



Moody/Via

RESOLUTION NO. 6651

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

**REQUEST FOR PROPOSAL (RFP) NO. 6144
SUBSTATION CLASS POWER TRANSFORMER**

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

WHEREAS, 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(5) of the Nebraska Revised Statutes authorizes the District’s Board of Directors to reject proposals if they are not responsive to the Request for Proposal 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 the proposals for RFP No. 6144 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. 6144 are rejected and Management is authorized to negotiate and enter into a contract or contracts for a multi-year substation class power transformer contract, subject to review and approval of the final contract(s) by the District’s General Counsel.



Date: June 7, 2024

From: S. J. Hanson

To: T. R. Via

RFP No. 6144
 “Substation Class Power Transformer”
Analysis of Proposals

1.00 GENERAL

RFP No. 6144 was advertised for bid on April 18, 2024.

RFP No. 6144 provides the opportunity to purchase substation class power transformers, specifically for a 161-13.8kV 18/24/30(33.6)MVA OLTC transformer, for an initial term of one (1) year with the option to renew up to four (4) additional one (1) year terms pursuant to the escalation/de-escalation provisions. OPPD will initially procure a quantity of one (1) substation class power transformer to support load growth in the Sarpy County area with a desired delivery date of October 2026.

No Letters of Clarification (LOC) or addendums were issued for this RFP.

Proposals were requested and opened at 2:00 p.m., C.D.T., Thursday, May 16, 2024.

Engineer’s Estimate was \$ 1,675,000.00.

Two (2) total proposals were received. The proposals received are summarized in the table below:

Bidder	Lump Sum Firm Price	Legally Responsive	Technically Responsive
WEG Transformers USA	\$1,944,400	No	Yes
Howard Industries	\$2,304,700	No	Yes

2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

OPPD’s legal counsel noted that the proposal from WEG Transformers USA includes language which states that the price is subject to revision which is not permitted under a sealed bid. The proposal also includes substantial redline revisions to the District’s procurement contract. Some of the redline revisions could be accepted while others may significantly increase the District’s

T. R. Via
June 7, 2024
Page 2 of 2

risk profile. For these reasons, the proposal received from WEG Transformer USA is deemed legally non-responsive.

The proposal from Howard Industries includes exceptions stating that its “starting point” for negotiation of contract terms is a prior contract between Howard and OPPD. This is a sealed bid contract, so negotiations are not permitted and therefore deemed legally non-responsive.

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

The proposals received from WEG Transformers USA and Howard Industries were both deemed technically responsive.


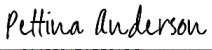
4.00 RECOMMENDATION

On the basis of compliance with the legal and technical requirements, it is recommended that all proposals received for RFP No. 6144 “Substation Class Power Transformer” be rejected by the Board of Directors and that District Management be authorized to enter into a negotiated contract.

DocuSigned by:



8A3AEF71470742A...
Shane Hanson, P.E.
Director Engineering
Utility Operations

<p align="center">TABULATION OF BIDS Opened at 2:00 p.m., C.S.T., Thursday, May 16, 2024, in Omaha, Nebraska</p>	<p align="center">REQUEST FOR PROPOSAL NO. 6144 Substation Class Power Transformer</p> <p align="right">Page 1 of 2</p>			<p>DocuSigned by:  Steven Palmer <small>C171422F78EE422...</small> Director Supply Chain Management  Pettina Anderson <small>8A15539EAB784CC...</small> Compiled by and Certified Correct</p>		
<p align="center">Anticipated Award Date June 20, 2024</p>				<p align="center">BIDDER'S NAME & ADDRESS</p>		
<p align="center">ENGINEER'S ESTIMATE</p> <p align="center">\$1,675,000.00</p>				<p align="center">Howard Industries 3225 Pendorff Road Laurel, MS 39440</p>	<p align="center">WEG Transformers USA 6350 WEG Drive Washington, MO 63090</p>	
<p align="center">BID ITEM</p>	<p align="center">SUPPLIER'S BID</p>	<p align="center">SUPPLIER'S BID</p>	<p align="center">SUPPLIER'S BID</p>			
<p>1. Proposal Price(s): Firm base price to furnish and deliver one (1) Substation Class Power Transformer, and five (5) year warranty, as described in the RFP documents. OPPD Delivery Site #1: Corner of 180th and Schram Road, Omaha, NE 68022</p> <p>Provide per unit pricing for each of the identified items:</p> <p>[A] Transformer Only:</p> <p>[B] Shipping Only: FOB Foundation</p> <p>[C] Assembly Only:</p> <p>Total Bid Price [A+B+C]:</p>	<p align="center">-</p> <p align="center"><u>\$2,137,000.00</u></p> <p align="center"><u>\$83,000.00</u></p> <p align="center"><u>\$84,700.00</u></p> <p align="center"><u>\$2,304,700.00</u></p>	<p align="center">-</p> <p align="center"><u>\$1,860,000.00</u></p> <p align="center"><u>\$49,400.00</u></p> <p align="center"><u>\$35,000.00</u></p> <p align="center"><u>\$1,944,400.00</u></p>	<p align="center">-</p>			
<p>2. Delivery Date Guarantee(s):</p> <p>October 12, 2026</p>	<p align="center"><u>Guaranteed Completion Date</u></p> <p align="center">-</p> <p align="center"><u>October 12, 2026</u></p> <p align="center">-</p> <p align="center">-</p> <p align="center">-</p> <p align="center">-</p>	<p align="center"><u>Guaranteed Completion Date</u></p> <p align="center">-</p> <p align="center"><u>October 12, 2026</u></p> <p align="center">-</p> <p align="center">-</p> <p align="center">-</p> <p align="center">-</p>	<p align="center"><u>Guaranteed Completion Date</u></p> <p align="center">-</p> <p align="center">-</p> <p align="center">-</p> <p align="center">-</p> <p align="center">-</p>			



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

May 24, 2024

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

RE: Request for Proposal No. 6144 – Substation Class Power Transformer

Ladies and Gentlemen:

We have reviewed the two (2) proposals received in response to the District's RFP No. 6144 and provide the following opinion.

The proposal of WEG Transformers USA states that its price is subject to revision (see page 2 of 6 of WEG's clarification document). The WEG proposal also submits substantial redline revisions to the District's procurement contract. Some of the redline revisions could be accepted; others may significantly increase the District's risk profile. We deem the proposal of WEG Transformers USA materially non-responsive to the District's RFP documents.

The proposal of Howard Power Solutions submits an escalation policy for its pricing. The Howard proposal also submits exceptions stating that its "starting point" for negotiation of contract terms is a prior contract between Howard and OPPD. This is a sealed bid contract, so negotiations are not permitted. We deem the Howard proposal materially non-responsive to the RFP documents.

Because both proposals are legally non-responsive, we recommend that the District's Board of Directors reject both proposals and authorize Management to enter a negotiated contract with one of these vendors, as authorized under § 70-637 of the Nebraska Revised Statutes.

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
3226113

Fraser Stryker PC LLO

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



BOARD OF DIRECTORS

Board Action

June 18, 2024

ITEM

Award RFP No. 6144 "Substation Class Power Transformer"

PURPOSE

Board of Directors authorization to reject the proposals received for RFP No. 6144, and for the District to enter into a negotiated contract for a multi-year substation class power transformer contract to support reliability and load growth in our service territory.

FACTS

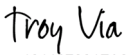
- a. Substation class power transformers are required to support growth projects, spare inventory, and asset management replacements. This contract will initially procure a quantity of one (1) 161kV substation class power transformer to support load growth in Sarpy County.
- b. Desired contract will be for an initial term of one (1) year with the option to renew up to four (4) additional one (1) year terms with an acceptable escalation/de-escalation formula based on identified indices.
- c. Two (2) proposals were received; none of the proposals were legally responsive and two (2) are technically responsive.
- d. Desired delivery of the initial substation class power transformer is October 2026.

ACTION

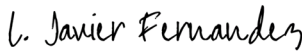
Authorization by the Board to reject all proposals received for RFP No. 6144, "Substation Class Power Transformer" and allow District Management to enter into a negotiated contract.

RECOMMENDED:

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

 184467224FA24AE...

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

DocuSigned by:

 AC399FDCE50247E...

 L. Javier Fernandez
 President and Chief Executive Officer

TRV:jgb

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