



Williams/Via

RESOLUTION NO. 6450

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

**REQUEST FOR PROPOSAL (RFP) NO. 5895
161-13.8-13.8kV 30/40/50(56)MVA OLTC TRANSFORMER**

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, OPPD issued Request for Proposal (RFP) No. 5895 to procure 161-13.8-13.8kV 56 MVA transformers for an initial term of one (1) year with the option to renew up to four (4) additional one (1) year terms pursuant to the escalation/de-escalation pricing provisions set forth in the RFP No. 5895 contract documents; and

WHEREAS, OPPD will initially procure a quantity of one (1) 161-13.8-13.8kV 56 MVA transformer to support spare needs with desired delivery in September 2022; and

WHEREAS, the proposal submitted by Virginia Transformer Corp. was evaluated by Management as the lowest and best bid and provided an acceptable escalation/de-escalation formula based on identified indices to address changes in commodity and labor prices; 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: (a) accept the proposal of Virginia Transformer Corp. for the initial purchase of one (1) 161-13.8-13.8 kV 30/40/50 (56) MVA OLTC Transformer, for the lump sum firm price of \$1,552,511.00; (b) enter into a contract with Virginia Transformer Corp. that includes the price escalation/de-escalation provision offered by Virginia Transformer Corp., for an initial term of one (1) year, with the option to renew for up to four (4) additional one (1) year contract terms; and (c) the form of payment and performance bond of such bidder hereby is approved.



Board Action

BOARD OF DIRECTORS

August 17, 2021

ITEM

Award RFP No. 5895 “161-13.8-13.8kV 30/40/50(56)MVA OLTC Transformer”

PURPOSE

Board of Directors authorization to award RFP No. 5895, a multi-year 161-13.8-13.8kV 30/40/50(56)MVA OLTC Transformer Contract, to support reliability and load growth in developing areas of the community.

FACTS


- a. The 161-13.8-13.8kV 30/40/50(56)MVA OLTC Transformers are required to support strategic spares, proactive replacements and provide flexibility for future projects.
 - a. Forty (40) similar units are in-service today ranging in age.
 - b. Proactive replacements have been identified for two (2) sites.
 - c. This contract will initially procure a quantity of one (1) 161-13.8-13.8kV 56 MVA transformer to support an inventory of two (2) spares.
- b. Five (5) proposals were received; three (3) are legally responsive and four (4) technically responsive.
- c. Virginia Transformer Corp. proposal was evaluated as the lowest and best bid.
- d. Virginia Transformer Corp. provided the option to renew up to four (4) additional one (1) year terms with an acceptable escalation/de-escalation formula based on identified indices.


ACTION

Authorization by the Board to award Virginia Transformer Corp. for initial one (1) year contract with the option to renew up to four (4) additional one (1) year terms based on the evaluation of RFP No. 5895 “161-13.8-13.8kV 30/40/50(56)MVA OLTC Transformer” for the procurement of substation power transformers.

RECOMMENDED:

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

 181467224FA24AE...
 Troy R. Via
 Vice President – Energy Delivery

DocuSigned by:

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

TRV:mre

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



Date: August 13, 2021

From: D. D. Buelt

To: T. R. Via

RFP No. 5895
 “161-13.8-13.8kV 30/40/50(56)MVA OLTC TRANSFORMER”
Analysis of Proposals

1.00 GENERAL

RFP No. 5895 was advertised for bid on June 15, 2021.

RFP No. 5895 provides the opportunity to purchase 161-13.8-13.8kV 56 MVA transformers for initial term of one (1) year with the option to renew up to four (4) additional one (1) year terms pursuant to the escalation/de-escalation provisions. OPPD will initially procure a quantity of one (1) 161-13.8-13.8kV 56 MVA transformer to support spare needs with desired delivery in September 2022.

No Letters of Clarification (LOC) or Addendums were issued.

Bids were requested and opened at 2:00 p.m., C.D.T., Tuesday, July 13, 2021.

Five (5) total proposals were received. The proposals received are summarized in the table below:

| Bidder | Lump Sum Firm Price | Legally Responsive | Technically Responsive |
|---|--------------------------|--------------------|------------------------|
| Pennsylvania Transformer Technology, Inc. | \$1,503,969 | No | No |
| Virginia Transformer Corp. | \$1,552,511 | Yes | Yes |
| WEG Transformer USA | \$1,758,200 | Yes | Yes |
| Hyundai Electric America Corporation | \$1,992,562 ¹ | Yes | Yes |
| ABB Enterprise Software Inc. | \$2,233,700 | No | Yes |

¹ Bid price updated to correct math error



2.00 COMPLIANCE WITH CONTRACT TERMS AND GENERAL REQUIREMENTS

OPPDP's legal counsel noted ABB Enterprise Software, Inc. proposal was not signed by the bidder and therefore does not comply with the RFP requirements and cannot be considered for award.

Pennsylvania Transformer Technology, Inc. included their standard terms and conditions which they would propose to "negotiate". The proposal was noted as legally responsive with the understanding that clarification be obtained that OPPDP's contract documents shall govern. Upon clarification, Pennsylvania Transformer would accept OPPDP's form of agreement based on noted clarifications resulting in a proposed "negotiation" hence deemed legally non-responsive.

Virginia Transformer Corp. included revised payment and warranty terms that are subject to OPPDP's economic and risk evaluation. Guaranteed delivery dates was noted as 32 weeks after receipt of order, OPPDP will need to calculate that date to determine if delivery meets desired delivery date. Guaranteed delivery lead time of 32 weeks after receipt of order, payment terms, and warranty terms were reviewed by OPPDP and deemed acceptable.

WEG Transformer USA included modifications to the District's liquidated damages and limit of liability provisions. These revisions do not render the proposal legally non-responsive, but are subject to OPPDP's economic and risk evaluation. The WEG proposal also includes clarifications to the payment, warranty and cancellations provisions of the contract documents all of which are subject to OPPDP's economic and risk evaluation.

The proposal of Hyundai Electric America Corporation did not contain commercial exceptions to the contract documents.

Subject to the foregoing comments and OPPDP's economic and technical evaluation and clarification from Pennsylvania Transformer Technology, Inc., all of the proposals received, with exception of the ABB Enterprise Software proposal, may be considered by OPPDP's Board of Directors for the award of this contract. The form of performance and payment bond, if applicable, must be approved by the Board.

3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

The proposal received from Pennsylvania Transformer Technology, Inc. was deemed technically non-responsive based on clarification responses which also resulted in price and schedule increases.



The proposal from Virginia Transformer Corp. was deemed technically responsive based on technical review and requested clarifications.

The proposals received from ABB Enterprise Software, Inc., WEG Transformer USA and Hyundai Electric America Corporation were deemed technically responsive.

4.00 RECOMMENDATION

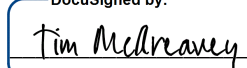
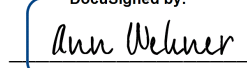
On the basis of compliance with the legal and technical requirements of the specifications, cost evaluations performed and guaranteed completion dates, it is recommended that RFP No. 5895, “161-13.8-13.8kV 30/40/50(56)MVA OLTC TRANSFORMER” be awarded to Virginia Transformer Corp. in the amount of One Million, Five Hundred Fifty-Two Thousand, Five Hundred Eleven Dollars (\$1,552,511.00).

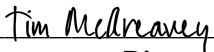
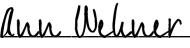
DocuSigned by:

Dannie D. Buel

0DD7014240BB4BE...

Dannie Buel, PE
Director Engineering
Energy Delivery

| | | | | |
|---|--|---|--|---|
| <p align="center">TABULATION OF BIDS Opened at 2:00 p.m., C.D.T., Tuesday, July 13, 2021, in Omaha, Nebraska</p> | <p align="center">REQUEST FOR PROPOSAL NO. 5895 161-13.8-13.8-kv 30/40/50(56)MVA OLTC Transformer</p> <p align="right">Page 1 of 2</p> | | | <p>DocuSigned by:  9426AD614774 Director Supply Chain Management DocuSigned by:  F8B5A3C97DAD4FC Compiled by and Certified Correct</p> |
| <p align="center">Anticipated Award Date August 19, 2021</p> | | | | |
| <p align="center">ENGINEER'S ESTIMATE \$1,300,000.00</p> | | | | |
| <p align="center">BID ITEM</p> | <p align="center">BIDDER'S NAME & ADDRESS</p> | | | |
| | <p align="center">Pennsylvania Transformer Technology, Inc. 30 Curry Avenue Canonsburg, PA 15317-0440</p> | <p align="center">ABB Enterprise Software Inc. 305 Gregson Drive Cary, NC 27511</p> | <p align="center">Virginia Transformer Corp. 220 Glade View Drive, NE Roanoke, VA 24012</p> | |
| <p>1. Price Proposal: Firm base price to furnish and deliver one (1) 161-13.8-13.8kV 30/40/50(56)MVA OLTC Transformer</p> <p>A. Transformer Only B. Shipping Only, FOB Destination C. Assembly Only Total Bid Price (A+B+C)</p> <p>2. Delivery Guarantee(s): OPPD Desired Delivery Date: September 1, 2022</p> | <p align="center">SUPPLIER'S BID</p> <p align="center">\$1,347,569 <u>\$91,400</u> <u>\$65,000</u> <u>\$1,503,969</u></p> <p align="center">Guaranteed Delivery Date <u>September 1, 2022</u></p> | <p align="center">SUPPLIER'S BID</p> <p align="center">\$1,817,900 <u>\$242,100</u> <u>\$173,700</u> <u>\$2,233,700</u></p> <p align="center">Guaranteed Delivery Date <u>September 30, 2022</u></p> | <p align="center">SUPPLIER'S BID</p> <p align="center">\$1,552,511 <u>Included</u> <u>Included</u> <u>\$1,552,511</u></p> <p align="center">Guaranteed Delivery Date <u>32 weeks from ARO</u></p> | |

| | | | |
|--|--|---|---|
| <p style="text-align: center;">TABULATION OF BIDS Opened at 2:00 p.m., C.D.T., Tuesday, July 13, 2021, in Omaha, Nebraska</p> <hr/> <p style="text-align: center;">Anticipated Award Date August 19, 2021</p> <hr/> <p style="text-align: center;">ENGINEER'S ESTIMATE</p> <p style="text-align: center;">\$1,300,000.00</p> | <p>REQUEST FOR PROPOSAL NO. 5895 161-13.8-13.8kV 30/40/50(56)MVA OLTC Transformer</p> <p style="text-align: right;">Page 2 of 2</p> | | <p>DocuSigned by:  9426AD614777 Director Supply Chain Management</p> <p>DocuSigned by:  Compiled by and Certified Correct</p> |
| <p>BID ITEM</p> | <p>BIDDER'S NAME & ADDRESS</p> | | |
| | <p>WEG Transformer USA 6350 WEG Drive Washington, MO 63090</p> | <p>Hyundai Electric America Corporation 6100 Atlantic Boulevard, 2nd Fl. Norcross, GA 30071</p> | |
| <p>1. Price Proposal: Firm base price to furnish and deliver one (1) 161-13.8-13.8kV 30/40/50(56)MVA OLTC Transformer</p> <p>A. Transformer Only</p> <p>B. Shipping Only, FOB Destination</p> <p>C. Assembly Only</p> <p>Total Bid Price (A+B+C)</p> <p>2. Delivery Guarantee(s):</p> <p>OPPD Desired Delivery Date: September 1, 2022</p> <p>*Bidder's submittal had a mathematical error.</p> | <p>SUPPLIER'S BID</p> <p><u>\$1,602,200</u></p> <p><u>\$86,000</u></p> <p><u>\$70,000</u></p> <p><u>\$1,758,200</u></p> <p><u>Guaranteed Delivery Date</u></p> <p><u>September 1, 2022 if ordered by</u> <u>August 19, 2021</u> <u>otherwise 54 weeks ARO</u></p> | <p>SUPPLIER'S BID</p> <p><u>\$1,732,694</u></p> <p><u>\$164,883</u></p> <p><u>\$94,985</u></p> <p><u>\$1,992,562*</u></p> <p><u>Guaranteed Delivery Date</u></p> <p><u>September 1, 2022</u></p> | <p>SUPPLIER'S BID</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><u>Guaranteed Delivery Date</u></p> <p>_____</p> |

FRASER STRYKER

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July 16, 2021

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

RE: Request for Proposal No. 5895 ("RFP No. 5895") – 161-13.8 OLTC Transformer

Ladies and Gentlemen:

We have reviewed the five (5) proposals received in response to RFP No. 5895 and provide the following legal opinion.

The proposal of ABB Enterprise Software, Inc. is not signed by the bidder and therefore does not comply with the RFP requirements and cannot be considered by the Board of Directors for the award of this contract.

The proposal of Pennsylvania Transformer Technology, Inc. includes that company's standard terms and conditions in the proposal. Additionally, Pennsylvania Transformer submits potential terms that it would propose to "negotiate" with OPPD. This is a sealed bid contract so there cannot be negotiations. In order for Pennsylvania Transformer's proposal to receive further consideration, the District must receive from the bidder a letter of clarification that withdraws both the standard terms and conditions and the proposed negotiated terms, and accepts the District's form of agreement for this RFP. Without that written clarification, the Pennsylvania Transformer proposal is legally non-responsive and cannot be considered further for the award of this contract.

The proposal of Virginia Transformer includes revised payment and warranty terms that are subject to the District's economic evaluation. The proposal also states that its guaranteed delivery date will be 32 weeks after receipt of order, so the District will have to calculate that date to determine whether it meets the District's desired delivery date.

The proposal of WEG Transformer USA includes modifications to the District's liquidated damages and limit of liability provisions. These revisions do not, in our opinion, render the WEG proposal legally non-responsive, but they are subject to the District's economic evaluation. The WEG proposal also includes suggested clarifications to the payment, warranty, and cancellation provisions of the contract documents, and those clarifications are subject to evaluation.

Omaha Public Power District

July 16, 2021

Page 2

The proposal of Hyundai Electric American Corporation did not contain commercial exceptions to the contract documents.

Subject to the foregoing comments and the District's economic and technical evaluation, and the receipt of the letter of clarification from Pennsylvania Transformer, the proposals for this RFP, except the proposal of ABB Enterprise Software, 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.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Stephen M. Bruckner", is written over a light blue rectangular background.

Stephen M. Bruckner
FOR THE FIRM

SMB/sac
2615782

161-13.8-13.8kV 30/40/50(56)MVA OLTC Transformer

