



*Yoder/Via*

**RESOLUTION NO. 6320**

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

***REQUEST FOR PROPOSAL NO. 5566  
STP ACSS CONDUCTOR***

**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 of the Nebraska Revised Statutes provides that the sealed bid requirements do not apply when no responsive bids are received by the District.

**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. 5566 are rejected and Management is authorized to negotiate and enter into a contract for the material specified in RFP No. 5566, subject to review and approval of the contract by the District’s General Counsel.

Adopted April 11, 2019



# Board Action

## BOARD OF DIRECTORS

April 9, 2019

### ITEM

STP ACSS Conductor

### PURPOSE

Board of Directors authorization to reject the proposals received for RFP 5566 and for the District to enter into a negotiated contract for ACSS conductor associated with the Sarpy Transmission Project (STP).


### FACTS

- a. The Sarpy Transmission Project (STP) is a new transmission line in Sarpy County needed for load growth and reliability in the area.
- b. STP is a 6.5 mile (91 structures) line between a substation near 114 St. north of Cornhusker Rd. and a substation on 144 St. south of Schram Rd.
- c. Three proposals were received. All proposals were determined to be legally non-responsive. All proposals received were determined to be technically responsive.
- d. Construction of the line will begin early June 2019 and conclude by December 2019.
- e. Wire is scheduled to be delivered by July 5, 2019.

### ACTION

Authorization by the Board to reject all proposals received for RFP No. 5566 – “STP ACSS Conductor” and allow District Management to enter into a negotiated contract for this material, subject to review and approval of the final contract by the District’s General Counsel.

RECOMMENDED:

  
\_\_\_\_\_  
Troy R. Via

APPROVED FOR BOARD CONSIDERATION:

  
\_\_\_\_\_  
Timothy J. Burke

TRV:js

Attachments: Analysis of Proposals  
Tabulation of Bids  
Legal Opinion  
Resolution



**MEMORANDUM**

Date: March 29, 2019  
From: D. D. Buelt  
To: T. R. Via

RFP No. 5566  
"STP ACSS Conductor"  
Analysis of Proposals

1.00 GENERAL

RFP No. 5566 was advertised for bid on February 13, 2019.

This contract will procure conductor for both transmission voltages associated with the Sarpy Transmission Project (STP).

There were no questions received from the bidders and no letters of clarification issued.

Bids were requested and opened at 2:00 p.m., C.D.T., Tuesday, March 12, 2019.

The Engineer's Estimate was \$ 525,000.00.

Three total proposals were received. The proposals received are summarized in the table below:

Bidder	Lump Sum Firm Price	Legally Responsive	Technically Responsive
CME c/o Wesco Distribution	\$ 616,531.08	No	Yes
Prysmian Cable/General Cable c/o Cahoon Sales	\$ 576,137.23	No	Yes
Southwire Company, LLC c/o Moehn Sales	\$ 545,075.39	No	Yes

2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

The District's legal counsel noted the proposal responses from all three bidders contained exceptions to Terms and Conditions and/or pricing modifications. As such, all three proposals were determine to be legally non-responsive.

### 3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

All three proposals were deemed to be technically responsive.

### 4.00 RECOMMENDATION

The opinion letter from legal counsel states that the Board of Directors may reject all bids if they are non-responsive to the bid documents. On the basis of the legal evaluation, it is recommended that all proposals received for RFP No. 5566 "STP ACSS Conductor" be rejected by the Board of Directors and that Management be authorized to enter into a negotiated contractor for this material. Based on bid price, it is anticipated that negotiations will commence with Southwire Company, LLC.



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Dannie D. Buelt, P.E.  
Manager – Transmission Engineering  
Energy Delivery

**TABULATION OF BIDS**  
 Opened at 2:00 p.m., C.S.T., Tuesday,  
 March 12, 2019, in Omaha, Nebraska

**Anticipated Award Date**  
 April 11, 2019

**ENGINEER'S ESTIMATE**

\$525,000.00

**REQUEST FOR PROPOSAL NO. 5566**  
**STP ACSS Conductor**

Page 1 of 1

*Timothy D. McCreary*  
 Director  
 Supply Chain Management  
*Nikola L. Larson*  
 Compiled by and Certified Correct

**BIDDER'S NAME & ADDRESS**

**BID ITEM**

**Moehn Electrical Sales /  
 Southwire Company, LLC  
 One Southwire Drive  
 Carrollton, GA 30119**

**Prysmian Cable / General Cable  
 % Cahoon Sales, Inc.  
 PO Box 2626  
 Iowa City, IA 52244**

**WESCO Distribution  
 13535 F. Steet  
 Omaha, NE 68137**

**SUPPLIER'S BID**

**SUPPLIER'S BID**

**SUPPLIER'S BID**

**1. Price Proposal:**

Lump Sum firm price to furnish F.O.B. shipping point,  
 all ACSS conductor specified in Proposal Data.

\$545,075.39

\$576,137.23

\$616,531.08

**2. Completion Guarantee(s):**

Conductor Delivery (Start no later than)  
 June 17, 2019

Guaranteed Completion Date

8-9 Weeks ARO

Guaranteed Completion Date

June 17, 2019

Guaranteed Completion Date

8-9 Weeks ARO

Conductor Delivery (Start no later than)  
 July 5, 2019

8-9 Weeks ARO

July 5, 2019

8-9 Weeks ARO

# FRASER STRYKER

PC LLO

LAWYERS

500 ENERGY PLAZA  
409 SOUTH 17TH STREET  
OMAHA, NEBRASKA 68102-2663  
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WWW.FRASERSTRYKER.COM

TROY F. MEYERSON  
DIRECT DIAL: 402.978.5347  
TMEYERSON@FRASERSTRYKER.COM

March 28, 2019

Omaha Public Power District  
444 South 16<sup>th</sup> Street  
Omaha, NE 68102

RE: Request for Proposal No. 5566 – STP ACSS Conductor ("RFP No. 5566")

Ladies and Gentlemen:

We have reviewed the three (3) proposals received in response to the District's RFP No. 5566 and provide the following legal opinion.

The proposal of General Cable incorporates certain terms and conditions from a prior contract entered into between the District and General Cable in 2014. In our opinion, this qualification renders the General Cable proposal legally non-responsive to the RFP No. 5566 contract documents. The General Cable proposal should receive no further consideration by the Board of Directors.

The Southwire Company, LLC ("Southwire") proposal states that it is "based on Southwire Standard Terms & Conditions." In our opinion, this qualification renders the Southwire proposal legally non-responsive to the RFP No. 5566 contract documents. The Southwire proposal should receive no further consideration by the Board of Directors.

The Wesco Distribution proposal incorporates certain Terms and Conditions previously negotiated by the District and Wesco Distribution. In our opinion, this qualification renders the Wesco Distribution proposal legally non-responsive to the RFP No. 5566 contract documents. The Wesco Distribution proposal should receive no further consideration by the Board of Directors.

The sealed bid provisions of Section 70-637 of the Nebraska Revised Statutes do not apply when no responsive bids are received by the District. Accordingly, the District's Board of Directors may reject all bids received in response to RFP No. 5566 and authorize Management to negotiate and enter into an agreement with an acceptable vendor for this procurement.

Very truly yours,



Troy F. Meyerson  
FOR THE FIRM