

ORDINANCE NO. 171, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE EXTENSION OF THE CONTRACT TERM  
WITH OTAK, INC. FOR THE POWER TRAIL AND HARMONY  
ROAD GRADE SEPARATED CROSSING PROJECT FOR NOT  
MORE THAN TEN YEARS

A. The current route for the Power Trail directs bicycles and pedestrians to use the City roadway network north and south of Harmony Road and to cross Harmony Road at-grade at McMurry Avenue. The existing at-grade crossing has been the scene of several severe crashes involving vulnerable road users in recent years, even resulting in a cyclist fatality. The Power Trail and Harmony Road Grade Separated Crossing Project (the "Project") has been developed to address these safety concerns and to complete a missing segment in the Power Trail, providing connectivity from the Poudre River Corridor to the Big Thompson Corridor.

B. In July 2018, the City completed a competitive purchasing process and awarded a Professional Services Agreement Work Order Type (the "Contract") to Otak, Inc. in July 2018 for the design of the Project. The City received six proposals, and Otak, Inc. was determined to be best qualified for the Project.

C. City Code Section 8-186(a) limits contracts for professional services, including renewals, to no longer than five years, unless authorized by ordinance. The Contract had a term of five years, which expired on July 14, 2023.

D. City Code Section 8-186(a)(4) allows for master agreements with work order(s) in-process to be renewed for up to a maximum of one additional year if required to complete an in-process Work Order. The City did issue a one-year extension to complete any existing work orders. That extension expired on July 14, 2024.

E. The design of the Project was not completed within the five-year period due to delays from the COVID19 Pandemic, delays in securing funding, and staff turnover, which resulted in alternatives reassessment of cost estimates for City utility relocations.

F. It is in the best interest of the City to extend the Contract with Otak, Inc. from the date it last expired for a period of up to ten additional years to complete the Project, because the Project is in final design review, construction documentation is 90% complete, and the Project is fully funded for construction and intended to be advertised for public construction bid in February of 2025.

G. Readvertising for design consulting services would have significant impacts on both Project cost and schedule at this point in the Project delivery, because of the time and resources required to complete a competitive process and the break in continuity that would result.

H. There will be no financial impact for extending the existing Contract outside of already appropriated funding.

I. The City Manager has reviewed and approved the rationale and justification for this Contract extension and recommends authorization by this ordinance to extend the Contract term with Otak, Inc. for the design of the Project from the date it last expired for up to ten additional years.

In light of the foregoing Recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Director of Purchasing is authorized to enter into an extension of the Professional Services Agreement Work Order Type with Otak, Inc. for up to ten additional years.

Introduced, considered favorably on first reading on November 19, 2024, and approved on second reading for final passage on December 3, 2024.

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Mayor

ATTEST:

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City Clerk

Effective Date: December 13, 2024

Approving Attorney: Heather N. Jarvis