



Williams/Via

RESOLUTION NO. 6764

WHEREAS, OPPD issued Request for Proposal (RFP) No. 6239 to procure a multi-year supplemental contract for construction services to replace aging infrastructure in OPPD's Metro service territory; 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. 6239 provides for OPPD to initially procure supplemental contract for construction services to replace aging infrastructure in OPPD's Metro service territory for a three (3) year initial term and renew contract with the successful bidder for up to three (3) additional one (1) year terms based on the bidders' responses; and

WHEREAS, the proposal submitted by Nielsen Construction was evaluated by Management as the lowest and best bid and provided an acceptable option to renew up to three (3) additional one (1) year terms based on legal and technical evaluation for the procurement of construction services to replace aging infrastructure in OPPD's Metro service territory; 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 Nielsen Construction for the procurement of construction services for replacing aging infrastructure in OPPD's Metro service territory, with the option to renew up to three (3) additional one (1) year contract terms, and the bond of such bidder is hereby approved.

Date: May 19, 2026

From: B. D. Kramer

To: T. R. Via

RFP No. 6239
Resources for Metro Cable Replacements
Analysis of Proposals

1.00 GENERAL

RFP No. 6239 was advertised for bid on April 16, 2026.

This contract will provide construction services to replace specified equipment in new and existing metro circuit rebuild projects, including emergent cable repairs.

Construction is scheduled to begin July 1, 2026 and conclude by June 30, 2029. OPPD will award this contract for a three (3) year initial term, beginning in calendar year 2026. OPPD will have option to renew the contract with three (3) additional one (1) year contract renewal terms potentially extending contract to 2032.

Proposals were requested and opened at 1:00 p.m., C.S.T., Thursday, April 16, 2026.

Three (3) total proposals were received. The proposals received are summarized as follows:

Bidder	Lump Sum Firm Price	Legally Responsive	Technically Responsive
Valley Corporation	\$ 7,018,837.71	No	Yes
Nielsen Construction	\$ 7,723,903.00	Yes	Yes
Ward Electric	\$ 27,450,286.20	No	Yes

T.R. Via
May 21, 2026
Page 2 of 2

2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

OPPD's legal counsel has determined that the proposal submitted by Valley Corporation is legally non-responsive. A clarification was noted regarding a material deviation from the RFP's required pricing framework. As a result, the proposal cannot be considered by the Board of Directors for the award of this contract.

The proposal from Nielsen Construction was deemed to be legally responsive.

OPPD's legal counsel has determined that the proposal submitted by Ward Electric is legally non-responsive. A clarification was noted regarding a material deviation from the RFP's required pricing framework. As a result, the proposal cannot be considered by the Board of Directors for the award of this contract.

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

All proposals were deemed to be technically responsive.

4.00 RECOMMENDATION

On the basis of compliance with the legal and technical requirements of the specifications, cost evaluations, and guaranteed completion dates, it is recommended that RFP No. 6239 be awarded to Nielsen Construction for an initial term of three (3) years, with an option to renew up to three (3) additional one (1) year contract terms, for the procurement of construction services related to the installation of Metro Cable Replacements.

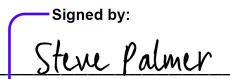
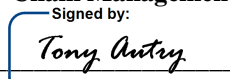
DocuSigned by:

Brian D. Kramer

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Brian D. Kramer

Senior Director Utility Operations Construction and Maintenance
Utility Operations

<p style="text-align: center;">TABULATION OF BIDS Opened at 1:00 p.m., CST Thursday, April 16, 2026, in Omaha, Nebraska</p> <hr/> <p style="text-align: center;">Anticipated Award Date May 22, 2026</p> <hr/> <p style="text-align: center;">ENGINEER'S ESTIMATE</p> <p style="text-align: center;">\$14,987,210.00</p>	<p>REQUEST FOR PROPOSAL NO. 6239 Metro Cable Replacement Project</p> <p style="text-align: right;">Page 1 of 1</p>			<p style="text-align: right;">Signed by:  _____ Director ID: 6471402576EE422...</p> <p style="text-align: right;">Signed by:  _____ Supply Chain Management</p> <p style="text-align: right;">Compiled by and Certified Correct</p>
<p>BID ITEM</p>	<p>BIDDER'S NAME & ADDRESS</p>			
	<p>Valley Corporation 28001 Ida Cir Valley, NE 68064</p>	<p>Nielsen Construction 10120 S 148th St. Omaha, NE 68138</p>	<p>Ward Electric Company, LLC 9586 E I-25 Frontage Rd. Ste. B Longmont, CO 80504</p>	
<p>1. <u>Price Proposal:</u></p> <p>Lump Sum Firm Price (Contract Price) to perform all Work as specified.</p> <p>2. <u>Start/Completion Dates:</u></p> <p>Desired Start: 07/01/26</p> <p>Completion Dates: 06/30/29</p>	<p>SUPPLIER'S BID</p> <p style="text-align: center;"><u>\$7,018,837.71</u></p> <p><u>Guaranteed Start/Completion Date</u></p> <p style="text-align: center;"><u>July 1, 2026</u></p> <p style="text-align: center;"><u>June 30, 2029</u></p>	<p>SUPPLIER'S BID</p> <p style="text-align: center;"><u>\$7,723,903.00</u></p> <p><u>Guaranteed Start/Completion Date</u></p> <p style="text-align: center;"><u>July 1, 2026</u></p> <p style="text-align: center;"><u>June 30, 2029</u></p>	<p>SUPPLIER'S BID</p> <p style="text-align: center;"><u>\$27,045,286.20</u></p> <p><u>Guaranteed Start/Completion Date</u></p> <p style="text-align: center;"><u>July 1, 2026</u></p> <p style="text-align: center;"><u>June 30, 2029</u></p>	



Amelia V. Prickett
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May 6, 2026

Omaha Public Power District
1919 Aksarben Drive
Omaha, NE 68106

RE: Request for Proposal No. 6239 – Metro Cable Replacement Project (“RFP No. 6239”)

Ladies and Gentlemen:

We have reviewed the three (3) proposals received in response to the Omaha Public Power District (“District”) RFP No. 6239 as submitted by Nielsen Construction (“Nielsen”), Valley Corporation (“Valley”), and Ward Electric Company, LLC (“Ward”), and provide the following legal opinion:

Nielsen Construction

The proposal of Nielsen was timely submitted, signed by its President on April 15, 2026, and does not contain any exceptions to the District’s standard terms. However, we note that Nielsen’s proposal provides minimal detail regarding references and resources; instead, stating that Nielsen holds the current contract and would continue with the same level of work if awarded the next contract. Thus, the District has sufficient information to evaluate Nielsen and its work. As with all bidders, Nielsen will be required to complete certain post-award exhibits, including Attachment D – Equipment Taxation Certificate and Attachment I – Letter of Credit or Performance and Payment Bond, as a condition of contract execution. The Nielsen proposal is legally responsive and, subject to the District's technical and economic evaluation, may be considered by the Board.

Valley Corporation

The proposal of Valley Corporation was timely submitted, signed by its Vice President on April 15, 2026, and does not contain any exceptions to the District's standard terms. We draw the District’s attention to the same issues raised in the RFP 6240 legal opinion, regarding safety matters and the selection of an “Option 1 Contractor”, as the identical issues are present in the RFP 6239 proposal.

Fraser Stryker PC LLO

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

However, Valley’s proposal to RFP 6239 contains a material deficiency that renders it legally non-responsive. Line item 30 of Valley’s unit price sheet (Attachment A) includes a charge of \$35,917.84 for “Expedited cable replacement project” with no explanation of the trigger criteria, applicable thresholds, or recurring nature of the fee. OPPD issued Confirmation Request No. 1 on April 27, 2026, seeking clarification on these specific points. Valley’s response did not sufficiently address the questions asked. Instead, Valley stated it is “open to negotiating pricing pending additional clarification” on the item—expressly conditioning the submitted price on further negotiation with the District. This language demonstrates that the price for line item 30 is not firm, which is a material departure from the RFP’s required unit price and lump sum framework. Accordingly, the Valley proposal is legally non-responsive and should not be considered by the Board.

Ward Electric Company, LLC

The proposal of Ward was timely submitted, signed by its CEO on April 16, 2026. As with all bidders, Ward would be required to complete certain post-award exhibits, including Attachment D – Equipment Taxation Certificate and Attachment I – Letter of Credit or Performance and Payment Bond, as a condition of contract execution. We note, however, a concern that warrants the District’s attention. Ward's proposal includes a clarification (page 57) stating that permits, traffic control, restoration beyond grass seeding, and materials will be provided on a cost-plus-15% basis. To the extent materials are applicable to RFP 6239 - which is consistent with the RFP’s Exhibit B (requiring the contractor to "provide all materials necessary for the satisfactory completion of these Contract Documents") - this clarification constitutes a material deviation from the RFP's required unit price and lump sum pricing framework. Accordingly, the Ward proposal is deemed non-responsive and should not be considered by the Board.

As described above, the Nielsen proposal is legally responsive and may be considered by the Board for the award of RFP No. 6239.

Best,



Amelia V. Prickett
FOR THE FIRM



Board Action

May 19, 2026

ITEM

RFP No. 6239 Resources for Metro Cable Replacements

PURPOSE

Award supplemental labor contract for construction services to replace aging infrastructure in OPPD's Metro service territory.

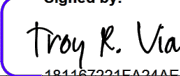
FACTS

- a. Contract provides additional construction labor to support the District's current resources.
- b. The RFP and bidder responses were based on an expected number of units, multiplied by the bidder's unit rate, to compare each bidder's costs. Total annual costs will vary based on the actual volume of work performed.
- c. Three (3) proposals were received in response to RFP 6239. One (1) proposal was both legally and technically responsive. Two (2) proposals were technically responsive but deemed legally non-responsive.
- d. Contract offers a three (3) year initial term with the option to renew three (3) additional one (1) year terms based on Management's assessment of the contractor's performance.
- e. The Nielsen Construction proposal, evaluated as the sum of \$7,723,903.00 as described in item (b) above, is recommended as the lowest and best bid.
- f. Work associated with this contract will begin July 2026.

ACTION


Authorization by the Board to award a labor-only contract to Nielsen Construction for an initial term of three (3) years, with an option to renew up to three (3) additional one (1) year contract terms, for the procurement of construction services related to the installation of Metro Cable Replacements.

RECOMMENDED:

Signed by:


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

APPROVED FOR BOARD CONSIDERATION:

Signed by:


AC399FDCE56247E...
L. Javier Fernandez
President and Chief Executive Officer

TRV:snr

Attachments: Analysis of Proposals
Tabulation of Bids
Legal Opinion
Resolution