

# **BIDDING INSTRUCTIONS**

## **Kaw Hydroelectric Project Owner's Engineer Services Related to Plant Rehabilitation**

**April 6<sup>th</sup>, 2023**

*The Oklahoma Municipal Power Authority is a governmental agency of the state of Oklahoma and as such is subject to the Oklahoma Open Meetings Act, 25 O.S. §§ 301, et seq., and the Oklahoma Open Records Act, 51 O.S. §§ 24.A.1, et seq.*

## ADVERTISEMENT FOR BIDS

### **BID OPENING: (1500 Hours) 3:00 PM Central Time, May 19th, 2023**

The Oklahoma Municipal Power Authority ("OMPA") is requesting Bids in accordance with the terms of this Request for Proposal ("RFP") for:

Kaw Hydroelectric Project, Owner's Engineer Services  
Related to Plant Rehabilitation

Bids shall be submitted as a total Not-to-Exceed Bid.

Bids must be delivered to The Oklahoma Municipal Power Authority offices in Ponca City, Oklahoma. Bids received more than ninety-six (96) hours (excluding Saturdays, Sundays, and holidays) before the time set for the opening of the Bids, and Bids received after the time set for the opening of the Bids, will not be considered.

Bids must be submitted in a sealed envelope marked: Sealed Bid – Contract: "Kaw Hydroelectric Project, Owner's Engineer Services Related to Plant Rehabilitation" and addressed to:

William M. Ivie, Power Production Engineer  
1420 N. Union Street  
Ponca City, Oklahoma 74601

OMPA will accept questions regarding this RFP until May 12<sup>th</sup>, 2023, at (1500 Hours) 3:00 PM Central Time. Responses to questions posed will be made on the OMPA website.

**A mandatory pre-bid meeting for prospective Bidders will be held at 1000 hours, on April 27<sup>th</sup>, 2023, at the Ponca City Plant, 1420 North Union Street, followed by a job site examination located at 9683 Fishermen's Bend Rd, Ponca City, OK. All Bidders who plan to submit bids must attend the pre-bid meeting.**

A Bidder's bid will not be accepted if the prospective bidder fails to attend the mandatory pre-bid meeting. OMPA will not be bound by any statement made at the site visit.

All Bidders have a duty to monitor the OMPA website for written addenda to the RFP. Bidders will be bound by the terms of the RFP, as amended.

A complete set of Bidding Documents can be found at [www.OMPA.com](http://www.OMPA.com) or may be obtained by contacting:

William M. Ivie  
Power Production Engineer  
PCR/P/KAW/CDLEC  
1420 N. Union Street  
Ponca City, Oklahoma 74601  
e-mail: [wivie@ompa.com](mailto:wivie@ompa.com)  
Ph: (405)359-2567  
Cell (918)824-5814

David W. Huff  
Plant Manager,  
PCR/P/KAW/CDLEC  
1420 N. Union Street  
Ponca City, Oklahoma 74601  
e-mail: [dhuff@ompa.com](mailto:dhuff@ompa.com)  
Ph: (405)359-2581  
Cell: (580)382-1545

## REQUIREMENTS FOR BIDDING AND INSTRUCTIONS TO BIDDERS

**Exceptions to Contract Limited to Exceptions Statement:** By submitting a Bid, all Bidders acknowledge and agree that all exceptions to the Contract must be specifically listed in the Exception Statement.

### DEFINITIONS

1. "Addendum" means any addition, clarification, revision, or change to this RFP, as published on the OMPA website, which may alter the terms of this RFP. "Addendum" includes any response to questions posed to OMPA by prospective Bidders, as published on the OMPA website.
2. "Bid" means the formal proposal submitted by a Bidder in response to this RFP.
3. "Bid Documents" includes the RFP, the Requirements for Bidding and Instructions to Bidders, the Bid forms, the Specifications, the Contract, and any Addenda issued prior to receipt of Bids.
4. "Bidder" means a person or entity that submits a Bid in response to this RFP.
5. "Board of Directors" means the rule-making authority and governing body of OMPA as defined by 11 O.S. § 24-105(b).
6. "Contract" means the agreement to be negotiated by OMPA and the successful bidder. The Contract is expected to include terms and conditions substantially similar to those in the *pro forma* contract attached to this RFP.
7. "OMPA" means the Oklahoma Municipal Power Authority, a governmental agency of the state of Oklahoma, as established by the Oklahoma Municipal Power Authority Act, 11 O.S. §§ 24-101, *et seq.*
8. "Work" means the work that is the subject of this RFP and any Contract resulting from this RFP.

### SPECIFIC BID PROCEDURES AND REQUIREMENTS

1. **Sealed Bids** shall be submitted in accordance with the requirements of this RFP, on the attached form titled "PROPOSAL to the Oklahoma Municipal Power Authority for Contract Project: Kaw Hydroelectric Project, Owner's Engineer Services Related to Plant Rehabilitation."
2. **Form of Bid Submission.** Bids must be submitted in an individually sealed envelope marked "Kaw Hydroelectric Project, Engineering Services Related to Plant Rehabilitation" and addressed to:

**Oklahoma Municipal Power Authority  
William M. Ivie, Power Production Engineer  
1420 N. Union Street  
Ponca City, OK. 74601**

3. **Modification, Withdrawal, or Cancellation of Bids.** Bidders may withdraw, change, and resubmit their Bids by appearing in person prior to the time designated for the opening of the Bids. Upon presenting proper picture identification to the Plant Manager or an authorized representative, the sealed Bid will be returned to the Bidder. The withdrawn Bid shall not be opened by or otherwise disclosed to OMPA. Withdrawn Bids may be resubmitted prior to the time designated for the opening of Bids provided the resubmitted bid is in complete conformance with these Instructions to Bidders.

4. **Early or Late Bids.** Bids received more than ninety-six (96) hours, excluding Saturday, Sunday, and holidays, before the time set for the opening of the Bids and Bids received after the time set for opening of Bids will not be considered and will be returned unopened.
5. **Bid Copies.** Bidder shall submit the original Bid and three (3) complete copies of the Bid for evaluation by OMPA. In addition, Bidder shall submit one electronic copy of the Bid in .pdf format by email addressed to William M. Ivie [wivie@ompa.com](mailto:wivie@ompa.com) submitted within 12 hours after the time the bids are due but not before 3:00 PM Central Time, May 19th, 2023.
6. **Addenda for and Interpretations of Bid**
  - a. All clarifications, revisions, or changes to this RFP or any of the Bid Documents (collectively, "Addenda") will be posted to the OMPA website. All Bidders have a duty to monitor the OMPA website for Addenda. By submitting a Bid, Bidder represents that Bidder has reviewed the most recent version of the RFP and agrees to comply with the RFP and all Addenda.
  - b. Questions regarding this RFP may only be submitted in writing to William M. Ivie at [wivie@ompa.com](mailto:wivie@ompa.com) on or before (1500 Hours) 3:00 PM Central Time on May 12<sup>th</sup>, 2023. Responses will only be made in writing, posted to the OMPA website as Addenda. OMPA may or may not respond to any question asked.
  - c. All Addenda shall become part of the Bidding Documents.
7. **Site Inspection.** All Bidders must attend the pre-bid meeting followed by the site examination on April 27<sup>th</sup>, 2023. Each Bidder will be presumed to have inspected the site and to have read and be thoroughly familiar with the plans and Contract Documents (including all addenda), including all questions and clarifications posted on the OMPA website. Failure of a prospective Bidder to schedule and attend a job site visit may affect OMPA's consideration of its Bid. OMPA will not be bound by any statement made at this site visit.
8. **Required Statements from Bidder to be Included in Bid.** Each Bidder shall accompany its Bid with a written statement under oath disclosing the following information:
  - a. The nature of any partnership, joint venture or other business relationships then in effect or which existed within one (1) year prior to the date of such statement with any architect, engineer or other party to the Work;
  - b. Any such business relationship then in effect or which existed within one (1) year prior to the date of such statement between any officer or director of the Bidder company and any officer or director of any architectural or engineering firm or other party to the project; and
  - c. The names of all persons having any such business relationships and the positions they hold with their respective companies or firms. If no such business relationships exist, Bidder shall include a statement to that effect.
9. **Bidder's References Must be Included in Bid.** The Bidder is required to be experienced and an expert in the supply of the services described in the specifications and other documents attached hereto. Bidder must demonstrate expertise in the field of work described by the RFP. The Bidder shall include with its Bid a listing of at least current customers, comparable in size and scope, where the Bidder has performed similar services in the past 10 years. Bidder must include contact names, telephone numbers, company name, and location on the "Listing of Applicable Experience" form included with this RFP. By submitting this information, Bidder authorizes OMPA to contact any such reference, and to make any such investigations

necessary to determine the ability of the Bidder to perform the work. Bidder shall furnish to OMPA all information and data for this purpose as OMPA may request.

10. **Qualifications of Supervisory Personnel.** Bidder shall include the resumes of all supervisory personnel that may be assigned to work on the Work. The Bidder shall demonstrate that trained and experienced supervisory personnel are available to support the work described in the RFP.
11. **Bid Detail Requirements.** The Bid must provide sufficient details for OMPA to perform a complete Bid evaluation. The Bidder shall comply with all requirements in the specification.
12. **Bid Price Schedule:** This project is to be submitted as a Not-to-Exceed Bid. All Bids must include a completed copy of the attached Unit and Task Price Schedule with all prices and other information provided.
13. **Equal Opportunity Employment Requirements.** OMPA is an Equal Opportunity Employer. OMPA does not discriminate in its hiring practices and requires its contractors to abide by all federal law applicable to discrimination. All Bidders shall acknowledge in the Bid Documents that they are Equal Employment Opportunity employers.
14. **Bidder's Representations.** Each Bidder, by making a Bid, represents that:
  - a. The Bidder has read and understands the Bid Documents (including all questions and clarifications related thereto) and the Bid is made in accordance with the Bid Documents.
  - b. The Bidder has had the opportunity to visit the site, is familiar with the local conditions under which the Work is to be performed and has correlated observations with the requirements of the proposed Contract documents; and
  - c. The Bid submitted is based upon the materials, systems, and equipment required by the Bid Documents without exception.
15. **List of Documents to be Submitted with Bid:** All Bids must contain complete and executed originals of the following documents, in the form included in this RFP, and in the following order:
  - a. COVER LETTER (identifying the project)
  - b. BID PROPOSAL FOR CONTRACT: Kaw Hydroelectric Project, Owner's Engineer Services Related to Plant Rehabilitation
  - c. LIST OF SUBCONTRACTORS
  - d. EXCEPTION STATEMENT
  - e. BIDDER'S DOCUMENTATION OF EXPERIENCE
  - f. BIDDER'S RATES FOR ADDITIONAL WORK
  - g. RATE QUOTATION SHEET
  - h. CERTIFICATIONS FORM

## **BID OPENING AND PRELIMINARY REVIEW**

**Bid Receipt and Opening.** There will be no public bid opening.

**1. Preliminary Review.** The Bids shall be initially reviewed for completeness and correctness. Any deficiency may be grounds for disqualifying the Bid. OMPA's review may include, but is not limited to, verifying that:

- a. each of the Addenda is acknowledged in the Bid; and
- b. each required document is included, properly signed, and if applicable, notarized.

### **2. OMPA Rejection of Incomplete Bids.**

- a. OMPA may reject any bid that OMPA considers to be incomplete. This may include, but is not limited to, Bids in which the Bidder submits another form of Contract in lieu of the attached Contract. Exceptions taken to the Contract terms and/or Bidding Documents may be cause for rejection of a Bid.
- b. OMPA may reject any Bid that is not signed by the authorized representative of the Bidder, and/or does not contain the required documents, properly signed, and if necessary notarized, as required by the Bidding Documents.
- c. Bids will become the property of OMPA upon submission.

## **BID EVALUATION**

1. **Bid Evaluation by OMPA.** After the preliminary review, the Bids will be reviewed and evaluated by the appropriate OMPA management and staff.
2. **Technical and Commercial Qualifications.** Bids will be evaluated based on technical and commercial criteria applicable to the scope of work specified.
3. **Bidder's Performance Capability.** OMPA may consider the Bidder's demonstrated ability to perform the required work.
4. **Interviews.** To assist in its evaluation of the Bids, OMPA reserves the right to interview its leading Bidder or Bidders prior to award of the Contract.

## **CONTRACT AWARD**

1. **Anticipated Contract Award.** OMPA anticipates that, if a Contract is awarded pursuant to this RFP, the award will be made on or after June 8<sup>th</sup>, 2023.
2. **Contract Award, Insurance, and Execution.**
  - a. **Contract Award.** The Contract, if any, shall be awarded based on the following criteria as determined by the review of the Bids
    - i. Bidder's demonstrated expertise in performing the Work;

- ii. Bidder's demonstrated experience in performing similar work;
  - iii. Bidder's demonstrated ability to perform the Work.
- b. Within five (5) business days after approval by the OMPA Board of Directors, the successful Bidder will be notified by OMPA of its selection and will be provided copies of the Contract to execute. The OMPA Board of Directors may grant a reasonable extension of the awarding period, by formal recorded action for good cause shown.
  - c. **Contract Insurance.** The prevailing Bidder must provide proof of insurance with terms approved by OMPA, as described in the Contract.
  - d. **Failure to Execute Contract.** If the prevailing Bidder fails to execute the Contract within sixty (60) days and/or provide the required insurance to OMPA, the Bidder will be deemed to have abandoned the Contract.

## OTHER PROVISIONS

1. **Bid Ambiguities and Discrepancies.** If the total price of the Bid is inconsistent with the unit price times number of units to be delivered, the unit price shall govern. If there is a variance between the amount in words and the figures, the amount in words shall govern.
2. **Bid Protests.** Bidder protests must be submitted in writing to OMPA within ten (10) days of OMPA's award of a contract or purchase order. Any Bidder who does not timely protest waives all claims arising from or related to the contract or purchase order, and the RFP process.
3. **Tax Exempt Status.** OMPA is exempt from the payment of any Sales Tax, pursuant to 68 O.S. § 1356., and Article 10, Section 6 of the Oklahoma Constitution.
4. **Applicable Laws.** By submitting a Bid, the Bidder acknowledges that all applicable state laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the Work (in force and effect now, and as amended) shall apply to the Contract throughout, and they will be deemed to be included in the Contract. The laws of the state of Oklahoma shall apply to any dispute arising from or related to this Bid. The District Court of Oklahoma County, Oklahoma shall have exclusive jurisdiction to adjudicate any such disputes.
5. **Drug Free Workplace.** OMPA seeks to provide a drug free workplace for all of its employees. All contractors working on an OMPA facility shall comply with OMPA's drug free workplace policies.
6. **OMPA Reservation of Rights.** OMPA reserves the right to reject any or all Bids, to waive any and all informalities, to evaluate Bids, to negotiate a final contract, and to disregard all nonconforming, nonresponsive, and/or conditional Bids.

PROPOSAL TO THE OKLAHOMA MUNICIPAL POWER AUTHORITY  
FOR CONTRACT PROJECT:  
KAW HYDROELECTRIC PROJECT OWNER'S ENGINEER SERVICES  
RELATED TO PLANT REHABILITATION

MADE BY: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
City: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ State: \_\_\_\_ Zip Code: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

The Bidder named above hereby tenders its Bid and declares that the only person(s) or entity(ies) interested in this proposal is or are named above; that the Bid is made without collusion with any other Bidder and is in all respects without collusion or fraud. The Bidder further declares it has examined the pro forma contract, the specifications and the contract drawings referred to, all Bidding Documents, and has read the attached "REQUEST FOR PROPOSAL, REQUIREMENTS FOR BIDDING AND INSTRUCTIONS TO BIDDERS"; and agrees to furnish all the materials necessary or proper to carry out such contract in the manner, on the terms, and under the conditions set forth therein and in the specifications, and to perform all work in accordance with the terms of this Contract, at Contractor's bid price, with a total Not-to-Exceed bid price of:

\_\_\_\_\_

Note: If this Bid is made by an individual, it shall be signed with his/her usual business signature, with his/her business address and place of residence; if by a firm, the co-partnership name shall be signed by a member of the firm and the name and address of each member shall be given; and if by a corporation, it shall be signed by a duly authorized officer, with the corporate name attested by the corporate seal, and the business address of the corporation shall be given.

Signed: \_\_\_\_\_

(Seal)



## LISTING OF APPLICABLE EXPERIENCE

## LIST OF SUBCONTRACTORS

EXCEPETION STATEMENT CONTRACT PROJECT: KAW HYDROELECTRIC PROJECT, OWNER'S  
ENGINEER SERVICES RELATED TO PLANT REHABILITATION

This part of the proposal must be completed even if no exceptions are stated. Attach additional pages if required. If no exceptions, state "NONE".

NOTICE OF SPECIFICATIONS CONTRACT PROJECT: KAW HYDROELECTRIC PROJECT, OWNER'S  
ENGINEER SERVICES RELATED TO PLANT REHABILITATION

The binding and mandatory Specifications applicable to this RFP are attached to the RFP as Attachment A and are hereby fully incorporated by reference.

By executing this form, Bidder acknowledges that Bidder has fully and completely examined the Specifications, the Bidding Documents, and any questions or clarifications related thereto, and agrees that any work arising from or related to this Contract must be performed in full compliance with each of these terms.

Signed: \_\_\_\_\_

**UNIT AND TASK PRICE SCHEDULE**

Task	Personnel/Company Performing the Task	Hours/Task	Rate/Hour	Total Price
Example Penstock Coating	TBD	TBD	TBD	TBD