

CONTRACT

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THIS CONTRACT is made and entered, in duplicate, as of January 1, 2015 for reference purposes only, pursuant to Resolution No. RES-14-0119, adopted by the City Council of the City of Long Beach at its meeting on December 16, 2014, by and between THE BOLDER GROUP, INC. ("Contractor"), a California corporation, located at 227 Marina Drive, Long Beach, California 90803 and the CITY OF LONG BEACH ("City"), a municipal corporation.

WHEREAS, City did by Resolution No. RES-14-0119 determine that the City's need to purchase marine fuel and related supplies could only be met by Contractor and, by reason of the foregoing, no useful purpose would be served by advertising for bids to purchase such marine fuel and related supplies;

NOW, THEREFORE, in consideration of the mutual terms and conditions contained herein, the parties agree as follows:

1. Contractor shall sell, furnish and deliver to City marine fuel and related supplies as authorized by Resolution No. RES-14-0119.

2. City shall pay Contractor in due course of payments for the marine fuel and related supplies a sum not to exceed \$150,000, plus a 10 percent (10%) contingency for a total amount of \$165,000 annually, including tax with the option to renew for three (3) additional one-year periods, at the discretion of the City Manager.

3. The term of this Contract shall commence at midnight on January 1, 2015, and shall terminate on December 31, 2015. The parties may, by mutual agreement, extend the term for three (3) additional periods of one (1) year each.

4. Neither this Contract nor any of the moneys that may become due Contractor hereunder may be assigned without the prior written consent of City.

5. Any notices required hereunder or desired to be given by either party shall be in writing and personally delivered or deposited in the U.S. Postal Service, first class postage prepaid, addressed to Contractor at the address stated herein, and to City

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 at 333 West Ocean Boulevard, Long Beach, California 90802 Attn: City Manager. Notice
2 shall be deemed given on the date personal delivery is made or on the date of deposit in
3 the mail, whichever first occurs.

4 6. City shall have the benefit of any warranty from the manufacturer on
5 the marine fuel and related supplies supplied and Contractor warrants that the marine fuel
6 and related supplies are in good working order and free from defect at the time of delivery.

7 IN WITNESS WHEREOF, the parties have signed this document with all the
8 formalities required by law as of the date first stated above.

9 THE BOLDER GROUP, INC., a California
10 corporation

11 JAN 21, 2015

By [Signature]

KENNETH W. WALKER

12 By [Signature] (Type or Print Name)
13

14 JAN 21, 2015

15 D'Arcy K MAILLY
16 (Type or Print Name)

17 "Contractor"

18 CITY OF LONG BEACH, a municipal
19 corporation

20 February 3, 2015

21 By [Signature]
22 City Manager

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

23 "City"

Assistant City Manager

24 This Contract is approved as to form on January 26, 2015.

25 CHARLES PARKIN, City Attorney

26 By [Signature]
27 Deputy
28

OFFICE OF THE CITY ATTORNEY
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Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-14-0119

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AUTHORIZING THE CITY
5 MANAGER TO EXECUTE A CONTRACT WITH THE
6 BOLDER GROUP, INC., WITHOUT ADVERTISING FOR
7 BIDS, FOR FURNISHING AND DELIVERING MARINE
8 FUEL FOR A PERIOD OF ONE YEAR WITH THE OPTION
9 TO RENEW FOR THREE ADDITIONAL ONE-YEAR
10 PERIODS IN AN ANNUAL AMOUNT NOT TO EXCEED
11 \$150,000

12
13 WHEREAS, the recent addition of grant-funded marine vessels has
14 increased the size of the City's fleet and caused the cost of supplying said fleet Marine
15 Fuel to exceed \$100,000 per year; and

16 WHEREAS, The Bolder Group, Inc. is currently under Lease Agreement
17 No. 28350 with the Department of Parks, Recreation and Marine to manage the fuel docs
18 at Alamitos Bay and Shoreline Marina; and

19 WHEREAS, The Bolder Group, Inc. provides marine fuel to the public and
20 manages the docks owned by the City; and

21 WHEREAS, it would not be economically beneficial to the City of Long
22 Beach to divide the fuel tanks located at the docks between the public and City users;
23 and

24 WHEREAS, therefore, the Department of Financial Management would like
25 to enter into an annual contract to purchase marine fuel from The Bolder Group, Inc. to
26 simplify fuel delivery and management of fuel operations at the fuel docks;

27 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
28 follows:

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CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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Section 1. The City Manager is hereby authorized to enter into a contract, without advertising for bids, with The Bolder Group, Inc. for the purchase of marine fuel as may be required by the City for a period of one (1) year in an annual amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000) and an additional 10 percent (10%) contingency in the amount of Fifteen Thousand Dollars (\$15,000) for a total annual amount not to exceed \$165,000. The parties may, by mutual agreement, extend the term for three (3) additional periods of one (1) year each.

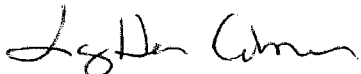
Section 2. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of December 16, 2014 by the following vote:

Ayes: Councilmembers: Gonzalez, Price, Mungo, Andrews,
Uranga, Austin.

Noes: Councilmembers: None.

Absent: Councilmembers: Lowenthal, Richardson.



City Clerk