

RESOLUTION 2023-071
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING AN EXCEPTION TO THE COMPETITIVE PURCHASING PROCESS
FOR THE PURPOSE OF RENEWING THE CONTRACT WITH NOKIA OF AMERICA FOR
BROADBAND EQUIPMENT, SOFTWARE, FIRMWARE, AND SUPPORT SERVICES

WHEREAS, Section 8-161(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, in 2018, the City used a competitive process to select Nokia of America Corporation (“Nokia”) as the City's provider of broadband signal routing equipment and support services (the “Services”), and entered into a Supply and Services agreement with Nokia to support delivery of Fort Collins Connexion (“Connexion”) telecommunication services; and

WHEREAS, since 2018, the City has integrated the use of the Services into multiple aspects of Connexion’s operations to provide public and the private subscribers with reliable broadband communication services; and

WHEREAS, Connexion services rely on multiple integrated equipment and software solutions, and the integration relies on the Services for dependable communication with equipment located in Connexion customer premises; and

WHEREAS, the City desires to continue using the Services, which is in the best interests of the City residents and Connexion ratepayers, and will save significant time and cost; and

WHEREAS, the estimated cost to renew the Services for up to five additional years exceeds an annual cost of \$200,000; and

WHEREAS, funding for the renewal through 2024 is authorized in the 2023/2024 Budget for expenditure from the Light & Power Fund; and

WHEREAS, funding for 2025 through 2028, will be requested through successive Budgeting for Outcomes Processes; and

WHEREAS, the City's Purchasing Agent has determined that although there is more than one source for the Services, the competitive process, if used, would result in a substantially higher cost to the City, would otherwise injure the City's financial interests, and 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 has submitted a written justification to the City Manager for approval, pursuant to the requirements in Section 8-161(d) of the City Code; and

WHEREAS, the City Manager has reviewed and approved the justification for the proposed exception to renew the contract with Nokia; 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 renewal of a Supply and Services Agreement with Nokia of America Corporation for up to five years, 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 Section 8-161(d)(4), as the basis for negotiating the additional purchase of services from Nokia through July 2028.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of August, 2023.

Mayor

ATTEST:

Chief Deputy City Clerk