



Williams/Via

**RESOLUTION NO. 6765**

**WHEREAS**, OPPD issued Request for Proposal (RFP) No. 6240 to procure a multi-year supplemental contract for construction services to replace aging infrastructure in OPPD's North Rural service territory; and

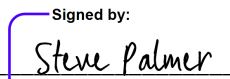
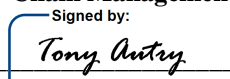
**WHEREAS**, bids were received and opened at the time and place mentioned in the published notices and the Director – Supply Chain Management supervised the tabulations, which have been submitted to this Board; and

**WHEREAS**, RFP No. 6240 provides for OPPD to initially procure supplemental contract for construction services to replace aging infrastructure in OPPD's North Rural 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 North Rural 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 North Rural 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.

<p style="text-align: center;"><b>TABULATION OF BIDS</b>  <b>Opened at 1:00 p.m., CST</b>  <b>Thursday, April 16, 2026, in Omaha, Nebraska</b></p> <hr/> <p style="text-align: center;">Anticipated Award Date                  May 22, 2026</p> <hr/> <p style="text-align: center;"><b>ENGINEER'S ESTIMATE</b></p> <p style="text-align: center;"><b>\$2,618,017.00</b></p>	<p><b>REQUEST FOR PROPOSAL NO. 6240</b>  <b>North Rural Cable Replacement Project</b></p> <p style="text-align: right;">Page 1 of 1</p>			<p style="text-align: right;">Signed by:                    _____                  Director                  6471402576EE422...</p> <p style="text-align: center;">Supply Chain Management</p> <p style="text-align: right;">Signed by:                    _____                  Compiled by and Certified Correct</p>
<p><b>BID ITEM</b></p>	<p><b>BIDDER'S NAME &amp; ADDRESS</b></p>			
	<p>Nielsen Construction                  10120 S 148th St.                  Omaha, NE 68138</p>	<p>Valley Corporation                  28001 Ida Cir                  Valley, NE 68064</p>	<p>Ward Electric Company, LLC                  9586 E I-25 Frontage Rd. Ste. B                  Longmont, CO 80504</p>	
<p><b>1. <u>Price Proposal:</u></b></p> <p><b>Lump Sum Firm Price (Contract Price) to perform all Work as specified.</b></p> <p><b>2. <u>Start/Completion Dates:</u></b></p> <p><b>Desired Start: 07/01/26</b></p> <p><b>Completion Dates: 06/30/29</b></p>	<p><b>SUPPLIER'S BID</b></p> <p style="text-align: center;"><u>\$2,194,389.00</u></p> <p><b><u>Guaranteed Start/Completion Date</u></b></p> <p style="text-align: center;"><u>July 1, 2026</u></p> <p style="text-align: center;"><u>June 30, 2029</u></p>	<p><b>SUPPLIER'S BID</b></p> <p style="text-align: center;"><u>\$2,254,403.82</u></p> <p><b><u>Guaranteed Start/Completion Date</u></b></p> <p style="text-align: center;"><u>July 1, 2026</u></p> <p style="text-align: center;"><u>June 30, 2029</u></p>	<p><b>SUPPLIER'S BID</b></p> <p style="text-align: center;"><u>\$6,302,410.40</u></p> <p><b><u>Guaranteed Start/Completion Date</u></b></p> <p style="text-align: center;"><u>July 1, 2026</u></p> <p style="text-align: center;"><u>June 30, 2029</u></p>	



**MEMORANDUM**

Date: May 21, 2026  
 From: B. D. Kramer  
 To: T. R. Via

RFP No. 6240  
 “Resources for North Rural Cable Replacements”  
Analysis of Proposals

1.00 GENERAL

RFP No. 6240 was advertised for bid on April 16, 2026.

Award supplemental labor contract for construction services to replace aging infrastructure in OPPD’s North Rural service territory.

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:

<b>Bidder</b>	<b>Lump Sum Firm Price</b>	<b>Legally Responsive</b>	<b>Technically Responsive</b>
Nielsen Construction	\$ 2,194,389.00	Yes	Yes
Valley Corporation	\$ 2,254,403.82	Yes	Yes
Ward Electric	\$ 6,302,321.99	No	Yes

T.R. Via  
May 21, 2026  
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## 2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

OPPD's legal counsel has determined that the proposal submitted by Ward Electric is legally non-responsive. A clarification was noted in regard to 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 proposals from both Nielsen Construction and Valley Corporation were deemed to be legally responsive.

## 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. 6240 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 North Rural Cable Replacements.

DocuSigned by:

*Brian D. Kramer*

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Brian D. Kramer

Senior Director Utility Operations Construction and Maintenance  
Utility Operations



Amelia V. Prickett  
ATTORNEY  
402.978.5264  
aprickett@fraserstryker.com  
fraserstryker.com

April 29, 2026

Omaha Public Power District  
1919 Aksarben Drive  
Omaha, NE 68106

RE: Request for Proposal No. 6240 – North Rural Cable Replacement Project (“RFP No. 6240”)

Ladies and Gentlemen:

We have reviewed the three (3) proposals received in response to the Omaha Public Power District (“District”) RFP No. 6240 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. As with all bidders, Valley 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. Drawing the District’s attention to Attachment F – Contractor Sales and Use Tax, Valley selected “Option 1 Contractor”, unlike Nielsen and Ward’s selection as Option 2 Contractors. Accordingly, the District would need to evaluate the impact of

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

such sales and use tax classification on Valley's proposed price when comparing to the other proposals.

We note two safety related concerns relevant to the District's evaluation of Valley. First, Valley's Safety Questionnaire discloses an affirmative regulatory citation within the last five years. Specifically, a 2022 incident involving one employee fatality, resulting in an OSHA citation and penalty. While the matter was resolved, the disclosure is material to the District's evaluation under the Safety Record criterion. Additionally, Valley's Workers Compensation Experience Modification Rates (EMRs) for the last three (3) years are higher than those of Nielsen or Ward. While these issues do not render Valley's proposal legally non-responsive, the District may wish to inquire further into industry benchmarks and corrective measures implemented by Valley.

Further, the District's attention is drawn to line item 30 of Valley's unit price sheet (Attachment A), which includes a charge of \$41,065.77 for "expedited cable replacement". Valley's proposal provides no explanation of what criteria trigger the "expedited" designation, resulting in the significant fee or whether the fee would recur in subsequent contract years. In connection with RFP No. 6239 Metro Cable Replacement Project, OPPD issued Confirmation Request No. 1 to Valley on April 27, 2026, seeking clarification on materially identical questions regarding Valley's expedited fee line item in that proposal. Valley's response did not address the questions asked; instead, Valley stated it is "open to negotiating pricing pending additional clarification" on the item. While a separate confirmation request was not issued to Valley under RFP No. 6240, the same ambiguity is present in this proposal, and Valley's response in the parallel proceeding provides the best available indication of how Valley would respond to such an inquiry. The District should be aware that the submitted price for line item 30 may not be firm, and that the trigger criteria for the expedited fee remain undefined. The District may wish to take this into account in its technical and commercial evaluation of Valley's proposal. We note that if Valley's position in the RFP No. 6239 proceeding (lacking sufficient information to evaluate the "expedited" criteria, and that its expedited fee pricing is subject to further negotiation) would apply equally here, that position would constitute a material departure from the RFP's required unit price and lump sum framework and would render the Valley proposal legally non-responsive.

### **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 material deficiency that warrants the District's attention. Ward's proposal includes a clarification (page 55) 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 6240 - 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 pricing framework.

April 29, 2026  
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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. 6240. The Valley proposal may also be considered by the Board, subject to the caveat regarding a lack of clarity of the expedited fee.

Best,

A handwritten signature in blue ink that reads "Amelia Prickett". The signature is fluid and cursive, with a long horizontal stroke extending to the right from the end of the name.

Amelia V. Prickett  
FOR THE FIRM

3557455.3



# Board Action

May 19, 2026

## ITEM

RFP No. 6240 Resources for North Rural Cable Replacements

## PURPOSE

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

## FACTS

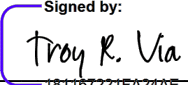
- a. Contract provides additional construction labor to support the District's current resources.
- b. The RFP and bidder responses were based on an expected number of units, multiplied by the bidder's unit rate, to compare each bidder's costs. Total annual costs will vary based on the actual volume of work performed.
- c. Three (3) proposals were received in response to RFP 6240. Two (2) proposals were both legally and technically responsive. One (1) proposal was 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 \$2,194,389.00 as described in item (b) above, is recommended as the lowest and best bid.
- f. Work associated with this contract will begin July 2026.

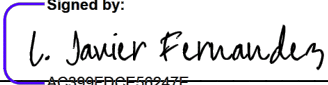
## ACTION

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 North Rural Cable Replacements.

RECOMMENDED:

APPROVED FOR BOARD CONSIDERATION:

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

Signed by:  
  
 L. Javier Fernandez  
 President and Chief Executive Officer

TRV:snr

Attachments:

Analysis of Proposals

Tabulation of Bids

Legal Opinion

Resolution