

RESOLUTION No. 2009-134-1079

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDING A FUEL CARD CONTRACT TO COMDATA NETWORK INC. IN AN AMOUNT NOT TO EXCEED THE ALLOCATED FLEET FUEL BUDGET; IN ACCORDANCE WITH THE STATE OF FLORIDA BID 973-163-06-1, INCLUDING ANY CONTRACT RENEWALS, PENDING BUDGET ALLOCATION AND APPROVAL; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is currently in the process of constructing a fuel facility to provide fuel to the City's fleet of vehicles, and

WHEREAS, the State of Florida competitively solicited fuel card services and awarded the contract 973-163-06-1 to Comdata Network Inc., through September 2010 with a five-year renewal option, and

WHEREAS, City staff is recommending that the City Council utilize the Comdata Network Inc. Contract for the purchase of fuel until the City's fuel facility has been constructed.

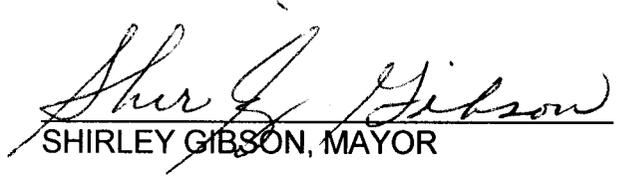
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AWARD: The City Council of the City of Miami Gardens hereby awards a fuel card contract to Comdata Network Inc. in an amount not to exceed the allocated fleet fuel budget, in accordance with State of Florida bid 973-163-06-1 and any contract renewals, pending budget allocation and approval.

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON JULY 8, 2009.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Councilman Gilbert
SECOND BY: Councilman Campbell

VOTE: 5-0

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Barbara Watson	<u> </u> (Yes)	<u> </u> (No) (out of town)
Councilman Melvin L. Bratton	<u> </u> (Yes)	<u> </u> (No) (out of town)
Councilman Aaron Campbell	<u> X </u> (Yes)	<u> </u> (No)
Councilman Oliver Gilbert, III	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> X </u> (Yes)	<u> </u> (No)
Councilman André Williams	<u> X </u> (Yes)	<u> </u> (No)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	July 8, 2009		Item Type:	Resolution	Ordinance	Other	
			<i>(Enter X in box)</i>	X			
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading	
	X			Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
			<i>(Enter X in box)</i>		X		
Funding Source:	General Fund - Fleet Services		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No	
						X	
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:	State of Florida 973-163-06-1			
	X						
Sponsor Name	City Manager Danny Crew		Department:	Fleet Management			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDING A FUEL CARD CONTRACT TO COMDATA CORPORATION IN AN AMOUNT NOT TO EXCEED THE ALLOCATED FLEET FUEL BUDGET; IN ACCORDANCE WITH THE STATE OF FLORIDA BID 973-163-06-1, INCLUDING ANY CONTRACT RENEWALS, PENDING BUDGET ALLOCATION AND APPROVAL; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

The City Council authorized URS Corporation to design and prepare construction documents for a fueling facility which will be located on the north side of the Miami Gardens Police Department building. Until the fuel facility is operating, the City's entire fleet uses fuel cards to procure fuel from commercial facilities.

Broward Sheriffs Office, acting as the lead agency for the Southeast Florida Governmental Cooperative, competitively solicited bids for fuel, diesel, and fuel cards. Wright Express through Mansfield Oil was awarded the contract for fuel cards until July 2009 with an option to renew for one year. The City participated in this solicitation. The Southeast Florida Governmental Cooperative pricing is based on OPIS with a 0.2563/gallon mark-up for regular gasoline and 0.2563/gallon mark-up for on road diesel. The City has elected not to renew this contract for the additional year.

The State of Florida also competitively solicited fuel card services and awarded the contract 973-163-06-1 to Comdata Corporation, located in Brentwood, TN through September 2010 with a five year renewal option. Prices are based on OPIS with a 0.1735/gallon mark-up for regular gasoline and 0.1302/gallon

mark-up for on road diesel. In accordance to the State of Florida contract 973-163-06-1 the City could realize an estimated savings of \$27,900.00 in one year.

Proposed Action:

That the City Council approve the attached resolution awarding the fuel card contract in accordance with the State of Florida bid 973-163-06-1 and any renewals, pending budget allocation and approval, to Comdata Corporation in an amount not to exceed the allocated fleet fuel budget.

Attachment:

Attachment A –State of Florida Agreement

**STATE OF FLORIDA
AGENCY AGREEMENT FOR ELIGIBLE USERS
ISSUED UNDER CONTRACT NO. 973-163-06-1
FOR THE STATE OF FLORIDA FUEL CARD SERVICE PROGRAM**

Definitions:

“Agreement” means: the Fuel Card Services Contract (973-163-06-1) by and between the **STATE OF FLORIDA DEPARTMENT OF MANAGEMENT SERVICES** (“Department”), TransMontaigne Product Services, Inc. (“TransMontaigne” or “Seller”), and Comdata Network, Inc., hereinafter collectively referred to as the “Parties” or “Contractor”, which incorporates Contact Amendments, the Department’s Invitation to Negotiate (“ITN”) No. 43-973-163-X and Comdata’s response to such ITN.

“Eligible Users” is defined in 60A-1.005, F.A.C. The following entities are eligible users:

1. All governmental agencies, as defined in Section 163.3164, F.S., which have a physical presence within the State of Florida;
2. Any independent, non-profit college or university that is located within the State of Florida and is accredited by the Southern Association of Colleges and Schools. *Specific Authority 287.042 (12) F.S. Law Implemented 287.012 (12) F.S. History – New 8-24-04.*

Section 287.056 of the Florida Statutes governs agencies’ use of the Contract. Others may seek Department approval under section 287.042(2)(a) as an eligible user of the Contract.

City of Miami Gardens

(Name of Eligible User)

113695944 85-8012884754C-6

(Federal/State Tax Identification Number)

Pam Thompson, 305-622-8031 – pthompson@miamigardens-fl.gov

(Name, Phone #, and e-mail of Fuel Card Program Administrator)

1515 NW 167th Street, Suite 200

(Billing Address)

Miami Gardens, FL 33169

(City, State and Zip Code)

All other capitalized terms used in this Addendum without definition have the meanings set for thin the Agreement.

Agreements of Contractors and Eligible User:

1. Eligible User represents that it is authorized by the laws of the State of Florida to enter into this Addendum and to become an Eligible User under the Agreement.
2. Eligible User hereby requests the services of Contractor described in the Agreement and agrees to perform all duties of an Eligible User under the Agreement, including, without limitation, payment of all charges on its account (s) within the time periods provided under the Agreement, payment of any fees provided in the Agreement (at the rates set for the in the Agreement), and cooperation with respect to providing all necessary information for the administration of the Agreement. Eligible User agrees to be bound by the terms and conditions of the Agreement, including, without limitation, rules for authorized and unauthorized use of cards, disputes of charges, reporting lost and stolen cards, and all other rules and provisions relating to use of Eligible Entity’s account.

3. The Fuel Card Administrator is authorized to order Cards and request "lock out" of lost or stolen cards.

4. Eligible user acknowledges that its failure to make timely payment in accordance with the terms of the Agreement and/or the Addendum may result in suspension or cancellation of the account(s). The undersigned represents and warrants that he/she is duly authorized to execute this Service Contract on behalf of the Eligible User and this Service Contract is the valid and binding obligation of the Eligible Entity, enforceable in accordance with its terms.

Name of Eligible User: _____
By (Authorized Signatory): _____

Print Name: Danny Crew

This Service Contract shall not become binding until Signed by all parties

COMDATA NETWORK, INC.

By: _____
Title: SVP.
Date: 7.28.08

TRANSMONTAIGNE PRODUCT SERVICES INC.

By: Randall J. Lanier
Title: CEO
Date: 8-3-2009