

1 [Contract Amendment to the Fuel Contract to Increase the Total Not-to-Exceed Amount from
2 \$25,000,000 to \$50,000,000]

3 **Resolution approving the Third Amendment to the Agreement between the City and**
4 **Western States Oil (Contractor) increasing the total not-to-exceed amount of the contract**
5 **from \$25,000,000 to \$50,000,000 and extending the term for one year, pursuant to Charter**
6 **Section 9.118(b).**

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

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

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

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

21 WHEREAS, The Agreement is approaching the contract amount of \$25 million and the
22 end of year one; and,

23 WHEREAS, The Office of Contract Administration and Contractor propose to enter into a
24 Third Amendment to increase the contract’s not-to-exceed amount from \$25 million to
25 \$50 million and add an additional year to the Agreement from September 1, 2010 through

1 August 31, 2011; and,

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

5 WHEREAS, the Agreement and the proposed Third Amendment are on file with the Clerk
6 of the Board of Supervisors in File No. _____, which are hereby declared to be a part
7 of this resolution as if set forth fully herein; now, therefore be it,

8 RESOLVED, that the Board of Supervisors approves the Third Amendment to the
9 contract with Western States Oil as described above; and be it

10 FURTHER RESOLVED, that the Board of Supervisors authorizes the Office of Contract
11 Administration to increase the contract amount from \$25 million to \$50 million and extend the
12 contract for an additional year.

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