

1 [Contract Amendment - Golden Gate Petroleum - Renewable Diesel - Not to Exceed
2 \$108,589,000]

3 **Resolution approving Contract Amendment No. 4 to the agreement between City,**
4 **acting by and through the Office of Contract Administration, and Golden Gate**
5 **Petroleum for the provision of renewable diesel, increasing the contract amount by**
6 **\$15,595,000 for a total not to exceed amount of \$102,345,000 and extending the**
7 **duration by eight months, for a total term of six years and one month, from June 1,**
8 **2019, through June 30, 2025; authorizing the Office of Contract Administration to**
9 **further amend the agreement, if necessary, increasing the contract amount up to a**
10 **maximum not to exceed amount of \$108,589,000 and extending the duration up to a**
11 **maximum total term of six years and five months, from June 1, 2019, through October**
12 **31, 2025; and authorizing the Office of Contract Administration to make any**
13 **modifications to the Fourth Amendment and any Subsequent Amendments that do not**
14 **materially increase the obligations or liabilities to the City and are necessary or**
15 **advisable to effectuate the purposes of the contract or this Resolution.**

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17 WHEREAS, On December 2018, The Office of Contract Administration issued an
18 Invitation for Bids ("IFB") pursuant to Administrative Code, Section 21.1, for the provision of
19 renewable diesel; and

20 WHEREAS, Golden Gate Petroleum submitted a bid and was the lowest responsive
21 and responsible bidder, and was awarded the agreement; and

22 WHEREAS, On June 1, 2019, The Office of Contract Administration and Golden Gate
23 Petroleum entered into an agreement, Contract 1000013880 for the provision of renewable
24 diesel ("Agreement"); and

1 WHEREAS, The original Agreement had a term of June 1, 2019, through October 31,
2 2024, and a not to exceed amount of \$45,000,000; and

3 WHEREAS, The Office of Contract Administration amended the Agreement on March
4 18, 2020, to update contract terms and conditions (the "First Amendment"); and

5 WHEREAS, The Office of Contract Administration amended the Agreement on April 5,
6 2022, to extend the contract duration by two years and two months to May 31, 2024, and to
7 increase the not to exceed contract amount by \$23,000,000 for a total not to exceed amount
8 of \$68,000,000 (the "Second Amendment"); and

9 WHEREAS, The Office of Contract Administration amended the Agreement on January
10 30, 2024, to extend the contract duration by seven months to October 31, 2024, and to
11 increase the not to exceed contract amount by \$18,750,000 for a total not to exceed amount
12 of \$86,750,000 (the "Third Amendment"); and

13 WHEREAS, The Office of Contract Administration shall issue a competitive solicitation
14 for various fuels necessary for City operations, and intends to award one or more new
15 contracts for such fuels before the end of Fiscal Year 2024-2025; and

16 WHEREAS, Renewable diesel fuel is a critical commodity for City operations, and any
17 lapse in fuel delivery can cause severe impacts to the City's ability to perform its necessary
18 functions; and

19 WHEREAS, The Office of Contract Administration seeks to amend the Agreement
20 immediately, by extending the term through June 30, 2025, and increasing the maximum not
21 to exceed expenditure amount by \$15,595,000 for a total of \$102,345,000 ("Fourth
22 Amendment"); and

23 WHEREAS, Subsequent amendments to the Agreement ("Subsequent Amendments")
24 may be required to ensure the continued, uninterrupted delivery of renewable diesel to the
25

1 City prior to final award of one or more new fuel contracts pursuant to the Office of Contract
2 Administration's competitive solicitation; and

3 WHEREAS, The Office of Contract Administration seeks authorization to issue
4 Subsequent Amendments to the Agreement, up to a maximum expenditure amount of
5 \$108,589,000 and a maximum duration of six years and five months, from June 1, 2019,
6 through October 31, 2025, if needed to ensure the continued delivery of renewable diesel to
7 the City prior to the award of one or more new fuel contracts; and

8 WHEREAS, Charter, Section 9.118(b), requires Board of Supervisors' approval by
9 Resolution of any contract which, when entered into, extends over 10 years, and of any
10 contract which, when entered into, costs the City \$10,000,000 or more; and

11 WHEREAS, The proposed Fourth Amendment contained in File No. 240864 is
12 substantially in final form, with all material terms and conditions included, and only remains to
13 be executed by the parties upon approval of this Resolution; and

14 WHEREAS, Subsequent Amendments, if deemed necessary, shall be in the form of
15 the City's contract amendment template contained in File No. 240864, which includes the
16 City's standard material terms and conditions, and shall only be issued and executed by the
17 parties pursuant to approval of this Resolution; now, therefore, be it

18 RESOLVED, That the Board of Supervisors hereby approves the Fourth Amendment in
19 substantially the form contained in File No. 240864; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the Office of
21 Contract Administration to issue Subsequent Amendments, if deemed necessary, in
22 substantially the form contained in File No. 240864; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors authorizes The Office of
24 Contract Administration to make any modifications to the Fourth Amendment and any
25 Subsequent Amendments, prior to final execution by all parties, that the Office of Contract

1 Administration determines, in consultation with the City Attorney, are consistent with this
2 Resolution, in the best interest of the City, do not materially increase the obligations or
3 liabilities of the City, are necessary or advisable to effectuate the purposes of the Fourth
4 Amendment and any Subsequent Amendments, and are in compliance with all applicable
5 laws, including City's Charter; and, be it

6 FURTHER RESOLVED, That within 30 days of the Fourth Amendment and any
7 Subsequent Amendments being fully executed by all parties, the Office of Contract
8 Administration shall submit to the Clerk of the Board of Supervisors a completely executed
9 copy for inclusion in File No. 240864; this requirement and obligation resides with the
10 Department, and is for purposes of having a complete file only, and in no manner affects the
11 validity of approved Amendments.