

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ISSUE THE ATTACHED AMENDED AGREEMENT WITH PROTEC FUEL MANAGEMENT, LLC TO PROVIDE E-85 FLEX-FUEL BY INCREASING THE ESTIMATED ANNUAL EXPENDITURE OF \$350,000.00 TO \$535,000.00 FOR THE REMAINDER OF THE CURRENT TERM, AND INCREASING THE PREVIOUS YEAR'S AUTHORIZED EXPENDITURE BY \$110,507.57.

WHEREAS, in connection with its various municipal functions, the City requires the utilization of motor fuel for its vehicle fleet, which provides the opportunity for the City to consider more environmentally green fuel alternatives, such as flex-fuel products, to meet the City's Environmental Sustainability and alternative fuel goals; and

WHEREAS, on December 14, 2016, the City Commission passed and adopted R-2016-361, authorizing the issuance of a "best interest" blanket purchase order to Protec Fuel Management, LLC ("Vendor") for a five year term to supply E-85 fuel for an estimated annual expenditure of \$350,000; and

WHEREAS, the Vendor was awarded the Biofuels Infrastructure Partnership under the Department of Agriculture, an alternative fuel funding program in which they were the only recipient in the State of Florida offering this incentive program; and

WHEREAS, through this funding initiative, the Vendor retro-fitted a portion of the City's Central Fuel Facility to accommodate the dispensing of E-85 flex fuel on a conditional no-cost basis to the City, resulting in a direct savings of \$27,487.95; and

WHEREAS, a total of \$110,507.75 is currently due to the Vendor for fuel consumption during the initial year of the agreement, since initial year forecasting did not account for emergency preparedness and recovery; and

WHEREAS, the Department of Public Works requests the increased annual amount of \$535,000.00 for the remainder of the current contract term to meet the annual usage needs, which include emergency preparedness and recovery, increased inventory of fleet vehicles that utilize E-85 fuel, and fluctuating fuel costs; and

WHEREAS, approximately 50% of the City's unleaded fueling quantity is being utilized by E-85 compatible vehicles in the fleet, a total of 472 vehicles (362 vehicles for Police and 110 non-Police vehicles) and by making the E-85 fuel available will

significantly and immediately improve our environmental sustainability and alternative fuel goals; and

WHEREAS, the Department of Public Works is currently transitioning additional vehicles from unleaded fuel to include more fuel efficient and alternative fuel vehicles, and is forecasting utilizing more E-85 fuel; and

WHEREAS, the Department of Public Works has determined that the increased usage of E-85 fuel will correlate with a significant decrease in the consumption of unleaded fuel; and

WHEREAS, the projected increased fuel consumption will substantially change the scope of the current contract and will require the Department of Public Works and the Procurement & Contract Compliance Department to analyze best practices in determining subsequent follow-up awards in order to maintain compliance with the City's Purchasing Ordinance; and

WHEREAS, Section 38.40(C)(8) of the Purchasing Ordinance provides that purchases of supplies or contractual services, when the City Commission declares by a 5/7 vote that competitive bidding and competitive proposals are not in the best interest of the City, are exempt from the competitive bid and competitive proposal requirements of the Purchasing Ordinance; and

WHEREAS, the City Commission declares that for the increased usage of E-85 fuel approved by this Resolution, competitive bidding and competitive proposals are not in the best interest of the City; and

WHEREAS, funding for the attached agreement is available in the FY 2018 Operating Budget and will be budgeted in future fiscal years in account number 57.5101.00102.590.005211, a total of 24 percent (\$128,400.00) of the cost and 57.5101.00102.590.015211, 76 percent (\$406,600.00) of the cost.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes the issuance, by the appropriate City officials, of the attached revised Blanket Purchase Order to Protec Fuel Management, LLC, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ISSUE THE ATTACHED AMENDED AGREEMENT WITH PROTEC FUEL MANAGEMENT, LLC TO PROVIDE E-85 FLEX-FUEL BY INCREASING THE ESTIMATED ANNUAL EXPENDITURE OF \$350,000.00 TO \$535,000.00 FOR THE REMAINDER OF THE CURRENT-TERM, AND AN INCREASE OF \$110,507.57 FOR THE PREVIOUS YEAR (2017).

Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY for the use and reliance  
of the City of Hollywood, Florida, only.

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DOUGLAS R. GONZALES, CITY ATTORNEY