

STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

**RENEWAL OF AGREEMENT FOR BULK FUEL
 BETWEEN FIKES WHOLESALE INC. AND FORT BEND COUNTY
 PURSUANT TO RFP 22-001
 FY 2023 - 2024**

THIS RENEWAL OF AGREEMENT FOR BULK FUEL (“RENEWAL,”) is made and entered into by and between **Fort Bend County**, (hereinafter “County”), a body corporate and politic under the laws of the State of Texas, and **Fikes Wholesale Inc.** (hereinafter “Contractor”), a company authorized to conduct business in the State of Texas, hereinafter collectively referred to as the “Parties.”

WITNESSETH

WHEREAS, on or about September 22, 2021, the Parties previously executed the Agreement for Bulk Fuel Pursuant to RFP 22-001, which was amended and renewed on or about January 25, 2022, and last amended and renewed on September 19, 2022, all of which are incorporated by reference; and

WHEREAS, the Parties now desire to increase the pricing of the Services, and to renew the Agreement for an additional term under the same terms and conditions as the most recently executed Agreement by Parties.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth below, the parties agree as follows:

1. The Agreement is hereby renewed for an additional term, effective October 1, 2023 and shall terminate on September 30, 2024.
2. Contractor shall provide bulk fuel product and services in accordance with RFP-22-001, subject to any subsequent amendments, and at the 2023-2024 pricing as outlined in Exhibit A-3, attached hereto and incorporated by reference. Prices include any and all assessed fees, charges, transportation/delivery costs and applicable taxes.
3. In no case shall the amount paid by County for all Services under the Agreement and this Amendment exceed the Maximum Compensation as certified by the Fort Bend County Auditor.
4. Except as provided herein, all terms, conditions and pricing of the Agreement, including any previous Amendments and/or Addenda, shall remain unchanged and in full force and effect. The Agreement, and its executed Amendments are the sole and final agreement of the parties regarding the subject matter hereof, and supersede any previous agreements, understandings, and arrangements relating to such subject matter.

IN WITNESS WHEREOF, this Renewal is signed, accepted, and agreed to by all Parties by and through the Parties or their agents or authorized representatives. All Parties hereby acknowledge that they have read and understood this Renewal. All Parties further acknowledge that they have executed this legal document voluntarily and of their own free will.

FORT BEND COUNTY



County Judge KP George
KP George, County Judge



ATTEST:



Laura Richard, County Clerk

September 26, 2023

Date

FIKES WHOLESALE, INC.



Authorized Agent- Signature

David Drew

Authorized Agent- Printed Name

VP, Supply, transportation + Wholesale


Title

9-18-23

Date

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$ 5,300,000.00 to accomplish and pay the obligation of Fort Bend County under this contract.



Robert Ed Sturdivant, County Auditor

EXHIBIT A-3

FUEL PRICING SHEET 2023-2024

Pricing Sheet for Bid - Fort Bend County 2023-2024

| Fuel Type | Unit | + | OPIS Low Rack Houston 09/01/2023 | Fixed Markup +/- Fee(constant) | = | X | Estimated Quantity | = | Extended Price | |
|---------------------------------------|------|---|-------------------------------------|-----------------------------------|---|---|-----------------------|---|------------------------|-------|
| Unleaded Gasoline | | | | | | | | | | |
| | Gal | + | 2.553 | \$ 0.0593 | = | X | 340,000 | = | \$ 888,182.00 | |
| Taxes | Unit | | Cost | | | | | | = | Taxes |
| Federal Excise Gas Tax | Gal | | | \$ - | | X | 340,000 | = | \$ - | |
| Federal Gas Lust Tax | Gal | | | \$ 0.001 | | X | 340,000 | = | \$ 340.00 | |
| Federal Superfund Fee | Gal | | | \$ 0.00351 | | | 90,000 | = | \$ 315.90 | |
| Oil Spill Tax | Gal | | | \$ 0.00191 | | X | 340,000 | = | \$ 649.40 | |
| Texas Gas Motor Fuel Tax | Gal | | | \$ 0.2000 | | X | 340,000 | = | \$ 68,000.00 | |
| TX Delivery Fee | Gal | | | \$ 0.0009 | | X | 340,000 | = | \$ 306.00 | |
| TOTAL | | | 2.553 | \$ 0.2666 | | | 340,000 | = | \$ 958,670.80 | |
| Midgrade Gasoline | | | | | | | | | | |
| | Gal | + | 2.7863 | \$ 0.0408 | = | X | 840,000 | = | \$ 2,374,764.00 | |
| Taxes | Unit | | Cost | | | | | | = | Taxes |
| Federal Excise DSL Tax | Gal | | | \$ - | | | 840,000 | = | \$ - | |
| Federal DSL Lust Tax | Gal | | | \$ 0.001 | | | 840,000 | = | \$ 840.00 | |
| Federal Superfund Fee | Gal | | | \$ 0.00351 | | | 840,000 | = | \$ 2,948.40 | |
| Oil Spill Tax | Gal | | | \$ 0.00191 | | | 840,000 | = | \$ 1,604.40 | |
| TX Clear DSL Motor Fuel Tax | Gal | | | \$ 0.2000 | | | 840,000 | = | \$ 168,000.00 | |
| TX Delivery Fee | Gal | | | \$ 0.0009 | | | 840,000 | = | \$ 756.00 | |
| TOTAL | | | 2.7863 | \$ 0.2481 | | | 840,000 | = | \$ 2,548,912.80 | |
| Ultra-Low Sulfur Diesel (TX LED) | | | | | | | | | | |
| | Gal | + | 3.1243 | \$ 0.0926 | = | X | 400,000 | = | \$ 1,286,760.00 | |
| Taxes | Unit | | Cost | | | | | | = | Taxes |
| Federal Excise DSL Tax | Gal | | | \$ - | | | 400,000 | = | \$ - | |
| Federal DSL Lust Tax | Gal | | | \$ 0.001 | | | 400,000 | = | \$ 400.00 | |
| Federal Superfund Fee | Gal | | | \$ 0.0039 | | | 90,000 | = | \$ 351.00 | |
| Oil Spill Tax | Gal | | | \$ 0.00214 | | | 400,000 | = | \$ 856.00 | |
| TX Clear DSL Motor Fuel Tax | Gal | | | \$ 0.2000 | | | 400,000 | = | \$ 80,000.00 | |
| TX Delivery Fee | Gal | | | \$ 0.0009 | | | 400,000 | = | \$ 360.00 | |
| TOTAL | | | 3.1243 | \$ 0.3005 | | | 400,000 | = | \$ 1,369,936.00 | |
| Ultra-Low Sulfur Dyed Diesel (TX LED) | | | | | | | | | | |
| | Gal | + | 3.1293 | \$ 0.0900 | = | X | 90,000 | = | 289,737.00 | |
| Taxes | Unit | | Cost | | | | | | = | Taxes |
| Federal Excise DSL Tax | Gal | | | \$ - | | | 90,000 | = | \$ - | |
| Federal DSL Lust Tax | Gal | | | \$ 0.001 | | | 90,000 | = | \$ 90.00 | |
| Federal Superfund Fee | Gal | | | \$ 0.004 | | | 90,000 | = | \$ 351.00 | |
| Oil Spill Tax | Gal | | | \$ 0.00214 | | | 90,000 | = | \$ 192.60 | |
| TX Clear DSL Motor Fuel Tax | Gal | | | \$ - | | | 90,000 | = | \$ - | |
| TX Delivery Fee | Gal | | | \$ 0.0009 | | | 90,000 | = | \$ 81.00 | |
| TOTAL | | | 3.1293 | \$ 0.0979 | | | 90,000 | = | \$ 290,451.60 | |
| OVERALL TOTAL | | | | | | | | = | \$ 5,167,971.20 | |

CERTIFICATE OF INTERESTED PARTIES

FORM **1295**

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
 Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
 CERTIFICATION OF FILING**

Certificate Number:
 2023-1069132

Date Filed:
 09/07/2023

Date Acknowledged:
 09/26/2023

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
 Fikes Wholesale Inc.
 Temple, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.
 Fort Bend County

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.
 B22-01
 Bulk Fuel

| 4 | Name of Interested Party | City, State, Country (place of business) | Nature of interest (check applicable) | |
|---|--------------------------|--|---------------------------------------|--------------|
| | | | Controlling | Intermediary |
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5 Check only if there is NO Interested Party.

6 UNSWORN DECLARATION

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

 Signature of authorized agent of contracting business entity
 (Declarant)