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Title: 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

Sponsors:

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Attachments: 1. 1. 2020-0406 Attachment A, 2. 1. 2020-0406 Attachment B, 3. 1. 2020-0406 Attachment C, 4. 1. 2020-0406 Attachment D, 5. 1. 2020-0406 Attachment E, 6. 1. 2020-0406 Draft Resolution

Date	Ver.	Action By	Action	Result
2/11/2021	1	Board of Port Commissioners	adopted	Pass

DATE: February 11, 2021

SUBJECT: HPD OFFSITE FUELING AGREEMENT AMENDMENT NO.2

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

EXECUTIVE SUMMARY:

The San Diego Unified Port District (District) uses a fuel card service agreement for offsite fueling of Harbor Police Department and District vehicles with FleetCor Technologies Operating Company, LLC,

dba Fuelman, (FleetCor), through a cooperative contract with Region 4 Education Service Center, a lead public agency with OMNIA Partners (formerly National IPA).

This amendment increases the agreement's maximum amount payable by \$190,000 for a new maximum amount of \$610,000 and extends the agreement from April 1, 2021 through March 31, 2022, subject to Board approval for subsequent fiscal years.

Staff recommends the Board authorize Amendment No. 2 with FleetCor effective April 1, 2021 through March 31, 2022, in an amount not-to-exceed \$610,000. This will allow the District's Harbor Police Department and District vehicles to fuel at any of FleetCor's authorized stations located throughout San Diego County. This cooperative agreement through OMNIA Partners satisfies the competitive requirements of Board of Port Commissioners Policy No. 110 (BPC 110).

RECOMMENDATION:

Adopt a Resolution authorizing Amendment No. 2 to FleetCor Technologies Operating Company, LLC, dba Fuelman for offsite fuel for Harbor Police Department and District vehicles effective April 1, 2021 through March 31, 2022, in an amount not to exceed \$610,000.

FISCAL IMPACT:

Funds for the remainder of FY 2021 are included in the current year approved budget for the General Services Department within the Fuel and Lubricant Expense G/L account 630170. 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. The 3-year total agreement amount is \$610,000 after all amendments are incorporated.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A Port that is a safe place to visit, work and play.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

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.

This agreement with FleetCor is through a cooperative contract with Region 4 Education Service Center, a lead public agency with OMNIA Partners. The contract was competitively solicited, evaluated and awarded by the Region 4 Education Service Center acting as the lead agency in partnership with the OMNIA Partners on April 1, 2017. The contract between FleetCor and Region 4 Education Service Center / OMNIA Partners is valid through March 31, 2022. This contract satisfies the competitive requirements of Board of Port Commissioners Policy No. 110 (BPC 110). FleetCor uses the Oil Price Information Service (OPIS) cost-plus markup of \$0.0175 per gallon for their fuel card service.

The Board 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. 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. Board action was not required for Amendment No. 1 per BPC 110.

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.

Staff is requesting Board authorization to execute Amendment No. 2 to the agreement with FleetCor.

General Counsel's Comments:

The Office of the General Counsel has reviewed the agenda and attachments, as presented to it, and approves the same as to form and legality.

Environmental Review:

The proposed Board action, including without limitation, a resolution authorizing an amendment to an offsite fueling agreement for Harbor Police and District vehicles, does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

The proposed Board action complies with Sections 21 and 35 of the Port Act, which allow for the Board to pass resolutions and allow the Board to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

The proposed Board action does not allow for "development," as defined in Section 30106 of the California Coastal Act, or "new development," pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

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Business Manager, General Services

Attachment(s):

Attachment A:	FleetCor Master Agreement
Attachment B:	FleetCor Option Year Two (2) Approval
Attachment C:	FleetCor Amendment No. 1 Application
Attachment D:	FleetCor Amendment No. 1 Procurement Form
Attachment E:	FleetCor Amendment No. 2 Draft Purchase Order