



Mollhoff/Fisher

RESOLUTION NO. 6396

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Omaha Public Power District that Management hereby is authorized and directed to accept the proposal of TEI Construction Services, Inc., in the amount of \$1,294,133.00, to remove and install reheater upper bank tubing assemblies and remove furnace rear waterwall insulation panels of the Nebraska City Station Unit 2 boiler, and the bond of such bidder hereby is approved.



Board Action

BOARD OF DIRECTORS

October 13, 2020

ITEM

Installation of Nebraska City Unit 2 Reheater Upper Bank Tubing Assemblies

PURPOSE

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

FACTS

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

ACTION

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

RECOMMENDED:

DocuSigned by:

MARY J FISHER

C465D988B1246DA...

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

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

TIMOTHY J BURKE

3DD7A0C8E8D4D8...

Timothy J. Burke
President and CEO

SAE:mb

Attachments: Letter of Recommendation
Tabulation of Bids
Legal Opinion
Resolution



MEMORANDUM

DATE: October 6, 2020

EPND-2020-23

FROM: S.A. Eidem

TO: M. J. Fisher

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

1.00 GENERAL

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

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

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

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

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

2.00 COMPLIANCE WITH CONTRACT TERMS AND CONDITIONS

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

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

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS


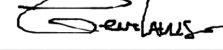
The proposals were reviewed and determined to be technically acceptable. The B&N Welding & Fabrication proposal was evaluated to be of lesser value to the District due to the bidder's lack of demonstrated company experience preventing OPPD from evaluating their ability to furnish repairs and maintenance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

4.00 RECOMMENDATION

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

Scott A. Eidem

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

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

FRASER STRYKER

PC LLO

LAWYERS

500 ENERGY PLAZA
409 SOUTH 17TH STREET
OMAHA, NEBRASKA 68102-2663
TELEPHONE 402.341.6000
FAX 402.341.8290
WWW.FRASERSTRYKER.COM

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

September 9, 2020

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

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

Ladies and Gentlemen:

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

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

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

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

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

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

Subject to the foregoing comments and the District's technical and economic evaluation, all of the proposals received in response to the District's RFP No. 5770 may be considered by the Board of Directors for the award of this contract. The form of performance and payment bond for the successful bidder also must be approved by the Board.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'SMB', with a long horizontal flourish extending to the right.

Stephen M. Bruckner
FOR THE FIRM

SMB/sac
2422265