

RESOLUTION 2015-014  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING AN EXCEPTION TO THE USE OF A COMPETITIVE  
PROCESS FOR A PROFESSIONAL SERVICES CONTRACT  
WITH WESTERN ECOSYSTEMS TECHNOLOGY, INC.

WHEREAS, the City is currently participating in a federal permitting process before the United States Army Corps of Engineers (“Corps”) for the enlargement of Halligan Reservoir, and associated therewith, the Corps has directed that the City retain third-party contractors to perform various technical work as directed by the Corps; and

WHEREAS, during the period from approximately 2004 through January 13, 2015, the federal permitting process for the City’s enlargement of Halligan Reservoir was joined with the federal permitting process for the City of Greeley’s (“Greeley”) enlargement of Milton Seaman Reservoir, and associated therewith, the City and Greeley entered into a Professional Services Agreement, dated August 18, 2005, as amended, dated October 4, 2012, with Western EcoSystems Technology, Inc., as such a third-party contractor; and

WHEREAS, the federal permitting processes for Halligan Reservoir and Milton Seaman Reservoir have since been separated as of January 13, 2015, and consequently, the current agreement with Western EcoSystems Technology, Inc., must be terminated; and

WHEREAS, there is additional work to be done by a third-party contractor for the City’s federal permitting process for the enlargement of Halligan Reservoir and the contract for that work will exceed \$200,000; and

WHEREAS, since Western EcoSystems Technology, Inc., has been working on the City’s enlargement of Halligan Reservoir since 2005, the use of a replacement third-party contractor would result in substantial delays to the federal permitting process for the enlargement of Halligan Reservoir, and would result in substantial additional costs to the City; and

WHEREAS, City Code Section 8-161(d)(1)(b) authorizes the Purchasing Agent to award a contract for professional services without competition, although there exists more than one responsible source, if a competitive process cannot reasonably be used or, if used, will result in a substantially higher cost to the City, will otherwise injure the City’s financial interests or will substantially impede the City’s administrative functions or the delivery of services to the public; and

WHEREAS, the Purchasing Agent has determined that, for a contract for professional services with a third-party contractor for the federal permitting process for the enlargement of Halligan Reservoir and although there exist responsible sources other than Western EcoSystems Technology, Inc., a competitive process cannot reasonably be used or, if used, will result in a substantially higher cost to the City, will otherwise injure the City’s financial interests and will substantially impede the City’s administrative functions or the delivery of services to the public; and

WHEREAS, pursuant to City Code Section 8-161(d)(2), the Purchasing Agent has submitted this determination to the City Manager, who has approved the same; and

WHEREAS, City Code Section 8-161(d)(3) requires prior approval of this purchasing method by the City Council for all procurements which exceed Two Hundred Thousand Dollars (\$200,000.00).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby approves the City entering into a professional services agreement with Western EcoSystems Technology, Inc., as a third-party contractor for the federal permitting process for the City's proposed enlargement of Halligan Reservoir, and to do so as an exception to the City's competitive procurement requirements for the reasons set forth herein.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 3rd day of February, A.D. 2015.

  
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Mayor

ATTEST:

  
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City Clerk

