

Moody/Via

**RESOLUTION NO. 6571**

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

**REQUEST FOR PROPOSAL (RFP) NO. 6048  
NO4 AIR PREHEATER BASKETS AND SEALS REPLACEMENT**

**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.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Omaha Public Power District that the proposal of Total-Western, Inc., in the amount of \$639,701.00 for the labor services for replacement of the North Omaha Station Unit 4 (NO4) air preheater baskets and seals pursuant to Request for Proposal No. 6048 is hereby accepted, and the form of payment and performance bond of such bidder is approved.



# MEMORANDUM

**DATE:** April 27, 2023

UO-2023-005

**FROM:** S.A. Eidem

**TO:** T.R Via

**SUBJECT:** North Omaha Station Unit 4 Air Preheater Baskets and Seals Replacement Labor

## 1.00 GENERAL

Request for Proposal (RFP) No. 6048 is for the labor services contract for replacement of the North Omaha Station Unit 4 (NO4) air preheater baskets and seals. The contract is for labor services only and does not include the supply of materials. Material supply contract was previously awarded under RFP No. 5991 in December 2022. Installation is planned to occur during the scheduled unit outage in the fall of 2023.

There are two layers of baskets within the NO4 air preheaters (hot end and cold end). Recent inspections of the air preheater baskets have confirmed they are at the end of their useful life. Replacement labor for both the cold end and hot end baskets is included in this contract, along with replacement of air preheater seals.

The contract was advertised on March 16, 2023. One letter of clarification was issued. Bids were received and opened on April 12, 2023. Three companies submitted bids. The Engineers estimate for this work was \$750,000. The bid prices are as follows:

Total-Western Inc.	\$639,701
TEiC Construction Services, Inc.	\$967,205
ME&I Construction Services, Inc.	\$2,990,510

## 2.00 COMPLIANCE WITH CONTRACT TERMS AND CONDITIONS

The proposals were referred to the District's legal counsel for review. The proposals received in response to the District's RFP No. 6048 may be considered by the District's Board of Directors for the award of this contract.

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS


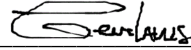
All three proposals received were determined to comply with the technical requirements and were economically evaluated.

4.00 RECOMMENDATION

Based on compliance with legal and technical requirements of this specification, it is recommended the Board of Directors authorize award of Request for Proposal No. 6048 to Total-Western, Inc. for \$639,701.

*Scott A. Eidem*

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

<p align="center"><b>TABULATION OF BIDS</b>                  Opened at 2:00 p.m., C.D.T., Wednesday,                  April 12, 2023, in Omaha, Nebraska</p>		<p align="center"><b>REQUEST FOR PROPOSAL NO. 6048</b></p> <p align="center"><b>NO4 Air Preheater Baskets and Seals Replacement</b></p>			<p align="center">DocuSigned by:                    C171422F76EE422...  <b>Director</b></p> <p align="center"><b>Supply Chain Management</b>                  DocuSigned by:                    58C0B8997EE4F6  <b>Compiled by and Certified Correct</b></p>	
<p align="center">Anticipated Award Date                  May 18, 2023</p>						
<p align="center"><b>ENGINEER'S ESTIMATE</b></p> <p align="center"><u>\$750,000.00</u></p>						
<p align="center"><b>BID ITEM</b></p>		<p><b>BIDDER'S NAME &amp; ADDRESS</b></p>				
		<p align="center">Total -Western, Inc.                  8049 Somerset Blvd                  Paramount, CA 90723</p>	<p align="center">TEiC Construction Services, Inc.                  170 Tucapau Rd                  Duncan, SC 29334</p>	<p align="center">ME&amp;I Construction Services, Inc.                  3205 N. Frontage Road Suite 1                  Vicksburg, MS 39180</p>		
		<p><b>SUPPLIER'S BID</b></p>	<p><b>SUPPLIER'S BID</b></p>	<p><b>SUPPLIER'S BID</b></p>		
1.	<p><u>Proposal Price(S)</u></p> <p>Lump Sum Firm Price</p>	<p><u>\$639,701.00</u></p>	<p><u>\$967,205.00</u></p>	<p><u>\$2,990,510.00</u></p>		
2.	<p><u>Delivery Guarantee(s)</u></p> <p>Complete Installation of NO4 Air Preheater                  Baskets and Seals: November 24, 2023, 1900                  Hour</p>	<p><u>Guaranteed Delivery Date</u></p> <p>November 24, 2023      1900                  Hours</p>	<p><u>Guaranteed Delivery Date</u></p> <p>November 24, 2023      1900                  Hours</p>	<p><u>Guaranteed Delivery Date</u></p> <p>November 24, 2023      1900                  Hours</p>		

April 20, 2023

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

RE: Request for Proposal No. 6048 – NO4 air preheater baskets and seals replacement

Ladies and Gentlemen:

We have reviewed the three (3) proposals received in response to the District's RFP No. 6048 and provide the following legal opinion.

The proposal of ME&I Construction Services does not acknowledge receipt of the District's letter of clarification No. 1; OPPD should obtain a letter from ME&I stating that it acknowledges receipt of the District's letter of clarification No. 1. This proposal also submits revisions to the District's Construction Services Agreement. The revisions include a limit of liability to 100% of the contract price and changes to the indemnity section of the agreement. In our opinion, these revisions are legally acceptable and do not render the proposal non-responsive to the contract documents.

The proposal of TEiC Construction Services proposes that the applicable contract will be a master services agreement between OPPD and this vendor dated May 13, 2019, together with a special conditions addendum included with the proposal. The TEiC proposal also submits additional exceptions and clarifications to the contract documents, including a limit of liability to the total contract price. The District may accept the use of the prior master services agreement, with the special conditions document, as the governing agreement for this project. However, the agreement will need to be conformed to this particular project. In our opinion, this proposal is legally responsive.

The proposal of Total-Western submits exceptions and clarifications to the contract documents, including revised warranty, insurance, and payment terms. These revisions are legally acceptable and are subject to the District's evaluation.

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. 6048 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.

April 20, 2023  
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Very truly yours,

A handwritten signature in blue ink, appearing to read "Stephen M. Bruckner". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Stephen M. Bruckner  
FOR THE FIRM

SMB:sac  
2993532



# Board Action

## BOARD OF DIRECTORS

May 16, 2023

### ITEM

North Omaha Station Unit 4 Air Preheater Baskets and Seals Replacement Labor

### PURPOSE

Issue labor services contract for the replacement of the North Omaha Station Unit 4 air preheater baskets and seals.


### FACTS

- a. The existing air preheater baskets and seals are at the end of their service life. Recent inspection reports have confirmed replacement of the baskets and seals is needed to ensure reliability.
- b. The air preheater basket replacement work will be completed during the planned fall 2023 outage. Material procurement will be provided separate from this contract.
- c. Three bids were received in response to Request for Proposal (RFP) No. 6048. All bids were determined to be legally and technically responsive.

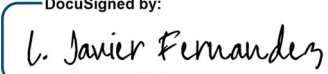
### ACTION

Authorization by the Board to award a contract to Total-Western, Inc. for labor services to replace the North Omaha Station Unit 4 Air Preheater Baskets and Seals in the amount of \$639,701.00.

### RECOMMENDED:

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

### APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:  
  
AC389FDCE50247E...  
L. Javier Fernandez  
President and Chief Executive Officer

TRV:sae

- Attachments: Letter of Recommendation  
Tabulation of Bids  
Legal Opinion  
Resolution