

**AMENDMENT NO. 1 TO
CITY SECRETARY CONTRACT NO. 53317**

This Amendment is made and entered into by and between the City of Fort Worth (hereafter “City”) and TACenergy, LLC (hereafter “Supplier”). City and Agency may be referred to individually as a “Party” and jointly as “the Parties”.

WHEREAS, on January 1, 2020, the Parties entered into City Secretary Contract 53317 for motor fuels, aviation fuels and related services; and

WHEREAS, the Parties mutually agree to amend the Agreement to extend the term for an additional six-month period.

NOW, THEREFORE, the Parties, acting herein by and through their duly authorized representatives, enter into the following agreement:

**I.
AMENDMENTS**

The term of the Agreement is hereby extended to June 30, 2025. In the event that more time is needed to complete these tasks, Supplier and City may mutually agree to a final six-month extension in writing.

**II.
ALL OTHER TERMS SHALL REMAIN THE SAME**

All other provisions of the Agreement which are not expressly amended herein shall remain in full force and effect.

**III.
ELECTRONIC SIGNATURE**

This Amendment may be executed in multiple counterparts, each of which shall be an original and all of which shall constitute one and the same instrument. A facsimile copy or computer image, such as a PDF or tiff image, or a signature, shall be treated as and shall have the same effect as an original.

(SIGNATURES APPEAR ON FOLLOWING PAGE)

ACCEPTED AND AGREED:

<p>By: <u><i>Dana Burghdoff</i></u> Dana Burghdoff (Sep 13, 2024 11:58 CDT) Name: Dana Burghdoff Title: Assistant City Manager</p> <p>Date: <u>Sep 13, 2024</u></p> <p>APPROVAL RECOMMENDED:</p> <p>By: <u><i>Marilyn Marvin</i></u> Name: Marilyn Marvin Title: Interim Property Management Director</p> <p>ATTEST:</p> <p>By: <u><i>Jannette S. Goodall</i></u> Name: Jannette S. Goodall Title: City Secretary</p>	<p>CONTRACT COMPLIANCE MANAGER: By signing I acknowledge that I am the person responsible for the monitoring and administration of this contract, including ensuring all performance and reporting requirements.</p> <p>By: <u><i>Eliana Guevara</i></u> Name: Eliana Guevara Title: PMD Assistant Director</p> <p>APPROVED AS TO FORM AND LEGALITY:</p> <p>By: <u><i>Jessika Williams</i></u> Name: Jessika Williams Title: Assistant City Attorney</p> <p>CONTRACT AUTHORIZATION: M&C:19-0413 1295: 2019-558643</p>
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<p>TACenergy, LLC</p> <p>By: <u><i>Chadwich Hebert</i></u> Chadwich Hebert (Sep 10, 2024 10:36 CDT) Name: Chad Hebert Title: General Manager of Sales</p>
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Mayor and Council Communication

DATE: 12/17/19

M&C FILE NUMBER: M&C 19-0413

LOG NAME: 13PMOTOR AND AVIATION FUEL LSJ PMD

SUBJECT

Award a Multiple National Award and Authorize Execution of Non-Exclusive Agreements with Mansfield Oil Co. of Gainesville, Inc., Martin Eagle Oil Company, Inc., Truman Arnold Companies, Pinnacle Petroleum, Inc., and Petroleum Traders Corporation in an Annual Amount Up to \$12,000,000.00 for Motor Fuels and Aviation Fuels for the Property Management Department and Other Public Agencies; Authorize Execution of a Rebate Agreement with National Intergovernmental Purchasing Alliance Company d/b/a OMNIA Partners, Public Sector (ALL COUNCIL DISTRICTS)

RECOMMENDATION:

It is recommended that the City Council:

1. Award a multiple national award to Mansfield Oil Co. of Gainesville, Inc., Martin Eagle Oil Company, Inc., Truman Arnold Companies, Pinnacle Petroleum, Inc., and Petroleum Traders Corporation as suppliers of motor and aviation fuels for public agencies in all forty-eight contiguous states in the United States;
2. Authorize Execution of Non-Exclusive Agreements with Mansfield Oil Co. of Gainesville, Inc., Martin Eagle Oil Company, Inc., Truman Arnold Companies, Pinnacle Petroleum, Inc., and Petroleum Traders Corporation in an annual amount up to \$12,000,000.00 for Motor and Aviation Fuels for the Property Management Department; and
3. Authorize Execution of a Rebate Agreement with National Intergovernmental Purchasing Alliance Company d/b/a OMNIA Partners, Public Sector.

DISCUSSION:

The Property Management Department and other public agencies throughout the United States will use these agreements to obtain unleaded, diesel, Jet-A fuels, and alternative fuels required in the DFW nonattainment area to supply and operate equipment. No guarantee was made that a specific amount of these fuels would be purchased. Unleaded and diesel fuel will be used by various City departments. The Jet-A aviation fuel will be used by the Police Department.

The City previously awarded separate agreements for unleaded fuels and diesel fuels on December 2, 2014 (M&C P-11056) and for Jet-A aviation fuel on June 7, 2011 (M&C P-11716). The previous Agreements were competitively bid. During the previous year, the City purchased approximately \$5,370,552.18 of motor fuels and approximately \$42,643.00 of Jet-A aviation fuels. The additional estimated annual amount listed in this action is requested to cover potential increases in prices and volumes over the five year term of the Agreement. A price change of 50 cents per gallon can impact the annual expenditures by \$1,000,000.00.

Other public agencies participating in the previous agreements have purchased approximately 44,194,959 gallons of motor fuels. The City of Fort Worth expects to save approximately \$45,000.00 annually over previous agreements as a direct result of the increased volume of participation of the other public agencies.

Under the Rebate Agreement, the City of Fort Worth will receive a minimum of 8.333 percent of a one-cent administration fee that is paid to National Intergovernmental Purchasing Alliance d/b/a OMNIA Partners, Public Sector by the petroleum vendors for each gallon of fuel sold under these national cooperative contracts. This rebate could generate approximately \$50,000.00 annually in revenue to the City. The City will have no liability or responsibility for purchases by other public agencies. The Non-Exclusive Agreements were bid as a National Cooperative Purchasing Request for Proposals (RFP) to develop and encourage cooperative purchasing efforts to reduce the cost of motor and aviation fuel to the City and other public agencies. The RFP included estimated annual quantities from current public agencies using the contract and allowed for quantities additional new agencies may have under the contract with a total estimated quantity of 50 million gallons. The RFP evaluation factors included responsiveness and clarity of proposal, ability to meet City of Fort Worth specifications, the National Program, vendor qualifications and contract cost. Representatives of the City's Property Management Department, Fire, Police, Code Compliance, Transportation and Public Works and Water Departments were invited to participate in the evaluation. However, only Purchasing Division, Property Management Department, and Code Compliance participated in the evaluation of the proposals received and found all five participating fuel providers qualified in multiple categories; Mansfield Oil Co. of Gainesville, Inc., Martin Eagle Oil Company, Inc., Truman Arnold Companies, Pinnacle Petroleum, Inc., and Petroleum Traders Corporation to be the best evaluated firms for award of the agreements.

ADVERTISEMENT - A Request for Proposals (RFP) was advertised in the [Fort Worth Star-Telegram](#) on August 21, 2019, August 28, 2019, September 4, 2019, September 11, 2019, September 18, 2019, September 25, 2019 and October 2, 2019. Thirteen vendors were solicited from the purchasing database; five responses were received.

M/WBE OFFICE - A waiver of the goal for MBE/SBE subcontracting requirements was requested by the Purchasing Division and approved by the

M/WBE Office, in accordance with the BDE Ordinance, because the purchase of goods or services is from sources where subcontracting or supplier opportunities are negligible.

ADMINISTRATIVE CHANGE ORDER - An administrative change order or increase may be made by the City Manager in the amount up to \$50,000.00 and does not require specific City Council approval as long as sufficient funds have been appropriated.

AGREEMENT TERM - Upon City Council approval, these Agreements shall have an initial term of five years beginning on January 1, 2020 and ending on December 31, 2020.

RENEWAL OPTIONS - These Agreements may be renewed for up to four successive one-year terms at the City's option. This action does not require specific City Council approval, provided the City Council has appropriated sufficient funds to satisfy the City's obligation during the renewal term.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the above recommendations funds are available in the current operating budget, as appropriated, and that contingent on the approval and the adoption of the Fiscal Year 2021 Budget by the City Council, funds will be available in the Fiscal Year 2021 Operating Budget, as appropriated, in the Fleet & Equipment Services (Fleet & Equip Serv) Fund. Prior to an expenditure being incurred, the Property Management Department has the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: Kevin Gunn 2015

Originating Business Unit Head: Reginald Zeno 8517

Additional Information Contact: Cynthia Garcia 8525
LaKita Slack-Johnson 8314