

RESOLUTION 2023-066
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING AN EXCEPTION TO THE USE OF A COMPETITIVE PROCESS
FOR PURCHASE OF BIOSOLIDS DEWATERING POLYMER FOR THE
DRAKE WATER RECLAMATION FACILITY

WHEREAS, Section 8-16l(d)(1)b. of the City Code authorizes the Purchasing Agent to negotiate the purchase of supplies and services without utilizing a competitive bidding or proposal process where the Purchasing Agent determines that although there is more than one source, the 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, Hydrofloc 1687 polymer from Aqua Ben Corporation ("Polymer") is used for biosolids dewatering at the Drake Water Reclamation Facility ("DWRF"); and

WHEREAS, Polymer continues to perform as expected, resulting in significant savings for the City in biosolids hauling cost and time; and

WHEREAS, the DWRF National Pollutant Discharge Eliminations System ("NPDES") permit expired in 2021, resulting in an administrative extension; and

WHEREAS, the Colorado Department of Public Health and Environment ("CDPHE") prohibits modifications to chemicals such as the Polymer for administratively extended NPDES permits; and

WHEREAS, a change to a different Polymer would require an NPDES permit modification; and

WHEREAS, the date of renewal for the DWRF NPDES permit is unknown; and

WHEREAS, upon renewal of the DWRF NPDES permit, a competitive process will be initiated for selection and purchase of Polymer; and

WHEREAS, the 2023 estimated remaining cost for Polymer is \$200,000; and

WHEREAS, the estimated annual Polymer costs for future years is expected to range between \$300,000 and \$450,000 depending on market price and seasonal fluctuation; and

WHEREAS, the Purchasing Agent determined that although there is more than one source for Polymer, the competitive process, if used, would result in a substantially higher cost to the City, would otherwise injure the City's financial interests, and would substantially impede the City's administrative functions or the delivery of services to the public; and

WHEREAS, the Purchasing Agent and other City staff recommend the adoption of this Resolution; and

WHEREAS, the Purchasing Agent submitted the requisite justification to the City Manager for approval; and

WHEREAS, the City Manager reviewed and approved the justification for this acquisition; and

WHEREAS, Section 8-161(d)(3) of the City Code requires prior approval of this purchasing method by the City Council for all procurements which exceed \$200,000.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby approves the purchase of a three-year contract extension for Aqua Ben Corporation, as an exception to the City's competitive purchasing process requirements, for the reasons set forth herein.

Section 3. That the Purchasing Agent may use this approval, as authorized in City Code Sections 8-161(d)(4), as the basis for negotiating the additional purchase of Polymer until renewal of the DWRP NPDES permit, but not to exceed five years.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 18th day of July, 2023.

Mayor

ATTEST:

Deputy City Clerk