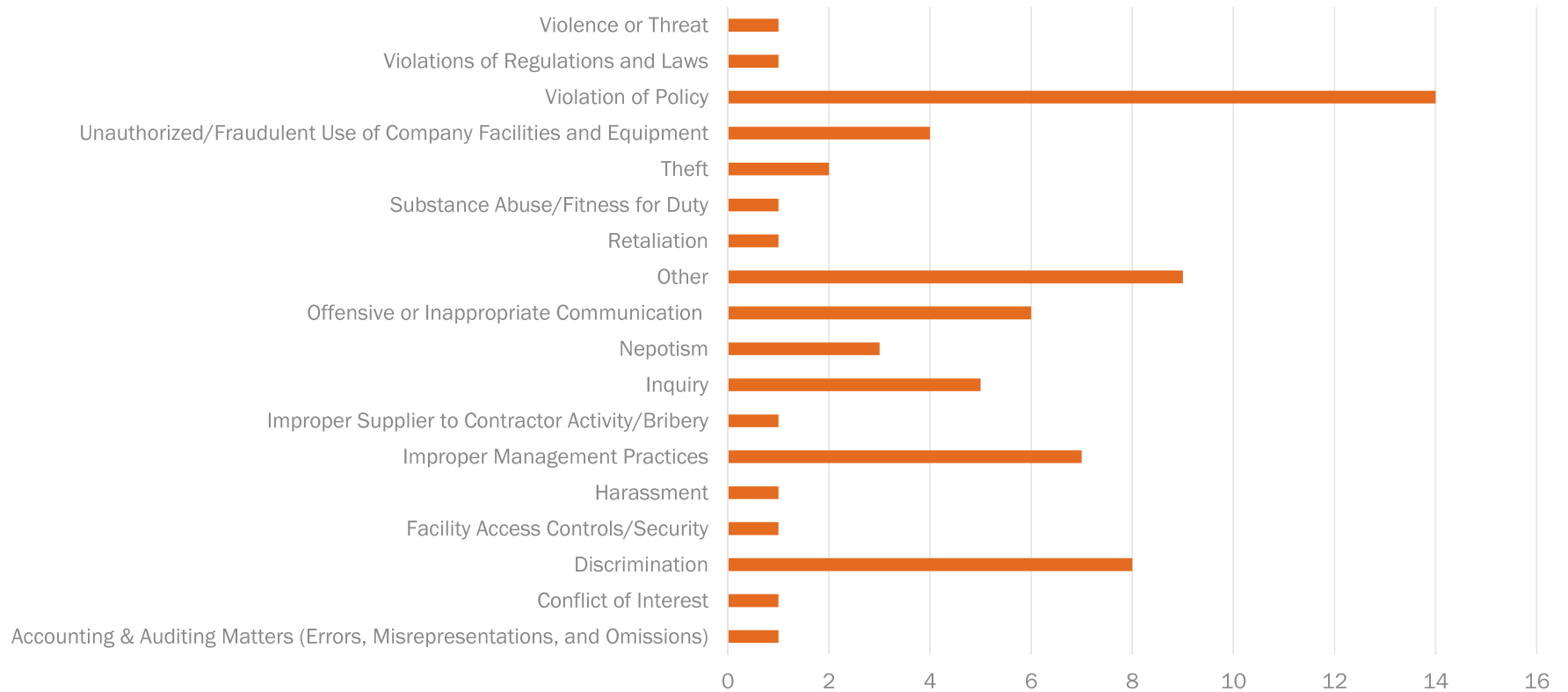
# Historical Summary of EthicsPoint Reports

## Disposition of Allegations



# Historical Summary of EthicsPoint Report

## Category of Allegations 2019 – 2023



# Recommendation

The Governance Committee has reviewed and accepted this Monitoring Report for SD-10 and recommends that the Board finds OPPD to be sufficiently in compliance with Board Policy SD-10.

Any additional reflections on

what has been  
accomplished ... or

challenges or gaps





Bogner/Purnell

**DRAFT**  
**RESOLUTION NO. 65xx**

**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-10: Ethics on an annual basis, and the Committee has reviewed the 2023 SD-10: Ethics Monitoring Report.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Omaha Public Power District accepts the 2023 SD-10: Ethics Monitoring Report, in the form as set forth on Exhibit A attached hereto and made a part hereof and finds OPPD to be sufficiently in compliance with the policy as stated.

<b>FSBU Three Month Outlook - 2023</b>	<b>Description</b>	<b>Type</b>
<b>September 2023</b>		
	Rate 467 Curtailables - Mini Refresh	Action
<b>October 2023</b>		
	Preliminary Results Review of the COP & 5 Year Outlook	Reporting
	Audit Subcommittee Meeting	Reporting
	2023 COP Excess Expenditures Request	Action
<b>November 2023</b>		
	Third Quarter Retirement Fund Report	Reporting
	Third Quarter Financial Report	Reporting
	2024 Preliminary Corporate Operating Plan	Reporting
	Reporting on the 2023 Series A and B Bonds Sale	Reporting



# Board Action

## BOARD OF DIRECTORS

September 21, 2023

### ITEM

Rider Schedules No. 467, 467H and 467L.

### PURPOSE

Board Approval to update Rider Schedule Nos. 467, 467H and 467L to enhance customer choice and facilitate greater customer participation.

### FACTS

- a. To update the incentive credits offered to customers participating in Rider Schedule No. 467 & 467H – General Service/Large General Service – Curtailable and Rider Schedule No. 467L – General Service – Curtailable – Leased Capacity Option.
- b. To clarify that capacity must be available year-round for Rider Schedule No. 467L General Service – Curtailable – Leased Capacity Option.
- c. To lower the size limit from 500 kW to 100 kW for Rider Schedule No. 467 & 467H General Service/Large General Service – Curtailable.

### ACTION

The Finance Committee recommends Board approval to update Rider Schedule No. 467 & 467H General Service/Large General Service – Curtailable and Rider Schedule No. 467L General Service – Curtailable – Leased Capacity Option.

#### RECOMMENDED:

DocuSigned by:  
*Jeff Bishop*  
65F902772CFE45A...

Jeffrey M. Bishop  
Vice President and Chief Financial Officer

#### APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:  
*L. Javier Fernandez*  
AC399F0CE56247E...

L. Javier Fernandez  
President and Chief Executive Officer

JMB:bjs

Attachments: Datasheet  
Exhibit A – Service Regulations and Schedules  
Exhibit B – Rider 467 – OPPD Brattle Letter  
Resolution

## DEFINITIONS

Auxiliary Generating Unit	A Customer operated generating unit that is used only to provide standby power to replace power normally supplied by a Primary Generating Unit.
Billing Demand	Demand as calculated in the Determination of Demand section and applied to the bill of a Customer who takes service under OPPD's Demand Rate Schedules.
Cogeneration	Concurrent production of electric energy and thermal energy used for heating or cooling purposes.
Curtailable Load	A Customer's Load contracted to be reduced during periods identified by OPPD.
Curtailable Customer	A Customer who has contracted to curtail Load according to the provisions of Rate Schedules 467, 467E, 467H, 467L or 467V.
Customer	Any person, partnership, association, firm, corporation (public or private), limited liability company, governmental agency, or other entity taking service from OPPD at a specific location, whether the service at that address is in their name or some other name.
Customer Owned Generation (COG)	Distributed Generation (DG) not owned and operated by a Nebraska electric utility, but typically owned and operated by a Customer of the utility.
Demand	The instantaneous rate at which energy is delivered to an electrical Load and measured in either kilowatts (kW) or kilovolts-amperes (kVA).
Demand Meter	The device(s) and any auxiliary equipment, including Demand registers, required to measure the Electric Service or to measure the 15-minute period of highest electrical energy consumption supplied by OPPD to a Customer at a Point of Delivery.
Demand Response (DR)	Customer adjustment or control of their electrical Load in response to a signal from the electric utility. Customers with DR capability are typically voluntary participants in special utility DR rate programs.
Demand Side Management (DSM)	See Load Management.
Distributed Energy Resource (DER)	Includes Distributed Generation (DG) and may generally include Load Management and Demand Response technologies.
Distributed Generation (DG)	Electric generation and/or Energy Storage technologies, generally characterized as 'distributed' in nature and interconnected to a utility distribution system at or near Customer Loads. DG may consist of one or more generators or resources. Energy sources used by DG to generate electricity may be from renewable or non-renewable sources.
Electric Service	The service by which OPPD supplies power to a Customer's Point of Delivery, either by overhead or underground wires.



Emergency Generating Unit	A Customer-operated generating unit that is normally only used during an outage of the Electric Service from OPPD, for testing, or during curtailment by a Curtailable Customer.
Energy Storage	Technologies, including but not limited to battery storage, capable of controlled charging and discharging of electrical or other forms of energy, which may be applied in a number of ways to interact with an electrical system.
Federal Holidays	An authorized holiday which has been recognized by the United States government.
<a href="#">NERC Holidays</a>	<a href="#">North American Electric Reliability Corporation (NERC) defined holidays include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.</a>
General Service	Service to any Customer for purposes other than those included in the applicability provisions of the Residential Rate Schedules.
Load	Devices or appliances which consume electrical energy to power electronics or to produce light, heat, cooling, sound, motion/mechanical energy or other intended outcomes. Load can also refer to the cumulative electric energy consumed at any given point in time by a group of such devices or appliances.
Load Management	The process of adjusting or controlling a Customer's electrical Load to assist a utility in achieving a balance between its Customers' Demands and its electrical energy, as opposed to adjusting power station output to match the varying requirements of Customer Load. Also referred to as Demand Side Management (DSM).
Meter	The device(s) and any auxiliary equipment required to measure the Electric Service supplied by OPPD to a Customer at a Point of Delivery.
Owner	The person(s) having Ownership of the Premises or acting as an agent for the Owner.
Point of Delivery	The physical location at which OPPD supplies Electric Service to a Customer and which, unless otherwise agreed upon between OPPD and the Customer, shall be the point where OPPD's Service Wires are joined to the Customer's service terminals.
Power Factor	The ratio obtained by dividing the Customer's maximum kilowatt Demand by the Customer's maximum kilovolt-ampere Demand.
Premises	Building or tract of land identified in a deed stating the details of the conveyance of the property. For OPPD, the Premises details the location of building or tract of land at which Electric Service is supplied by OPPD.
Primary Generating Unit	A Customer-operated generating unit used to supply electrical Load within the Customer's facility, which operates in parallel to OPPD's system, and is not an Emergency Generating Unit.
Primary Service	Single- or three-phase service taken from OPPD's system at a standard available voltage above 11,000 volts, provided there is only one transformation

involved from OPPD's transmission voltage (above 60,000 volts) to the service voltage.

Qualified Generator	Generators that qualify for net metering as set forth in the Nebraska Revised Statutes. Qualified Generators are interconnected behind a Customer's service Meter located on the Customer's Premise with an aggregate nameplate capacity of 25 kW or less that uses as its energy source: methane, wind, solar, biomass, hydropower, or geothermal and is controlled by the generation owner.
Rate Schedule	Outlines the rate(s), fees, and charges for, or in connection with, Electric service received from OPPD.
Residential	House, trailer, apartment, flat or unit of a multi-family dwelling that is equipped with cooking facilities. Electric Service for one single-family dwelling may be served on a Residential Service Rate Schedule.
Rider Schedule	Outlines the rate(s), fees and charges used in conjunction with the Customer's electrical Rate Schedule. Rider Schedules can be optional or required based on Electric Service requirements.
Schedule	Rates, charges and other provisions under which service is supplied.
Seasonal Energy Efficiency Ratio (SEER)	The total cooling of a central air conditioner or heat pump in British thermal units (Btu) during its normal annual usage period for cooling divided by the total electric energy input in watthours during the same period as rated by the American Refrigeration Institute (ARI) Guide.
Secondary Service	Single- or three-phase service taken from OPPD's system at a standard available voltage below 11,000 volts, provided the conditions defined under "Primary Service" are not applicable.
Service Area	The geographic area in which OPPD provides Electric Service.
Service Wires	The wires, owned by OPPD, connecting OPPD's distribution system to a Customer's service terminals.
Small Power Production	A facility with less than 80,000 kilowatts of installed capacity that produces electricity from such primary energy sources as biomass, waste, or renewable resources including wind, solar, geothermal, and hydroelectric energy.
Standby Service	Service to supply electrical energy to serve a Customer's Load that is usually served by the Customer's generating unit.

RIDER SCHEDULE NO. 467 & 467H

General Service/Large General Service – Curtailable

APPLICABILITY

This Rider Schedule is applicable to all non-Residential Customers throughout OPPD’s Service Area that are capable and willing to curtail a minimum of ~~100500~~ kilowatts of Curtailable Demand (consisting of a minimum of 20% of Customer Load) or 500 kilowatts (without restrictions), during Curtailment Periods specified by OPPD, subject to the terms of this Rider Schedule and any applicable Curtailment Agreement.

The Customer must agree to reduce the Load served by OPPD during a Curtailment Period, upon request by OPPD, to the Firm Demand. The Customer must enter into a Curtailment Agreement with OPPD, and the decision to enter into a Curtailment Agreement with any Customer under this Rider Schedule is at the discretion of OPPD and is based on operational and market conditions.

This Rider Schedule is not available to those Customer accounts served under Rider Schedule Nos. 464, 355, or 467L.

BILLING COMPONENTS

Monthly Service Charge: \$84.70 per month

Curtailment Credit: ~~Based on Customer signed Curtailment Agreement~~

Option	467	467H
Minimum Demand	<del>1500</del> kW – 9,999 kW	10,000+ kW
Capacity Curtailment Only (Max. 100 hours per year)	<del>\$3.954.67 per kW</del>	<del>\$4.194.96 per kW</del>
<del>Max. 100 Hours of Energy Curtailment &amp; 100 Hours of Capacity Curtailment per year</del>	\$4.18	\$4.42
<del>Max. 200 Hours of Energy Curtailment &amp; 100 Hours of Capacity Curtailment per year</del>	\$4.41	\$4.66
<del>Max. 300 Hours of Energy Curtailment &amp; 100 Hours of Capacity Curtailment per year</del>	\$4.64	\$4.89
<del>Max. 400 Hours of Energy Curtailment &amp; 100 Hours of Capacity Curtailment per year</del>	\$4.87	\$5.12

~~Non-Compliance Charge if applicable~~

~~A credit per kilowatts of Curtailable Demand that varies according to the type or the maximum number of hours of curtailment that the Customer agrees to under a Curtailment Agreement.~~

#### Determination of Firm Demand and Curtailable Demand

For purposes of determining the Firm Demand and Curtailable Demand, before December 1 of each year, OPPD will review the Customer's recent historical Load at the time of OPPD's system peak to determine the Customer's average Load for those hours in which OPPD's Load was within 90% of OPPD's annual system peak. Periods during which the Customer provided a Demand reduction in response to a curtailment request will be excluded from this calculation.

Prior to January 1, the Customer may elect to adjust the Firm Demand amount provided the resulting Curtailable Demand is at least 100 kilowatts (consisting of a minimum of 20% of Customer Load) or 500 kilowatts (without restrictions).~~500 kilowatts.~~

An adjustment will be made to the Curtailable Demand if the annual review of the Customer's historical Load characteristics indicates a smaller amount of Curtailable Load is appropriate. If the annual review indicates that the Customer is unable to provide a minimum of 100 kilowatts of Curtailable Demand (consisting of a minimum of 20% of Customer Load) or 500 kilowatts of Curtailable Demand (without restrictions).~~500 kilowatts of Curtailable Demand,~~ the Customer will be notified that service will no longer be provided under this Rider Schedule and any applicable Curtailment Agreement will be terminated.

If Demand history is not available, OPPD will review the operation of the facility with the Customer and determine reasonable Curtailable and Firm Demands.

#### Non-Compliance Charge for Failure to Reduce Load to the Firm Demand

For a July or August billing period, loss of credit for four (4) times the monthly credit per kilowatt of Curtailable Demand for all Demand exceeding the Firm Demand during any Curtailment Period. For a June or September billing period, loss of credit for two (2) times the monthly credit per kilowatt of Curtailable Demand for all Demand exceeding the Firm Demand during any Curtailment Period.

In the event of multiple failures to reduce Load within the same billing period:

The loss of credit penalty will be applied once per kilowatt to the Customer's highest Demand recorded for all Demand exceeding the Firm Demand during the billing period; and

For any monthly billing period, ~~50.0~~ cents per kilowatt-hour for all energy exceeding the Firm Demand level taken during each Curtailment Period.

If a Customer's failure to curtail to the Firm Demand when requested results in an OPPD purchase of capacity, the Customer will also reimburse OPPD for a proportionate share of this capacity cost. This reimbursement will be based on the current levelized cost of a combustion turbine peaking unit, including fixed capital and operation and maintenance costs. This charge will be increased by 23% to recover costs associated with the reserve margin and Demand losses on the transmission and distribution system. The resultant charge will be applied to the Customer's highest Demand recorded for all Demand exceeding the Firm Demand during a Curtailment Period. These charges will be assessed only once during the June 1 through September 15 period.

If the capacity purchase is less than the amount of Load not curtailed by the Customer, a pro-rata share of the capacity charge will be assessed to the Customer.

## ADMINISTRATIVE

### Definitions

~~*Curtailable Demand:* The Demand the Customer agrees to have available for curtailment within a ~~two~~four-hour notification period. The Demand is either at least 100 kilowatts consisting of a minimum of 20% of Customer Load or 500 kilowatts without restrictions. This Load can be curtailed and/or served by the Customer's Emergency Generating Units.The Demand (at least 500 kilowatts) the Customer agrees to have available for curtailment within a two hour notification period. This Load can be curtailed and/or served by the Customer's Emergency Generating Units.~~

### *Curtailment Period:*

*Capacity Curtailment:* May only occur ~~when~~ OPPD's projected Load is within 95% of the Deficit Load Condition, as determined ~~solely~~ by OPPD, or as directed by the Southwest Power Pool (SPP) by the Reliability Coordinator or Balancing Coordinator for OPPD, to reduce Load from June 1 through September 15, 12 P.M. to 10 P.M., Monday through Friday, excluding ~~Federal~~ NERC Holidays. There is a maximum of 100 hours of Capacity Curtailment during a contract year.

~~*Energy Curtailment:* May occur at any time during the year, at OPPD's option, 12 P.M. to 10 P.M., Monday through Friday, excluding Federal Holidays.~~

*Firm Demand:* The Demand the Customer agrees not to exceed during a Curtailment Period. The Firm Demand is the Customer's Load that is not subject to curtailment.

*Deficit Load Condition:* The point at which OPPD's Load exceeds available capability, less net reserve capacity obligation, plus firm purchases, less firm sales.

*Duration of Curtailment Period:* The ~~duration of any~~ Curtailment Period will not exceed ten (10) hours.

*Curtailment Notification:* The Customer will be notified at least ~~two-four~~ (24) hours in advance of the time the Customer's Load must be curtailed. OPPD will specify that the Customer must not exceed the Firm Demand level during the Curtailment Period. Notification will be given to the Customer by at least 3 P.M. on the day of a curtailment.

Official notification~~Notice~~ of a Curtailment Period will be by email.

OPPD will also follow-up the email with a telephone call to the Customer's designated official contact. The Customer will provide OPPD with the name, telephone number, and email address of the primary and secondary contacts. The inability of OPPD to reach the primary or secondary contacts by telephone will not relieve the Customer of the obligation of curtailing Load when an email notification is sent by OPPD.

### ~~Option to Purchase Replacement Energy~~

~~Upon notification of an Energy Curtailment, the Customer may request that OPPD attempt to provide replacement power for any energy exceeding the Firm Demand. The availability of this replacement power is not guaranteed. If this power is available, OPPD will notify the Customer of the availability and the price for the requested replacement power.~~

Once notified about availability and price, the Customer may choose to either:

- Purchase this power at a price specified by OPPD, or
- Curtail to the Firm Demand as requested by OPPD.

~~The Customer has one (1) hour to notify OPPD by email whether it chooses to purchase the replacement power. If the Customer fails to notify OPPD within one (1) hour, the Customer will curtail to the Firm Demand and will be subject to applicable non-compliance charges for any Demand or energy taken exceeding the Firm Demand.~~

#### Option to Change Curtailment Agreement

Annually, the Customer ~~may make changes to~~ will have the option to change the type and/or the maximum number of hours of curtailment that the Customer is subject to, as agreed to in the Curtailment Agreement, ~~if agreed to by OPPD and incorporated into a new or amended Curtailment Agreement.~~ The Customer must notify OPPD before January 1 to make a change for the following calendar year. If the Customer does not notify OPPD by December 31, the Customer will continue to be subject to the same ~~type and the maximum number of hours of~~ curtailment for the following calendar year.

#### Rider Schedule Period

The Rider Schedule ~~D~~duration, and the term of any Curtailment Agreement hereunder, will be three (3) years. The applicable Curtailment Agreement, at its expiration date, will automatically be renewed for an additional three (3) years, unless cancelled by written notice by either party at least six (6) months before the expiration date.

#### Mandatory Testing

OPPD will, at its discretion, conduct one curtailment test day (maximum 10 hours) per year between June 1 and September 15 for testing and compliance with the Rider Schedule. The curtailment test day can be requested without regard to the Capacity Curtailment provision that the curtailment may only occur when OPPD's projected Load is within 95 percent of the Deficit Load Condition. The hours tested during the curtailment test day will count toward the maximum hours of Capacity Curtailment during a contract year.

#### Non-Compliance ~~Penalties~~Charge

If a Customer fails to reduce their Load to the Firm Demand level when requested to do so during more than one billing month during the ~~three (3)-year~~Rider Schedule ~~-D~~duration, including the curtailment test days, the Customer will be subject to the Non-Compliance Charge and:

Will be removed from this Rider Schedule, or

The Curtailable and/or Firm Demand level will be adjusted at the discretion of OPPD, ~~provided the resulting Curtailable Demand is not less than 100 kilowatts (consisting of a minimum of 20% of Customer Load) or 500 kilowatts (without restrictions), provided the resulting Curtailable Demand is not less than 500 kilowatts.~~

#### Metering

OPPD will provide the necessary Load profile metering equipment and telephone connection to this equipment to administer this Rider Schedule. OPPD will also provide Demand pulses at the metering location for Customer-Owned Demand metering within the Customer's facility.

Effective ~~xx01/xx01/2023~~2

Resolution No. ~~xxxx6481~~

### Special Conditions

OPPD will not be required to accept a level of Curtailable Demand with a Customer greater than OPPD reasonably believes the Customer is capable of providing.

OPPD retains the discretion to limit total participation and total Curtailable Demand ~~on~~under this Rider Schedule.

~~If OPPD does not require all of the Customers on this Rider Schedule to curtail during a Capacity Curtailment, the Customers that are requested to curtail will be determined at the sole discretion of OPPD. OPPD will rotate these curtailments among all of the Customers on this Rider Schedule.~~

~~Customers will have the ability to enter into a curtailment agreement under this rider based on the sole discretion of OPPD. not be able to enter into a Curtailment Agreement under this rider for the current calendar year after January 1.~~

The terms and conditions of the appropriate standard Rate Schedule applicable to the service rendered form a part of this Rider Schedule.

If the Customer elects to operate Emergency Generating Units in parallel with OPPD rather than curtail Load, the interconnection of this equipment with OPPD's system must meet the standards specified in the policy for "Parallel Operation of Customer-Owned Generation Equipment." All required policies can be found at <https://www.oppd.com>.

### Service Regulations

Customers under this Rider Schedule must comply with all OPPD Service Regulations.

RIDER SCHEDULE NO. 467L

General Service - Curtailable - Leased Capacity Option

APPLICABILITY

This Rider Schedule is applicable to all non-Residential Customers throughout OPPD's Service Area that own and operate electric generating facilities that are interconnected with OPPD's distribution facilities, subject to the terms of this Rider Schedule and applicable Leased Capacity Agreement. The Customer's facilities may normally be used to serve part or all of the Customer's electrical Load. The Customer must be capable of providing a minimum of 100 kilowatts to OPPD.

The decision to enter into ~~an agreement a~~ [Leased Capacity Agreement](#) with any Customer under this Rider Schedule is at the discretion of OPPD based on operational and market conditions. A Customer desiring to provide curtailable capacity to OPPD by utilizing Emergency Generating Units or by reducing Load may be served on Rate Schedule No. 467, but not this Rider Schedule.

This Rider Schedule is not available to those Customer accounts served under Rate Schedule Nos. 464, 355.

BILLING COMPONENTS

Monthly Credit:

Capacity Credit:

~~\$3.104.60~~ per kW of Leased Capacity

Energy Credit:

~~16.00~~25.009.00 cents/kWh

Reimbursement for energy generated is applicable only when requested by OPPD during the current billing period or during the performance of test procedures when requested by OPPD.

ADMINISTRATIVE

Definitions

*Leased Capacity:* Amount of capacity, in kilowatts, of the Customer's generating facilities made available to OPPD, as agreed to under a Leased Capacity Agreement. This amount will be determined through test procedures, as discussed below. This amount will not exceed the Customer's Billing Demand as defined under the regular Rate Schedule, applicable to the service rendered by OPPD, unless the Customer has Nebraska Power Review Board approval for these generating facilities.

Metering

OPPD will determine whether the Customer's generating facility metering is sufficient to monitor energy production. If it is determined that new and/or additional metering is required, OPPD will provide and install this metering at the Customer's cost.



#### Duration of Generating Facility Operation

The duration of any requested generating facility operation will be for a minimum of four (4) hours and a maximum of ten (10) hours, unless otherwise mutually agreed. These requests will occur year-round ~~only occur~~ from 12 P.M. to 10 P.M., Monday through Friday, excluding NERC Federal Holidays.

#### Curtailment Notification

The Customer will be notified at least ~~four~~ two (42) hours in advance of the time the Customer must operate its generating facility. Notification will be given to the Customer by at least 3 P.M. on the day of a request to operate.

~~Official notification~~ Notice of a request to operate will be by email.

OPPD will also follow-up the email with a telephone call to the Customer's designated telephone contact. The Customer will provide OPPD with the name, telephone number, and email address of the primary and secondary contact. The inability of OPPD to reach the primary or secondary contact by telephone will not relieve the Customer of the obligation of operating the Leased Capacity when an email notification is sent by OPPD.

#### Rider Schedule Period

The Rider Schedule ~~D~~uration, and the term of any Leased Capacity Agreement hereunder, will be three (3) years. The applicable Leased Capacity Agreement, at its expiration date, will automatically be renewed for an additional three (3) year periods unless cancelled by written notice by either party at least six (6) months before the expiration date.

#### Test Procedures

The tests to determine the Leased Capacity will be conducted jointly by OPPD and the Customer. The tests will be performed periodically at the request of either the Customer or OPPD and will be one-hour tests. The Customer will provide the personnel and equipment to perform the tests, and the Customer will record and document the tests. If a change in Leased Capacity is indicated it will be revised accordingly on the first day of the subsequent billing period, and the Customer and OPPD either will enter into a new Leased Capacity Agreement or amend the existing Agreement.

#### Increase in Leased Capacity

The Customer may install or enlarge its generating facilities, and subject to the approval of OPPD, add to the Leased Capacity made available to OPPD. OPPD will recognize the Leased Capacity as determined by the test procedures specified above, and the Customer and OPPD either will enter into a new Leased Capacity Agreement or amend the existing Agreement.

#### Non-Compliance Actions

If all, or part, of the Leased Capacity is not available to OPPD during any month, OPPD will have the right to suspend credit for that part of the Leased Capacity which is not available for that month or any subsequent month(s). Upon Customer's demonstration in accordance with the test procedures that all or part of the previously unavailable Leased Capacity is available, OPPD will resume the monthly credit for this capacity during the following month.

Absent this demonstration, OPPD may reduce the amount of Leased Capacity for the remainder

of the term of the Leased Capacity Agreement.

In the event all or part of the Leased Capacity, excluding any scheduled maintenance, is not available when OPPD requests that power be generated, OPPD will ~~forward-approve~~ written notice to the Customer of this non-compliance. If two of these notices are sent to the Customer in a two year period, OPPD will have the right to reduce the amount of the Leased Capacity for the remainder of the term of the applicable Leased Capacity Agreement. OPPD will provide the Customer with not less than fifteen (15) days written notice before exercising this right.

#### Scheduled Maintenance

The Customer will not ~~§§~~ schedule maintenance of the generating facilities between June 1 and September 15 of any calendar year. The Customer will provide 60-day prior notice of any ~~§§~~ scheduled maintenance to OPPD. The unavailability of generating facilities for ~~§§~~ scheduled maintenance will not exceed thirty (30) days.

#### Special Conditions

OPPD retains the right at its sole discretion to limit participation and the total amount of Leased Capacity it purchases through this Rider Schedule.

The terms and conditions of the appropriate standard Rate Schedule applicable to the service rendered form a part of this Rider Schedule.

#### Service Regulations

Customers under this Rider Schedule must comply with all OPPD Service Regulations.

# Exhibit B



August 30, 2023

Board of Directors  
Omaha Public Power District  
444 South 16th Street Mall  
Omaha, Nebraska 68102-2247

Ladies and Gentlemen:

## I. Background

This letter discusses modifying Rider Schedules Nos. 467 & 467H and 467L. OPPD proposes changing the Riders' language and their incentive credits.

## II. Discussion

### Rider Schedules Nos. 467 & 467H and 467L

OPPD proposes to modify the incentive credits offered to customers participating in Rider Schedule No. 467 & 467H - General Service/Large General Service - Curtailable, and Rider Schedule No. 467L - General Service - Curtailable - Leased Capacity Option. The table below provides the current and proposed incentives.

	467	467H	467L
<b>Current Rate</b>			
Capacity Credit \$/kw-month	3.95	4.19	3.10
Energy Credit cents/kWh	N/A	N/A	16
<b>New Rate</b>			
Capacity Credit \$/kw-month	4.67	4.96	4.60
Energy Credit cents/kWh	N/A	N/A	25

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NORTH AMERICA EUROPE ASIA-PACIFIC

August 30, 2023

Page 2

For Rider Schedule No. 467L General Service - Curtailable - Leased Capacity Option, OPPD proposes to modify the language to clarify that such capacity must be available throughout the year. Finally, for these Riders, OPPD proposes to reduce the Rider's size limit from 500 kW to 100 kW.

### III. Findings

We have reviewed the District's proposed rate changes. We find the proposed changes to be fair, reasonable, and non-discriminatory.

We note that the Southwest Power Pool SPP is developing guidance on demand resource (DR) programs and accreditation. Such guidance may affect these Riders in the future.

### IV. Recommendation

We recommend the Board adopt the District's proposed revisions to these Riders.

Respectfully yours,



Philip Q Hanser  
Principal Emeritus  
The Brattle Group



Sanem Sergici, Ph.D.  
Principal  
The Brattle Group



Spurgeon/Bishop

**RESOLUTION NO. 6XXX**

**WHEREAS**, Rider Schedule No. 467 & 467H – General Service/Large General Service – Curtailable and Rider Schedule No. 467L – General Service – Curtailable – Leased Capacity Option provide commercial customers curtailable offerings that help the District meet resource adequacy requirements; and

**WHEREAS**, to increase customer choice and promote greater customer participation in curtailment offerings, the District proposes to update incentive credits and other conditions in the rider schedules; and

**WHEREAS**, the District's Rate Consultant, The Brattle Group, has issued an opinion letter in support of the proposed changes to the rider schedules.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors approves the revisions to Rider Schedule No. 467 & 467H – General Service/Large General Service – Curtailable and Rider Schedule No. 467L – General Service – Curtailable – Leased Capacity Option, as set forth on the attached Exhibit A, to be effective September 21, 2023.



# Business Curtailment Product Update

Jeff Bishop  
Vice President, Finance and CFO  
September 19, 2023



# Agenda

- 1 Problem Statement
- 2 Current State
- 3 Business Curtailment Updates
- 4 Proposed Rate Rider Resolution
- 5 Marketing Campaign Summary

# Problem Statement

OPPD is currently experiencing unprecedented growth in the territory creating new challenges and opportunities on how we serve our customers. As a result, there is a growing need for successful demand response programs that reduce load at peak hours within our large customer market segment.

OPPD's current Business Curtailable offering does not maximize value for customers and has made it hard to attract and sign new customers.





# Current State

- Launched a product growth initiative for the Business Curtailable program in February
- Approximately 50MW of known additional customer generation existing throughout the District
  - Air permitting status and interest is not known for all customers
- 46 customers participate, providing approximately 60MW of business curtailment opportunity

- Five different products exist under the Business Curtailable program.

Program	Description
467	Curtailment under 10MW
467H	Curtailment over 10MW
467L	Lease customer capacity through back-up generation
467V	Voluntary curtailment
467E	Voluntary curtailment during emergency situations

# Business Curtailment Updates

Changes will be applied to the appropriate and relevant products within the Business Curtailment program



## Event Notification

Increased customer notification from to **4 hours** ahead of curtailment event.



## Program Threshold

Reduced minimum capacity thresholds to **100kW** for eligible customer participation.<sup>1</sup>



## Customer Incentive

Increased customer incentives for 467, 467H and 467L which reflect the **current value of capacity**.



## Program Definitions

Clarified events will not be called on the following **NERC observed holidays**.

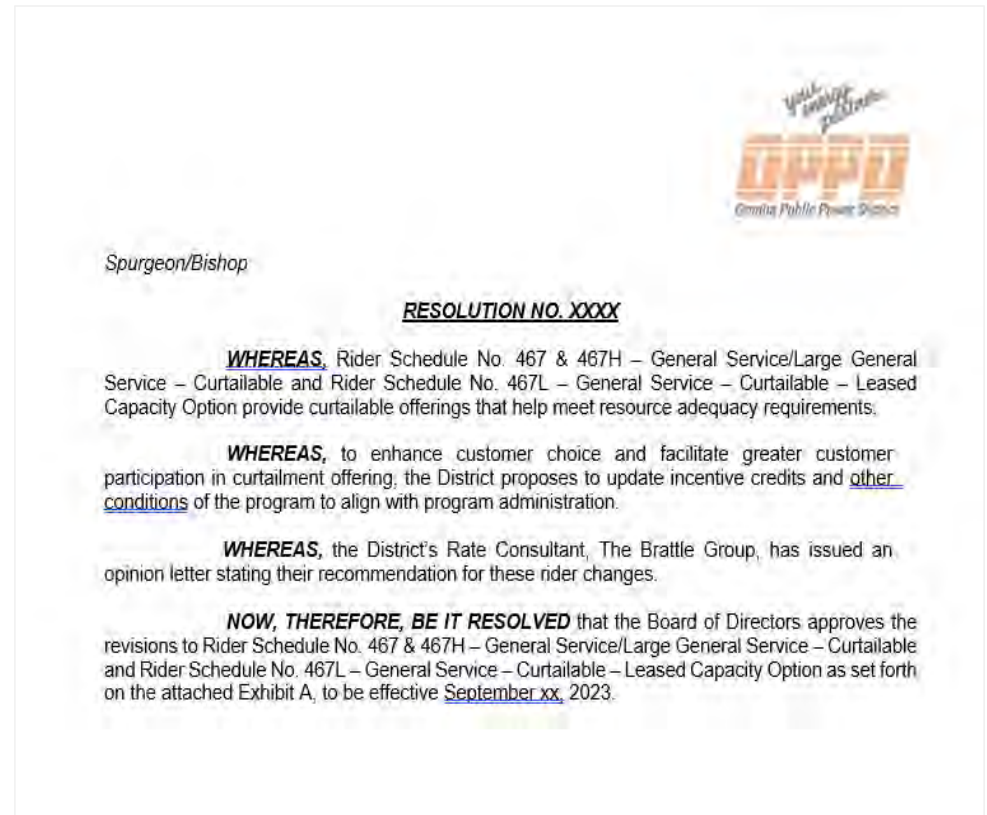


## Marketing Support

Increasing support to OPPD's account executives with improved marketing efforts, lead-generation materials and consumer-centric content.

# Proposed Rate Rider Resolution

- Board of Director action is required to update existing rate schedules:
  - Rider Schedule No. 467 & 467H – General Service/Large General Service – Curtailable
  - Rider Schedule No. 467L – General Service – Curtailable – Leased Capacity Option





# Questions?





## Pre-Committee Agenda

SYSTEM MANAGEMENT & NUCLEAR OVERSIGHT  
PRE-COMMITTEE MEETING  
WEBEX VIDEOCONFERENCE  
September 14, 2023, 10:00 – 11:30 A.M.

1. Safety Briefing (Pohl – 2 min)
  - a. Objective: Promote awareness of current safety focus.
2. SD-9: Integrated System Planning Monitoring Report (Underwood – 35 min)
  - a. Objective: Collect comments on the SD-9 Monitoring Report and discuss recommendation for approval.
3. Near Term Generation Strategic Partner (Via – 25 min)
  - a. Objective: Providing information on scope of work and timeline for Strategic Partner consulting support.
4. Acquisition of Land Rights for Utility Operations Infrastructure Reports (Focht – 10 min)
  - a. Objective: Create awareness of two transmission projects and pending request for approval.
5. Smart Operation Center Update (McCormick – 10 min)
  - a. Objective: Provide an update of the efforts for the Smart Operations Center.
6. Board Approval Items (Via – 3 min)
  - a. Objective: Discuss board approval items.
7. Board Work Plan – Systems Committee Items (Focht – 2 min)
  - a. Objective: Review current board work plan.
8. Summary (Pohl – 3 min)
  - a. Objective: Summary of committee action items.



# Board Action

## BOARD OF DIRECTORS

September 19, 2023

### ITEM

Acquisition of Land Rights for Utility Operations Infrastructure Projects

### PURPOSE

Authorize use of eminent domain as necessary to acquire permanent and temporary easements for electric transmission facilities on approved projects including the Bennington Expansion Substation and Transmission Line Rebuild and the Transmission Line Expansion and New Substation at 114<sup>th</sup> and State Streets to support load growth and reliability in the northern Douglas County area.

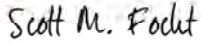
### FACTS

- a. This requested eminent domain authorization covers land rights that need to be acquired for Utility Operations infrastructure to connect substations to the transmission grid, enhance system resiliency and reliability and support load growth.
- b. As part of Bennington Expansion Substation and Transmission Line Rebuild, Omaha Public Power District (OPPDP) is planning to rebuild approximately 2.8-miles of an existing 161-kilovolt transmission line between its OPPD Substation located near 140<sup>th</sup> and State Streets and the new Bennington Substation located near 144<sup>th</sup> Street and Bennington Road.
- c. Omaha Public Power District (OPPDP) is planning to build approximately 2.5-miles of 161-kilovolt transmission line to connect the new substation located at 114<sup>th</sup> and State Streets to support load growth and reliability in the northern Douglas County area.
- d. Approximately 17 permanent easements are required for the construction, operation and maintenance of transmission facilities. Temporary easements may be required for pre-engineering survey access as well as temporary construction needs.
- e. OPPD will commence negotiations during the Fall of 2023 to voluntarily acquire the necessary land rights for the transmission facilities.
- f. OPPD will undertake reasonable efforts to voluntarily acquire the necessary land rights through good faith negotiations. However, the use of eminent domain may be necessary if voluntary agreement cannot be achieved by the District and landowners.
- g. Management will report the filing of eminent domain actions to the Board.
- h. This requested authorization extends through May 31, 2024. Additional authorizations after that date for the covered projects will be requested, as needed.

ACTION

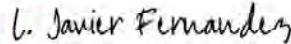
Authorization by the Board of Directors to commence eminent domain proceedings for permanent and temporary easements as needed on parcels not acquired voluntarily after all reasonable efforts have been made.

RECOMMENDED:



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Scott M. Focht  
Vice President – Corporate Strategy and  
Governance

APPROVED FOR BOARD CONSIDERATION:

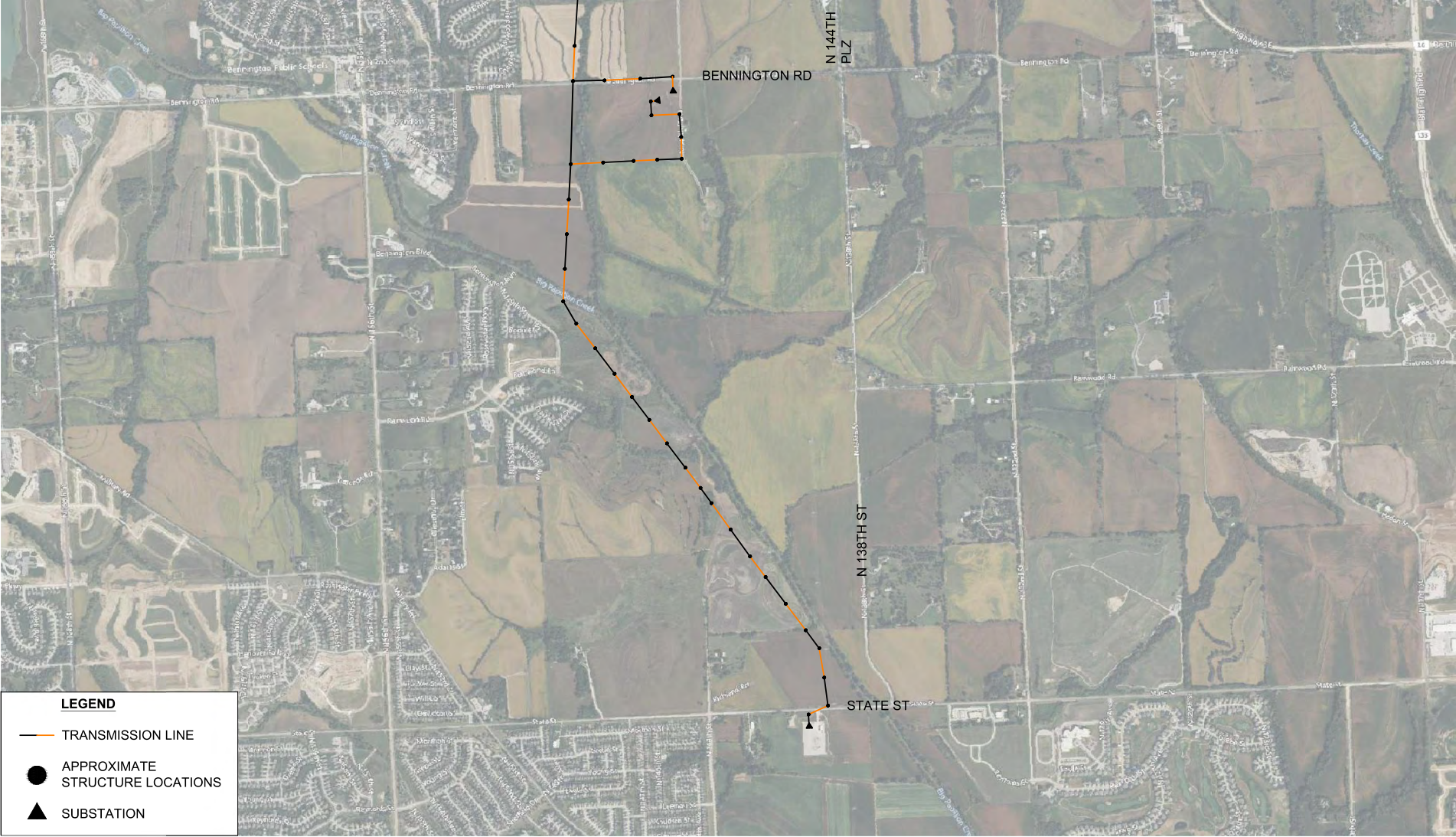


AC399FDCE66247E...  
L. Javier Fernandez  
President and Chief Executive Officer

SMF:jdf

Attachment: Route Map  
Resolution

# Exhibit A



BENNINGTON EXPANSION SUBSTATION AND TRANSMISSION CONSTRUCTION  
BENNINGTON EXPANSION SUBSTATION AND TRANSMISSION LINE REBUILD





TRANSMISSION LINE PERMITTED AND A NEW SUBSTATION AT TRANSMISSION LINE EXPANSION AND NEW SUBSTATION AT 114TH AND STATE STREETS



Moody/Focht

**DRAFT**  
**ACQUISITION OF LAND RIGHTS FOR UTILITY OPERATIONS INFRASTRUCTURE  
PROJECTS**

**RESOLUTION NO. 65xx**

**WHEREAS**, the District will need to acquire approximately 17 permanent easements for two projects, the Bennington Expansion Substation and Transmission Line Rebuild and the Transmission Line Expansion and New Substation at 114<sup>th</sup> and State Streets, to support load growth and continued reliability in the northern Douglas County area; and

**WHEREAS**, the District is authorized by Nebraska law to acquire property and easements by eminent domain; and

**WHEREAS**, the use of eminent domain may become necessary to acquire the permanent easements that cannot be obtained voluntarily through negotiations by the District.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Omaha Public Power District that Management and the District's General Counsel are authorized to commence all necessary eminent domain proceedings for the Bennington Expansion Substation and Transmission Line Rebuild and the Transmission Line Expansion and New Substation at 114<sup>th</sup> and State Streets projects to obtain permanent and temporary easements for the projects that cannot be acquired voluntarily, with this authorization extending through May 31, 2024.



# Board Action

## BOARD OF DIRECTORS

September 19, 2023

### ITEM

SD-9: Integrated System Planning Monitoring Report

### PURPOSE

To ensure full Board review, discussion and acceptance of SD-9: Integrated System Planning Monitoring Report

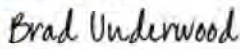
### FACTS

- a. The Board confirmed the Corporate Governance Initiative Charter in December 2014, in order to assess and refine OPPD's corporate governance infrastructure.
- b. 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. A third set of Board policies was approved by the Board on November 16, 2017.
- c. Each policy was evaluated and assigned to the appropriate Board Committee for oversight of the monitoring process.
- d. The System Management and Nuclear Oversight Committee is responsible for evaluating Board Policy SD-9: Integrated System Planning on an annual basis.
- e. The Board approved revisions to SD-9 on August 18, 2022 and renamed the strategic directive from SD-9: Resource Planning to SD-9: Integrated System Planning. A second set of revisions was approved by the Board on August 17, 2023.
- f. The System Management and Nuclear Oversight Committee has reviewed the SD-9: Integrated System Planning Monitoring Report as outlined in Exhibit A and is recommending that OPPD be found to be sufficiently in compliance with the policy that was in effect prior to the August 17, 2023 policy revisions.

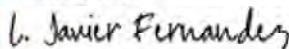
### ACTION

The System Management and Nuclear Oversight Committee recommends Board approval of the SD-9: Integrated System Planning Monitoring Report.

#### RECOMMENDED:

DocuSigned by:  
  
Bradley R. Underwood  
Vice President – Systems Transformation

#### APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:  
  
L. Javier Fernandez  
President and Chief Executive Officer

Attachment: Exhibit A – Monitoring Report  
Resolution



# Monitoring Report SD-9: Integrated System Planning

Brad Underwood  
Vice President - Systems Transformation  
September 19, 2023

# SD-9 Integrated System Planning

## Strategic Directive

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Significant revisions were approved to SD-9: Resource Planning on August 17, 2022. The revisions include:

- Creating a structure for quarterly review by the Board of the progress in developing new bulk electric system resources and engaging the board in key decisions
- Creating a timeline for resource additions consistent with the near-term resources recommended in the August 2023 board resolution

*The 2022-2023 Monitoring Report reflects SD-9: Integrated System Planning prior to the August 2023 policy revision.*

# SD-9 Integrated System Planning

## Strategic Directive

*SD-9 Version Prior to August 2023 Revision*

Integrated System Planning is the ecosystem of planning processes used to efficiently integrate the transmission system, supply and demand side resources, and the increasingly complex distribution system. Through Integrated System Planning efforts, OPPD will continually plan for, adapt to, and enable both the needs of our customers and the rapidly transforming electric industry. Successful planning will ensure both a reliable electric system and the resiliency of the system and its components to prepare for, withstand, respond to, adapt to and quickly recover from a non-routine event.

OPPD shall:

- 1 Ensure that year-round supply-side and demand-side resource capacity exceeds forecasted load in compliance with resource adequacy and planning reserve margin requirements of OPPD's regional balancing authority.
- 2 Ensure compliance with applicable planning related North American Electric Reliability Corporation Reliability Standards including consideration of Essential Reliability Services.
- 3 Ensure planning accounts for potential extreme weather events, changes to demand-side and supply side regional resources and extended periods of low energy production by variable energy resources.
- 4 Compute resource adequacy metrics that quantify the ability of OPPD's resources to meet its forecasted electric demand:
  - Measure the frequency with which a system's demand is expected to be met by system capacity over a period of time
  - Measure the percentage of total energy that a system is projected to be able to serve over a period of time.

# SD-9 Integrated System Planning Strategic Directive

SD-9 Version Prior to August 2023 Revision

**1** Ensure that year-round supply-side and demand-side resource capacity exceeds forecasted load in compliance with resource adequacy and planning reserve margin requirements of OPPD’s regional balancing authority.

- OPPD is a member of the Southwest Power Pool (SPP), which ensures sufficient resources are available regionally **to reliably serve electric demand**.
- As a member of SPP, **OPPD is required to have generation capacity** to meet its peak demand plus a Planning Reserve Margin (PRM).
- Generation capacity is qualified by testing and is known as Accredited Capacity.
- The PRM is currently set at 15% for the summer, however, **OPPD expects this requirement to increase in coming years**.

**Planning Reserve Margin**

		2019	2020	2021	2022	2023
Summer	Required	12%	12%	12%	12%	15%
	Actual	16.1%	17.9%	20.8%	18.6%	16.8%
	Difference	<b>4.1%</b>	<b>5.9%</b>	<b>8.8%</b>	<b>6.6%</b>	<b>1.8%</b>
Winter	Required	12%	12%	12%	12%	15%
	Actual	32.6%	26.0%	26.0%	25.5%	31.8%
	Difference	<b>20.6%</b>	<b>14.0%</b>	<b>14.0%</b>	<b>13.5%</b>	<b>16.8%</b>

# SD-9 Integrated System Planning Strategic Directive

SD-9 Version Prior to August 2023 Revision

1 Ensure that year-round supply-side and demand-side resource capacity exceeds forecasted load in compliance with resource adequacy and planning reserve margin requirements of OPPD's regional balancing authority.

- OPPD must plan new resources over an extended time horizon considering:

### Load Growth:

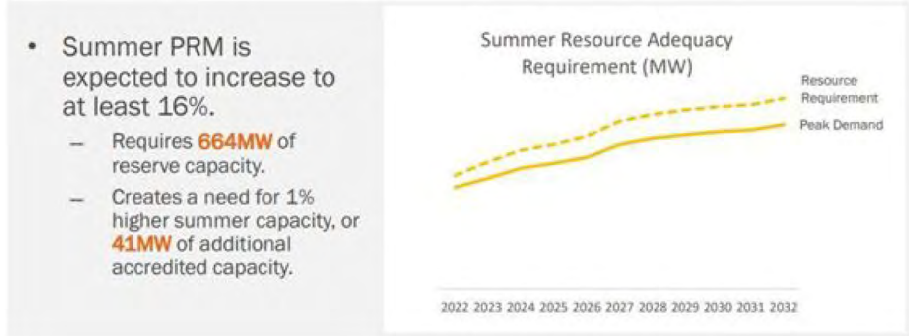
OPPD's system is experiencing **unprecedented load growth** with growing load across all customer classes, and especially among large industrial loads

### Lead Time:

The current supply chain backlogs and interconnection process mean adding **new generation could take 5-8 years.**

### Changing Regional Policy

OPPD expects **increasing regional reserve requirements** for both the summer and winter seasons along with **adjustments to generation accreditation methodology** for both conventional and variable energy resources.





# SD-9 Integrated System Planning Strategic Directive

*SD-9 Version Prior to August 2023 Revision*

**1** Ensure that year-round supply-side and demand-side resource capacity exceeds forecasted load in compliance with resource adequacy and planning reserve margin requirements of OPPD’s regional balancing authority.

- In 2023 OPPD undertook a comprehensive resource planning effort to plan new generation resources to meet projected future needs
- OPPD’s resource planning process optimized for least cost while maintaining and enhancing system reliability and resource adequacy
- OPPD recommended and received board approval for the addition of significant new quantities of generation resources
- Over 90% of energy generated from the new resources is projected from renewable sources, supporting OPPD’s mission of providing affordable, reliable, and environmentally sensitive energy service to its customers

Resources (Nameplate or Peak Tested Capacity)	Range of Incremental Additions (MW)
Renewable Generation	1,000 – 1,500 MW
Energy Storage	Approximately 125 MW
Dual Fuel Combustion Turbines	600 – 950 MW
Demand Response	Minimum of 32 MW
On-site fuel oil storage for year-round accreditation for approximately 320 megawatts (MW) of existing natural gas-fueled generation assets	Approximately 320 MW

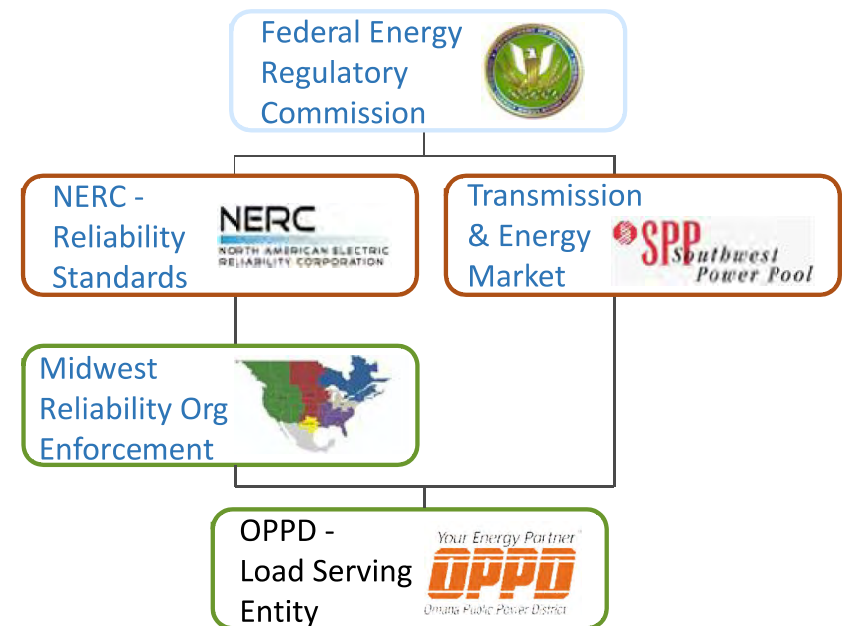
OPPD’s Near-Term Generation Plan approved under Resolution No. 6582 on August 17<sup>th</sup>, 2023

# SD-9 Integrated System Planning Strategic Directive

SD-9 Version Prior to August 2023 Revision

2 Ensure compliance with applicable planning related North American Electric Reliability Corporation Reliability Standards including consideration of Essential Reliability Services.

- Federal NERC Reliability Standards define the reliability requirements for planning and operating the North American bulk power system
- ✓ No enforceable NERC violations for the planning standards since the last SD-9 update
  - ✓ Various transmission system expansion plans identified and in-progress to support compliance
- ✓ Essential Reliability Services incorporated into generation expansion planning
  - ✓ Voltage support
  - ✓ Frequency Response
  - ✓ Load ramping/balancing



# SD-9 Integrated System Planning Strategic Directive

*SD-9 Version Prior to August 2023 Revision*

3

Ensure planning accounts for potential extreme weather events, changes to demand-side and supply side regional resources and extended periods of low energy production by variable energy resources.

## Regional Policy

- OPPD is actively engaged in SPP policy efforts that will enhance regional reliability during extreme events including:
  - Improving regional resource adequacy and transmission system modeling to better predict system risks and establish system reserve requirements
  - Establishing fuel assurance requirements for conventional units
  - Create incentives for reliability through performance-based accreditation (PBA)
  - Accurately value the contribution of renewables and storage through Effective Load Carrying Capability (ELCC)

## OPPD Resources

- Design considerations for new firm dispatchable generation will specifically address resource adequacy in critical times of need:
  - Turtle Creek Station and Standing Bear Lake will have a design basis of -40F to ensure reliable operation in extreme cold conditions along with on-site fuel storage
  - Addition of on-site fuel storage for 320MW of existing generation will both ensure winter accreditation and improved resiliency of operations during regional natural gas limitations
  - Refueling strategy is being developed for OPPD's new facilities to mitigate supply imitations

# SD-9 Integrated System Planning Strategic Directive

SD-9 Version Prior to August 2023 Revision

**4** Compute resource adequacy metrics that quantify the ability of OPPD’s resources to meet its forecasted electric demand:

- Measure the frequency with which a system’s demand is expected to be met by system capacity over a period of time
- Measure the percentage of total energy that a system is projected to be able to serve over a period of time.

- As part of its Near-Term Generation Planning, OPPD conducted detailed resource adequacy modeling to quantify the reliability of its current and future systems
- Resource adequacy modeling simulates the capability of OPPD’s resources to meet OPPD’s electric demands under a large range of:
  - Weather conditions (over 40 years of historical weather)
  - Renewable production scenarios
  - Conventional unit reliability scenarios
- While OPPD’s current portfolio has degraded resource adequacy due to delays in adding new generation, the system will be restored with the completion of its new generation and near term resource plan

Resource Adequacy Reliability	2023	2030 with Near Term Generation
Frequency Basis (1-LOLE)	92.05%	99.99%
Energy Basis (1-EUE)	99.83%	99.99%

Note: The completion of OPPD’s Turtle Creek Station, Standing Bear Lake Station, and Platteview Solar facilities will meaningfully improve these local system resource adequacy metrics as early as 2024, but is dependent on transmission interconnection study results

# Recommendation

- The System Management Committee has reviewed and accepted this Monitoring Report for SD-9 and recommends that the Board find OPPD to be sufficiently in compliance with the Board Policy SD-9 that was in effect prior to the August 17, 2023 policy revision.

Any additional reflections on

what has been  
accomplished ... or

challenges or gaps





Moody/Underwood

**DRAFT**  
**RESOLUTION NO. 6XXX**

**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 System Management and Nuclear Oversight Committee (the "Committee") is responsible for evaluating Board Policy SD-9: Integrated System Planning on an annual basis. The Committee has reviewed the SD-9: Integrated System Planning Monitoring Report, which covers a period prior to the Board's revision of SD-9 on August 17, 2023, and finds OPPD to be sufficiently in compliance with the policy as stated.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Omaha Public Power District accepts the monitoring report for SD-9: Integrated System Planning, in the form as set forth on Exhibit A attached hereto and made a part hereof, and finds OPPD to be sufficiently in compliance with the policy as stated in SD-9 for the period prior to the Board's revision of the policy on August 17, 2023.



# Reporting Item

## BOARD OF DIRECTORS

September 19, 2023

### 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 conducted:

- Reactor vessel segmentation continues as the project's highest priority activity. Since the last update, the vessel was lifted from its installed location and the insulation around the vessel was removed. Several challenges have been incurred during this project, which has resulted in approximately a three-month impact to the schedule. Set up of the tooling to begin cutting the vessel is underway and will be followed by segmentation and disposal of the reactor vessel material.
- Following reactor vessel segmentation, the focus throughout 2024 will shift to removal of the remainder of the components inside the containment structure.
- The Nuclear Regulatory Commission ("NRC") recently completed the fourth regularly scheduled inspection of 2023. The inspectors reviewed documentation, observed several meetings, and performed observations of project activities. The inspectors exited with positive comments and opportunities for improvement.

### RECOMMENDED:

DocuSigned by:  
*Troy Via*  
181101221F025AE  
\_\_\_\_\_  
Troy R. Via  
Chief Operating Officer & Vice  
President Utility Operations

### APPROVED FOR REPORTING TO BOARD:

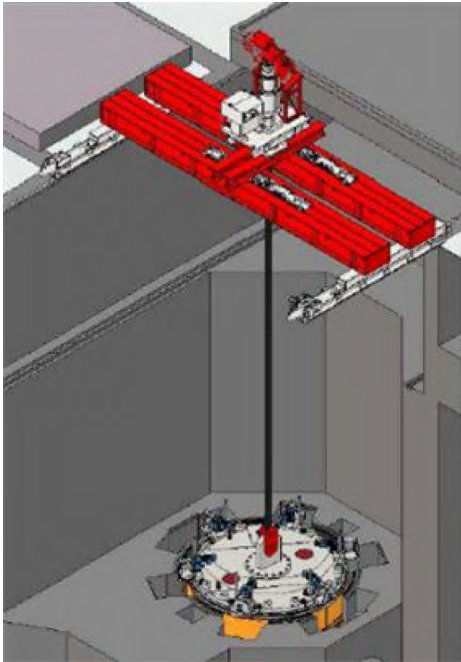
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*L. Javier Fernandez*  
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L. Javier Fernandez  
President and Chief Executive Officer

TRV:tsu

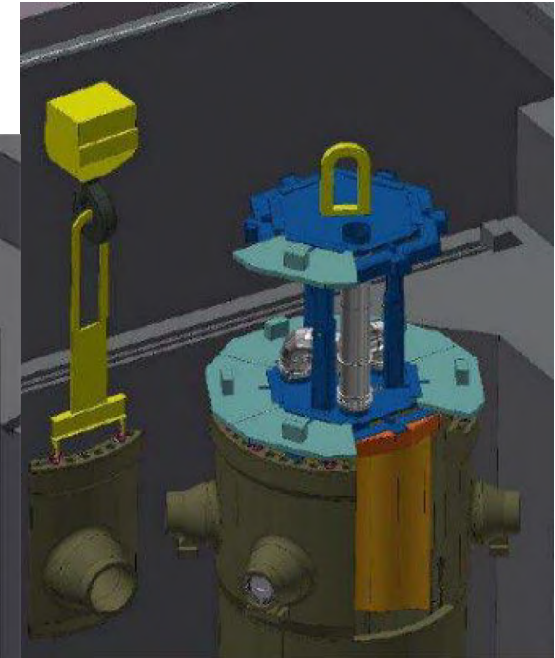
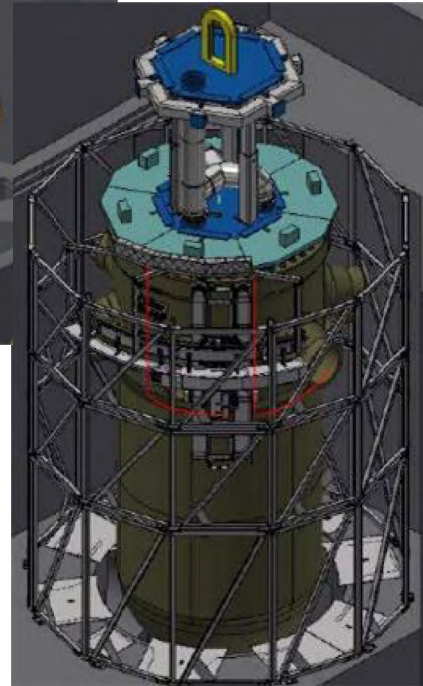
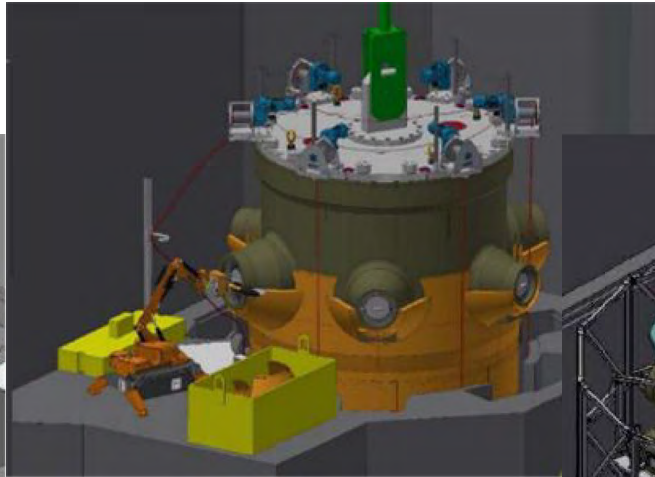


# Reactor Vessel Segmentation Graphic

1. Lift Vessel



2. Remove Insulation

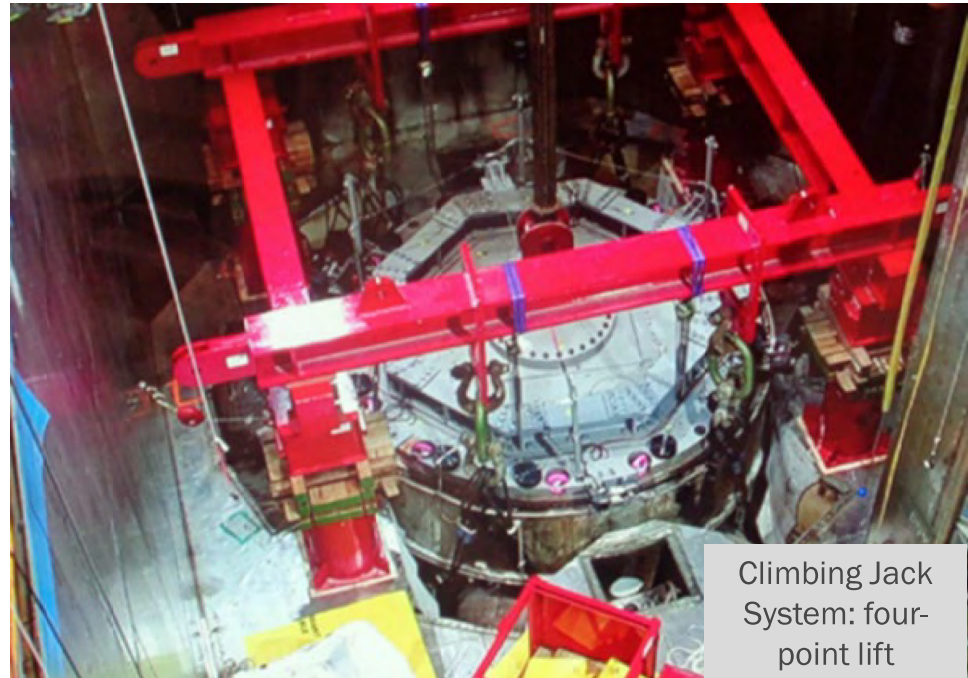


3. Install cutting system (left)  
4. Segment & Remove Vessel Pieces (above)

# Reactor Vessel Segmentation – The Lift



Strand Jack System: single-point lift



Climbing Jack System: four-point lift

Additional Lifting System  
Utilized to free the vessel from its installed position

# Reactor Vessel Segmentation – Insulation Removal



# The Reactor Vessel – Then & Now



The Reactor Vessel is ~14' in diameter, ~32' in length and weighs ~227 Metric Tons (~500,000 pounds)



# Reporting Item

## BOARD OF DIRECTORS

September 19, 2023

### ITEM

Cass to Sarpy Transmission Project Update

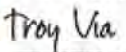
### PURPOSE

Provide an update on the Cass to Sarpy Transmission Project.

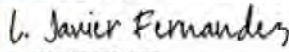
### FACTS

- a. OPPD was issued the Notification to Construct (NTC) from Southwest Power Pool ("SPP") on November 16, 2022.
- b. The NTC was to build a new 345kV transmission line from an OPPD substation off 180<sup>th</sup> and Giles to OPPD's Cass County Balancing Station northwest of Murray, Nebraska.
- c. From February 2023 to April 2023, OPPD began gathering data in the proposed study area and established the Routing and Public Involvement plan for the new transmission line.
- d. First round of Public Open Houses was held in Springfield, Nebraska and Louisville, Nebraska on July 12, 2023 and July 13, 2023, respectively.
- e. Second round of Public Open Houses are scheduled for October 4, 2023 and October 5, 2023 in Springfield, Nebraska and Louisville, Nebraska.
- f. Final Route Announcement is tentatively scheduled to happen at the December 2023 OPPD Board Meeting.

### RECOMMENDED:

DocuSigned by:  
  
Troy R. Via  
Chief Operating Officer and Vice  
President - Utility Operations

### APPROVED FOR REPORTING TO BOARD:

DocuSigned by:  
  
L. Javier Fernandez  
President and Chief Executive Officer

TRV:sjh



# Cass-to-Sarpy Transmission Project: Routing, Siting & Public Involvement Update

Troy Via  
VP, Utility Operations and COO  
September 19, 2023



## Project Overview

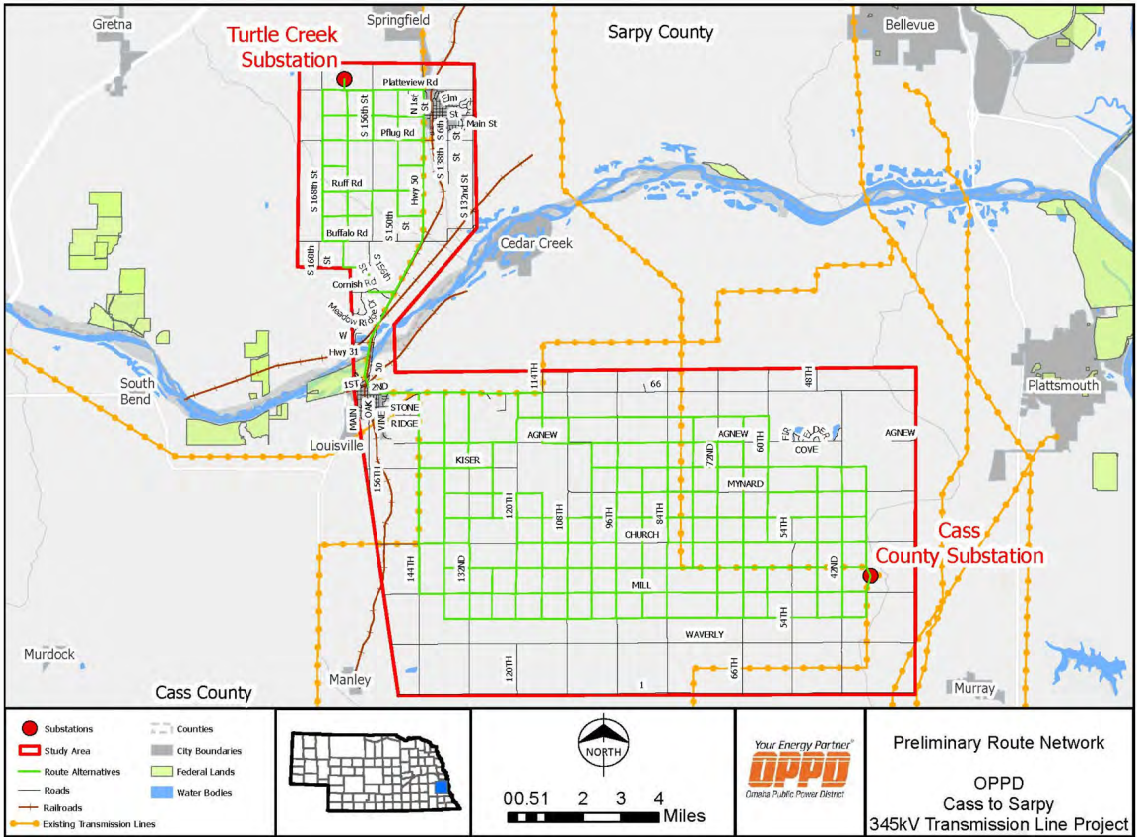
- Construct an approximately 23-mile, 345-kilovolt transmission line
  - Build line between the Turtle Creek Station and the Cass County Balancing Station
    - Connect to an existing line from Turtle Creek Station to a substation off 180<sup>th</sup> and Giles.
  - Support increased electric usage and planning for balanced portfolio of energy
  - Ensure system resiliency and reliability during peak events



# Routing, Siting and Public Involvement Process



We are here!





# Routing & Siting Criteria

How is a route selected?

Potential routes are considered based on many factors:

Engineering	Environmental	Social
		
Airports	Conservation Areas	Businesses
Cost	Floodplains	Cemeteries
Constructability	Historic & Archaeological Sites	Places of Worship
Highways	Wooded Areas	Commercial/ Industry
Structures (other)	Wetlands/Waterways	Agriculture
Irrigation/ Pivots	Threatened & Endangered Species	New & Platted Developments
Existing/Planned Utilities		Residences/ Homes
Wells		Parks & Recreation



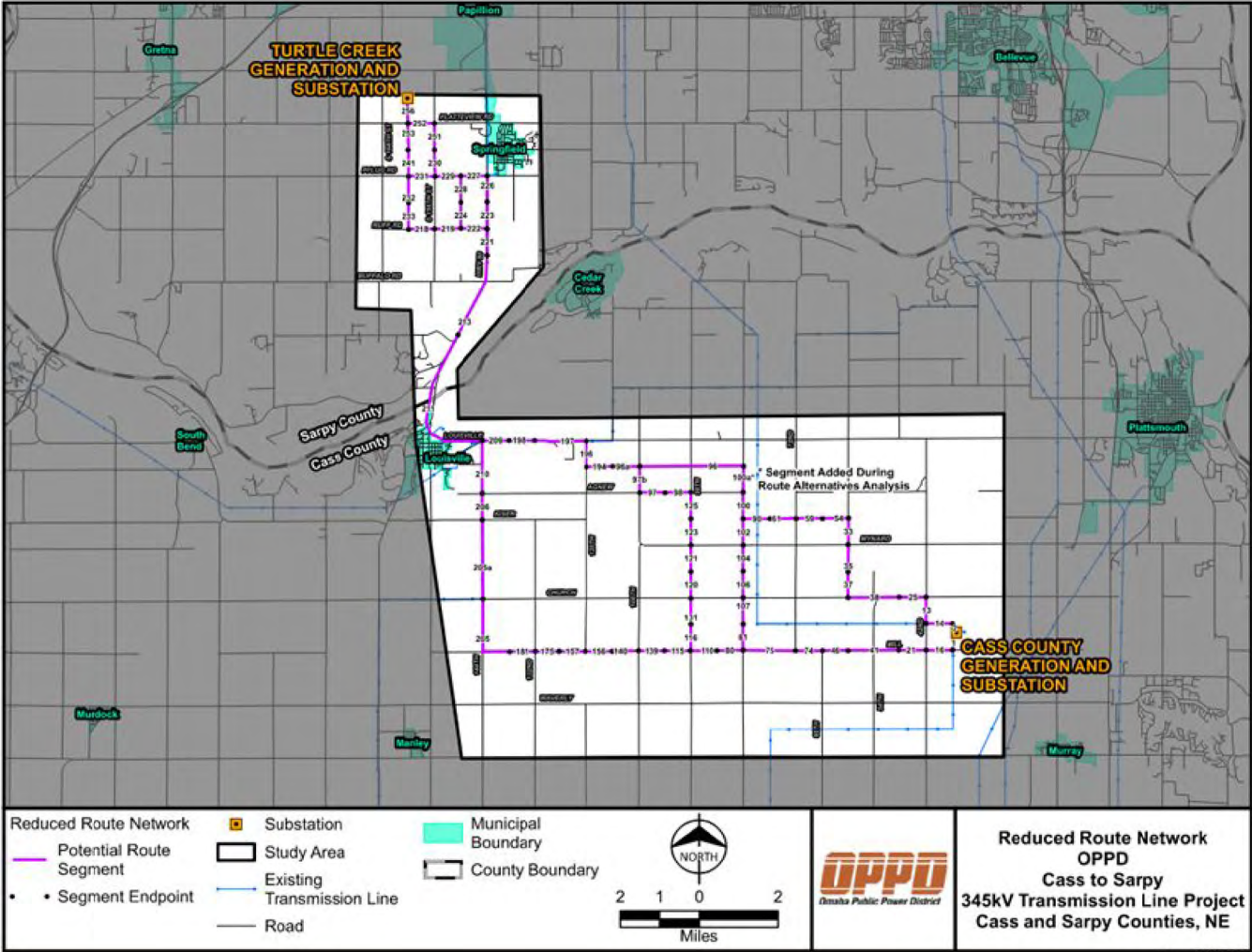
## Phase 1 - Feedback

- 100 mapping tool comments/ property input
- 163 public attendees at two Open House events
- 82 completed written questionnaires
- Additional comments and input received through other communication channels



# Phase 2 – Reduced Route Segment Options

- 5 distinct routes in Sarpy County
- 4 distinct routes in Cass County
- Includes segments to create alternate pathways
- Geographically diverse options
- New route segment added to network



## Next Steps

- ❖ October 4-5, 2023
  - Phase 2: Public Open House Events
- ❖ October-December 2023
  - Phase 3: Comment review and analysis
- ❖ December 2023
  - Route Announcement
- ❖ 2024
  - Engineering/Permitting/Right of Way Activities
- ❖ 2025
  - Public Hearing and Right of Way Acquisition
  - Material and Contractor Sourcing
- ❖ 2026
  - Construction starts
- ❖ December 2026
  - Estimated In-Service Date





# Questions?





# Board Action

## BOARD OF DIRECTORS

September 19, 2023

### ITEM

Award RFP No. 6054 "Substation Foundations, Ductlines, and Miscellaneous Work"

### PURPOSE

Board of Directors authorization to award RFP No. 6054 to provide materials and labor for Substation Foundations, Ductlines, and Miscellaneous Work to support development of a new substation.

### FACTS

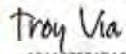
1. Development of this substation supports load growth in the Douglas County area.
2. Substation foundations provide structural bases for placement of steel supports and equipment including breakers, transformers and buildings. Ducts provide a conduit to electrically connect various devices. Grounding ensures safety to personnel in the substation and provides the ground connection for various devices.
3. Three (3) proposals were received which were legally and technically responsive.
4. Desired completion of the substation foundations, ductlines, and miscellaneous work is December 2023.
5. The proposal from Midwest Infrastructure, Inc. was evaluated as the lowest and best bid.

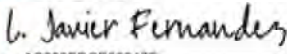
### ACTION

Authorization by the Board to award the contract for RFP 6054 Substation Foundations, Ductlines, and Miscellaneous Work to Midwest Infrastructure, Inc. in the amount of One Million, One Hundred Ninety-Eight Thousand, Seven Hundred Eighty-Seven Dollars and Fifty-Six Cents (\$1,198,787.56).

RECOMMENDED:

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:  
  
Troy R. Via  
Chief Operating Officer and  
Vice President – Utility Operations

DocuSigned by:  
  
L. Javier Fernandez  
President and Chief Executive Officer

TRV:jgb

Attachments: Analysis of Proposals  
Tabulation of Bids  
Legal Opinion  
Resolution



# MEMORANDUM

**DATE:** September 8, 2023

**FROM:** D. D. Buelt

**TO:** T. R. Via

RFP No. 6054  
“Substation Foundations, Ductlines, and Miscellaneous Work”

## Analysis of Proposals

### 1.00 GENERAL

RFP No. 6054 was advertised for bid on July 20, 2023.

This contract will procure material and construction services to complete the installation of foundations, ducts, and grounding for the new substation project to support load growth and reliability in the Douglas County area.

Construction is scheduled to begin October 2023 and conclude December 2023.

One (1) Letter of Clarification was issued to address a question raised during the pre-bid site meeting.

One (1) Addendum was issued to update line item quantities and transformer foundation details.

Bids were requested and opened at 2:00 p.m., C.D.T., Thursday, August 17, 2023.

Three total proposals were received. The proposals received are summarized in the table below:

Bidder	Lump Sum Firm Price	Legally Responsive	Technically Responsive
Midwest Infrastructure, Inc.	\$1,198,787.56	Yes	Yes
Peak Contracting Group	\$1,269,599.66	Yes	Yes
Thompson Construction	\$1,430,015.00	Yes	Yes

### 2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

OPPPO’s legal counsel noted that all three bids received were legally responsive and may be considered by the Board of Directors for the award of this contract.

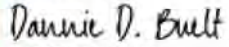
T.R. Via  
September 8, 2023  
Page 2 of 2

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

All proposals were deemed to be technically responsive.


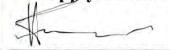
4.00 RECOMMENDATION

On the basis of compliance with the legal and technical requirements of the specifications, cost evaluations performed and guaranteed completion dates, it is recommended that RFP No. 6054, "Substation Foundations, Ductlines, and Miscellaneous Work" be awarded to Midwest Infrastructure, Inc. in the amount of One Million, One Hundred Ninety-Eight Thousand, Seven Hundred Eighty-Seven Dollars and Fifty-Six Cents (\$1,198,787.56).

DocuSigned by:  
  
60076142169048E

Dannie Bult, PE  
Sr. Director Major Projects  
Energy Delivery



<p><b>TABULATION OF BIDS</b>                  Opened at 2:00 p.m., C.D.T., Thursday, August 17, 2023, in                  Omaha, Nebraska</p> <p>Anticipated Award Date                  September 21, 2023</p> <p>Engineers Estimate                  \$1,370,237.00</p>	<p><b>REQUEST FOR PROPOSAL NO. 6054</b>  <b>Substation Foundations, Ductlines, and Misc Work</b></p>			<p>DocuSigned by:                    C171422F76EE422                  Director                  Supply Chain Management</p> <p>DocuSigned by:                    80AC33D8E87A4D3                  Compiled by and Certified Correct</p>
<p><b>BID ITEM</b></p>	<p><b>BIDDER'S NAME &amp; ADDRESS</b></p>			
	<p>Midwest Infrastructure, Inc.                  5320 N. 148th Street                  Lincoln, NE 68527</p>	<p>Peak Contracting Group                  14685 Hwy 50                  Louisville, NE 68037</p>	<p>Thompson Construction Inc.                  2404 North Lincoln Ave                  Fremont, NE 68025</p>	
<p><b>1. Price Proposal:</b></p> <p>Attachment A Total Price (Combined Sum of extended                  Unit Prices for Items 1-122) on Page 84</p> <p><b>2. Completion Guarantee:</b>                  Mobilization: October 5, 2023                  Project Completion: December 28, 2023</p>	<p style="text-align: center;">\$1,198,787.56</p> <p style="text-align: center;"><u>Guaranteed Completion Date</u>                  10/05/2023 (or before if allowed by OPPD)                  12/28/2023</p>	<p style="text-align: center;">\$1,269,599.66</p> <p style="text-align: center;"><u>Guaranteed Completion Date</u>                  October 5, 2023                  December 28, 2023</p>	<p style="text-align: center;">\$1,430,015.00</p> <p style="text-align: center;"><u>Guaranteed Completion Date</u>                  10/05/2023                  12/28/2023</p>	
	<p>SUPPLIER'S BID</p>	<p>SUPPLIER'S BID</p>	<p>SUPPLIER'S BID</p>	



**Troy F. Meyerson**  
ATTORNEY  
402.978.5347  
tmeyerson@fraserstryker.com  
fraserstryker.com

August 30, 2023

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

RE: Request for Proposal No. 6054 – Substation Foundations, Ductlines, and Miscellaneous Work ("RFP No. 6054")

Ladies and Gentlemen:

We have reviewed the three (3) proposals received in response to RFP No. 6054 and provide the following opinion.

The proposal for Peak Contracting Group includes no commercial or legal exceptions and may be evaluated by the District.

The proposal for Midwest Infrastructure, Inc. includes no commercial or legal exceptions and may be evaluated by the District.

The proposal for Thompson Construction, Inc. includes no commercial or legal exceptions and may be evaluated by the District.

Subject to the foregoing comments and the District's technical and economic evaluation all three (3) of the proposals received in response to RFP No. 6054 may be considered by the District's Board of Directors for the award of this contract. The bond of the successful bidder must be approved by the Board of Directors.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Troy F. Meyerson'.

Troy F. Meyerson  
FOR THE FIRM

TFM:

Fraser Stryker PC LLO

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



Moody/Via

**DRAFT**  
**RESOLUTION NO. 6XXX**

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

**REQUEST FOR PROPOSAL (RFP) NO. 6054**  
**SUBSTATION FOUNDATIONS, DUCTLINES, AND MISC WORK**

**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 the proposal of Midwest Infrastructure, Inc. in the amount of \$1,198,787.56 to provide materials and labor for substation foundations, ductlines, and miscellaneous work to support development of a new substation pursuant to Request for Proposal No. 6054 is hereby accepted, and the form of payment and performance bond of such bidder is approved.



# RFP#6054 - Substation Foundations, Ductlines, and Miscellaneous Work

Troy Via

VP, Utility Operations and COO

September 19, 2023

# Substation Foundations, Ductlines, and Miscellaneous Work Examples



Cable Trench



Pier Formwork



Pier Foundations



Rebar Cages



# Board Action

## BOARD OF DIRECTORS

September 19, 2023

### ITEM

Nebraska City Station Unit 1 (NC1) Air Preheater Basket and Seal Replacement Labor

### PURPOSE

Board of Directors authorization to reject the proposals received in response to RFP No. 6071, and for the District to enter into a negotiated contract for labor to replace the air preheater baskets and seals for the Nebraska City Station Unit 1.

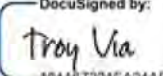
### FACTS

- a. The existing baskets and seals are at the end of their expected life. Recent inspection reports have confirmed replacement of the baskets and seals is needed to maintain unit reliability.
- b. The air preheater basket and seal work will be completed during the planned spring 2024 outage.
- c. Purchase of materials will be provided separate from this contract.
- d. Two (2) bids were received, and both were determined to be legally non-responsive.

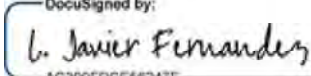
### ACTION

Authorization by the Board to reject all proposals received in response to RFP No. 6071 and allow Management to enter into a negotiated contract.

#### RECOMMENDED:

DocuSigned by:  
  
Troy R. Via  
Vice President – Utility Operations  
and Chief Operating Officer

#### APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:  
  
L. Javier Fernandez  
President and Chief Executive Officer

TRV:sae

Attachments: Letter of Recommendation  
Tabulation of Bids  
Legal Opinion  
Resolution

*your energy partner*



Omaha Public Power District

## MEMORANDUM

**DATE:** August 31, 2023

UO-2023-017

**FROM:** S.A. Eidem

**TO:** T.R. Via

**SUBJECT:** Nebraska City Station Unit 1 Air Preheater Basket and Seal Installation Labor

### 1.00 GENERAL

Request for Proposal (RFP) No. 6071 is for the labor contract for replacement of baskets and seals utilized in the Nebraska City Station Unit 1 (NC1) air preheaters. The contract is for installation labor only and does not include the supply of materials. A materials contract was previously awarded in May 2023. Installation is planned to occur during the scheduled unit outage in the spring of 2024.

There are three layers of basketed heat transfer elements within the NC1 air preheaters (hot end, hot intermediate, and cold end). The heat transfer elements are subject to erosion and corrosion during operation. Replacement labor for all three layers is included in this contract, along with replacement of the air preheater seals.

Two proposals were submitted and opened in response to the RFP on August 17, 2023. The Engineer's Estimate at the time of bid opening was \$4,200,000. The proposal prices are as follows:

COMPANY	BASE BID PRICE
TEiC	\$2,997,680.00
Total Western, Inc.	\$1,871,467.15

### 2.00 COMPLIANCE WITH CONTRACT TERMS AND CONDITIONS

OPPD's legal counsel noted the proposal received from TEiC is legally non-responsive due to adding Special Conditions on top of a previously agreed upon Master Services Agreement between OPPD and TEiC. The Special Conditions materially alter the risk allocation of the District and TEiC.

OPPD's legal counsel noted the proposal received from Total Western is legally non-responsive due to Total Western including revised payment terms that are in conflict with the desired milestones in OPPD's bid documents. In addition, Total Western included a Recruitment Fee to be paid by OPPD if OPPD hires any Total Western employees during the term of the contract, or during twelve months after completion of the contract.

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

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


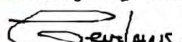
4.00 RECOMMENDATION

Based on the non-compliance with the legal requirements of this RFP, it is recommended that all proposals received for RFP No. 6071 be rejected by the Board of Directors and that District Management be authorized to enter into a negotiated contract.



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



<p align="center"><b>TABULATION OF BIDS</b>                  Opened at 2:00 p.m., C.D.T., Thursday,                  August 17, 2023, in Omaha, Nebraska</p>		<p align="center"><b>REQUEST FOR PROPOSAL NO. 6071</b></p> <p align="center"><b>NC1 Air Preheater Baskets and Seals Replacement</b></p>		<p align="center">DocuSigned by:                    C171422F76EE422...  <b>Director</b></p> <p align="center">Supply Chain Management                    SEC5B86907EE4F6  <b>Compiled by and Certified Correct</b></p>	
<p align="center">Anticipated Award Date                  September 21, 2023</p>					
<p align="center"><b>ENGINEER'S ESTIMATE</b></p> <p align="center"><u>\$4,200,000.00</u></p>					
<p align="center"><b>BID ITEM</b></p>		<b>BIDDER'S NAME &amp; ADDRESS</b>			
		<p align="center">Total-Western, Inc                  8049 Somerset Blvd                  Paramount, CA 90723</p>	<p align="center">TEiC Construction Services, Inc                  170 Tucapau Rd                  Duncan, SC 29334</p>		
		<b>SUPPLIER'S BID</b>	<b>SUPPLIER'S BID</b>	<b>SUPPLIER'S BID</b>	
1.	<p><u>Proposal Price(S)</u></p> <p>Lump Sum Firm Price</p> <p>Lump Sum Firm Price ( optional line item)</p>	<p align="center"><u>\$1,871,467.15</u></p> <p align="center"><u>\$414,720.00</u></p>	<p align="center"><u>\$2,997,680.00</u></p> <p align="center"><u>\$198,000.00</u></p>		
2.	<p><u>Completion Guarantee(s)</u></p> <p>Complete Installation of NC1 Air Preheater                  Baskets and Seals: May 23, 2024, 1700 Hour</p>	<p align="center"><u>Guaranteed Completion Date</u></p> <p align="center"><u>May 23, 2024, 1700 Hour</u></p>	<p align="center"><u>Guaranteed Completion Date</u></p> <p align="center"><u>May 23, 2024, 1700 Hour</u></p>	<p align="center"><u>Guaranteed Completion Date</u></p>	



Troy F. Meyerson  
ATTORNEY  
402.978.5347  
tmeyerson@fraserstryker.com  
fraserstryker.com

August 29, 2023

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

RE: Request for Proposal No. 6071 – NC1 Air Preheater Basket Replacement 2024 ("RFP No. 6071")

Ladies and Gentlemen:

We have reviewed the two (2) proposals received in response to the District's RFP No. 6071 and provide the following legal opinion.

The proposal of Total-Western, Inc. ("TW") includes revised payment terms requiring weekly invoiced progress payments in conflict with the desired milestones in OPPD's bid documents. In addition, TW's proposal includes a Recruitment Fee to be paid by OPPD if it hires anyone during the term of the Contract or during the twelve (12) months after completion of the work under the contract. This Recruitment Fee would be required to be paid enterprise wide during the applicable period. It is our opinion that these substantial deviations to the District's requested RFP terms render the TW proposal legally non-responsive, and the TW proposal may not be considered by the Board of Directors for the award of this contract.

The proposal of TEiC Construction Services, Inc. ("TEiC") incorporates a previously agreed upon Master Services Agreement between TEiC and the District and then adds additional Special Conditions on top of such previously negotiated terms. These Special Terms materially alter the risk allocation of the District and TEiC and makes its proposal legally non-responsive to the bidding documents and may not be considered by the Board of Directors for the award of this contract.

Section 70-637(5) of the Nebraska Revised Statutes authorizes the Board of Directors to reject all bids if they are non-responsive to the contract documents or exceed the fair market value of the RFP's subject matter. Accordingly, the Board of Directors may reject both proposals for RFP No. 6071 and authorize Management to negotiate an acceptable contract. We recommend that the final contract documents be reviewed and approved by the District's General Counsel.

Sincerely,

Troy F. Meyerson  
FOR THE FIRM

TFM:  
3009463.1

Fraser Stryker PC LLO

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



Moody/Via

**DRAFT**  
**RESOLUTION NO. xxxx**

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

**REQUEST FOR PROPOSAL (RFP) NO. 6071**  
**NC1 AIR PREHEATER BASKETS AND SEALS REPLACEMENT**

**WHEREAS**, bids were received and opened at the time and place mentioned in the published notices and the Director – Supply Chain Management supervised the tabulations, which have been submitted to this Board; and

**WHEREAS**, the Board of Directors has carefully considered the bids submitted, as well as the recommendations of the District's Management and General Counsel; and

**WHEREAS**, Section 70-637 of the Nebraska Revised Statutes authorizes the District's Board of Directors to reject proposals if they are not responsive to the Request for Proposals, and to authorize Management to pursue a negotiated contract without compliance with the sealed bidding provisions of Section 70-637 through 70-639; and

**WHEREAS**, the Board of Directors concurs with Management's recommendation that the two (2) proposals received for RFP No. 6071 are legally non-responsive.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Omaha Public Power District that all proposals received in response to Request for Proposal No. 6071 are rejected and Management is authorized to negotiate and enter into a contract or contracts for the Nebraska City Station Unit 1 Air Preheater Baskets and Seals installation labor only, subject to review and approval of the final contract(s) by the District's General Counsel.



# Board Action

## BOARD OF DIRECTORS

September 19, 2023

### ITEM

North Omaha Station Unit 5 Air Preheater Basket and Seal Replacement Labor

### PURPOSE

Board of Directors authorization to reject the proposals received in response to RFP No. 6065, and for the District to enter into a negotiated contract for labor to replace the air preheater baskets and seals for North Omaha Station Unit 5.

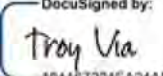
### FACTS

- a. The existing baskets and seals are at the end of their expected life. Recent inspection reports have confirmed replacement of the baskets and seals is needed to maintain unit reliability.
- b. The air preheater basket and seal work will be completed during the planned spring 2024 outage.
- c. Purchase of materials will be provided separate from this contract.
- d. Two (2) bids were received, and both were determined to be legally non-responsive.

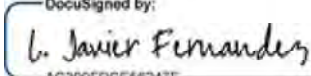
### ACTION

Authorization by the Board to reject all proposals received in response to RFP No. 6065 and allow District Management to enter into a negotiated contract.

#### RECOMMENDED:

DocuSigned by:  
  
Troy R. Via  
Vice President – Utility Operations  
and Chief Operating Officer

#### APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:  
  
L. Javier Fernandez  
President and Chief Executive Officer

TRV:sae

Attachments: Letter of Recommendation  
Tabulation of Bids  
Legal Opinion  
Resolution

*your energy partner*



**MEMORANDUM**

**DATE:** August 31, 2023

UO-2023-016

**FROM:** S.A. Eidem

**TO:** T.R. Via

**SUBJECT:** North Omaha Station Unit 5 Air Preheater Basket and Seal Installation Labor

1.00 GENERAL

Request for Proposal (RFP) No. 6065 is for the labor contract for replacement of baskets and seals utilized in the North Omaha Station Unit 5 (NO5) air preheaters. The contract is for installation labor only and does not include the supply of materials. A materials contract was previously awarded in May 2023. Installation is planned to occur during the scheduled unit outage in the spring of 2024.

There are two layers of basketed heat transfer elements within the NO5 air preheaters (hot end and cold end). The heat transfer elements are subject to erosion and corrosion during operation. Replacement of both layers are included in this contract, along with replacement of the air preheater seals.

Two proposals were submitted and opened in response to the RFP on August 17, 2023. The Engineer's Estimate at the time of bid opening was \$1,300,000. The proposal prices are as follows:

COMPANY	BASE BID PRICE
TEiC	\$1,687,271.00
Total Western, Inc.	\$908,374.25

2.00 COMPLIANCE WITH CONTRACT TERMS AND CONDITIONS

OPPD's legal counsel noted the proposal received from TEiC is legally non-responsive due to adding Special Conditions on top of a previously agreed upon Master Services Agreement between OPPD and TEiC. The Special Conditions materially alter the risk allocation of the District and TEiC.

OPPD's legal counsel noted the proposal received from Total Western is legally non-responsive due to Total Western including revised payment terms that are in conflict with the desired milestones in OPPD's bid documents. In addition, Total Western included a Recruitment Fee to be paid by OPPD if OPPD hires any Total Western employees during the term of the contract, or during twelve months after completion of the contract.

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS




The proposals received were determined to comply with the technical requirements.

4.00 RECOMMENDATION

Based on the non-compliance with the legal requirements of this RFP, it is recommended that all proposals received for RFP No. 6065 be rejected by the Board of Directors and that District Management be authorized to enter into a negotiated contract.



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

<p><b>TABULATION OF BIDS</b>                  Opened at 2:00 p.m., C.D.T., Thursday,                  August 17, 2023, in Omaha, Nebraska</p>		<p><b>REQUEST FOR PROPOSAL NO. 6065</b>   <b>NO5 Air Preheater Baskets and Seals Replacement</b></p>		<p>DocuSigned by:                    C171422F76EE422...  <b>Director</b></p>	
<p>Anticipated Award Date                  September 21, 2023</p>				<p>DocuSigned by:                    Supply Chain Management</p>	
<p>ENGINEER'S ESTIMATE</p> <p><u>\$1,300,000.00</u></p>				<p>DocuSigned by:                    Compiled by and Certified Correct</p>	
<p><b>BID ITEM</b></p>		<p><b>BIDDER'S NAME &amp; ADDRESS</b></p>			
		<p>Total-Western, Inc.                  8049 Somerset Blvd                  Paramount, CA 90723</p>		<p>TEiC Construction Services, Inc                  170 Tucapau Rd                  Duncan, SC 29334</p>	
		<p><b>SUPPLIER'S BID</b></p>		<p><b>SUPPLIER'S BID</b></p>	
<p>1. <u>Proposal Price(S)</u></p>					
<p>Lump Sum Firm Price</p>		<p><u>\$908,374.25</u></p>		<p><u>\$1,687,271.00</u></p>	
<p>2. <u>Completion Guarantee(s)</u></p>		<p><u>Guaranteed Completion Date</u></p>		<p><u>Guaranteed Completion Date</u></p>	
<p>Complete Installation of NO5 Air Preheater                  Baskets and Seals: April 3, 2024, 1700 Hour</p>		<p><u>April 3, 2024, 1700 Hour</u></p>		<p><u>April 3, 2024, 1700 Hour</u></p>	



Troy F. Meyerson  
ATTORNEY  
402.978.5347  
tmeyerson@fraserstryker.com  
fraserstryker.com

August 29, 2023

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

RE: Request for Proposal No. 6065 – NO5 Air Preheater Basket Replacement 2024 ("RFP No. 6065")

Ladies and Gentlemen:

We have reviewed the two (2) proposals received in response to the District's RFP No. 6065 and provide the following legal opinion.

The proposal of Total-Western, Inc. ("TW") includes revised payment terms requiring weekly invoiced progress payments in conflict with the desired milestones in OPPD's bid documents. In addition, TW's proposal includes a Recruitment Fee to be paid by OPPD if it hires anyone during the term of the Contract or during the twelve (12) months after completion of the work under the contract. This Recruitment Fee would be required to be paid enterprise wide during the applicable period. It is our opinion that these substantial deviations to the District's requested RFP terms render the TW proposal legally non-responsive, and the TW proposal may not be considered by the Board of Directors for the award of this contract.

The proposal of TEiC Construction Services, Inc. ("TEiC") incorporates a previously agreed upon Master Services Agreement between TEiC and the District and then adds additional Special Conditions on top of such previously negotiated terms. These Special Terms materially alter the risk allocation of the District and TEiC and makes its proposal legally non-responsive to the bidding documents and may not be considered by the Board of Directors for the award of this contract.

Section 70-637(5) of the Nebraska Revised Statutes authorizes the Board of Directors to reject all bids if they are non-responsive to the contract documents or exceed the fair market value of the RFP's subject matter. Accordingly, the Board of Directors may reject both proposals for RFP No. 6065 and authorize Management to negotiate an acceptable contract. We recommend that the final contract documents be reviewed and approved by the District's General Counsel.

Sincerely,

Troy F. Meyerson  
FOR THE FIRM

TFM:  
3009463.1

Fraser Stryker PC LLO

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





Moody/Via

**DRAFT**  
**RESOLUTION NO. xxxx**

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

**REQUEST FOR PROPOSAL (RFP) NO. 6065**  
**NO5 AIR PREHEATER BASKETS AND SEALS REPLACEMENT**

**WHEREAS**, bids were received and opened at the time and place mentioned in the published notices and the Director – Supply Chain Management supervised the tabulations, which have been submitted to this Board; and

**WHEREAS**, the Board of Directors has carefully considered the bids submitted, as well as the recommendations of the District's Management and General Counsel; and

**WHEREAS**, Section 70-637 of the Nebraska Revised Statutes authorizes the District's Board of Directors to reject proposals if they are not responsive to the Request for Proposals, and to authorize Management to pursue a negotiated contract without compliance with the sealed bidding provisions of Section 70-637 through 70-639; and

**WHEREAS**, the Board of Directors concurs with Management's recommendation that the two (2) proposals received for RFP No. 6065 are legally non-responsive.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Omaha Public Power District that all proposals received in response to Request for Proposal No. 6065 are rejected and Management is authorized to negotiate and enter into a contract or contracts for the North Omaha Station Unit 5 Air Preheater Baskets and Seals installation labor only, subject to review and approval of the final contract(s) by the District's General Counsel.



# Board Action

## BOARD OF DIRECTORS

September 19, 2023

### ITEM

Nebraska City Station Unit 1 Replacement Valve HCV-15 Labor

### PURPOSE

Board of Directors authorization to reject the proposals received for RFP No. 6076, and for the District to enter into a negotiated contract for installation of replacement valve HCV-15 for the Nebraska City Station Unit 1.

### FACTS

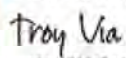
- a. The existing valve can no longer perform its intended function and repairs occur every outage to keep the valve serviceable.
- b. The valve replacement work will be completed during the planned spring 2024 outage. Material procurement will be provided separate from this contract.
- c. Three (3) bids were received and all bids were determined to be legally non-responsive.

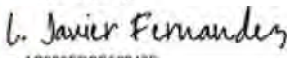
### ACTION

Authorization by the Board to reject all proposals received for RFP No. 6076 and allow District Management to enter into a negotiated contract.

#### RECOMMENDED:

#### APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:  
  
 181107221FAC2AE  
 \_\_\_\_\_  
 Troy R. Via  
 Vice President – Utility Operations  
 and Chief Operating Officer

DocuSigned by:  
  
 A030FF0CF50247E  
 \_\_\_\_\_  
 L. Javier Fernandez  
 President and Chief Executive Officer

TRV:sae

Attachments: Letter of Recommendation  
 Tabulation of Bids  
 Legal Opinion  
 Resolution

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## MEMORANDUM

**DATE:** August 31, 2023

UO-2023-018

**FROM:** S.A. Eidem

**TO:** T.R. Via

**SUBJECT:** Nebraska City Station Unit 1 HCV-15 Valve Replacement Labor

### 1.00 GENERAL

Request for Proposal (RFP) No. 6076 is for the labor services contract for replacement of the Nebraska City Unit 1 (NC1) HCV-15 valve. The contract is for labor services only and does not include the supply of materials. The material supply contract was previously awarded. Installation is planned to occur during the scheduled unit outage in the spring of 2024.

The currently installed boiler stop isolation valve (HCV-15) has a long history of failing to operate, causing or extending outages, creating unsafe local conditions, or having costly repairs. Several attempts have been made to recondition the valve for reliable operation and sealing without success. The valve currently requires maintenance every outage to continue its use.

The contract was advertised on July 20, 2023. Two letters of clarification were issued. Bids were received and opened on August 17, 2023. Three companies submitted bids. The Engineers estimate for this work was \$1,100,000. The bid prices are as follows:

ME&I Construction Services, Inc.	\$1,184,200
Total-Western Inc.	\$1,207,774
TEiC Construction Services, Inc.	\$1,255,441

### 2.00 COMPLIANCE WITH CONTRACT TERMS AND CONDITIONS

OPPD's legal counsel noted the proposal of Total-Western, Inc. ("TW") includes revised payment terms requiring weekly invoiced progress payments in conflict with the desired milestones in OPPD's bid documents. In addition, TW's proposal includes a Recruitment Fee to be paid by OPPD if it hires anyone during the term of the Contract or during the twelve (12) months after completion of the work under

the contract. This Recruitment Fee would be required to be paid enterprise wide during the applicable period. It is our opinion that these substantial deviations to the District's requested RFP terms render the TW proposal legally non-responsive, and the TW proposal may not be considered by the Board of Directors for the award of this contract.

OPPD's legal counsel noted the proposal of TEiC Construction Services, Inc. ("TEiC") incorporates a previously agreed upon Master Services Agreement between TEiC and the District and then adds additional Special Conditions on top of such previously negotiated terms. These Special Terms materially alter the risk allocation of the District and TEiC and makes it proposal legally non-responsive to the bidding documents and may not be considered by the Board of Directors for the award of this contract.

OPPD's legal counsel noted the proposal of ME&I Construction Services, Inc. ("ME&I") incorporates mark ups and alterative positions to the Contract Documents that it would like to "discuss with OPPD contracts and/or Legal". Under the sealed bidding process, the parties are not allowed to discuss revisions to the documents in order to come to a negotiated resolution. As a result, these requests make its proposal legally non-responsive and may not be considered by the Board of Directors for the award of this contract.

### 3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

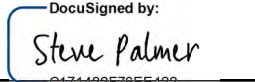

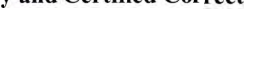
All three proposals received were determined to comply with the technical requirements and were economically evaluated.

### 4.00 RECOMMENDATION

Based on non-compliance with the legal requirements of this RFP, it is recommended that all proposals received for RFP No. 6076 be rejected by the Board of Directors and that District Management be authorized to enter into a negotiated contract.



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

<p><b>TABULATION OF BIDS</b>                  Opened at 2:00 p.m., C.D.T., Thursday,                  August 17, 2023, in Omaha, Nebraska</p>		<p><b>REQUEST FOR PROPOSAL NO. 6076</b></p> <p><b>NC1 HCV-15 Valve Installation</b></p>		<p>DocuSigned by:                    C171422F70EE422...  <b>Director</b></p>	
<p>Anticipated Award Date                  September 21, 2023</p>				<p>DocuSigned by:                    5FC5B86907EE4F6...  <b>Supply Chain Management</b></p>	
<p>ENGINEER'S ESTIMATE</p> <p><u>\$1,100,000.00</u></p>				<p>DocuSigned by:                    5FC5B86907EE4F6...  <b>Compiled by and Certified Correct</b></p>	
<p>BID ITEM</p>		<p><b>BIDDER'S NAME &amp; ADDRESS</b></p>			
		<p>ME&amp;I Construction Services, Inc.                  3205 N. Frontage Road Suite 1                  Vicksburg, MS 39180</p>	<p>Total-Western, Inc.                  8049 Somerset Blvd                  Paramount, CA 90723</p>	<p>TEiC Construction Services, Inc.                  170 Tucapau Rd                  Duncan, SC 29334</p>	
		<p>SUPPLIER'S BID</p>	<p>SUPPLIER'S BID</p>	<p>SUPPLIER'S BID</p>	
1.	<p><u>Proposal Price(S)</u></p> <p>Lump Sum Firm Price</p>	<p><u>\$1,184,200.00</u></p>	<p><u>\$1,207,774.28</u></p>	<p><u>\$1,255,441.00</u></p>	
2.	<p><u>Completion Guarantee(s)</u></p> <p>HCV Released to OPPD: May 13, 2024, 0600 Hour</p>	<p><u>Guaranteed Completion Date</u></p> <p><u>May 13, 2023 , 0600 Hour</u></p>	<p><u>Guaranteed Completion Date</u></p> <p><u>May 13, 2024 , 0600 Hour</u></p>	<p><u>Guaranteed Completion Date</u></p> <p><u>May 13, 2024 , 0600 Hour</u></p>	



Troy F. Meyerson  
ATTORNEY  
402.978.5347  
tmeyerson@fraserstryker.com  
fraserstryker.com

August 29, 2023

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

RE: Request for Proposal No. 6076 – NO5 Air Preheater Basket Replacement 2024 ("RFP No. 6076")

Ladies and Gentlemen:

We have reviewed the three (3) proposals received in response to the District's RFP No. 6076 and provide the following legal opinion.

The proposal of Total-Western, Inc. ("TW") includes revised payment terms requiring weekly invoiced progress payments in conflict with the desired milestones in OPPD's bid documents. In addition, TW's proposal includes a Recruitment Fee to be paid by OPPD if it hires anyone during the term of the Contract or during the twelve (12) months after completion of the work under the contract. This Recruitment Fee would be required to be paid enterprise wide during the applicable period. It is our opinion that these substantial deviations to the District's requested RFP terms render the TW proposal legally non-responsive, and the TW proposal may not be considered by the Board of Directors for the award of this contract.

The proposal of TEiC Construction Services, Inc. ("TEiC") incorporates a previously agreed upon Master Services Agreement between TEiC and the District and then adds additional Special Conditions on top of such previously negotiated terms. These Special Terms materially alter the risk allocation of the District and TEiC and makes its proposal legally non-responsive to the bidding documents and may not be considered by the Board of Directors for the award of this contract.

The proposal of ME&I Construction Services, Inc. ("ME&I") incorporates mark ups and alternative positions to the Contract Documents that it would like to "discuss with OPPD contracts and/or Legal". Under the sealed bidding process, the parties are not allowed to discuss revisions to the documents in order to come to a negotiated resolution. As a result, these requests make its proposal legally non-responsive and may not be considered by the Board of Directors for the award of this contract.

Section 70-637(5) of the Nebraska Revised Statutes authorizes the Board of Directors to reject all bids if they are non-responsive to the contract documents or exceed the fair market value of the RFP's subject matter. Accordingly, the Board of Directors may reject all three (3) proposals for RFP No. 6076 and authorize Management to negotiate an acceptable contract. We recommend that the final contract

Fraser Stryker PC LLO

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

August 29, 2023  
Page 2

documents be reviewed and approved by the District's General Counsel.

Sincerely,



Troy F. Meyerson  
FOR THE FIRM

TFM:  
3009463.1



Moody/Via

**DRAFT**  
**RESOLUTION NO. xxxx**

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

**REQUEST FOR PROPOSAL (RFP) NO. 6076**  
**NC1 HCV-15 VALVE 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; and

**WHEREAS**, Section 70-637 of the Nebraska Revised Statutes authorizes the District's Board of Directors to reject proposals if they are not responsive to the Request for Proposals, and to authorize Management to pursue a negotiated contract without compliance with the sealed bidding provisions of Section 70-637 through 70-639; and

**WHEREAS**, the Board of Directors concurs with Management's recommendation that the three (3) proposals received for RFP No. 6076 are legally non-responsive.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Omaha Public Power District that all proposals received in response to Request for Proposal No. 6076 are rejected and Management is authorized to negotiate and enter into a contract or contracts for the labor services for replacement of the Nebraska City Unit 1 (NC1) HCV-15 Valve, subject to review and approval of the final contract(s) by the District's General Counsel.





# Board Action

## BOARD OF DIRECTORS

September 19, 2023

### ITEM

Nebraska City Station Unit 1 Replacement Modular Power System for the Distributed Control System

### PURPOSE

Provide materials and services to replace existing Distributed Control System (DCS) power supplies for Nebraska City Station Unit 1 (NC1)

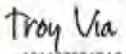
### FACTS

- a. The modular power system for the NC1 DCS is entering obsolescence and demonstrating reliability issues for the generating unit.
- b. The needed replacement parts are proprietary and only the original equipment manufacturer (OEM), ABB, is known to have the proprietary parts and expertise to perform the necessary replacements.
- c. The District's engineer has certified the proprietary nature of the work and that the OEM is the only available source of supply for this work.

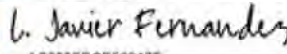
### ACTION

Approval of the Engineer's Certificate and authorization for Management to negotiate and enter into a contract with ABB for replacement of the Nebraska City Station Unit 1 DCS power supplies.

#### RECOMMENDED:

DocuSigned by:  
  
Troy R. Via  
Vice President – Utility Operations  
and Chief Operating Officer

#### APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:  
  
L. Javier Fernandez  
President and Chief Executive Officer

TRV:sae

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



## MEMORANDUM

**DATE:** September 5, 2023

UO-2023-014

**FROM:** S.A. Eidem

**TO:** T.R. Via

**SUBJECT:** Nebraska City Station Unit 1 Replacement Modular Power System for the Distributed Control System (DCS)

### 1.00 GENERAL

Like all other generation units, Nebraska City Station Unit 1 (NC1) uses an DCS to control nearly every system and component (e.g. pumps, fans, motors) used in the operation of the unit as well as providing most of the system interlocks to ensure that equipment runs as designed. Operations personnel also interact with the DCS to ensure safe and reliable operation of the unit.

OPPD utilizes regular inspections and studies that show when specific pieces of equipment are nearing their end of life status and need to be replaced. The NC1 DCS system is an Asea Brown Boveri (ABB) system and the existing power supplies for this DCS are becoming obsolete and in need of replacement. OPPD has begun to experience failure of these power supplies which threaten reliability of the unit.

Compliance with the sealed bidding requirements of the Nebraska Statutes is impractical and not in the public's best interest. ABB is the original equipment manufacturer and the only vendor with the proprietary parts and technical expertise to perform the necessary replacement.

### 4.00 RECOMMENDATION

An Engineer's Certificate of the above statements has been prepared. Approval of that Certification is recommended. We request the Board of Directors to approve the Engineer's Certification and to authorize management to negotiate a sole source contract with ABB.



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

## ENGINEER'S CERTIFICATION

The ABB Modular Power System III's (MPS III) installed in the District's Nebraska City Unit 1 (NC1) Distributed Control System (DCS) have now entered the "Classic" life cycle phase per the manufacturer (ABB). This is the first phase in moving a product to obsolete. The current age of the existing MPS III power supplies and a recent equipment failure indicate that the existing MPS III power supplies should be replaced. A detailed technical and economic evaluation has determined that the optimal solution is to replace the existing MPS III power supplies with the newer MPS IV power supplies.

Pursuant to Nebraska Revised Statute Section 70-637(6), the undersigned professional engineer employed by the District certifies that ABB is the original equipment manufacturer (OEM) for the DCS power supply systems described above and is the sole available source of supply for the equipment and such sole source purchase would be in compliance with standards established by the Board of Directors. In support of this Certification, the undersigned further states as follows:

- The engineering and equipment integration for this project are technically complex and the OEM upgrade is designed specifically to upgrade our existing DCS modular power systems.
- Upgrading to the newer MPS IV system would ensure the long-term reliability and availability of the DCS power system and components.
- The MPS IV upgrade would be able to reuse our existing DCS integration.
- ABB, the OEM of the existing DCS, has specific knowledge related to the hardware and controls.

Pursuant to Section 70-637(6) of the Revised Statutes of Nebraska, the Board of Directors is requested to approve this Engineer's Certificate and authorize Management to negotiate and enter into a contract to ABB for the supply of MPS IV's to retrofit the existing MPS III's currently installed on the NC1 DCS without compliance with the sealed bidding requirements of Sections 70-637 through 70-639 of the Nebraska Revised Statutes.

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

  
Jason A. Bergman, P.E.

8/17/23  
Date





**Stephen M. Bruckner**  
ATTORNEY  
402.978.5225  
sbruckner@fraserstryker.com  
fraserstryker.com

August 17, 2023

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

RE: Nebraska City Station Unit 1 - Engineer's Certification for Modular Power System

Ladies and Gentlemen:

We have reviewed the Engineer's Certification of Jason A. Bergman, P.E., a registered professional engineer in the State of Nebraska employed by the District. The Certification states that it is necessary to replace the Modular Power System III ("MPS III") in the Distributed Control System ("DCS") for Nebraska City Station Unit 1 ("NC1"). The Certification further states that ABB, the original equipment manufacturer for the Distributed Control System ("DCS") for NC1, is the only available source of supply for replacement of the MPS. Mr. Bergman further certifies that the engineering and equipment installation for the project are technically complex, that ABB has specific knowledge relating to the hardware and controls, and that upgrading this Modular Power System will provide long-term reliability and availability of the DCS.

Section 70-637(6) of the Nebraska Revised Statutes authorizes the District's Board of Directors, by a two-thirds vote, to approve an Engineer's Certification to purchase replacement parts or services for any generating unit from the original manufacturer of such equipment upon certification that such manufacturer is the only available source of supply for such replacement parts or services and that such purchase complies with standards established by the board. After receipt of such Certification, but not necessarily before Board review, the District is required to advertise notice of such purchase once a week for at least three consecutive weeks in one or more newspapers of general circulation in the District's service area.

It is our opinion that Mr. Bergman's Engineer's Certification complies with Section 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 with ABB, the original equipment manufacturer, for the NC1 Distributed Control System's Modular Power System. We recommend that any such contract be subject to review and approval by the District's General Counsel.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Stephen M. Bruckner', written over a light blue horizontal line.

Stephen M. Bruckner  
FOR THE FIRM

SMB/sac  
3049698

Fraser Stryker PC LLO

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



Moody/Via

## DRAFT

### RESOLUTION NO. XXXX

**WHEREAS**, the Nebraska City Station Unit 1 (“NC1”) undergoes regular inspections and studies that show when specific pieces of equipment are nearing the end-of-life status and need replacement; and

**WHEREAS**, NC1 uses a Distributed Control System (“DCS”) to control nearly every system and component (e.g., pumps, fans, motors) used in the operation of the unit as well as providing most of the system interlocks to ensure that the equipment runs as designed; and

**WHEREAS**, the NC1 DCS system is an Asea Brown Boveri (“ABB”) system and the existing power supplies for this DCS are becoming obsolete and in need of replacement and OPPD has begun to experience failure of these power supplies which threaten reliability of the unit; and

**WHEREAS**, the District’s Engineer has certified that the original equipment manufacturer, ABB is the only vendor with the proprietary parts and technical expertise to perform the necessary replacement; 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 that ABBs, the original equipment manufacturer, is the only available source of supply for the parts and expertise needed to perform the necessary replacements of the NC1 DCS power supplies is hereby approved.

2. Management is hereby authorized and directed to negotiate and enter into the necessary contract or contracts with ABB to supply parts and specialized services for the replacements of the NC1 DCS power supplies, 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 Action

## BOARD OF DIRECTORS

September 19, 2023

### ITEM

Jones Street Station Unit 2 Repair Parts and Services

### PURPOSE

Provide parts and services needed for the repair of Jones Street Station Unit 2.

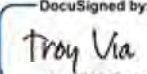
### FACTS

- a. The Jones Street Station Unit 2 engine was inspected in the fall of 2022 and found to have major components that are degraded and in need of repair.
- b. The unit is required to be disassembled and repaired to ensure a reliable and resilient supply of electricity. These repairs will be completed during a future planned outage that will be scheduled based upon the operational risk, labor resources, and parts availability.
- 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 Certification and authorization for management to negotiate and enter into contract(s) for the replacement/refurbishment of parts and specialized services for repair of the Jones Street Station Unit 2 engine.

#### RECOMMENDED:

DocuSigned by:  
  
Troy R. Via  
Vice President – Utility Operations  
and Chief Operating Officer

#### APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:  
  
L. Javier Fernandez  
President and Chief Executive Officer

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



**DATE:** August 30, 2023

UO-2023-015

**FROM:** S.A. Eidem

**TO:** T.R. Via

**SUBJECT:** Jones Street Station Unit 2 Repair Parts and Services

#### 1.0 GENERAL

OPPD utilizes the Original Equipment Manufacturer (OEM) recommendations, independent consultant evaluations, operating parameter trends, and regular inspections of the various balancing station units to determine the optimum time for major work. Regular borescope inspections performed on Jones Street Station Unit 2 (JS2) in the fall of 2021 and fall of 2022 showed wear conditions that necessitate repairs that, if not addressed, will eventually result in significant turbine damage and an extended forced outage. This engine was last disassembled and inspected in 2012 and has not been significantly refurbished since 2000.

In addition, the availability of the accredited capacity of JS2 is critical for the District's ability to meet their obligations within the Southwest Power Pool integrated market as well as local system reliability. The repairs and related services are scheduled for the fall of 2024 based upon the replacement part lead times, operational risk, coordination with other unit outages, and coordination with the Southwest Power Pool. Installation labor services may be internal OPPD craft resources, external support, or a combination based upon resource availability.

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.

In addition, the limited supply of unique parts requires a detailed evaluation of new and refurbished parts options. The exact condition of the parts in JS2 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 duration while ensuring the best total cost of ownership for parts and services.

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 publicly available Request for Proposal (RFP) and detailed negotiation process with the capable bidders. The contract will be awarded to the supplier or suppliers with the lowest and best bid(s).

2.0 RECOMMENDATION

An Engineer's Certification for the above has been prepared. Approval of that Certification is recommended. We request the Board of Directors to 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.



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



## ENGINEER'S CERTIFICATE

The Jones Street Station Unit 2 engine was inspected and found to have wear on major internal components and will be scheduled for refurbishment. The unit will be taken out of service and disassembled for a detailed inspection, evaluation, and repair. The disassembly, evaluation, repairs, and reassembly will require specialized parts and services to ensure reliable operation.

The undersigned, a Nebraska registered professional engineer employed by OPPD, certifies the following:

- There is a limited supply of the unique parts that require detailed evaluation of new and refurbished parts options.
- The inspection and repair are technologically complex requiring specialized tooling, manufacturing capability, and extensive combustion turbine specific engineering knowledge.


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 foregoing reasons, the undersigned certifies that it would be impractical and not in the public interest to utilize the statutory sealed bid process for this project.

Pursuant to Section 70-637 of the Revised Statutes of Nebraska, the Board of Directors is requested to approve this Engineer's Certificate and authorize Management to negotiate and enter a contract(s) to supply parts and specialized services for the Jones Street Unit 2 engine without compliance with the sealed bidding requirements of Sections 70-637 to 70-641 of the Revised Statutes of Nebraska.

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



Todd C. Anderson, 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

August 28, 2023

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

RE: Jones Street Station Unit 2 engine - Engineer's Certification for Refurbishment

Ladies and Gentlemen:

We have reviewed the Engineer's Certification of Todd C. Anderson, a registered professional engineer in the State of Nebraska employed by the District. Mr. Anderson's certification states that the Jones Street Station Unit 2 engine was inspected and found to require refurbishment. The unit will have to be disassembled for detailed inspection, evaluation, and repair. Mr. Anderson certifies that there is a limited supply of unique parts that are needed for the refurbishment, and that the inspection and repair work for the unit is technologically complex. He further explains that the technical specifications and contract requirements will require detailed and customized terms that must be negotiated with qualified bidders. For these reasons, Mr. Anderson certifies that it would be impractical and not in the public interest to use sealed bidding for this refurbishment project.

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 projects for which sealed bidding would be impractical and not in the public interest, 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) issues of a newspaper 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. Anderson'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 inspection and refurbishment of the Jones Street Station Unit 2 engine. We recommend that any such contract be subject to review and approval by the District's general counsel.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Stephen M. Bruckner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen M. Bruckner  
FOR THE FIRM

SMB/sac  
3054439



Moody/Via

**DRAFT**  
**RESOLUTION NO. 6XXX**

**WHEREAS**, the Jones Street Station Unit 2 (“JS2”) was inspected and found to have major components that are in need of repair to enable the unit to operate at full capacity and ensure a reliable and resilient supply of electricity; and

**WHEREAS**, the District’s Engineer has certified that the inspection and repair work to be performed is technically complex as are the pricing strategies, capabilities, and specific techniques employed by the contractors that can provide the necessary services; and

**HEREAS**, the limited supply of unique parts requires a detailed evaluation of new and refurbished parts options and the exact condition of the parts will not be known until the unit is disassembled and the availability of replacement parts is expected to vary significantly across the available suppliers, and therefore an negotiated contract is in the best interest of the District; 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 70-641, is hereby approved.
2. Management is hereby authorized and directed to negotiate and enter into the necessary contract or contracts for the replacement/refurbishment of parts and specialized services for the repair of Jones Street Station Unit 2 , 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

## Agenda

OPPDP BOARD OF DIRECTORS  
REGULAR BOARD MEETING  
Thursday, September 21, 2023 at 5:00 P.M.

*Conducted in person at the Omaha Douglas Civic Center, 1819 Farnam Street,  
2<sup>nd</sup> Floor Legislative Chamber, Omaha, NE 68183*  
*Public may attend in person at the Omaha Douglas Civic Center or remotely by going to  
[www.oppd.com/BoardAgenda](http://www.oppd.com/BoardAgenda) to access the Webex meeting link and view materials.*

### 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 July 2023 Financial Report, August 2023 Meeting Minutes and the September 21, 2023 Agenda
7. SD-10 Ethics Monitoring Report – Resolution No. 6584
8. 2024 Board Meeting Schedule – Resolution No. 6585
9. Acquisition of Land Rights for Utility Operations Infrastructure Projects – Resolution No. 6586
10. Revisions to Rate Rider Schedules No. 467, 467H and 467L – Resolution No. 6587
11. SD-9: Integrated System Planning Monitoring Report – Resolution No. 6588
12. RFP 6054 Substation Foundation, Ductline, and Misc. Work – Resolution No. 6589
13. NC1 Air Preheater Basket & Seal Replacement – Labor Contract Award – Resolution No. 6590
14. NO5 Air Preheater Basket & Seal Replacement – Labor Contract Award – Resolution No. 6591
15. NC1 HCV-15 Installation – Labor Contract Award – Resolution No. 6592
16. NC1 DCS Modular Power System Replacement Project – Engineer's Certification – Resolution No. 6593
17. Jones Street Station Unit 2 – Repair Parts and Services – Engineer's Certification – Resolution No. 6594
18. Corporate Officer Performance Reviews and Compensation Adjustments – Resolution No. 6595
19. CEO Performance Review and Compensation Adjustment – Resolution No. 6596

### Other Items

20. President's Report (20 mins)
21. Opportunity for comment on other items of District business

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).



**BOARD OF DIRECTORS**

22. 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).

Action Item	Board Assignment	ELT Lead	Priority	Board Resources	OPPD Resources	Status	Accepted	Start	Finish	Comment
Board and CEO to make space for more deliberate discussions of issues where Board makes final decisions. This will include identifying fundamental issues, using ERM methodology to prioritize; and developing options and solutions.	Chair	Fernandez				Not Started	08/30/23		12/31/23	
Develop a Board training plan	Chair	Fernandez	Medium	Medium	Low	On Track	12/01/21	08/11/22	12/31/23	Finish date moved to follow 2023 Board Workshop.
SD-11: Economic Development policy refinement	CPE	Olson/McAreavey				Not Started	08/30/23			
Develop a memo for the Board on handling ideas, comments and complaints from public and customers	CPE	Fernandez/McAreavey				Not Started	08/30/23		12/31/23	
SD-13: Stakeholder Outreach & Engagement policy refinement (Most recent monitoring report approved 10/20/22)	CPE	Olson	Medium	Low	Medium	On Hold	01/19/21	02/09/21		PI Committee consensus on 12/7/21 to revise SD-11 first.
SD-2: Rates Policy Refinement (Most recent monitoring report approved 6/16/22; next	FIN	Bishop	Medium	Medium	Medium	On Hold	08/26/20	04/02/21	TBD	Initial revision completed (12/15/22); Will make future revisions based upon the outcomes of the
Review of BL-1, (the Board-CEO relationship), BL-5 (unity of control) and BL-7 (delegation to the CEO)	GOV	Focht/Bruckner				Not Started	08/30/23		10/31/23	
Develop a CEO policy on timeliness of informing the Board on management's decision-making processes	GOV	Fernandez				Not Started	08/30/23		10/31/23	
Review and update processes related to committees.	GOV	Focht				Not Started	08/30/23		12/31/23	Scott Focht assumes the role of Parliamentarian effective 8/30/23.
CEO to operationalize new partnerships between Board and ELT regarding engagement with customers, elected officials and employees. Explore whether Board's role with stakeholders is appropriately defined in GP policies.	GOV	Fernandez/Focht				Not Started	08/30/23		12/31/23	
Develop holistic approach and timeline for regularly monitoring and discussing GP and BL policies	GOV	Focht				Not Started	08/30/23		12/31/23	
SD-12: Information Management and Security	GOV	Brown	Low	Low	Medium	Not Started				Request from Director Moody to affirm that SD-12 is still relevant and provides sufficient direction to the district, especially given the volume and complexity of change happening in the IMS space; explore OPPD's role in allowing its customers to share their information for broader advancement of the utility industry future.
Assess and implement best ways to evolve Board review process	GOV	Focht	Low	Medium	Medium	Not Started	12/01/21			
Update the language in GP-6: Role of the Board Officers - Add clarity for how/when/who appoints ad hoc committees	GOV	Focht	Low	Low	Low	Not Started	12/01/21			
Governance discussion re: handling of concepts that span multiple SDs	GOV	Focht	Medium	Low	Low	On Hold	02/12/21	04/13/21		
Ad Hoc Committee on Market Transformation	GOV	Focht	Low	Low	Medium	On Hold	08/26/20			SD-9 potential revisions may address part of this topic
SD-7: Environmental Stewardship policy refinement	SMNO	Fleener				Not Started	08/30/23			
SD-4: Reliability Policy Refinement (Most recent monitoring report approved 4/20/23)	SMNO	Via	Medium	Low	Medium	On Hold	08/26/20			Plan is for the Systems Committee to begin revision efforts after SD-9 and SD-7 are revised.



**BOARD OF DIRECTORS**

# Reporting Item

September 19, 2023

## ITEM

New Generation & Transmission; Natural Gas Generation, Energy Delivery and Solar Updates

## PURPOSE

Provide updates on New Generation and Transmission Projects, previously referred to as Power with Purpose Projects, for September 2023.

## TURTLE CREEK STATION & STANDING BEAR LAKE STATION FACTS

- a. Engineering, procurement, and construction activities are in progress. As all procurement and material receipt is not complete, the teams continue to monitor and work through supply chain, resource, and schedule challenges including project completion delays and cost impacts associated with the delays.
- b. At Standing Bear Lake Station, the fire water pump house has been set on its foundation and on the west side of the engine hall, the exhaust duct work for each engine is being erected and insulation installed. Delay of low voltage switchgear has negatively impacted project schedule which the team is evaluating. In the substation area, connections between breakers and associated switches have been completed and final installation and testing of the three generator step-up transformers nears completion.
- c. At Turtle Creek Station, progress is being made on the water treatment building, erection of the stacks for units 1 and 2 continues, and all the station service transformers have been set on their foundations. Commissioning challenges are actively being defined and resolved. In the substation area as construction nears completion, a turnover kickoff meeting was held and a preliminary quality control walkdown was conducted.
- d. Various supply challenges have pushed out the completion dates by approximately six (6) to seven (7) months due to various supply challenges. This is incremental to the earlier turnover impacts due to soil complications.

## ENERGY DELIVERY FACTS

- a. Control cable installation and device commissioning continues on the remote end substation associated with Standing Bear Lake Station interconnection. The transmission contractor has re-mobilized to the Standing Bear Lake site and construction is progressing on the transmission line that will connect the new generation facility to the existing transmission system. Structure framing and setting will take place through early September, with conductor installation taking place mid-September through October.

## SOLAR FACTS

- a. The 81-megawatt Platteview Solar facility in Saunders County continues to make progress. AES and their engineering, procurement, and construction (EPC) contractor, Blue Ridge Power, have completed various civil work activities including site access, grading cuts and fills, laydown and office areas, and perimeter fence erection. Construction focus has moved to the solar field erection with driving of the structural piles, installation of torque tubes and trackers, installation of Direct Current and medium voltage cables, and installation of Photovoltaic panels. Construction on the OPPD interconnection substation is complete until AES finishes their collector substation.



- b. K Junction Solar is a 310-megawatt solar project in the developmental stages that's located in York County near McCool Junction, Nebraska. OPPD acquired the rights to K Junction on July 14, 2023, and facilitated the execution of the Generation Interconnection Agreement (GIA) between OPPD, NPPD, and Southwest Power Pool (SPP) effective August 1, 2023. OPPD staff continue with community engagement efforts and are supporting York County in the development of solar regulations.
- c. The industry continues to seek further details and guidance for the Inflation Reduction Act (IRA) from the Department of Treasury and Internal Revenue Service (IRS). IRS Notice 2023-38, Domestic Content Bonus Credit, guidance was issued on May 12, 2023. OPPD is currently reviewing the guidance for understanding and application. Additionally, OPPD staff continue to work with industry experts, including financial, tax, legal, and suppliers, to evaluate these policies and understand how to optimize the pursuit of solar deployment for customer owners.
- d. Staff continue to track and maintain a development pipeline of potential projects, informed by ongoing discussions with project developers, suppliers, and other industry experts.
- e. OPPD staff continue to engage with local jurisdictions to support the development of solar regulations and provide education on solar technology.

RECOMMENDED:

DocuSigned by:  
*Troy Via*  
Troy R. Via  
Chief Operating Officer and Vice President  
Utility Operations

APPROVED FOR REPORTING TO BOARD:

DocuSigned by:  
*L. Javier Fernandez*  
L. Javier Fernandez  
President and Chief Executive Officer

TRV:maw



# New Generation and Transmission Gas Delivery & Solar Update\*

Troy Via

VP, Utility Operations and COO

September 19, 2023

\*Previously referred to as Power with Purpose Projects

# New Generation & Transmission Update

## Agenda

- Standing Bear Lake Station & Turtle Creek Station
- Platteview Solar



# Standing Bear Lake Station & Turtle Creek Station



# New Generation & Transmission Update

## Standing Bear Lake Station

- Site Progress: 70.7%
- Construction activities
  - Substation: completed connections between breakers and associated switches; finishing generator step-up transformer final installation/tests
  - Transmission: Structures are being erected on site
  - Generation: erection of engine exhaust ductwork with installation of insulation; fire water pump house set on foundation
  - Challenges: supply chain delays impacting schedule including project costs



*Engine Horizontal Ductwork/Insulation to Stack*



*Facing Southeast - Generator Step-Up Transformer*



*Facing Southeast - Fire Water Pump House*



*Facing South - Substation*

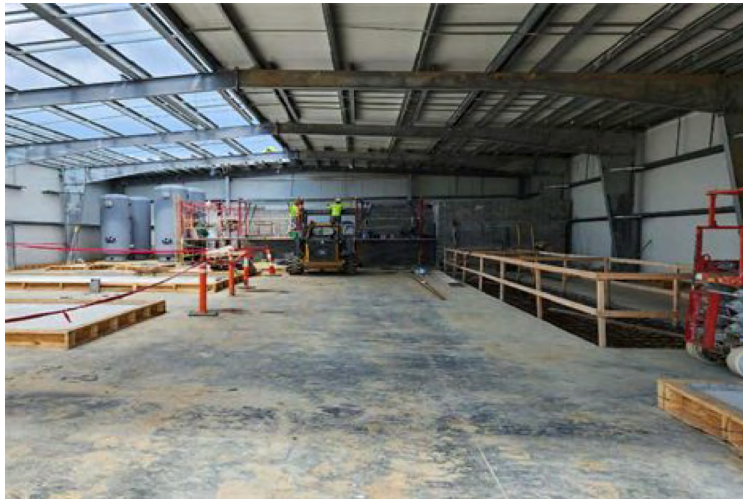
# New Generation & Transmission Update

## Turtle Creek Station

- Site Progress: 67.3%
- Construction activities
  - Substation: held turnover kickoff meeting and conducted preliminary quality control walkdown
  - Generation: progress on water treatment building; continued erection of stacks for units 1 and 2; station service transformers on foundations
  - Challenges: Commissioning efforts



*Substation*



*Water Treatment Building*



*Facing North- Unit #1 Stack Erection*



*Station Service Transformers on Foundation*



# Solar Update



# Platteview Solar

## September Project Status Update

- OPPD substation Progress: 98% (awaiting tie to AES facility)
- AES (Blue Ridge Power - EPC) Construction Progress: 65%
- Ongoing Activities
  - AES civil, structural, electrical design packages issued
    - Civil work activities are complete
    - AES substation construction in progress
    - Installation progress by parcel:
      - South: Module installation, stringing wire under modules
      - Central: Finishing racking
      - North: Finished pile installation and beginning racking
    - Install underground direct current and medium voltage cables
    - All modules are on site
  - Project team regular updates with Saunders County



*Platteview Solar – Racking & Module Installation*



*OPPD Substation – Bus Extension to AES Collector Substation*







*Platteview Solar – Aerial of South Parcel*

# K Junction Solar

## September Project Status Update

- Generation Interconnection Agreement between OPPD, NPPD, and SPP effective August 1, 2023
- Project Team evaluating documentation and project schedule
- Continuing community engagement and communication
- Supporting York County and the Village of McCool Junction on the development of solar regulations
- Begin working with NPPD on the timeline of the associated transmission/facility upgrades



★ General solar facility location