

RESOLUTION No. 23-181

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SUNSHINE GASOLINE DISTRIBUTORS, INC. FOR THE PROVISION OF GASOLINE AND DIESEL, TRANSPORT, AND TANK WAGON IN AN AMOUNT NOT TO EXCEED ANNUAL BUDGETED FUNDS, UTILIZING MIAMI-DADE COUNTY CONTRACT No. EVN001442 PURSUANT TO SECTION 2-322 OF THE CITY'S CODE OF ORDINANCES; AUTHORIZING THE CITY MANAGER TO EXPEND BUDGETED FUNDS IN FURTHERANCE HEREOF; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on May 8, 2019, pursuant to Resolution No. 19-126, the City of Doral ("City") approved an agreement with Sunshine Gasoline Distributors, Inc. ("Sunshine Gasoline") for the provision of gasoline and diesel fuel supply utilizing Miami-Dade County ("MDC") Contract No. ITQ-676-18-A titled "Gasoline and Diesel, Transport and Tank Wagon"; and

WHEREAS, the aforementioned agreement is scheduled to expire on October 31, 2023; and

WHEREAS, on September 27, 2023, MDC awarded Contract No. EVN001442 to Sunshine Gasoline pursuant to the competitively solicited MDC Pool of Prequalified Vendors No. RTQ-02202; and

WHEREAS, to ensure continuity of the highest quality service possible in a timely and cost-efficient manner, the Public Works Department recommends that the City enter into a new agreement with Sunshine Gasoline utilizing MDC's recently awarded contract; and

WHEREAS, Sunshine Gasoline's main offices are located within the City, and they also provide the City with alternative fueling facilities for when the City's fueling

station is not in operation; and

WHEREAS, pursuant to Section 2-322 of the City's Code, the City may purchase from a vendor without additional City competitive procurement provided the purchase is utilizing a contract entered into by another governmental or public entity provided that the City Manager has determined that it is practicable and advantageous for the City to employ this method of procurement and that the governmental or public entity has followed a competitive bidding procedure leading to the award of the bid or contract; and

WHEREAS, City staff respectfully requests that the Mayor and City Councilmembers authorize the City Manager to execute an agreement with Sunshine Gasoline for the provision of gasoline and diesel fuel, substantially in the form attached hereto as Attachment "A", for a term of two (2) years, and any extension periods as may be provided by the MDC contract, in an amount not to exceed budgeted funds; and

WHEREAS, funds for these services are available in the current fiscal year and will be budgeted in future fiscal years in the Public Works Fund Account No. 001.80005.500522 – "Operating Supplies – Vehicles".

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Approval. The agreement between the City of Doral and Sunshine Gasoline Distributors, Inc. for the provision of fuel in an amount not to exceed

budgeted funds in substantially the form attached hereto as Exhibit "A" is hereby approved.

Section 3. Authorization. The City Manager is authorized to execute an agreement with Sunshine Gasoline Distributors, Inc. in substantially the form attached as Exhibit "A" and to expend budgeted funds on behalf of the City in connection therewith.

Section 4. Implementation. The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and the provisions of this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Councilmember Puig-Corve who moved its adoption. The motion was seconded by Vice Mayor Pineyro and upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Rafael Pineyro	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Maureen Porras	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED this 18 day of October, 2023.



CHRISTI FRAGA, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



VALERIE VICENTE, ESQ. for
NABORS, GIBLIN & NICKERSON, P.A.
CITY ATTORNEY

EXHIBIT “A”

**AGREEMENT BETWEEN
THE CITY OF DORAL
AND
SUNSHINE GASOLINE DISTRIBUTORS**

THIS AGREEMENT (hereinafter referred to as the “Agreement”) is made between the City of Doral, Florida, a municipal corporation of the State of Florida (hereinafter “City”), having its principal office at 8401 NW 53rd Terrace Doral Florida 33166 and Sunshine Gasoline Distributors, Inc., a Florida for-profit Corporation (hereinafter the “Contractor”), having its principal office at 1650 NW 87th, Avenue, Doral, Florida 33172.

RECITALS

WHEREAS, the Contractor has an active agreement with the Miami Dade County (Contract No. EVN001442), which was awarded on September 27, 2023 and shall commence on November 1, 2023 and carry through October 31, 2025; and

WHEREAS, the Contract with the County was competitively entered into in a manner consistent with Chapter 2 of the Code of Ordinances of the City; and

WHEREAS, on October __, 2023, the Mayor and the City Council members adopted Resolution No. 23-_____ authorizing the City Manager to enter into an agreement with the Contractor, for the purchase of gasoline and diesel based on the Miami Dade Contract No. EN001442 in an amount not to exceed departmental budgeted funds.

NOW, THEREFORE, in consideration of the aforementioned recitals, which are incorporated herein and made a part hereof by this reference, and in consideration of the mutual covenants and conditions contained herein, and other good and valuable consideration, the sufficiency of which is acknowledged by the Parties, the Contractor and the City agree as follows:

1. **Scope of Services/Deliverables.**

1.1 The City agrees to the purchase of gasoline and diesel fuel from the Contractor and the Contractor agrees to sell to the City gasoline and diesel fuel in accordance with the terms and conditions set out in Miami Dade Contract No. EN001442.

2. **Term and Conditions.**

2.1 All terms and conditions of the Miami Dade Contract No. EN001442 are adopted and incorporated into this Agreement.

2.2 Contractor shall comply with the terms and conditions set out in the Miami Dade contract No. EN001442 and agrees that the city may access the Contractor's services through Miami Dade contract No. EN001442.

2.3 Contractor agrees that with reference to Miami Dade Contract No. EN001442, the City of Doral shall replace "Miami Dade County" and or the "County" is referenced. For clarity, it is the intent of the Parties that the City shall enjoy the same terms and conditions as Miami Dade County in the execution and performance of Miami Dade contract No. EN001442.

3. **Incorporation by Reference.**

3.1 The Miami Dade Contract No. EN001442, Solicitation RTQ-02202, Invitation to Quote for Event No. EVN0001442, and the Notice of Award for Miami Dade Contract No. EN001442 are incorporated into this Agreement and attached hereto as Attachment "A".

IN WITNESS WHEREOF, the parties execute this Agreement on the respective dates under each signature: The City, signing by and through its City Manager, attested to by its City Clerk, duly authorized to execute same and by the Provider by and through its Principal, whose representative has been duly authorized to execute same.

CITY OF DORAL

Attest:

Connie Diaz, City Clerk

By: _____
Barbara Hernandez, City Manager

Date: _____

Approved As To Form and Legal Sufficiency for the Use
And Reliance of the City of Doral Only:

Valerie Vincente
NABORS, GIBLIN & NICKERSON, P.A.
City Attorney

SUNSHINE GASOLINE DISTRIBUTOR, INC.

Witnesses:

By: _____
Maximo Alvarez, President

Witness Signature

Date: _____

Witness Print Name

Witness Signature

Witness Print Name