


AGENDA ITEM 5 D  
Consent Item

**MEMORANDUM**

**DATE:** June 4, 2009

**TO:** El Dorado County Transit Authority

**FROM:** Julie Petersen, Fiscal Administration Manager 

**SUBJECT:** Resolution to establish fuel as exempt from competitive bidding and approve Blanket Purchase Orders for said fuel, for fiscal year 2009/10

**REQUESTED ACTION:**  
**BY MOTION,**

1. Adopt Resolution No. 09-15 Identifying Fuel as Exempt from Competitive Bidding and Authorize the Executive Director to Procure Fuel from Outside Vendors.
2. Approve Blanket Purchase Order No. B15024 issued to Dawson Oil Company in the amount of \$558,340. Purchase Order No. B15038 issued to Hunt & Sons, Inc. in the amount of \$34,000. and Purchase Order No. B15049 issued to Ramos Oil Company in the amount of \$3,000. for fiscal year 2009/10.

**BACKGROUND**

El Dorado Transit purchasing procedures allow an exemption to competitive bidding per the following approved El Dorado Transit Purchasing Procedures:

**“3.12.132 Exemptions from competitive bidding.**

- A. Notwithstanding the provision of Section 3.12.130 herein, competitive bidding need not be required when the Purchasing Agent determines: 1) competitive bidding would not be in the public interest because of emergency, or: 2) the unique nature of the property or service required precludes competitive bidding, or: 3) competitive bidding would produce no economic benefit to the agency.
- B. The exemption provided by subsection (A) herein shall apply only to the purchase of such items listed below or that have been identified by resolution of the El Dorado Transit Board of Directors.”

**DISCUSSION**

The El Dorado County Transit Authority (El Dorado Transit) operates a fleet of sixty (60) vehicles and purchases green low sulfur diesel and unleaded gasoline from three (3) commercial cardlock fuel vendors.

The El Dorado Transit fleet consumes approximately 9,905 gallons of unleaded gasoline and 8,024 gallons of green low sulfur diesel per month. Transit Drivers and maintenance personnel fuel vehicles during the hours of 5:00 AM and 7:30 PM Monday through Friday and 8:00 AM and 5:00 PM each weekend. Additional fueling is necessary during special shuttle services – Fair Shuttle, and the Apple Hill Shuttle.

All vendors provide a pricing structure to El Dorado Transit for a set amount above their cost. This is typical of commercial/retail fuel vendors. Daily prices are based on the market but do not allow the vendors to provide a set price as if they were delivering to an El Dorado Transit fuel tank on a specific day. El Dorado Transit buys fuel daily and this daily price fluctuation does not conform to the approved El Dorado Transit Purchasing Procedures therefore, the El Dorado Transit board has allowed an exemption from competitive bidding on fuel since 2000.

Due to the unique nature of retail fuel delivery it is recommended that fuel procurement be identified as exempt from competitive bidding. Card lock retail fuel delivery does not lend itself well to competitive bidding because the pricing fluctuates daily according to market rates.

El Dorado Transit Purchasing Procedures and the Joint Exercise of Powers Agreement establishing El Dorado Transit require Board approval for Purchase Orders over \$25,000 and Purchase Requisitions over \$5,000.

The Executive Director certifies that these purchases are processed within approved Purchasing Procedures and are included within the preliminary approved operating budget for Fiscal Year 2009/10.

### **FISCAL IMPACT**

Operating revenues and expenses are included in the proposed final budget submitted for approval in Item 6A of the June 4, 2009 agenda. Purchase Order amounts are within budget line item amounts as presented.

**EL DORADO COUNTY TRANSIT AUTHORITY**  
**RESOLUTION NO. 09-15**  
RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL DORADO COUNTY TRANSIT  
AUTHORITY IDENTIFYING FUEL AS EXEMPT FROM COMPETITIVE BIDDING AND  
AUTHORIZE THE EXECUTIVE DIRECTOR TO PROCURE FUEL

**WHEREAS**, El Dorado County Transit Authority (EDCTA) purchases ultra-low sulfur diesel and unleaded gasoline for fleet vehicles; and

**WHEREAS**, EDCTA currently purchases fuel from three (3) commercial cardlock vendors; and

**WHEREAS**, the EDCTA purchase of all fuel from one vendor is not practical due to the proximity of fuel facility and the availability of differing types of fuel; and

**WHEREAS**, cardlock type retail fuel vendor pricing fluctuate daily which does not lend itself to the EDCTA purchasing procedures; and

**WHEREAS**, EDCTA has received structured price quotes from all vendors; and

**WHEREAS**, Purchasing Procedures Section 3.12.132 Exemptions from competitive bidding allow for exemption from competitive bidding by resolution when the unique nature of the property does not lend itself to bidding; and

**NOW THEREFORE, BE IT RESOLVED**; that:

1. The purchase of fuel is considered unique in nature due to the fluctuation in price and is hereby declared exempt from competitive bidding.
2. The Executive Director is authorized to purchase fuel from outside vendors.

**PASSED AND ADOPTED**, this 4th day of June 2009.

AYES:

NOES:

ABSTAIN:

ABSENT:

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Patty Borelli, EDCTA Chair

ATTEST:

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Barbara McDonald, Secretary to the EDCTA Board

**EL DORADO COUNTY TRANSIT AUTHORITY  
6565 COMMERCE WAY  
DIAMOND SPRINGS, CA 95619-9454  
(530) 642-5383**

**PURCHASE ORDER NO. B15024**

THIS NUMBER MUST APPEAR ON ALL INVOICES,  
PACKING LISTS, PACKAGES, AND BILLS OF LADING.

**DATE: 07/01/09**

ACCOUNT: 5040.01      CLASS: 110  
                  5040.80      CLASS: 100

TO: DAWSON OIL COMPANY  
PO BOX 360  
ROCKLIN, CA 95619

SHIP & INVOICE TO:  
**EL DORADO COUNTY TRANSIT AUTHORITY  
6565 COMMERCE WAY  
DIAMOND SPRINGS, CA 95619-9454**

Contact:

Vendor Phone No: 530-642-2681

FAX No:

| PROMISED DELIVERY DATE  |      | TERMS: NET 10   |              |                                   |
|---|------|---|--------------|-----------------------------------|
|   |      | F.O.B. DESTINATION  |              |                                   |
| QTY   | UNIT | DESCRIPTION   | UNIT PRICE   | EXTENDED TOTAL                    |
|   |      | FUEL PURCHASES FOR TRANSIT FLEET<br>VEHICLES FOR FISCAL YEAR 07/01/09<br>THROUGH 06/30/10 |              | NOT TO<br>EXCEED:<br>\$558,340.00 |
| I hereby certify that this purchase order is in accordance<br>with procedures in the purchase manual governing of such<br>items for El Dorado County Transit Authority. |      |   | SUBTOTAL     | \$558,340.00                      |
|   |      |   | SHIPPING     |                                   |
|   |      |   | SALES TAX    |                                   |
|   |      |   | <b>TOTAL</b> | NTE:<br>\$558,340.00              |
| <b>PURCHASING AGENT</b>   |      |   |              |                                   |

**PLEASE NOTE CONDITIONS ON REVERSE SIDE**

"This Purchase Order expressly limits acceptance to the terms and conditions stated herein, set forth on the reverse side and any supplementary or additional terms and conditions annexed hereto or incorporated herein by reference. Any additional or different terms and conditions proposed by seller are objected to and hereby rejected."

Circle Distributing: Vendor - Accounting - Requestor - Purchasing

**EL DORADO COUNTY TRANSIT AUTHORITY  
6565 COMMERCE WAY  
DIAMOND SPRINGS, CA 95619-9454  
(530) 642-5383**

**PURCHASE ORDER NO. B15038**

THIS NUMBER MUST APPEAR ON ALL INVOICES,  
PACKING LISTS, PACKAGES, AND BILLS OF LADING.

**DATE: 07/01/09**

ACCOUNT: 5040.01      CLASS: 110  
ACCOUNT: 5040.80      CLASS: 100

TO: HUNT & SONS  
P.O. BOX 277670  
SACRAMENTO, CA 95827-7670

SHIP & INVOICE TO:  
**EL DORADO COUNTY TRANSIT AUTHORITY  
6565 COMMERCE WAY  
DIAMOND SPRINGS, CA 95619-9454**

Contact:

Vendor Phone No: 530-642-2681

FAX No:

| PROMISED DELIVERY DATE  |      | TERMS: NET 15   |              |                            |
|---|------|---|--------------|----------------------------|
|   |      | F.O.B. DESTINATION  |              |                            |
| QTY   | UNIT | DESCRIPTION   | UNIT PRICE   | EXTENDED TOTAL             |
|   |      | FUEL PURCHASES FOR TRANSIT FLEET VEHICLES FOR FISCAL YEAR 07/01/09 THROUGH 06/30/10 |              | NOT TO EXCEED: \$34,000.00 |
| I hereby certify that this purchase order is in accordance with procedures in the purchase manual governing of such items for El Dorado County Transit Authority. |      |   | SUBTOTAL     | \$34,000.00                |
|   |      |   | SHIPPING     |                            |
|   |      |   | SALES TAX    |                            |
|   |      |   | <b>TOTAL</b> | NTE:<br>\$34,000.00        |
| <b>PURCHASING AGENT</b>   |      |   |              |                            |

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Circle Distributing: Vendor - Accounting - Requestor - Purchasing

**EL DORADO COUNTY TRANSIT AUTHORITY  
6565 COMMERCE WAY  
DIAMOND SPRINGS, CA 95619-9454  
(530) 642-5383**

**PURCHASE ORDER NO. B15049**

THIS NUMBER MUST APPEAR ON ALL INVOICES,  
PACKING LISTS, PACKAGES, AND BILLS OF LADING.

**DATE: 07/01/09**

ACCOUNT: 5040.01      CLASS: 110  
                  5040.80      CLASS: 100

TO: RAMOS OIL COMPANY  
PO BOX 401  
1515 SOUTH RIVER ROAD  
WEST. SACRAMENTO, CA 95691

SHIP & INVOICE TO:  
**EL DORADO COUNTY TRANSIT AUTHORITY  
6565 COMMERCE WAY  
DIAMOND SPRINGS, CA 95619-9454**

Contact:

Vendor Phone No: 916-371-2570

FAX No: 916-371-0635

| PROMISED DELIVERY DATE  |      | TERMS: NET 15   |              |                                 |
|---|------|---|--------------|---------------------------------|
|   |      | F.O.B. DESTINATION  |              |                                 |
| QTY   | UNIT | DESCRIPTION   | UNIT PRICE   | EXTENDED TOTAL                  |
|   |      | FUEL PURCHASES FOR TRANSIT FLEET<br>VEHICLES FOR FISCAL YEAR 07/01/09<br>THROUGH 06/30/10 |              | NOT TO<br>EXCEED:<br>\$3,000.00 |
| I hereby certify that this purchase order is in accordance<br>with procedures in the purchase manual governing of such<br>items for El Dorado County Transit Authority. |      |   | SUBTOTAL     | \$3,000.00                      |
|   |      |   | SHIPPING     |                                 |
|   |      |   | SALES TAX    |                                 |
|   |      |   | <b>TOTAL</b> | NTE:<br>\$3,000.00              |
| <b>PURCHASING AGENT</b>   |      |   |              |                                 |

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