

RESOLUTION NO. 6717

WHEREAS, the District is currently modifying the existing bottom ash transport water system at North Omaha Station to meet environmental regulations; and

WHEREAS, to complete the next phase of the work, OPPD needs to enter into a contract that involves a wide range of work scope and construction disciplines; and

WHEREAS, the District's Engineer has certified that this contract is unique in that it requires equipment components to be installed and integrated with the work of other third-party contractors, creating a complicated sequence of work that could result in significant schedule delays if not carefully planned, coordinated and managed; and

WHEREAS, the District's Engineer has further certified that this project will be performed in a congested area near existing plant equipment that must remain in operation, except for limited outages specifically designed to tie in the new equipment; and

WHEREAS, the District's Engineer has further certified that a negotiated contract will provide OPPD with the ability to navigate a complex schedule with multiple suppliers and contractors, to properly coordinate the construction plan with plant operations, to ensure bidders are qualified and capable, to achieve optimal pricing, and to ensure necessary contractual terms are agreed upon with acceptable risk mitigation provisions; 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 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 authorize Management to negotiate and enter into one or more contracts for the scope of work supporting the installation of the North Omaha Station bottom ash transport water modifications, without compliance with the sealed bidding provisions of Sections 70-637 to 70-641 of the Nebraska Revised Statutes, is hereby approved.
2. Management is hereby authorized and directed to negotiate and enter into one or more contracts with a qualified contractor for all installation and construction services associated with the North Omaha existing bottom ash transport water system, as described herein and in the Engineer's Certification, 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.

MEMORANDUM

Date: May 30, 2025

UO-2025-005

From: S.A. Eidem

To: T. R. Via

Subject: North Omaha Station Effluent Limitation Guidelines (ELG) Building and Equipment Installation

1.0 GENERAL

The Omaha Public Power District (OPPD) is currently modifying the existing North Omaha Station bottom ash dewatering system to comply with the Environmental Protection Agency's Steam Electric Power Generating Effluent Guidelines – 2020 Revised Rule. This modification requires the installation of new buildings and equipment including a clarifier, submerged flight conveyor, tanks, associated piping and supporting equipment. To date, OPPD has issued multiple contracts to relocate existing underground utilities, design, fabricate and procure equipment, and purchase a pre-manufactured building to erect around the clarifier.

To complete the next phase of work, OPPD intends to execute a multi-faceted contract covering a wide range of remaining work scope including rough grading, deep foundations, structural foundations, retaining walls, slab on grade, setting of the clarifier (supplied by others), building erection around clarifier (building supplied by OPPD), a chemical injection enclosure, process piping, building electrical system and tie-ins to multiple existing systems. An additional contract will be required later to fully integrate the existing submerged flight conveyor into the system.

The scope of work for this contract must be integrated with the work of other third-party contractors creating a complicated sequence of work that could result in significant delays if not carefully planned, coordinated and managed. In addition, this work will take place in a small footprint near existing equipment and truck traffic needed to maintain plant operations. Construction activities will need to be coordinated with OPPD plant operations to prevent injuries or damage to existing equipment.

While OPPD will seek competitive bids, it will be important to maintain meaningful communications with prospective bidders throughout the bidding process. The ability to negotiate will ensure bidders are qualified and capable, achieve optimal pricing, allow for proper schedule coordination of the complicated work sequence, and ensure the necessary terms and conditions are agreed upon with acceptable risk mitigations. Therefore, it is in OPPD's best interest to forgo the sealed bid process and negotiate a contract.

2.0 RECOMMENDATION

An Engineer's Certification of the facts listed above has been prepared and approval of that Certification is recommended.

T.R. Via
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May 30, 2025

We request the Board of Directors approve the Engineer's Certification and authorize management to negotiate and enter into a contract or contracts for the scope of work supporting installation of the North Omaha Station bottom ash dewatering modifications.



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

ENGINEER'S CERTIFICATION

The Omaha Public Power District (OPPD) is currently modifying the existing North Omaha Station bottom ash transport water (BATW) system to comply with the Environmental Protection Agency's Steam Electric Power Generating Effluent Guidelines – 2020 Revised Rule. This modification requires the installation of new buildings and equipment including clarifiers, prefabricated chemical injection container, submerged flight conveyor, associated piping and supporting equipment. To date, OPPD has issued multiple contracts to relocate existing underground utilities, design, fabricate and procure equipment, and purchase a pre-engineered metal building to erect around the clarifier.

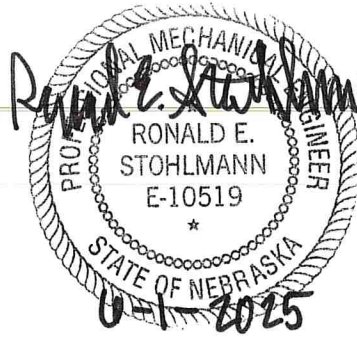
To complete the next phase of work, OPPD intends to execute a multi-faceted contract covering a wide range of the remaining work scope and involving a variety of construction disciplines such as grading, below grade foundations, concrete, mechanical, electrical, and building assembly. For the reasons explained further below, this variety of work is not well suited for the customary sealed bid process. OPPD will solicit proposals from qualified contractors to enable the successful supply, installation and construction necessary for a functional system.

The undersigned Professional Engineer employed by OPPD certifies that compliance with the sealed bidding requirements of the Nebraska statutes, specifically Nebraska Revised Statutes 70-637 to 639, is impractical and not in the public interest for the following reasons:

- The scope of work for this contract is unique in that it requires equipment components to be installed and integrated with the work of other third-party contractors, creating a complicated sequence of work that could result in significant schedule delays if not carefully planned, coordinated and managed.
- This scope of work and equipment installation will be completed in a congested area near existing plant equipment and truck traffic that must remain in operation except for limited outages specifically designed to tie in the new equipment. Construction activities will need to be coordinated with OPPD plant operations to prevent bodily injuries or damage to existing equipment.
- The use of a negotiated contract will provide OPPD with the ability to navigate a complex schedule with multiple suppliers and contractors, to properly coordinate the construction plan with plant operations, to ensure bidders are qualified and capable, to achieve optimal pricing, and to ensure the necessary terms and conditions are agreed upon with acceptable risk mitigation provisions.

Pursuant to section 70-637 of the Nebraska Revised Statutes, as amended, Omaha Public Power District's Board of Directors is requested to approve this Engineer's Certification and authorize Management to negotiate and enter into a contract or contracts with qualified contractors, without utilizing the sealed bidding requirements of sections 70-637 to 70-639 of the Nebraska Revised Statutes, for the scope of work supporting installation of the North Omaha Station bottom ash transport water modifications.

I, Ronald E. Stohlmann, registered Professional Mechanical Engineer in the State of Nebraska, certify the above to be true and correct to the best of my knowledge and belief.



Ronald E. Stohlmann

Ronald E. Stohlmann, P.E., PMP

6-1-2025

Date

May 30, 2025

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

RE: North Omaha Station - Engineer's Certification related to bottom ash transport system project

Ladies and Gentlemen:

We have reviewed the Engineer's Certification of Ronald Stohlmann, a registered professional engineer in the State of Nebraska employed by the District. Mr. Stohlmann's certification states that the District is modifying the existing North Omaha Station bottom ash transport water (BATW) system to comply with the Environmental Protection Agency's Steam Electric Power Generating Effluent Guidelines – 2020 Revised Rule. The next phase of the project will require a multi-faceted contract or contracts to integrate and assemble the components and equipment for the project. He further explains that scope of work for this project must be integrated with the work of other third- party contractors, creating a complicated sequence of work that could result in significant schedule delays if not carefully planned, coordinated, and managed. He further certifies that a negotiated contract will enable the District to implement this unique project and its complicated coordination, and ensure appropriate legal terms, including acceptable risk mitigation provisions. For these and other stated reasons, Mr. Stohlmann certifies that it would be impractical and not in the public interest to use sealed bidding for this 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. Stohlmann'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(s) for the scope of work supporting installation of the North Omaha Station bottom ash transport water modifications. We recommend that any such contract(s) 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", with a stylized, flowing script.

Stephen M. Bruckner
FOR THE FIRM

SMB:ecc



Action Item

June 17, 2025

ITEM

North Omaha Station Effluent Limitation Guidelines (ELG) Building and Equipment Installation

PURPOSE

Issue a contract or contracts for installation labor and minor materials to install buildings and equipment supporting modifications to the North Omaha Station bottom ash dewatering system.

FACTS


- a. Modifications to the North Omaha Station bottom ash dewatering system are required to comply with Environmental Protection Agency rules. The next phase of work involves the installation of buildings and a variety of equipment.
- b. The District's engineer has certified the complex and unique nature of the work and that use of the sealed bid process is impractical and not in the public interest.
- c. The District will solicit competitive proposals from qualified contractors. A negotiated contract will allow for the communication necessary to ensure bidders are qualified, achieve optimal pricing, allow for proper coordination of the complicated work sequence and implement acceptable risk mitigations.

ACTION

Approval of the Engineer's Certification and authorization for Management to negotiate and enter into a contract or contracts for labor and minor materials supporting installation of the North Omaha Station bottom ash dewatering modifications.

RECOMMENDED:

Signed by:

Troy R. Via

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Troy R. Via

Vice President – Utility Operations

Chief Operation Officer

APPROVED FOR BOARD CONSIDERATION:

Signed by:

L. Javier Fernandez

AC399FDCE56247E...

L. Javier Fernandez

President and Chief Executive Officer

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