

1 [Agreement Amendment - Western States Oil - Not to Exceed \$107,500,000]

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3 **Resolution approving the Sixth Amendment to the Agreement between the City**  
4 **and Western States Oil increasing the total not to exceed amount of the contract**  
5 **from \$78,300,000 to \$107,500,000 pursuant to Charter Section 9.118(b).**

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7 WHEREAS, The Board of Supervisors approved Resolution No. 345-09 on  
8 August 11, 2009, authorizing a fuel contract for \$25 million with Western States Oil for  
9 one year, with four one-year options to renew; and,

10 WHEREAS, The Office of Contract Administration entered into a one-year  
11 Agreement with the Contractor for \$25,000,000, dated September 1, 2009 through  
12 August 31, 2010 for gasoline, biodiesel, and diesel fuels; and,

13 WHEREAS, The Office of Contract Administration executed the First Amendment,  
14 which did not require Board of Supervisors approval, to the contract on October 9, 2009  
15 to add line items 228 and 324, Red Dye Diesel for the San Francisco Fire Department  
16 and the Port for “over marine waters”; and,

17 WHEREAS, The Office of Contract Administration executed the Second  
18 Amendment, which did not require Board of Supervisors approval, to the contract on  
19 February 3, 2010 to add line item 801, Methanol for the San Francisco PUC Oceanside  
20 Plant; and,

21 WHEREAS, The Board of Supervisors approved Resolution No. 368-10 on  
22 August 3, 2010 approving the Third Amendment to increase the contract amount from  
23 \$25,000,000 to \$50,000,000; and,

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1           WHEREAS, The Office of Contract Administration executed the Fourth  
2 Amendment, which did not require Board of Supervisors approval, to the contract on July  
3 1, 2011 to add \$500,000 and extend the contract by one (1) year; and,  
4 WHEREAS, The Board of Supervisors approved Resolution No. 434-11 on October 18,  
5 2011 to enter into a Fifth Amendment to increase the contract's not-to-exceed amount  
6 from \$50,500,000 to \$78,300,000; and,  
7 WHEREAS, The Office of Contract Administration and the Contractor propose to enter  
8 into a Sixth Amendment extending the contract by one (1) year, from September 1, 2012  
9 through August 31, 2013, and increasing the not-to-exceed amount from \$78,300,000 to  
10 \$107,500,000.

11           WHEREAS, The San Francisco Charter Section 9.118(b) provides that when  
12 agreements of \$10 million or more are amended to increase the not-to-exceed amount  
13 by \$500,000 or more, then such amendment shall be subject to approval of the Board of  
14 Supervisors by resolution; and,

15           WHEREAS, The Agreement and the proposed Sixth Amendment are on file with  
16 the Clerk of the Board of Supervisors in File No. 120453, which are hereby declared to  
17 be a part of this resolution as if set forth fully herein; now, therefore be it,

18           RESOLVED, That the Board of Supervisors approves the Sixth Amendment to the  
19 contract with Western States Oil as described above; and be it

20           FURTHER RESOLVED, That the Board of Supervisors authorizes the Office of  
21 Contract Administration to increase the contract amount from \$78,300,000 to \$107,500,000.

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