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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY

Farrah Hussein  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 904427 C.M.S.

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO WESTERN STATES OIL COMPANY, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, A NON-LOCAL BUSINESS ENTERPRISE, FOR THE PURCHASE OF AUTOMOTIVE FUEL, IN AN AMOUNT NOT TO EXCEED FOUR MILLION DOLLARS (\$4,000,000) PER YEAR FOR A THREE (3) YEAR TERM, FROM OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2027, IN RESPONSE TO RFQ 295516 FUEL INCLUDING DIESEL AND GASOLINE 24-071-00, AND AUTHORIZING THE CITY ADMINISTRATOR TO EXTEND THE AGREEMENT, ANNUALLY, FOR AN ADDITIONAL TWO (2) YEARS, FROM OCTOBER 1, 2027 THROUGH SEPTEMBER 30, 2029, FOR A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF TWENTY MILLION DOLLARS (\$20,000,000) OVER A FIVE (5) YEAR TERM, WITHOUT RETURNING TO CITY COUNCIL**

**WHEREAS**, on August 16, 2024, the City issued a Request for Quote (RFQ) notice in accordance with the Oakland Municipal Code (OMC) 2.04.050. The notice was advertised in the local newspaper, published on the City's website and issued through Oracle Sourcing which also includes hundreds of registered vendors. A total of (16) business enterprises were identified and solicited directly; and

**WHEREAS**, on August 22, 2024, the City Clerk received two bids. One bid from Western States Oil Company and the other from Pinnacle Petroleum Incorporated, both non-local business enterprises. Based on the information provided in response to RFQ 295516 fuel including diesel and gasoline 24-071-00, Western States Oil Company was deemed to be the lowest responsive and responsible bidder; and

**WHEREAS**, funding for this fuel contract is available in the Equipment Services Fund 4100; Equipment Services Administration Organization 30541; Fuel 52888; Administrative Project 1000010; Fleet Management and Maintenance Program IN01. For future fiscal years, contractual financial provisions will be contingent upon the availability of funding; and

**WHEREAS**, OMC section 2.04.040 B 2. requires advertising and bidding where the cost of services, supplies, or combination for purchase orders or contracts required by the City exceeds fifty thousand dollars (\$50,000.00); and

**WHEREAS**, Ordinances No.13101 C.M.S., No.13640 C.M.S., and No.13647 C.M.S. require a minimum 50-percent (50%) Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation for all purchase of commodities, goods and associated services for contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified business listed in the industry, trade, or profession that constitutes a major category of work; and

**WHEREAS**, the City Council may waive the City's LBE/SLBE requirements for the purchase of commodities, goods, services, supplies, or combination thereof due to a lack or limited availability of SLBEs or LBEs pursuant to Part I of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S. The City created RFQ 295516 attempting to reach local and non-local vendors and only non-local vendors placed a bid: and

**WHEREAS**, the City Administrator may elect to extend all or part of this contract for an additional two-year period, one year at a time, with terms and conditions remaining the same in an amount not to exceed four million dollars per year, for a total not to exceed contract amount of twenty million dollars for a term of five years without returning to Council; now, therefore, be it

**RESOLVED:** That a contract be awarded to Western States Oil Company the lowest responsive and responsible bidder, a non-local business enterprise, for the purchase of automotive fuel, In an amount not to exceed four million dollars (\$4,000,000) per year for a three (3) year term, from October 1, 2024 through September 30, 2027, in response to RFQ 295516 Fuel Including Diesel and Gasoline 24-071-00; and be it

**FURTHER RESOLVED:** That the City Administrator may elect to extend all or part of this contract for an additional two-year period, one year at a time, from October 1, 2027, through September 30, 2029, with terms and conditions remaining the same in an amount not to exceed four million dollars (\$4,000,000) per year, for a total not to exceed contract amount of twenty million dollars (\$20,000,000) for a term of five (5) years without returning to Council; and be it

**FURTHER RESOLVED:** There is no minimum commitment to this contract, funds will not be committed beforehand unless funding is identified, and the contractor will have the right to accept or reject any proposed contract extension; and be it

**FURTHER RESOLVED:** That the City Council hereby rejects all other bids submitted in response to Specification No. 24-060-00/RFQ 295516; and be it

**FURTHER RESOLVED:** That the City Council hereby waives the City's LBE/SLBE requirements for the purchase of commodities, goods, services, supplies, or combination thereof due to a lack or limited availability of SLBEs or LBEs pursuant to Part I of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S.; and be it

**FURTHER RESOLVED:** That the contract shall be approved for form and legality by the City Attorney and copies shall be on file in the City Clerk's Office.

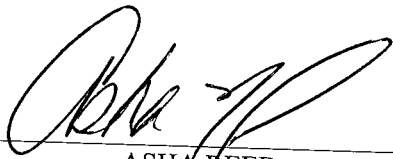
IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **OCT 1 - 2024**

AYES - ~~FIFE~~, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS - 7

NOES - 0  
ABSENT - 0  
ABSTENTION - 0

Excused - 1 Fife

ATTEST:   
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California