

1 [Contract Amendment - Western States Oil - Not to Exceed \$78,300,000]

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3 **Resolution approving the Fifth Amendment to the Agreement between the City and**  
4 **Western States Oil increasing the total not-to-exceed amount of the contract from**  
5 **\$50,500,000 to \$78,300,000 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 to increase the contract amount from \$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 Office of Contract Administration and Contractor propose to enter into a  
5 Fifth Amendment to increase the contract's not-to-exceed amount from \$50,500,000 to  
6 \$78,300,000; and,

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

11 WHEREAS, the Agreement and the proposed Fifth Amendment are on file with  
12 the Clerk of the Board of Supervisors in File No. 110933, which are hereby declared to  
13 be a part of this resolution as if set forth fully herein; now, therefore be it,

14 RESOLVED, that the Board of Supervisors approves the Fifth Amendment to the  
15 contract with Western States Oil as described above; and be it

16 FURTHER RESOLVED, that the Board of Supervisors authorizes the Office of  
17 Contract Administration to increase the contract amount from \$50,500,000 to  
18 \$78,300,000.