



Request for Proposal Easement Acquisition Services

The Oklahoma Municipal Power Authority is an agency of the state of Oklahoma and as such is subject to and complies with the Oklahoma Open Records Act, 51 O.S. §§ 24A.1, et seq., and the Oklahoma Open Meeting Act, 25 O.S. §§ 301, et seq.

OKLAHOMA MUNICIPAL POWER AUTHORITY
P.O. Box 1960 • Edmond, Oklahoma 73083-1960
Telephone # (405) 340-2500 Fax # (405) 359-1071 E-mail plough@ompa.com

Oklahoma Municipal Power Authority (OMPA) is a not-for-profit organization, established in Title 11, the Municipal Code of the Oklahoma statutes. OMPA was created for the purpose of providing an adequate, reliable and affordable supply of electrical power and energy to Oklahoma's municipally owned electric systems. The Authority presently serves 42 municipally owned electric systems in Oklahoma. As a consumer-owned public power entity, OMPA is owned by the member cities it serves.

BACKGROUND

The Oklahoma Municipal Power Authority (OMPA), an agency of the state of Oklahoma, is a public power agency which sells wholesale electricity to its 42 member cities across the state. The Oklahoma Municipal Power Authority requests proposals for Easement Acquisition Services.

An electronic copy of this RFP may be found at: www.OMPA.com

Bids must be received by 11:59 p.m. on February 7, 2024. Bids may be submitted electronically by email to land.services@ompa.com

OMPA will accept questions by email only, to land.services@ompa.com, regarding this RFP until 4:00 p.m., February 2, 2024. Responses to questions posed will be made on the OMPA website.

Award, if any, of the contract will be made by February 9, 2024.

SCOPE OF SERVICES

Provide all services necessary to negotiate and acquire the easements and other necessary property rights required for the electric transmission relocation project as shown on Exhibit A to this RFQ.

REQUIREMENTS FOR BIDDING AND INSTRUCTIONS TO BIDDERS

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 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. The memo line of the electronic submission shall state: "PROPOSAL to the Oklahoma Municipal Power Authority for Contract: Easement Acquisition Services."
2. Form of Bid Submission. Bids may be submitted electronically by email to land.services@ompa.com
3. Modification, Withdrawal, or Cancellation of Bids.
 - a. Bidders may withdraw, change, and resubmit their Bids by submitting an email requesting the same. 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.
 - b. A Bid may not be modified, withdrawn, or canceled by the Bidder after the time and date designated for the opening of Bids.
 - c. No Bidder may withdraw a Bid for sixty (60) days after the actual date of the Bid Opening.
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. OMPA is not responsible for delay of receipt of Bids.
5. 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 land.services@ompa.com on or before 4:00 p.m. February 2, 2024. 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.
6. Required Statements from Bidder to be Included in Bid. Each Bidder shall accompany his 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.
7. 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.
8. 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.
9. 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.
10. Bid Price Schedule: This project is to be submitted as a not-to-exceed-price Bid. All Bids must include a completed copy of the attached Unit and Task Price Schedule with all prices and other information provided.
11. 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.
12. Bidder's Representations. Each Bidder, by making a Bid, represents that 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.
 - a. COVER LETTER (identifying the project)
 - b. BID PROPOSAL FOR CONTRACT: Easement Acquisition Services
 - c. LIST OF SUBCONTRACTORS IF ANY

- d. EXCEPTION STATEMENT TO THE CONTRACT
- e. BIDDER'S DOCUMENTATION OF EXPERIENCE
- f. BIDDER'S RATES FOR ADDITIONAL WORK
- g. RATE QUOTATION SHEET
- h. CONTRACTOR'S CERTIFICATIONS

BID OPENING AND PRELIMINARY REVIEW

1. Bid Receipt and Opening. There will be no public bid opening.
2. 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.
3. OMPA Rejection of Incomplete Bids.
 - a. OMPA may reject any bid that OMPA considers to be incomplete. Exceptions taken to the Contract terms and/or Bidding Documents may be cause for rejection of a Bid.
 - b. OMPA will 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. The following items shall be reviewed:
 - a. Technical and Commercial Qualifications. Bids will be evaluated based on technical and commercial criteria applicable to the scope of work specified.
 - b. The Bid's evaluated price;
 - c. Demonstration of project experience; and

- d. Conformance to commercial terms.
2. Bidder's Performance Capability. OMPA may consider the Bidder's demonstrated ability to perform the required work.
 3. Disqualification of the Bidder. Any of the following may be grounds for disqualifying the Bidder:
 - a. More than one (1) Bid for the same work from an individual, firm, partnership, joint venture, or corporation under the same or different names.
 - b. Evidence of collusion among Bidders, subcontractors, or material suppliers.
 - c. Lack of responsibility as shown by past work for OMPA judged from the standpoint of workmanship and progress.
 - d. Uncompleted work under any Contract with OMPA or any other entity.
 - e. Being in arrears on existing Contracts with the state of Oklahoma or OMPA, having defaulted or failed to comply with a previous State or OMPA Contract, or any other just and reasonable cause.
 - f. Certificate by the Oklahoma Human Rights Commission that the Bidder has engaged or is engaging in a discriminatory practice.
 - g. Any violation of OMPA or state of Oklahoma rules, or other information indicating that the Bidder is no longer responsible nor qualified to do business with the State.
 4. Bid Comparisons. In comparing Bids, OMPA may consider not only the Bid prices, but also other factors that impact whether a Bidder is the lowest responsible bidder, including, but not limited to, efficiency, reliability, durability, economy of operation and maintenance, performance record of the Bidder, relative risk associated with the Bidder, and any guarantees associated with the Work.

CONTRACT AWARD

1. Anticipated Contract Award. OMPA anticipates that, if a Contract is awarded pursuant to this RFP, the award will be made by February 9, 2024.
2. Contract Award and Execution.
 - a. Contract Award. The Contract, if any, shall be awarded to the lowest responsible Bidder as determined by the review of the Bids. No Bidder shall obtain any property right in a Contract awarded under these provisions until the Contract has been fully executed by both the Bidder and OMPA.
 - b. Contract Insurance. The prevailing Bidder must provide proof of insurance with terms approved by OMPA, as described in 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 taxes, 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 construction of the project (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, and to disregard all nonconforming, nonresponsive, and/or conditional Bids.

COST PROPOSAL

The cost proposal should state all costs to perform the tasks outlined above.