



Moody/Via

RESOLUTION NO. 6652

WHEREAS, OPPD issued Request for Proposal (RFP) No. 6137 to procure a multi-year supplemental construction services for the installation and removal of both overhead and underground Distribution Facilities contract; and

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, RFP No. 6137 provides for OPPD to initially procure supplemental construction services for the installation and removal of both overhead and underground Distribution Facilities for a four (4) year initial term and renew the contract with the successful bidder for up to four (4) additional one (1) year terms based on the bidders' responses; and

WHEREAS, the proposal submitted by The L.E. Myers Company was evaluated by Management as the lowest and best bid and provided an acceptable option to renew up to four (4) additional one (1) year terms based on legal and technical evaluation for the procurement of construction services related to the installation and removal of overhead and underground Distribution Infrastructure; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Omaha Public Power District that Management is hereby authorized and directed to accept the proposal of The L.E. Myers Company for the procurement of construction services related to the installation and removal of overhead and underground Distribution Infrastructure, with the option to renew up to four (4) additional one (1) year contract terms, and the bond of such bidder hereby is approved.



MEMORANDUM

DATE: June 3, 2024
FROM: S. L. McGuire
TO: T. R. Via

RFP No. 6137
2024 Supplemental Labor Resources Distribution
Overhead and Underground
Analysis of Proposals

1.00 GENERAL

RFP No. 6137 was advertised for bid on March 14, 2024.

This contract will procure supplemental construction services for the installation and removal of both overhead and underground Distribution Facilities. The contract is for labor services only and does not include materials.

Construction is scheduled to begin July 1, 2024. OPPD will award this contract for a four (4) year initial term, beginning in calendar year 2024. OPPD will have the option to renew the contract with four (4) additional one (1) year contract renewal terms.

One (1) Addendum was issued. Addendum made adjustment to RFP Schedule changing the Tentative Award Date from May 17, 2024 to June 21, 2024.

One (1) Letter of Clarification was issued. Letter was sent to all bidders on April 5, 2024. The letter answered nine (9) general questions.

Bids were requested and opened at 2:00 p.m., C.D.T. Tuesday, April 11, 2024.

Nine (9) total proposals were received. The proposals received are summarized in the table on page 2.

T.R. Via
 June 3, 2024
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Bidder	Unit Pricing Total	Legally Responsive	Technically Responsive
Cable Communication Services, LLC	\$724,510.00	Yes	No
Flory Line Construction	\$1,592,210.00	Yes	Yes
Hawk Line Construction	\$695,894.80	Yes	No
Intren, LLC	\$1,327,650.00	Yes	Yes
J.F. Electric, Inc.	\$948,954.00	Yes	No
Pipes Utility Contractors	\$395,320.00	Yes	No
Primoris T&D Services, LLC	\$1,451,530.84	Yes	Yes
The L.E. Myers Company	\$1,275,465.08	Yes	Yes
Ward Electric Company, Inc.	\$1,692,339.50	Yes	Yes

2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

OPPD's legal counsel remarked that the proposal **Cable Communications Services, LLC** contains edits to OPPD's construction services agreement and is subject to District's economic and risk evaluation.

OPPD's legal counsel noted that **Hawk Line Construction** proposal contains pricing clarifications that would be subject to District's economic and risk evaluation.

OPPD's legal counsel noted that the proposal of **Intern, LLC** included an exception to OPPD's construction services agreement as related to warranty, indemnification, and a limitation of liability term. Proposed revisions should be included in the economic and risk evaluation of proposal.

OPPD's legal counsel observed the proposal from **J.F. Electric, Inc.** is subject to change after 30 days, and counsel stated that the District must obtain letter of clarification withdrawing this proposed term.

OPPD's legal counsel noted the **Primoris T&D Services, LLC** proposal states that it is subject to mutually approved contract terms. That is not acceptable, and in order to receive further consideration, the District must obtain a letter of clarification stating that Primoris agrees to be bound by the District's contract documents.

OPPD's legal counsel did not note any legal deficiencies with the remaining proposals.

T.R. Via
June 3, 2024
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3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

Cable Communications Services, LLC did not complete the equipment overhead bid section. Therefore, Cable Communications Services, LLC is deemed technically non-responsive.

Hawk Line Construction did not complete the equipment resources bid section. Therefore, Hawk Line Construction is deemed technically non-responsive.

J.F. Electric, Inc. did not complete the equipment resources bid section. Therefore, J.F. Electric, Inc. is deemed technically non-responsive.

Pipes Utility Contractors did not bid on the underground work contained in this contract. Therefore, Pipes Utility Contractors bid is deemed technically non-responsive.



4.00 RECOMMENDATION

On the basis of compliance with the legal and technical requirements of the specifications, safety assessments, and cost evaluations, it is recommended that RFP No. 6137 2024 Supplemental Labor Resources Distribution Overhead and Underground be awarded to The L.E. Myers Company for an initial term of four (4) years, with an option to renew up to four (4) additional one (1) year contract terms, for the procurement of construction services related to the installation and removal of overhead and underground Distribution Infrastructure.

DocuSigned by:



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S. L. McGuire, P.E.
Senior Director, Operations Support
Utility Operations

<p>TABULATION OF BIDS Opened at 2:00 p.m., C.S.T., Thursday, April 11, 2024, in Omaha, Nebraska</p>	<p align="center">REQUEST FOR PROPOSAL NO. 6137 2024 Supplemental Labor Resources Distribution Overhead and Underground</p> <p align="right">Page 1 of 3</p>			<p>DocuSigned by:  C171422F76EE422... Director Supply Chain Management DocuSigned by:  8A15534EAB784CC... Compiled by and Certified Correct</p>		
<p>Anticipated Award Date May 17, 2024</p>						
<p>ENGINEER'S ESTIMATE</p> <p align="center">\$1,666,740.00</p>						
<p align="center">BID ITEM</p>	<p align="center">BIDDER'S NAME & ADDRESS</p>					
	<p>Cable Communication Services, LLC 2950 North Plaza Drive Rapid City, SD 57702</p>	<p>Flory Line Construction 14156 Amman Road Chesaning, MI 48616</p>	<p>Hawk Line Construction 13960 Palm Road Neosho, MO 64850</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:</p> <p>1.1.Total Proposal Price (from Pricing Spreadsheet). *Amount for Bid Comparisons ONLY and DOES NOT reflect Actual Anticipated Work.</p>	<p align="center"><u>\$724,510.00</u></p> <p align="center">-</p>	<p align="center"><u>\$1,592,210.00</u></p> <p align="center">-</p>	<p align="center"><u>\$695,894.80</u></p> <p align="center">-</p>			

April 18, 2024

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

RE: Request for Proposal No. 6137 - 2024 Supplemental Labor Resources
Distribution OVHD & UGND

Ladies and Gentlemen:

We have reviewed the nine (9) proposals received in response to the District's RFP No. 6137 and provide the following legal opinion.

The proposal of Intren, LLC includes revisions to the District's construction services agreement relating to warranty, indemnification and a limitation of liability term. We do not deem the revisions material non-responsive to the RFP documents. The proposed revisions should be included in the District's economic and risk evaluation of the proposal.

The proposal of J.F. Electric, Inc. states that the proposal is subject to change after 30 days. This is not consistent with the RFP documents. If the J.F. Electric proposal is to receive further consideration for the award of this contract, the District must obtain a letter of clarification from J.F. Electric withdrawing this proposed term (Item 6 in the J.F. Electric list of exclusions and clarifications). The remaining exclusions and clarifications are legally acceptable but are subject to the District's economic and risk evaluation.

The proposal of Cable Communications Services, LLC includes a list of clarifications and exceptions and edits to the construction services agreement. They are legally acceptable but are subject to the District's economic and risk evaluation.

The Hawk Line Construction proposal includes pricing clarifications that are subject to the District's economic and risk evaluation.

The proposal of Primoris T&D Services, LLC states that the proposal is subject to mutually approved contract terms. That is not acceptable for this RFP. Therefore, in order for the Primoris proposal to receive further consideration for the award of this contract, the District must obtain a letter of clarification from Primoris stating that it agrees to be bound by the District's contract documents. Primoris also needs to acknowledge receipt of the District's letter of clarification No. 1.

April 18, 2024

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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. 6137 may be considered by the District's 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,



Stephen M. Bruckner
FOR THE FIRM

SMB:sac
3207061



Board Action

BOARD OF DIRECTORS

June 18, 2024

ITEM

RFP No. 6137 2024 Supplemental Labor Resources Distribution Overhead and Underground

PURPOSE

Award supplemental labor contract for construction services associated with the installation and removal of overhead and underground Distribution Infrastructure.

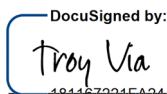
FACTS

- a. Contract provides additional construction labor to support the District's current resources.
- b. The RFP and bidder responses were based on a common number of units, multiplied by the bidder's hourly and/or unit rates, to compare each bidder's costs. Total annual costs will vary based on actual volume of work performed.
- c. Contract offers a four (4) year initial term with the option to renew four (4) additional (1) year terms based on Management's assessment of the contractor's performance and pricing.
- d. Nine (9) proposals were received in response to RFP 6137. All bids were determined to be legally responsive. Five (5) bids were technically responsive. Four (4) bids were determined by OPPD to be technically non-responsive.
- e. The L.E. Myers Company proposal, evaluated as the sum of \$1,275,465.08 as described in item (b) above, is recommended as the lowest and best bid.
- f. Work associated with this contract will begin July 2024.


ACTION

Authorization by the Board to award a labor only contract to The L.E. Myers Company for an initial term of four (4) years, with an option to renew up to four (4) additional one (1) year contract terms, for the procurement of construction services related to the installation and removal of overhead and underground Distribution Infrastructure.

RECOMMENDED:

DocuSigned by:

 181187221FA24AE...
 Troy R. Via
 Vice President – Utility Operations
 and Chief Operating Officer

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

 AC399FDGE56247E...
 L. Javier Fernandez
 President and Chief Executive Officer

Attachments: Analysis of Proposals
 Tabulation of Bids
 Legal Opinion
 Resolution