



Moody/Via

RESOLUTION NO. 6631

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

**REQUEST FOR PROPOSAL (RFP) NO. 6122
15KV METALCLAD SWITCHGEAR CUBICLES AND SWITCHGEAR ENCLOSURE**

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.

WHEREAS, Section 70-637 of the Nebraska Revised Statutes authorizes the District's Board of Directors to reject proposals if they are not responsive to the Request for Proposals, and to authorize Management to pursue a negotiated contract; and

WHEREAS, the Board of Directors concurs with management's recommendation that all four of the proposals for RFP No. 6122 are technically non-responsive for the proposed scope of work.

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. 6122 are rejected and Management is authorized to negotiate and enter into a contract for this project, subject to review and approval of the final contract by the District's General Counsel.



MEMORANDUM

DATE: February 2, 2024

FROM: S. J. Hanson

TO: T. R. Via

RFP No. 6122
 “15kV Metalclad Switchgear Cubicles and Switchgear Enclosure”

Analysis of Proposals

1.00 GENERAL

RFP No. 6122 was advertised for bid on December 14, 2023.

This contract will procure 15kV metalclad switchgear cubicles housed in a dedicated enclosure to support the addition of a new substation transformer to support load growth and increase distribution capacity in the Blair area.

Desired delivery of the 15kV metalclad switchgear and enclosure is March 2025.

No Letters of Clarification (LOC) and no Addendums were issued.

Bids were requested and opened at 2:00 p.m., C.S.T., Thursday, January 11, 2024.

Four proposals were received which are summarized in the table below:

Bidder	Lump Sum Firm Price	Legally Responsive	Technically Responsive
Harold K Scholz Co	\$1,610,000.00	No	No
Myers Controlled Power LLC	\$1,832,484.00 ¹	No	No
Eaton Corporation	\$1,184,360.78	Yes	No
States Manufacturing Corporation	\$2,130,206.00	Yes	No
¹ Delivery price was estimated.			

2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

OPPPO’s legal counsel noted that the proposal of Harold K. Scholz Co. (“Scholz”) incorporates a price adjustment provision that allows the purchase price to be modified by Scholz up to the date of billing. This term makes the proposal legally non-responsive and may not be considered by the Board of Directors for the award of this contract.

T. R. Via
February 2, 2024
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OPPD's legal counsel noted that the proposal of Myers Controlled Power, LLC submits an exception for a unilateral price adjustment to the Purchase Price after submittal of the proposal. This term makes the proposal legally non-responsive and should not be considered by the Board of Directors for the award of this contract.

OPPD's legal counsel did not note any legal deficiencies with the proposals from Eaton Corporation and States Manufacturing Corporation.

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

Harold K. Scholz Co.'s bid does not meet the desired delivery date. Therefore, Harold K. Scholz Co.'s bid is deemed technically non-responsive.

Myers Controlled Power LLC's bid does not meet the desired delivery date and there were no drawings provided. Therefore, Myers Controlled Power LLC is deemed technically non-responsive.

Eaton Corporation's bid does not meet the desired delivery date and did not include a switchgear enclosure. Therefore, Eaton Corporation is deemed technically non-responsive.

States Manufacturing Corporation's bid does not meet the desired delivery date and does not include the require breaker model. Therefore, States Manufacturing Corporation is deemed technically non-responsive.

4.00 RECOMMENDATION

On the basis of compliance with the legal and technical requirements, it is recommended that all proposals received for RFP No. 6122 "15kV Metalclad Switchgear Cubicles and Switchgear Enclosure" be rejected by the Board of Directors and that District Management be authorized to enter into a negotiated contract.

DocuSigned by:



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Shane Hanson, PE
Director Engineering
Utility Operations

TABULATION OF BIDS
 Opened at 2:00 p.m., C.S.T., Thursday,
 January 11, 2024, in Omaha, Nebraska

Anticipated Award Date
 February 16, 2024

ENGINEER'S ESTIMATE

\$1,700,000.00

REQUEST FOR PROPOSAL NO. 6122
15KV METALCLAD SWITCHGEAR AND ENCLOSURE

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DocuSigned by:
Steven Palmer
 C474422F76EE422...
 Director
 DocuSigned by:
 Supply Chain Management
Pettina Anderson
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 Compiled by and Certified Correct

BID ITEM	BIDDER'S NAME & ADDRESS		
	HK Scholz Co. 7800 Serum Ave Ralston, NE 68127	Myers Power Products 219 E Maple Street North Canton, OH 44720	State Manufacturing 11100 Jefferson HWY N Champlin, MN 55316
	SUPPLIER'S BID	SUPPLIER'S BID	SUPPLIER'S BID

1. Price Proposal:

1.1. Firm base price to furnish, freight prepaid and included 15kV Metalclad Switchgear Cubicles and Switchgear Enclosure and other accessories fully wired as indicated on the Drawings and detailed in the Technical Specifications to Substation 1341, 611 South 1st Street, Blair, NE 68008.

\$1,560,000.00

\$1,760,735.00

\$2,038,606.00

1.2. Firm price to complete installation, including unloading, FOB foundation, anchoring, re-connecting wire and bus, and removing any shipping braces, per the Drawings and per Technical Specifications at Substation 1341, 611 South 1st Street, Blair, NE 68008.

\$50,000.00

\$71,749.00

\$91,600.00

1.3. Total lump sum price to furnish, deliver and install Substation 1341 15kV Metalclad Switchgear Cubicles and Switchgear Enclosure.

\$1,610,000.00

\$1,832,484.00

\$2,130,206.00

2. OPPD Desired Delivery Dates:

Guaranteed Delivery Date

Guaranteed Delivery Date

Guaranteed Delivery Date

Proposal Article 1.1 - March 3, 2025

May 20, 2025.

July 18, 2025.

July 25, 2025.

Proposal Article 1.2 - March 10, 2025

May 27, 2025.

July 25, 2025.

August 1, 2025.

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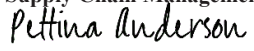
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<p>TABULATION OF BIDS Opened at 2:00 p.m., C.S.T., Thursday, January 11, 2024, in Omaha, Nebraska</p>	<p>REQUEST FOR PROPOSAL NO. 6122 15KV METALCLAD SWITCHGEAR AND ENCLOSURE</p>		<p><small>DocuSigned by:</small>  <small>C171422F76EE422...</small> Director <small>DocuSigned by:</small>  Supply Chain Management <small>8A16634EA8784CC...</small> Compiled by and Certified Correct</p>
<p>Anticipated Award Date February 16, 2024</p>	<p>Page 2 of 2</p>		
<p>ENGINEER'S ESTIMATE</p>			
<p>\$1,700,000.00</p>			
<p>BID ITEM</p>	<p>BIDDER'S NAME & ADDRESS</p>		
	<p>Evans, Lipka and Assoc c/o EATON 1920 SW 6th St. Suite B Lincoln, NE 68522</p>		
	<p>SUPPLIER'S BID</p>	<p>SUPPLIER'S BID</p>	<p>SUPPLIER'S BID</p>
<p>1. Price Proposal: 1.1. Firm base price to furnish, freight prepaid and included 15kV Metalclad Switchgear Cubicles and Switchgear Enclosure and other accessories fully wired as indicated on the Drawings and detailed in the Technical Specifications to Substation 1341, 611 South 1st Street, Blair, NE 68008.</p> <p>1.2. Firm price to complete installation, including unloading, FOB foundation, anchoring, re-connecting wire and bus, and removing any shipping braces, per the Drawings and per Technical Specifications at Substation 1341, 611 South 1st Street, Blair, NE 68008.</p> <p>1.3. Total lump sum price to furnish, deliver and install Substation 1341 15kV Metalclad Switchgear Cubicles and Switchgear Enclosure.</p>	<p><u>\$1,149,131.40</u></p>	<p>\$ _____</p>	<p>\$ _____</p>
	<p><u>\$35,229.38</u></p>	<p>\$ _____</p>	<p>\$ _____</p>
	<p><u>\$1,184,360.78</u></p>	<p>\$ _____</p>	<p>\$ _____</p>
<p>2. OPPD Desired Delivery Dates:</p>	<p><u>Guaranteed Delivery Date</u></p>	<p><u>Guaranteed Delivery Date</u></p>	<p><u>Guaranteed Delivery Date</u></p>
<p>Proposal Article 1.1 - March 3, 2025</p>	<p><u>75 weeks after receipt of order</u></p>	<p>_____</p>	<p>_____</p>
<p>Proposal Article 1.2 - March 10, 2025</p>	<p><u>75 weeks after receipt of order</u></p>	<p>_____</p>	<p>_____</p>
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January 29, 2024

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

RE: Request for Proposal No. 6122 – 15kV Metalclad Switchgear Cubicles and Switchgear Enclosure ("RFP No. 6122")

Ladies and Gentlemen:

We have reviewed the four (4) proposals received in response to the District's RFP No. 6122 and provide the following legal opinion.

The proposal of Harold K. Scholz Co. ("Scholz") incorporates a price adjustment provision that allows the purchase price to be modified by Scholz up to the date of billing. This term makes the proposal legally non-responsive. Scholz was also unable to meet the desired delivery date provided by the District by more than three (3) months making its proposal technically non-responsive. Since the Scholz proposal was legally and technically non-responsive, the Board of Directors should not consider the proposal for the award of this contract.

The proposal of Myers Controlled Power, LLC ("Myers") submits an exception for a unilateral price adjustment to the Purchase Price after submittal of the bid making the proposal legally non-responsive. In addition, The Myers proposal was unable to meet the desired delivery date provided by the District by more than four (4) months making it technically non-responsive. Since the Myers proposal was legally and technically non-responsive, the Board of Directors should not consider the proposal for the award of this contract.

The proposal of States Manufacturing Corporation ("SMC") was unable to meet the guaranteed delivery date desired by the District by more than four (4) months and did not include the breakers specified in the bid documentation. For these reasons, SMC's proposal was found to be technically non-responsive. This proposal should not be considered by the Board of Directors for the award of this contract.

The proposal of Eaton Corporation ("Eaton") only included the switchgear portion of the scope of work in RFP No. 6122 and did not include the enclosure portion of the work identified. In addition, Eaton's proposal was unable to meet the guaranteed delivery date desired by the District by more than five (5) months. As a result of these deficiencies, Eaton's proposal was found to be technically non-responsive and should not be considered by the Board of Directors for the award of this contract.

Section 70-637(5) of the Nebraska Revised Statutes authorizes the Board of Directors to reject all bids if they are non-responsive to the contract documents or exceed the fair market value of the RFP's subject matter. Accordingly, the Board of Directors may reject all four (4) proposals for RFP No. 6122 and

January 29, 2024

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authorize Management to negotiate an acceptable contract. We recommend that the final contract documents be reviewed and approved by the District's General Counsel.

Sincerely,

A handwritten signature in blue ink, appearing to read "Troy F. Meyerson", with a horizontal line extending to the right.

Troy F. Meyerson
FOR THE FIRM

TFM:
3009463.1



BOARD OF DIRECTORS

Board Action

February 13, 2024

ITEM

Award RFP No. 6122 15kV Metalclad Switchgear Cubicles and Switchgear Enclosure

PURPOSE

Board of Directors authorization to reject the proposals received for RFP No. 6122, and for the District to enter into a negotiated contract for the purchase of 15kV metalclad switchgear cubicles and switchgear enclosure.

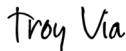
FACTS

- a. The new 15kV metalclad switchgear cubicles and switchgear enclosure is needed to support the expansion of a substation for increased distribution capacity in Blair.
- b. Metalclad switchgear cubicles contain 15kV circuit breakers and relaying equipment that protect distribution circuits and substation transformers from faults on the distribution system.
- c. The switchgear enclosure keeps the switchgear cubicles out of the elements and provides area for electricians and relay techs to operate and maintain the switchgear, 15kV circuit breakers and relays.
- d. Four (4) proposals were received. Two (2) proposals were deemed legally non-responsive, and all four (4) proposals were deemed technically non-responsive.
- e. Desired delivery of the 15kV metalclad switchgear cubicles with switchgear enclosure is March 2025.


ACTION

Authorization by the Board to reject all proposals received for RFP No. 6122 “15kV Metalclad Switchgear Cubicles and Switchgear Enclosure” and allow District Management to enter into a negotiated contract.

RECOMMENDED:

DocuSigned by:

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

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

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 L. Javier Fernandez
 President and Chief Executive Officer

TRV:jgb

- Attachments:
- Analysis of Proposals
 - Tabulation of Bids
 - Legal Opinion
 - Resolution