



Moody/Via

RESOLUTION NO. 6608

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

**REQUEST FOR PROPOSAL (RFP) NO. 6094
OPPD STRATEGIC ALLIANCE GALVANIZED STEEL TRANSMISSION STRUCTURES**

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 all five (5) proposals received for RFP No. 6094 are technically 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. 6094 are rejected and Management is authorized to negotiate and enter into a contract or contracts to procure all galvanized steel transmission and substation structures for the District’s projects over the next five (5) years, subject to review and approval of the final contract(s) by the District’s General Counsel.



Date: November 3, 2023

From: S. J. Hanson

To: T. R. Via

RFP No. 6094
 “OPPD Strategic Alliance Galvanized Steel Transmission Structures”
Analysis of Proposals

1.00 GENERAL

RFP No. 6094 was advertised for bid on September 14, 2023.

This contract will procure galvanized steel transmission and substation structures for all transmission and substation projects from 2024 to 2028.

One (1) Letters of Clarification (LOC) was issued, it answered questions submitted by the vendors and included additional example drawings that were missing in the RFP. No addendums were issued for this RFP.

Proposals were requested and opened at 2:00 p.m., C.D.T., Thursday, October 12, 2023.

Engineer’s Estimate was as follows:
 2024 Structure Pricing: \$1,003,327
 2025 Structure Pricing: \$3,548,510

Five (5) total proposals were received. The proposals received are summarized in the table below:

Bidder	Lump Sum Firm Price	2024 Lead Time (wks)	Legally Responsive	Technically Responsive
Valmont	2024: \$844,723.46 (plus \$24,000 freight) 2025: \$2,793,973.47 (plus \$134,000 freight)	26	Yes	No
Trans American Power Products	2024: \$843,193.80 2025: \$3,136,943.81	40 to 45	Yes	No
Meyer Utility Structures	2024: \$1,672,515 to \$1,871,375 2025: \$3,665,348 (corrected)	22 to 26	Yes	No

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Bidder	Lump Sum Firm Price	2024 Lead Time (wks)	Legally Responsive	Technically Responsive
Grid Structures	2024: \$1,217,106 2025: \$4,011,730	48	Yes	No
Sabre Industries	2024: \$1,835,865.58 2025: \$3,336,003.94	24 to 28	No	N/A

2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

The district's legal counsel determined that four (4) of the five (5) proposals were legally responsive, subject to technical and economic evaluation:

The proposal from Sabre is merely an offer to negotiate and is deemed materially non-responsive.

The proposal from Valmont is legally responsive with a couple of caveats. The proposal includes a price adjustment policy that is subject to District evaluation. The proposal also submits a revised Master Procurement Agreement that aligns with the current Power with Purpose project for District Evaluation.

The proposal from Meyer Utility Structures states that the terms for the RFP are under review and subject to mutual agreement. A Letter of clarification was issued to Meyer asking them to recognize a previously agreed Master Procurement Agreement or accept the agreement included in the RFP documents. Meyer responded acknowledging the previously agreed Master Procurement Agreement executed between OPPD and Meyer.

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

All four (4) legally responsive proposals have been deemed technically non-responsive, or economically out of specifications as stated, below.

The proposal from Valmont was deemed technically non-responsive due to not including the "Valmont Nemark Project Price Adjustment Policy – Galvanized" with their proposal. As such, a full evaluation could not be completed.

The proposal from Trans American Power Products has guaranteed lead times that would not allow the production guarantees necessary for an alliance contract. This lead time was determined to exceed market conditions and as such, deemed technically non-responsive. In addition, the comments include reference to proposal pricing not being firm and requests updated commodity pricing at each PO release.

The proposal from Meyer Utility Structures is deemed to be technically non-responsive due to not including pricing calculations for the commodity-based unit price. They also include clarifications to the pricing matrix that creates uncertainty in how all structures will be priced.

The proposal from Grid Structures has guaranteed lead times that would not allow the production guarantees necessary for an alliance contract. This lead time was determined to exceed market

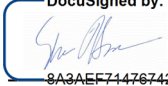
T.R. Via
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conditions and as such, deemed technically non-responsive. In addition, they did not include the commodities utilized for the pricing calculation.

The proposal from Sabre was not evaluated for technical responsiveness due to it being deemed legally non-responsive.

4.00 RECOMMENDATION

On the basis of compliance with the legal and technical requirements, it is recommended that all proposals received for RFP No. 6094 "OPPD Strategic Alliance Galvanized Steel Transmission Structures" be rejected by the Board of Directors and District Management be authorized to enter into negotiated contract or contracts.

DocuSigned by:

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

<p>TABULATION OF BIDS Opened at 2:00 p.m., C.D.T., Thursday, October 12, 2023, in Omaha, Nebraska</p>	<p>REQUEST FOR PROPOSAL NO. 6094 OPPD Strategic Alliance Galvanized Steel Transmission Structures</p>	<p>DocuSigned by:  C171422F76EE422... Director Supply Chain Management  8A15534EAB784CC... Compiled by and Certified Correct</p>
<p>Anticipated Award Date November 17, 2023</p>		
<p>ENGINEER'S ESTIMATE</p>		
<p>2024 Structure Pricing Engineers Estimate \$1,003,327.00 2025 Structure Pricing Engineers Estimate \$3,548,510.00</p>	<p>Page 1 of 2</p>	

	BIDDER'S NAME & ADDRESS		
BID ITEM			
	Meyer Utility Structures, LLC. 6750 Lenox Center Ct. Suite 400 Memphis, TN 38115	Sabre Industries, Inc. 8653 E. Highway 67 Alvarado, TX 76009	TransAmerican Power Products, Inc. 2427 Kelly Lane Houston, TX 77066
	SUPPLIER'S BID	SUPPLIER'S BID	SUPPLIER'S BID
<p>1. Price Proposal:</p> <p>a. Firm price to furnish F.O.B. Destination, structures approximate volume specified in Section V – Pricing Matrix “2024 Structure Pricing”.</p> <p>b. Firm price to furnish F.O.B. Destination, structures approximate volume specified in Section V – Pricing Matrix “2025 Structure Pricing”.</p>	<p><u>\$1,672,515.00 - \$1,871,375.00</u></p> <p><u>\$2,684,763.00</u></p>	<p><u>\$1,835,865.58</u></p> <p><u>\$3,336,003.94</u></p>	<p><u>\$843,193.80</u></p> <p><u>\$3,136,943.81</u></p>
<p>2. Milestones:</p>	<p><u>Guaranteed Lead Time (Weeks)</u></p>	<p><u>Guaranteed Lead Time (Weeks)</u></p>	<p><u>Guaranteed Lead Time (Weeks)</u></p>
<p>2024 and 2025 Guaranteed Lead Time (from execution of release) Galvanized Wood Pole Equivalent Structures (Deliveries to start on or after June 1, 2024)</p>	<p><u>22 Weeks</u></p>	<p><u>24-28 Weeks ARO</u></p>	<p><u>40-45 Weeks</u></p>
<p>2024 and 2025 Guaranteed Lead Time (from execution of release) Engineered Galvanized Steel Structures (Deliveries to start on or after June 1, 2024)</p>	<p><u>26 Weeks</u></p>	<p><u>24-28 Weeks ARO</u></p>	<p><u>40-45 Weeks</u></p>

<p align="center">TABULATION OF BIDS Opened at 2:00 p.m., C.D.T., Thursday, October 12, 2023, in Omaha, Nebraska</p>	<p align="center">REQUEST FOR PROPOSAL NO. 6094 OPPD Strategic Alliance Galvanized Steel Transmission Structures</p> <p align="right">Page 2 of 2</p>			<p>DocuSigned by: <i>Steven Palmer</i> <small>C171422F76EE422...</small> Director</p> <p>DocuSigned by: <i>Pettina Anderson</i> <small>8A15534EAB784CC...</small> Supply Chain Management Compiled by and Certified Correct</p>
<p align="center">Anticipated Award Date November 17, 2023</p>				
<p align="center">ENGINEER'S ESTIMATE</p> <p>2024 Structure Pricing Engineers Estimate \$1,003,327.00 2025 Structure Pricing Engineers Estimate \$3,548,510.00</p>				
<p align="center">BID ITEM</p>	<p align="center">BIDDER'S NAME & ADDRESS</p>			
	<p align="center">Grid Structures, LLC. 13040 Fouls Lane Amite City, LA 70422</p>	<p align="center">Valmont Utility 28800 Ida Street Valley, NE 68064</p>		
	<p align="center">SUPPLIER'S BID</p>	<p align="center">SUPPLIER'S BID</p>	<p align="center">SUPPLIER'S BID</p>	
<p>1. Price Proposal: Firm price to furnish F.O.B. Destination, structures approximate volume specified in Section V – Pricing Matrix “2024 Structure Pricing”. Firm price to furnish F.O.B. Destination, structures approximate volume specified in Section V – Pricing Matrix “2025 Structure Pricing”.</p>	<p align="center"><u>\$1,217,106.00</u></p> <p align="center"><u>\$4,011,730.00</u></p>	<p align="center"><u>\$844,723.47</u> Estimated Freight - \$24,000</p> <p align="center"><u>\$2,793,973.47</u> Estimated Freight - \$134,000</p>	<p align="center">\$ _____</p> <p align="center">\$ _____</p>	
<p>2. Milestones:</p>	<p align="center"><u>Guaranteed Lead Time (Weeks)</u></p>	<p align="center"><u>Guaranteed Lead Time (Weeks)</u></p>	<p align="center"><u>Guaranteed Lead Time (Weeks)</u></p>	
<p>2024 and 2025 Guaranteed Lead Time (from execution of release) Galvanized Wood Pole Equivalent Structures (Deliveries to start on or after June 1, 2024)</p>	<p align="center"><u>48</u></p>	<p align="center"><u>26 Weeks</u></p>	<p align="center">_____</p>	
<p>2024 and 2025 Guaranteed Lead Time (from execution of release) Engineered Galvanized Steel Structures (Deliveries to start on or after June 1, 2024)</p>	<p align="center"><u>48</u></p>	<p align="center"><u>26 Weeks</u></p>	<p align="center">_____</p>	
	<p align="center">-</p>	<p align="center">-</p>	<p align="center">_____</p>	

October 19, 2023

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

RE: Request for Proposal No. 6094 – OPPD Strategic Alliance Galvanized Steel
Transmission Structure (RFP No. 6094)

Ladies and Gentlemen:

We have reviewed the five (5) proposals received in response to the District's RFP No. 6094 and provide the following legal opinion.

The proposal of Sabre Industries, Inc. submits a redlined master procurement agreement. Sabre states in its proposal that if it is unable to reach agreement with the District on the terms of the master procurement agreement, then Sabre reserves the right to withdraw its proposal. For this reason, the Sabre proposal is merely an offer to negotiate; it is not a firm proposal. The Sabre proposal may not be considered by the District's Board of Directors for the award of this RFP.

The proposal of Meyer Utility Structures LLC states that the terms for the RFP are under review and subject to mutual agreement. In order to receive consideration for the award of this RFP, Meyer either must have a previously-agreed master procurement agreement in place or agree to the master procurement agreement included with the RFP documents. The District therefore must obtain a letter of clarification from Meyer on this point.

The Valmont proposal includes a price adjustment policy regarding commodities that is subject to the District's evaluation. Valmont also submits clarifications with its proposal, including alternate payment terms, that must be evaluated by the District. Finally, Valmont submits a redlined master procurement agreement that is similar to the agreement currently being used by OPPD and Valmont to procure materials related to the Power With Purpose project. The revisions are acceptable for purposes of this RFP No. 6094.

Subject to the foregoing comments and the District's technical and economic evaluation, all of the proposals except the Sabre Industries, Inc.'s proposal may be considered by the District's Board of Directors for the award of this contract.

October 19, 2023
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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 extending to the right.

Stephen M. Bruckner
FOR THE FIRM

SMB:sac
3080999



BOARD OF DIRECTORS

Board Action

November 14, 2023

ITEM

Award RFP No. 6094 OPPD Strategic Alliance Galvanized Steel Transmission Structures

PURPOSE

Board of Directors authorization to reject all proposals for RFP No. 6094 and for the District to negotiate and enter into negotiated contract(s) to procure all galvanized steel transmission and substation structures for District projects over the next five (5) years.

FACTS

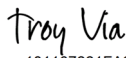
- a. With the approval of the Near Term Resource Plan, OPPD will be investing tremendously in T&D infrastructure. This Strategic Alliance Contract will create a partnership with a steel supplier to provide OPPD guaranteed production capacity with pricing based on commodity indexes.
- b. This partnership will guarantee production capacity and lead times for transmission structures that will provide certainty to project schedules.
- c. Lead Times will be set for 2024 and 2025 and revised in subsequent years based on project forecasts.
- d. Five proposals were received. Four proposals were deemed legally responsive. All five proposals were deemed technically non-responsive.


ACTION

Authorization by the Board to reject all proposals for RFP No. 6094 – “OPP Strategic Alliance Galvanized Steel Transmission Structures” and allow District Management to enter into negotiated contract or contracts.

RECOMMENDED:

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

181167221FA24AE...
 Troy R. Via
 Chief Operating Officer and
 Vice President – Utility Operations

DocuSigned by:

AC399FDCE58247E...
 L. Javier Fernandez
 President and Chief Executive Officer

TRV:sjh

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