



BOARD OF SUPERVISORS AGENDA ITEM REPORT
AWARDS / CONTRACTS / GRANTS

Award Contract Grant

Requested Board Meeting Date: June 20, 2023

or Procurement Director Award: []

* = Mandatory, information must be provided

*Contractor/Vendor Name/Grantor (DBA):

Senergy Petroleum, LLC

*Project Title/Description:

Gasoline, Diesel, and Diesel Exhaust Fluid (DEF)

*Purpose:

Amendment of Award: Master Agreement No. MA-PO-18-349, Amendment No. 06. This Amendment extends the termination date by five (5) months with a new termination date of 12/31/2023, and appends the Force Labor of Ethnic Uyghurs provision to the contract, pursuant to A.R.S. § 35-394. Administering Department: Fleet Services.

*Procurement Method:

Pursuant to Pima County Procurement Code 11.24.010, Cooperative procurement authorized, on 07/03/18, the Board of Supervisors approved an award of contract for an initial term of one (1) year and a shared annual award amount of \$6,008,000.00 with four (4) one-year renewal options. This contract was awarded to multiple contractors, MA-PO-18-348 (Western Refining Wholesale, Inc.), MA-PO-18-349 (Senergy Petroleum, LLC), and MA-PO-18-350 (The Soco Group, Inc.). This award included the authority for the Procurement Director to reallocate the award amounts among the contracts considering actual usage and anticipated requirements without further action by the Board of Supervisors, provided that the sum of the revised contract amounts does not exceed the shared award amount per year.

On 08/21/2018, the Procurement Director approved Amendment No. 1 for MA-PO-18-348 to add an affiliate vendor Western Refining Southwest Inc, dba Firebird Fuel, whose services were needed to fill the County's fuel trucks. \$100,000.00 was transferred from Western Refining Wholesale Inc. to Western Refining Southwest Inc.

On 07/10/2019, the Procurement Director approved Amendment No. 2 for MA-PO-18-348 and Amendment No. 1 for MA-PO-18-349 and MA-PO-18-350, which extended the termination date to 07/02/2020 and added a partial annual award amount of \$3,504,000.00 for a cumulative not-to-exceed contract amount of \$9,512,000.00. Three (3) renewal options remained.

On 09/10/2019, the Procurement Officer processed Amendment No. 2 for MA-PO-18-350. The SoCo Group, Inc. was bought out and was no longer doing business in Arizona. There was not an Assignment-Delegation to the new owners due to terms and conditions in the purchase and sale agreement. The remaining NTE of \$7,752.44 was transferred to MA-PO-18-349 for a cumulative not-to-exceed contract amount of \$1,110,252.44.

On 03/13/2020, the Procurement Director approved Amendment No. 2 for MA-PO-18-349, which processed a vendor record change. The seller allowed the buyer to retain the same name Senergy Petroleum, LLC, with a new Tax ID number. \$219,362.49 was used under the old vendor record. The cumulative not-to-exceed contract amount for the new vendor record was \$890,889.95.

On 06/24/2020, the Procurement Director approved Amendment No. 3, for MA-PO-18-348 and MA-PO-18-349, which extended the termination date to 07/02/2021 and added a partial annual award amount of \$3,200,000.00 for a cumulative not-to-exceed contract amount of \$12,712,000.00. Two (2) renewal options remained.

On 02/18/2021, the Procurement Director approved Amendment No. 04 for MA-PO-18-348, which discontinued Western Refining Southwest Inc. dba Firebird Fuel and added a new vendor, Flyers Energy, LLC., which acquired Western Refining Southwest, Inc. dba Firebird Fuel on 12/03/2020.

On 07/07/2021, the Procurement Director approved Amendment No. 5 for MA-PO-18-348 and Amendment No. 4 for MA-PO-18-349, which extended the termination date to 07/02/2022 and moved \$4,450,269.87 from Western Refining Wholesale, Inc., to Senergy Petroleum, LLC. No additional funding was added, and the contract not-to-exceed amount remained at \$12,712,000.00. One (1) renewal option remained.

On 07/18/2022, the Procurement Director approved Amendment No. 6 for MA-PO-18-348 and Amendment No. 5 for MA-PO-18-349, which extended the termination date to 07/02/2023 and added a partial annual award amount of \$3,200,000.00 for a cumulative not-to-exceed contract amount of \$12,712,000.00. Zero (0) renewal options remained.

On 11/04/2022, the Procurement Director approved Amendment No. 7 for MA-PO-18-348, which changed Western Refining Wholesale, Inc., to Flyers Energy, LLC, which acquired Western Refining Wholesale, Inc., and appends the Forced Labor of Ethnic Uyghurs

TO: COB 6/1/2023
3 pages VERSION 21

provision to the contract, pursuant to A.R.S. § 35-394.

PRCID: 303316

Attachment: Master Agreement

***Program Goals/Predicted Outcomes:**

To provide Pima County Fleet Services with the purchase and delivery of automotive fuels and exhaust additives.

***Public Benefit:**

Cost-effective purchase and supply of gasoline and diesel for County vehicles and equipment to perform operational administrative transportation functions, and keep fuel stations supplied in case of emergencies.

***Metrics Available to Measure Performance:**

Verify pricing using OPIS daily rates in addition to the discounts provided by fuel contractors. Measure the timeframe from ordering fuel to delivery of the fuel at each County Station.

***Retroactive:**

No

THE APPLICABLE SECTION(S) BELOW MUST BE COMPLETED

Click or tap the boxes to enter text. If not applicable, indicate "N/A". Make sure to complete mandatory (*) fields

Contract / Award Information

Document Type: _____ Department Code: _____ Contract Number (i.e., 15-123): _____
Commencement Date: _____ Termination Date: _____ Prior Contract Number (Synergen/CMS): _____
Expense Amount \$ _____ * Revenue Amount: \$ _____

*Funding Source(s) required: _____

Funding from General Fund? Yes No If Yes \$ _____ % _____

Contract is fully or partially funded with Federal Funds? Yes No

If Yes, is the Contract to a vendor or subrecipient? _____

Were insurance or indemnity clauses modified? Yes No

If Yes, attach Risk's approval.

Vendor is using a Social Security Number? Yes No

If Yes, attach the required form per Administrative Procedure 22-10.

Amendment / Revised Award Information

Document Type: MA Department Code: PO Contract Number (i.e., 15-123): 18-349

Amendment No.: 6 AMS Version No.: 21

Commencement Date: 07/03/2023 New Termination Date: 12/31/2023

Prior Contract No. (Synergen/CMS): n/a

Expense Revenue Increase Decrease

Amount This Amendment: \$ n/a

Is there revenue included? Yes No If Yes \$ n/a

*Funding Source(s) required: Fleet Services Operations

Funding from General Fund? Yes No If Yes \$ n/a % n/a

Grant/Amendment Information (for grants acceptance and awards) Award Amendment

Document Type: _____ Department Code: _____ Grant Number (i.e., 15-123): _____

Commencement Date: _____ Termination Date: _____ Amendment Number: _____

Match Amount: \$ _____ Revenue Amount: \$ _____

*All Funding Source(s) required: _____

*Match funding from General Fund? Yes No If Yes \$ _____ % _____

*Match funding from other sources? Yes No If Yes \$ _____ % _____

*Funding Source: _____

*If Federal funds are received, is funding coming directly from the Federal government or passed through other organization(s)?

Contact: Procurement Officer: Maria Julia Canizales Division Manager: Ana Wilber

Department: Procurement Director: Terri Spencer Telephone: (520) 724-8167

Department Director Signature: Ray Ochotorena Date: _____

Deputy County Administrator Signature: _____ Date: 6-1-2023

County Administrator Signature: _____ Date: 6/1/2023



MASTER AGREEMENT

PIMA COUNTY, ARIZONA

**THIS IS NOT AN ORDER - TRANSMISSION CONSTITUTES
CONTRACT EXECUTION**

Master Agreement No: 1800000000000000349

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Description: Gasoline, Diesel and Diesel Exhaust Fluid (DEF)

I S S U E R	<p>Pima County Procurement Department 150 W. Congress St. 5th Fl Tucson AZ 85701</p> <p>Issued By: MARIA CANIZALES Phone: 5207248167 Email: maria.canizales@pima.gov</p>
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T E R M S	<p>Initiation Date: 07-03-2022 Expiration Date: 12-31-2023</p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td style="padding: 2px;">NTE Amount:</td> <td style="padding: 2px;">\$12,266,481.55</td> </tr> <tr> <td style="padding: 2px;">Used Amount:</td> <td style="padding: 2px;">\$8,613,296.99</td> </tr> </table>	NTE Amount:	\$12,266,481.55	Used Amount:	\$8,613,296.99
NTE Amount:	\$12,266,481.55				
Used Amount:	\$8,613,296.99				

V E N D O R	<p>Senergy Petroleum LLC 622 South 56th Avenue Phoenix AZ 85043</p>	<p>Contact: Carlos Zubiarte Phone: 480-733-4244 Email: carlos.zubiarte@gosenergy.com Terms: 0.00 % Days: 30</p>
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<p>Shipping Method: Vendor Method</p> <p>Delivery Type:</p> <p>FOB: FOB Dest, Freight Prepaid</p>	<p>Modification Reason</p> <p>Amendment No. 06. This Amendment extends the termination date by five (5) months with a new termination date of 12/31/2023 and appends the Force Labor of Ethnic Uyghurs provision to the contract, pursuant to A.R.S. § 35-394, if Contractor engages in for-profit activity and has 10 or more employees, Contractor certifies it is not currently using and agrees for the duration of this Contract to not use (1) the forced labor of ethnic Uyghurs in the People's Republic of China; (2) any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China; and (3) any contractors, subcontractors or suppliers that use the forced labor or any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China. If Contractor becomes aware during the term of the Contract that the Company is not in compliance with A.R.S. § 35-394, Contractor must notify the County within five business days and provide a written certification to County regarding compliance within one hundred eighty days.</p>
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This Master Agreement incorporates the attached documents, and by reference all instructions, Standard Terms and Conditions, Special Terms and Conditions, and requirements that are included in or referenced by the solicitation documents used to establish this agreement. All transactions and conduct are required to conform to these documents.



MASTER AGREEMENT DETAILS

Master Agreement No: 1800000000000000349

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Line	Description					
1	Unleaded discount off (0.0412) per gallon Mission					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
2	Unleaded discount off (0.0301) per gallon Congress					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
3	Unleaded discount off (0.0403) per gallon Houghton					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
4	Unleaded discount off (0.0195) per gallon Dodge					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
5	Unleaded discount off (0.0397) per gallon Ajo Way					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
6	Unleaded discount off (0.0225) per gallon Ina					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
7	Unleaded discount off (0.0200) per gallon La Canada					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
8	Unleaded discount off (0.0192) per gallon Sanders					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
9	Unleaded additional price of 0.0250 per gallon Ajo AZ					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
10	Unleaded additional price of 0.2000 per gallon A7 Ranch					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
11	Unleaded additional price of 0.0750 per Bulk Plant Load					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
12	Diesel discount off (0.0445) per gallon Mission					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
13	Diesel discount off (0.0575) per gallon Houghton					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
14	Diesel discount off (0.0465) per gallon Dodge					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
15	Diesel discount off (0.0305) per gallon Ina					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
16	Diesel discount off (0.0150) per gallon Sanders					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
17	Diesel additional price of 0.1600 per gallon Stadium Distric					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
18	Diesel additional price of 0.1550 per gallon A7 Ranch					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			
19	Diesel additional price of 0.055 per Bulk Plant Load					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			



MASTER AGREEMENT DETAILS

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Line	Description					
20	Diesel Exhaust Fluid (DEF)					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$3.14			
21	Free Form Line					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %		\$0.00			
22	Diesel additional price of 0.0305 per gallon Ajo AZ					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	GAL	\$0.00			