

**DRAFT****RESOLUTION 20xx-xxx**

**RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO AGREEMENT WITH FLEETCOR TECHNOLOGIES OPERATING COMPANY, LLC dba FUELMAN FOR OFFSITE FUELING OF HARBOR POLICE DEPARTMENT AND DISTRICT VEHICLES. THIS AMENDMENT EXTENDS THE PERIOD OF SERVICE FROM APRIL 1, 2021 TO MARCH 31, 2022 AND INCREASES THE MAXIMUM AMOUNT PAYABLE BY \$190,000 FOR A NEW NOT TO EXCEED AMOUNT OF \$610,000. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR EARLY TERMINATION BY THE EXECUTIVE DIRECTOR. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FISCAL YEAR 2021 BUDGET. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

**WHEREAS**, the Board of Port Commissioners (BPC) adopted BPC Policy No. 110 to establish a policy governing the processing and administration of public projects, consulting and service agreements, the purchasing of supplies, materials, and equipment, and grants; and

**WHEREAS**, Section 21 of the Port Act states that the BPC may pass all necessary ordinances and resolutions for the regulation of the District; and

**WHEREAS**, the District uses an as-needed fuel card service agreement for offsite fueling stations throughout San Diego County for Harbor Police and other District vehicles through a cooperative agreement with FleetCor; and

**WHEREAS**, this agreement with FleetCor is through a cooperative contract with Region 4 Education Service Center, a lead public agency with OMNIA Partners; and

**WHEREAS**, the contract was competitively solicited, evaluated and

20xx-xxx

awarded by the Region 4 Education Service Center acting as the lead agency in partnership with the OMNIA Partners on April 1, 2017; and

**WHEREAS**, the contract between FleetCor and Region 4 Education Service Center / OMNIA Partners is valid through March 31, 2022; and

**WHEREAS**, this contract satisfies the competitive requirements of BPC Policy No. 110; and

**WHEREAS**, FleetCor uses the Oil Price Information Service (OPIS) cost-plus markup of \$0.0175 per gallon for their fuel card service; and

**WHEREAS**, the BPC approved Agenda File No. 2018-0549 on December 11, 2018 with FleetCor for as-needed fuel card services from December 12, 2018 through December 11, 2020 for an amount not to exceed \$350,000; and

**WHEREAS**, on December 2, 2020, Amendment No.1 extended the period of service from December 11, 2020 through March 31, 2021 and increased the maximum amount payable by \$70,000 for a new not to exceed amount of \$420,000; and

**WHEREAS**, BPC action was not required for Amendment No. 1 per BPC 110; and

**WHEREAS**, Amendment No. 2 would extend the period of service from April 1, 2021 through March 31, 2022 and increase the maximum amount payable by \$190,000 for a new maximum amount of \$610,000; and

**WHEREAS**, staff is requesting BPC authorization to execute Amendment No. 2 to the agreement with FleetCor.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Port Commissioners of the San Diego Unified Port District (District), as follows:

The Executive Director and/or his designated representative is hereby authorized on behalf of the District to enter into Amendment 2 to Agreement with Fleetcor Technologies Operating Company, LLC d.b.a. Fuelman for offsite fueling of Harbor Police Department and District vehicles to extend the period of service from April 1, 2021, to March 31, 2022, and to increase the maximum amount payable by \$190,000 for a new not to exceed amount of \$610,000.

20xx-xxx

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11<sup>th</sup> day of February 2021, by the following vote: