

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS

BOARD ACTION SUMMARY

DEPT: General Services Agency

BOARD AGENDA:6.B.12  
AGENDA DATE: July 31, 2018

**SUBJECT:**

Approval of Amendment No. 1 to the Restated and Renewed Independent Contractor Services Agreement with Stan Boyett & Son, Inc., for Fuel Card Services

**BOARD ACTION AS FOLLOWS:**

**RESOLUTION NO. 2018-0392**

On motion of Supervisor Chiesa \_\_\_\_\_, Seconded by Supervisor Withrow \_\_\_\_\_

and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, and Chairman DeMartini \_\_\_\_\_

Noes: Supervisors: None \_\_\_\_\_

Excused or Absent: Supervisors: Olsen \_\_\_\_\_

Abstaining: Supervisor: None \_\_\_\_\_

1) \_\_\_\_\_ Approved as recommended

2) \_\_\_\_\_ Denied

3) X \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

**MOTION:** Approved Staff Recommendations Nos. 1-2, and **amended** the item to correct the term of Amendment No. 1 to the Restated and Renewed Independent Contractor Services Agreement with Stan Boyett & Son, Inc., to a five year term (not a two year term)

This Item was removed from the consent calendar for discussion and consideration.



ATTEST:

ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: General Services Agency

BOARD AGENDA:6.B.12  
AGENDA DATE: July 31, 2018

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

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**SUBJECT:**

Approval of Amendment No. 1 to the Restated and Renewed Independent Contractor Services Agreement with Stan Boyett & Son, Inc., for Fuel Card Services

**STAFF RECOMMENDATION:**

1. Approve Amendment No.1 to the Restated and Renewed Independent Contractor Services Agreement with Stan Boyett & Son, Inc., for Fuel Card Services to adjust the not-to-exceed contract amount from \$3,200,000 to \$4,600,000.
2. Authorize the Purchasing Agent to sign the Agreement identified above, and any subsequent amendments to the Agreements on behalf of the County.

**DISCUSSION:**

The General Services Agency (GSA) maintains countywide agreements for a variety of goods and services. By combining the needs of multiple County departments, GSA is able to obtain lower pricing than would otherwise be possible. Among these agreements is the Restated and Renewed Independent Contractor Services Agreement No. 31582 (Agreement), with Stan Boyett & Son, Inc., (Boyett), for the provision of discounted fuel card-lock services. GSA oversees the fuel card-lock program that includes 758 fuel cards across all county departments.

The Board of Supervisors approved the original Agreement with Boyett for fuel card services on November 25, 2014. This Agreement provided services at discounted rates as established by the competitive Request for Proposals (RFP) process under RFP No. 0809-21 issued by the City of Modesto, and the resultant agreement approved by the City Council on October 28, 2014. Such agreements are commonly referred to as "piggyback" agreements, and are permissible under Government Code § 6502 and § 6508.2 which allow public agencies to jointly exercise any power common to the contracting parties (Tucker Land Co. v. State of California (2001) 94 Cal. App. 4<sup>th</sup> 1191).

On April 24, 2018, the Board approved the current Restated and Renewed Independent Contractor Services Agreement, which adjusted the Agreement's original \$1,900,000 not-to-exceed contract amount for the initial term to \$3,200,000 for the five-year term, and extended the Agreement's termination date to be co-terminous with that of the City of Modesto's agreement.

When the agreement was initially executed in 2014, the County's fleet consisted of 1,077 vehicles, travelling a combined total of approximately 6.1 million miles in Fiscal

Year 2014-2015. In contrast, the County currently has 1,203 fleet vehicles, which travelled approximately 7.4 million miles in Fiscal Year 2017-2018. These figures represent a 12% increase in fleet size and 22% increase in miles driven since the fuel agreement was established in 2014. During the same period the County's fuel purchases have also increased 22% from approximately 309,000 gallons per year to 376,000 gallons per year, with law enforcement activities accounting for 73% of the total usage.

Staff have completed an analysis of actual fuel card service costs over the previous five years, and given the increase in county vehicles on the road providing essential core services, the moderate increases in fuel costs year over year, and the increase in total miles driven annually, GSA recommends the Board of Supervisors approve an adjustment to the not-to-exceed contract amount from \$3,200,000 to \$4,600,000 for fuel card services over the five-year term. GSA has begun preparing the competitive RFP process for a new five-year agreement in advance of the current agreement expiration in late 2019.

**POLICY ISSUE:**

The County's purchasing policy requires Board of Supervisors approval for contracts exceeding \$100,000, based upon California Government Codes § 25212, et seq, and §25502.5, et seq, which establish the powers of the Board of Supervisors and the Purchasing Agent.

**FISCAL IMPACT:**

Based on current usage trends and departmental budgets, GSA-Purchasing anticipates approximately \$4,600,000 will be spent during the entire five-year term of the Agreement from November 24, 2014 through October 6, 2019. Appropriations for departmental use of the Agreement are requested at the departmental level and therefore, no increase in appropriations is being requested as part of the Amendment. GSA - Fleet Services oversees the Boyett contract and will review usage and budget appropriations as part of the Mid-Year Budget Review process.

**BOARD OF SUPERVISORS' PRIORITY:**

The recommended actions are consistent with the Boards' priority of *Delivering Efficient Public Services* by providing cost-efficient contracted fuel services to County departments.

**STAFFING IMPACT:**

Existing General Services Agency staff will manage the continuing agreement.

**CONTACT PERSON:**

Keith D. Boggs, GSA Agency Director/Purchasing Agent (209) 652-1514  
Brad Diemer, Purchasing Manager (209) 525-6319

**ATTACHMENT(S):**

1. Stan Boyett & Sons, Inc. - Amendment 1

**AMENDMENT NO. 1 TO THE RESTATED AND RENEWED AGREEMENT  
FOR INDEPENDENT CONTRACTOR SERVICES**

This Amendment No.1 to the Agreement for Independent Contractor Services ("Amendment No. 1") by and between the County of Stanislaus ("County") and Stan Boyett & Son, Inc., ("Contractor") as of April 24, 2018 and entered into on July 31, 2018.

WHEREAS, the County and Contractor entered into a Restated and Renewed Agreement for Independent Contractor Services dated April 24, 2018, ("the Agreement"); and

WHEREAS, Paragraph 17 of the Agreement provides for the Agreement to be amended, modified, changed, added or subtracted from by mutual consent of both parties; and

WHEREAS, the County has a need to increase the not to exceed amount to pay the Contractor for increasing use of services during the term of the Agreement;

NOW THEREFORE, the parties hereby agree to amend the Agreement as follows:

1. Paragraph 3 of Section B (Compensation) of Exhibit A to the Agreement is amended to read:

"The parties hereto acknowledge the maximum amount to be paid by the County for services provided hereunder during the five (5) year term shall not exceed \$4,600,000.00 including, without limitation, the cost of any subcontractors, consultants, experts or investigators retained by the Contractor to perform or to assist in the performance of its work under this Agreement."

2. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this First Amendment effective as of the 31<sup>st</sup> day of July, 2018.

**COUNTY OF STANISLAUS**

By:   
Keith D. Boggs, Assistant Executive Officer,  
GSA Director/Purchasing Agent

"County"

**STAN BOYETT & SON, INC.**

By:   
Kathleen H. Hollowell

"Contractor"

APPROVED AS TO CONTENT:  
General Services Agency, Fleet Services Division

By:   
Steven DeMass, Fleet Manager

APPROVED AS TO FORM:  
John P. Doering, County Counsel

By:   
Thomas E. Boze, Assistant County Counsel