



AGENDA ITEM SUMMARY

City Council

STAFF

Tracy Ochsner, Operations Services Director
Gerry S. Paul, Purchasing Director
J. Erik Martin, Financial and Data Analyst
Jake Rector, Sr. Buyer
Sara Arfmann, Assistant City Attorney

SUBJECT

Resolution 2023-110 Approving an Exception to the Competitive Purchasing Process with SMART Mobility Office, Unit of Panasonic Corporation of North America for Equipment, Software, Consulting and Support Services for Execution of the USDOT SMART Grant.

EXECUTIVE SUMMARY

This item has been amended to indicate there is only one source for the software.

The purpose of this item is to approve the sole source award of a contract with Panasonic Corporation of North America ("Panasonic") to complete the work set forth within the USDOT Strengthening Mobility and Revolutionizing Transportation (SMART) Grant Agreement.

This request for an exception to the competitive process was noted in the original request to the US DOT for this grant and that it is in accordance with the Code of Federal Regulations procurement process: "This item is available only from a single source." 2 CFR § 200.320(c)(2). Piloting the PEFSA software is fundamental to the SMART grant awarded the City. The US DOT has approved the exception because the PEFSA software is proprietary to Panasonic and only available from Panasonic. In addition, this project is being funded 100% by the SMART grant and is not utilizing local funds.

This exception to the competitive process will authorize the continuation of the relationship between Panasonic and the City through an agreement that will continue for a five (5) year term. This approval will be in line with federal procurement guidelines required by the grant.

This election will enable a timely completion of the work plan set forth within the signed SMART Grant Agreement.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

The SMART Grant was applied for in conjunction with Panasonic to conduct a demonstration project of managed charging software utilizing existing chargers to manage charging, reduce demand charges, and

report charging sessions by vehicle by conducting a pilot at multiple charging locations through the city and develop a municipal fleet electrification standards framework to minimize financial and operational risks as City fleets electrify, study feasibility of integration of charging management into the existing Distributed Energy Resource Management System (DERMS) platform utilized by Fort Collins Utilities.

A grant agreement with USDOT was adopted by Resolution 2023-077 and an appropriation was adopted in Ordinance No. 111, 2023.

City Code Section 8-161(d)(4) authorizes the Purchasing Agent to grant a sole source exception, to allow for negotiating the additional purchase of specialized goods or services for up to a total of five (5) years, which in this instance include equipment, software, and support services from Panasonic necessary to complete the work in the SMART Grant Agreement.

The proposed exception to the use of the competitive bid of proposal conforms with the requirements in City Code Section 8-161(d), which directs that the City Council is to approve exceptions greater than \$200,000 that meet specific criteria evaluated by the Purchasing Agent.

The Purchasing Agent has found all necessary elements of the Purchasing Code are met for an exception to the city competitive bidding or proposal process in this instance.

The City has been granted permission to utilize a Sole Source procurement by the SMART Grant Manager from the USDOT.

CITY FINANCIAL IMPACTS

The funding for the contract with Panasonic equipment, software, and support services is funded by 2023 SMART Grant from the USDOT which was adopted by Ordinance No. 111, 2023. As noted therein, the SMART Grant is a reimbursement type grant, with General Fund expenses being reimbursed up to award amount, with no match requirement by the City.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration
2. Grant Agreement
3. City Manager Approval