

RESOLUTION 2015-074  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING AN EXCEPTION TO THE USE OF A COMPETITIVE  
PROCESS TO CONTRACT WITH BROWN BEAR CORPORATION FOR A  
HYDROSTATIC TRACTOR WITH AERATOR FOR THE FORT COLLINS WATER  
TREATMENT FACILITY

WHEREAS, the City of Fort Collins Water Treatment Plant produces sludge which is a byproduct of the water treatment process and that sludge must be dried and removed from the site approximately once a year and transported to the Larimer County Landfill for disposal;

WHEREAS, in order to dry the sludge it needs to be turned over several times in lagoons where the water is 3 to 4 feet deep and air dried until it can be transported to the Landfill; and

WHEREAS, the City has been using a 1987 Brown Bear Hydrostatic Tractor with Aerator to turn over the sludge in lagoons and the drying beds as it is a specialized piece of equipment designed and specifically manufactured to operate in 3 to 4 feet of water without becoming stuck or damaged; and

WHEREAS, the Water Treatment Facility has used the Brown Bear tractor effectively since 1987 and the tractor is critical to drying the sludge, but the City can no longer obtain new replacement or repair parts for the 28-year old machine and it has reached the end of its useful life and it is necessary to purchase another piece of equipment; and

WHEREAS, alternative vendors and solutions were investigated to understand the competitive environment and available options to replace the tractor; and

WHEREAS, such investigation included consulting with representatives from other tractor manufacturers, and the leading alternative was manufactured by Komptech, however, after visiting the Water Treatment Facility the Komptech representative concluded that their tractor with a rotating aerator attachment could not effectively perform the drying function in the lagoons/drying beds; and

WHEREAS, the electrical systems on alternative tractors are lower on the vehicle body making them susceptible to severe damage from the wet sludge but the Brown Bear model is designed to be elevated out of deep sludge and high water levels and is specifically designed to operate in high water levels that make it uniquely suited to this work; and

WHEREAS, the price quoted by Brown Bear of \$439,066 includes a \$25,000 credit for the trade-in value of the 1987 tractor and such price is competitive with alternative equipment, but such alternatives are not suitable for the City's needs; and

WHEREAS, alternative funding sources were investigated including cost sharing with the Soldier Canyon Filter plant but the Soldier Canyon Steering Committee issued a non-recommendation of a sharing agreement; and

WHEREAS, the 2015 Minor Capital Budget for the Water Treatment Facility which was approved as part of the 2015/2016 Budgeting for Outcomes process includes a line item with a balance of \$534, 474.00 specifically for the purchase of a new Brown Bear tractor, if approved by City Council; and

WHEREAS, the sole source purchase of the Brown Bear Tractor was presented to the City of Fort Collins Water Board on July 16, 2015 and the Board unanimously recommended that the City Council adopt the Resolution authorizing the sole source purchase of the Brown Bear Hydrostatic Tractor with Aerator; and

WHEREAS, the City Code Section 8-161(d)(1)(a) authorizes the City's Purchasing Agent to award a contract without competition if there exists only one (1) responsible source; and

WHEREAS, the City's Purchasing Agent and other City staff recommend the adoption of this resolution; and

WHEREAS, the Purchasing Agent has determined that the single source exception is in the City's best interest and appropriate in connection with this procurement in order to maximize the benefits to the City and minimize the risks to the City by purchasing the Brown Bear Tractor, which has a design that is uniquely suited to the operation of the City of Fort Collins' Water Treatment Facility; and

WHEREAS, as required by City Code Section 8-161(d)(2), the Purchasing Agent has submitted this determination to the City Manager, and the City Manager has approved it; 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 adopts as its findings the recitals set forth above and authorizes the Purchasing Agent to enter into a contract with Brown Bear Corporation consistent with this Resolution for the purchase of a Hydrostatic Tractor with Aerator for use in the Water Treatment Facility, 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 18th day of August, A.D. 2015.

ATTEST:

Wanda Winkelman  
City Clerk

