

State of New York Executive Department
Office Of General Services
New York State Procurement (NYSPRO)
Corning Tower Building - 38th Floor
Empire State Plaza
Albany, New York 12242
<http://www.ogs.ny.gov>

CONTRACT AWARD NOTIFICATION

Title	:	Group 05600 – GASOLINE AND E-85 (STATEWIDE)
		Classification Code: 15
Award Number	:	<u>22258</u> (Replaces Award 21712)
Contract Period	:	September 23, 2011 thru September 19, 2013
Bid Opening Date	:	April 21, 2011
Date of Issue	:	July 21, 2011 (Revised 03/18/13)
Specification Reference	:	As Incorporated In The Spec – 923 dated March 8, 2011. Supersedes Spec 917 (Revised) dated April 22, 2009
Contractor Information	:	Appears on Page 2 of this Award

Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
Name : Colleen Messier Title : Contract Management Specialist Phone : 518-474-1108 Fax : 518-474-1160 E-mail : colleen.messier@ogs.ny.gov	New York State Procurement Customer Services Phone : 518-474-6717 Fax : 518-474-2437 E-mail : customer.services@ogs.ny.gov

**The New York State Procurement values your input.
Complete and return "Contract Performance Report" at end of document.**

Description

This Award covers the Statewide requirements for the three grades of gasoline: Regular Unleaded (87 Octane minimum); Mid-Range Unleaded (89 Octane minimum); and Premium Unleaded (91 Octane minimum) and E-85 for use by State agencies and non-State agencies.

PR # 22258

(continued)

NOTE: See individual contract items to determine actual awardees.

<u>CONTRACT #</u>	<u>CONTRACTOR & ADDRESS</u>	<u>TELEPHONE #</u>	<u>FED.IDENT.#</u>
PC65516 SB	G.A. BOVE & SONS, INC. 76 RAILROAD STREET MECHANICVILLE, NY 12118	518-664-5111 Ext. 34 Michael Shepard FAX NO.: 518-6644730 E-mail: mshepard@bovefuels.com	FEIN: 141536614 VIN: 100006792

NOTE: G.A. Bove will honor orders for less than minimum at fire market price. G.A. Bove will accept the New York State Procurement Card for orders not to exceed \$15,000.

PC65517	GLOBAL MONTELLO GROUP CORP. 800 SOUTH ST. WALTHAM, MA 02454	800-542-0778 Ext. 4259 781-398-4259 Kevin Young FAX NO.: 781-398-9213 E-mail: kyoung@globalp.com Web Site: www.globalp.com	FEIN: 043443028 VIN: 1100005467
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NOTE: Global will honor orders for less than minimum at fair market price.

PC65518	MAIN BROTHERS OIL CO., INC. D/B/A MAIN CARE ENERGY PO BOX 11029 ALBANY, NY 12211	800-542-5552 518-438-7856 David Borger FAX NO.: 518-438-5991 E-mail: dborger@maincareenergy.com Web Site: www.maincareenergy.com	FEIN: 146024844 VIN: 1000007301
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NOTE: Main Brothers will honor orders for less than minimum at fair market price.

PC65520	MIRABITO HOLDINGS, INC. D/B/A MIRABITO ENERGY PRODUCTS THE METROCENTER 49 COURT STREET PO BOX 5306 BINGHAMTON, NY 13902	800-934-9480 607-352-2800 Jason Mirabito OR Bill Lemakos FAX NO.: 607-584-5134 E-mail: jason.mirabito@mirabito.com Web Site: www.mirabito.com	FEIN: 150552668 VIN: 1000007358
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NOTE: See individual contract items to determine actual awardees.

<u>CONTRACT #</u>	<u>CONTRACTOR & ADDRESS</u>	<u>TELEPHONE #</u>	<u>FED.IDENT.#</u>
PC65521	MX PETROLEUM CORP.	800-840-0645	FEIN: 161352970
SB	84 CENTER STREET MASSENA, NY 13662	315-769-9500 John Baird FAX NO.: 315-764-9934 E-mail: jbaird@mxfuels.com Web Site: www.mxfuels.com	VIN: 1000015801

NOTE: MX Petroleum will honor orders for less than minimum at fair market price.

PC65522	NOCO ENERGY CORP. 2440 SHERIDAN DRIVE TONAWANDA, NY 14150	800-229-6626 716-614-1124 Rose Mary Suszynski FAX NO.: 800-229-6626 716-832-1360 E-mail: rsuszynski@noco.com Web Site: www.noco.com	FEIN: 160727383 VIN: 1000007468
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PC65523	SPRAGUE OPERATING RESOURCES LLC 2 INTERNATIONAL DRIVE SUITE 200 PORTSMOUTH, NH 03801	800-880-6037 914-328-6710 Burr J. Mosher III/Customer Service Dept. FAX NO.: 914-517-2640 E-mail: bmosher@spragueenergy.com custserv@spragueenergy.com Web Site: www.spragueenergy.com	FEIN: 020415440 VIN: 1000005203
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NOTE: Sprague Operating Resources will honor orders for less than minimum at fair market price.

PC65524	SUPERIOR PLUS ENERGY SERVICES INC. D/B/A GRIFFITH ENERGY 760 BROOKS AVENUE ROCHESTER, NY 14619	800-724-2552 585-783-2674 Paul Tandlmayer FAX NO.: 585-235-6572 E-mail: ptandlmayer@griffithenergy.com	FEIN: 160736353 VIN: 1000007474
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NOTE: Superior Plus will honor orders for less than minimum at fair market price.

PC66030	UNITED METRO ENERGY CORP. 500 KINGSLAND AVENUE BROOKLYN, NY 11222	718-383-1400 Scott Alnwick FAX NO.: 718-383-2499 E-mail: scottalnwick@metroenergy.com Web Site: www.metroenergy.com	FEIN: 462112871 VIN: 1100082712
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NOTE: United Metro Energy Corp. will honor orders for less than minimum at fair market price.

PC65525	VALLEY OIL CO., INC. SB 5848, RT 9H, PO BOX 430 CLAVERACK, NY 12513	518-851-3921 Russell Beck Jr. FAX NO.: 518-851-3930 E-mail: info@valleyenergy.com	FEIN: 141385018 VIN: 1000006670
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NOTE: Valley Oil will honor orders for less than minimum at fair market price.

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Cash Discount, If Shown, Should be Given Special Attention.
INVOICES MUST BE SENT DIRECTLY TO THE ORDERING AGENCY FOR PAYMENT.
(See "Contract Payments" and "Electronic Payments" in this document.)

AGENCIES SHOULD NOTIFY THE PROCUREMENT SERVICES GROUP PROMPTLY IF THE CONTRACTOR FAILS TO MEET DELIVERY OR OTHER TERMS OF THIS CONTRACT. PRODUCTS OR SERVICES WHICH DO NOT COMPLY WITH THE SPECIFICATIONS OR ARE OTHERWISE UNSATISFACTORY TO THE AGENCY SHOULD ALSO BE REPORTED TO THE PROCUREMENT SERVICES GROUP.

SMALL, MINORITY AND WOMEN-OWNED BUSINESSES:

The letters SB listed under the Contract Number indicate the contractor is a NYS small business. Additionally, the letters MBE and WBE indicate the contractor is a Minority-owned Business Enterprise and/or Woman-owned Business Enterprise.

NOTE TO AUTHORIZED USERS:

When placing purchase orders under the contract(s), the authorized user should be familiar with and follow the terms and conditions governing its use which usually appears at the end of this document. The authorized user is accountable and responsible for compliance with the requirements of public procurement processes. The authorized user must periodically sample the results of its procurements to determine its compliance. In sampling its procurements, an authorized user should test for reasonableness of results to ensure that such results can withstand public scrutiny.

The authorized user, when purchasing from OGS contracts, should hold the contractor accountable for contract compliance and meeting the contract terms, conditions, specifications, and other requirements. Also, in recognition of market fluctuations over time, authorized users are encouraged to seek improved pricing whenever possible.

Authorized users have the responsibility to document purchases, particularly when using OGS multiple award contracts for the same or similar product(s)/service(s), which should include:

- a statement of need and associated requirements,
- a summary of the contract alternatives considered for the purchase,
- the reason(s) supporting the resulting purchase (e.g., show the basis for the selection among multiple contracts at the time of purchase was the most practical and economical alternative and was in the best interests of the State).

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PRICE:

Price is net per gallon F.O.B. agency storage tank, including all custom duties and charges, and as designated by the ordering agency.

The contract prices are firm but will include “PRICE REVISIONS” which are calculated every Monday during the contract period and/or as stated herein. See “PRICE REVISIONS” on page 20 of the Award for further explanation. In addition, to view daily contract pricing visit our website at:

www.ogs.ny.gov/asp/purchase/snt/fuels/index.asp

<u>Line Item</u>	<u>Gasoline Grade</u>	<u>Annual Quantity Based On Filed Requirements (Gallons)</u>	<u>Line Item</u>	<u>Price Per Gallon</u>	<u>Contractor</u>
<u>Albany Lot I</u>					
1	GAS REG	1,782,193	1	\$2.9519	Main Brothers Oil Co., Inc.
2	GAS MID	15,000	2	\$3.0113	
3	GAS PREM	11,000	3	\$3.0925	
<u>Albany Lot II</u>					
4	FLEX FUEL (E-85)	40,000	4	\$3.2760	Sprague Operating
<u>Allegany Lot I</u>					
5	GAS REG	109,000	5	\$2.9768	NOCO Energy Corp.
<u>Allegany Lot II</u>					
6	FLEX FUEL (E-85)	7,500	6	NO AWARD-NO BIDS REC'D	
<u>Bronx Lot I</u>					
7	GAS REG OPRG (E)	54,000	7	\$2.9097	Sprague Operating
8	GAS PREM OPRG (E)	8,000	8	\$2.9611	
<u>Broome Lot I</u>					
9	GAS REG	835,831	9	\$3.0706	Mirabito Holdings, Inc.
10	GAS MID	5,000	10	\$3.1736	
<u>Cattaraugus Lot I</u>					
11	GAS REG	340,250	11	\$2.8902	NOCO Energy Corp.
12	GAS MID	62,000	12	\$2.9278	
13	GAS PREM	12,000	13	\$2.9915	
<u>Cayuga Lot I</u>					
14	GAS REG	194,800	14	\$3.1302	Mirabito Holdings, Inc.
<u>Chautauqua Lot I</u>					
15	GAS REG	422,800	15	\$2.8987	NOCO Energy Corp.
16	GAS MID	10,442	16	\$2.9447	
17	GAS PREM	6,000	17	\$3.0084	

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<u>Line Item</u>	<u>Gasoline Grade</u>	<u>Annual Quantity Based On Filed Requirements (Gallons)</u>	<u>Line Item</u>	<u>Price Per Gallon</u>	<u>Contractor</u>
<u>Chemung Lot I</u>					
18	GAS REG	171,084	18	\$3.0662	Superior Plus Energy Services Inc.
19	GAS MID	141,500	19	\$3.1088	
20	GAS PREM	17,000	20	\$3.1725	
<u>Chenango Lot I</u>					
21	GAS REG	113,200	21	\$3.1302	Mirabito Holdings, Inc.
<u>Clinton Lot I</u>					
22	GAS REG	206,800	22	\$3.0140	MX Petroleum Corp.
23	GAS MID	50,000	23	\$3.0525	
<u>Clinton Lot II</u>					
24	FLEX FUEL (E-85)	44,000	24	NO AWARD-NO BIDS REC'D	
<u>Columbia Lot I</u>					
25	GAS REG	109,500	25	\$3.0069	Main Brothers Co., Inc.
26	GAS MID	19,000	26	\$3.0764	
<u>Columbia Lot II</u>					
27	FLEX FUEL (E-85)	23,800	27	\$3.9204	Valley Oil Co. Inc.
<u>Cortland Lot I</u>					
28	GAS REG	55,500	28	\$3.1601	Mirabito Holdings, Inc.
29	GAS PREM	5,000	29	\$3.3688	
<u>Delaware Lot I</u>					
30	GAS REG	272,100	30	\$3.1708	Mirabito Holdings, Inc.
<u>Dutchess Lot I</u>					
31	GAS REG OPRG (E)	1,055,331	31	\$3.0216	Global Montello Group Corp.
32	GAS MID OPRG (E)	277,200	32	\$3.0506	
33	GAS PREM OPRG (E)	45,500	33	\$3.1132	
<u>Erie Lot I</u>					
34	GAS REG	2,075,535	34	\$2.8587	NOCO Energy Corp.
35	GAS MID	97,513	35	\$2.8713	
36	GAS PREM	377,000	36	\$2.9200	
<u>Erie Lot II</u>					
37	FLEX FUEL (E-85)	15,000	37	\$3.5488	NOCO Energy Corp.
<u>Essex Lot I</u>					
38	GAS REG	228,825	38	\$3.1407	Superior Plus Energy Services Inc.
39	GAS MID	135,000	39	\$3.1833	
40	GAS PREM	20,000	40	\$3.2470	

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<u>Line Item</u>	<u>Gasoline Grade</u>	<u>Annual Quantity Based On Filed Requirements (Gallons)</u>	<u>Line Item</u>	<u>Price Per Gallon</u>	<u>Contractor</u>
<u>Franklin Lot I</u>					
41	GAS REG	283,650	41	\$3.0125	MX Petroleum Corp.
<u>Fulton Lot I</u>					
42	GAS REG	26,100	42	\$3.0817	Superior Plus Energy Services Inc.
43	GAS MID	11,500	43	\$3.1243	
<u>Genesee Lot I</u>					
44	GAS REG	117,000	44	\$2.8987	NOCO Energy Corp.
<u>Greene Lot I</u>					
45	GAS REG	160,908	45	\$2.9900	Main Brothers Oil Co., Inc.
46	GAS PREM	5,000	46	\$3.1551	
<u>Hamilton Lot I</u>					
47	GAS REG	88,450	47	\$3.1788	G.A. Bove and Sons, Inc.
<u>Herkimer Lot I</u>					
48	GAS REG	196,950	48	\$3.0422	Superior Plus Energy Services Inc.
49	GAS MID	39,500	49	\$3.0848	
<u>Jefferson Lot I</u>					
50	GAS REG	353,007	50	\$3.0001	Superior Plus Energy Services Inc.
51	GAS MID	75,000	51	\$3.1000	
<u>Jefferson Lot II</u>					
52	FLEX FUEL (E-85)	41,840	52	NO AWARD-NO BIDS REC'D	
<u>Kings Lot I</u>					
53	GAS REG OPRG (E)	156,000	53	\$2.8968	Sprague Operating
54	GAS PREM OPRG (E)	19,000	54	\$2.9479	
<u>Lewis Lot I</u>					
55	GAS REG	121,200	55	\$3.1222	Superior Plus Energy Services Inc.
<u>Livingston Lot I</u>					
56	GAS REG	204,050	56	\$2.9802	Superior Plus Energy Services Inc.
57	GAS MID	188,140	57	\$2.9700	

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<u>Line Item</u>	<u>Gasoline Grade</u>	<u>Annual Quantity Based On Filed Requirements (Gallons)</u>	<u>Line Item</u>	<u>Price Per Gallon</u>	<u>Contractor</u>
<u>Madison Lot I</u>					
58	GAS REG	264,735	58	\$3.0345	Superior Plus Energy Services Inc.
59	GAS MID	83,200	59	\$3.1508	
<u>Madison Lot II</u>					
60	FLEX FUEL (E-85)	1,200	60	NO AWARD-NO BIDS REC'D	
<u>Monroe Lot I</u>					
61	GAS REG	2,284,150	61	\$2.9145	Superior Plus Energy Services Inc.
62	GAS MID	415,500	62	\$2.9788	
63	GAS PREM	112,500	63	\$3.0520	
<u>Montgomery Lot I</u>					
64	GAS REG	202,133	64	\$3.0817	Superior Plus Energy Services Inc.
65	GAS MID	21,000	65	\$3.1243	
66	GAS PREM	27,000	66	\$3.1880	
<u>Nassau Lot I</u>					
67	GAS REG OPRG (E)	1,562,905	67	\$2.8627	Sprague Operating
68	GAS MID OPRG (E)	105,300	68	\$2.8894	
69	GAS PREM OPRG (E)	448,000	69	\$2.9138	
<u>New York Lot I</u>					
70	GAS PREM OPRG (E)	66,400	70	\$2.9661	Sprague Operating
<u>Niagara Lot I</u>					
71	GAS REG	915,710	71	\$2.8577	NOCO Energy Corp.
72	GAS MID	5,000	72	\$2.8893	
73	GAS PREM	10,300	73	\$2.9500	
<u>Oneida Lot I</u>					
74	GAS REG	631,800	74	\$3.0029	Superior Plus Energy Service Inc.
75	GAS MID	59,000	75	\$3.0648	
76	GAS PREM	5,000	76	\$3.0735	
<u>Onondaga Lot I</u>					
77	GAS REG	1,351,455	77	\$2.9436	Superior Plus Energy Service Inc.
<u>Onondaga Lot II</u>					
78	FLEX FUEL (E-85)	10,000	78	NO AWARD-NO BIDS REC'D	
<u>Ontario Lot I</u>					
79	GAS REG	546,773	79	\$2.9504	Superior Plus Energy Service Inc.
80	GAS MID	55,365	80	\$3.0298	
81	GAS PREM	15,000	81	\$3.0685	

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<u>Line Item</u>	<u>Gasoline Grade</u>	<u>Annual Quantity Based On Filed Requirements (Gallons)</u>	<u>Line Item</u>	<u>Price Per Gallon</u>	<u>Contractor</u>
<u>Orange Lot I</u>					
82	GAS REG OPRG (E)	766,595	82	\$3.0166	Global Montello Group Corp.
83	GAS MID OPRG (E)	138,995	83	\$3.0456	
84	GAS PREM OPRG (E)	144,100	84	\$3.1082	
<u>Orange Lot II</u>					
85	FLEX FUEL (E-85)	60,000	85	\$3.1572	Sprague Operating
<u>Orleans Lot I</u>					
86	GAS REG	287,000	86	\$2.8712	NOCO Energy Corp.
87	GAS MID	24,500	87	\$2.9428	
<u>Oswego Lot I</u>					
88	GAS REG	108,400	88	\$2.9924	Superior Plus Energy Services Inc.
89	GAS MID	55,000	89	\$3.0000	
<u>Oswego Lot II</u>					
90	FLEX FUEL (E-85)	7,000	90	NO AWARD-NO BIDS REC'D	
<u>Otsego Lot I</u>					
91	GAS REG	295,900	91	\$3.1601	Mirabito Holdings, Inc.
<u>Putnam Lot I</u>					
92	GAS REG OPRG (E)	312,750	92	\$2.9208	Sprague Operating
93	GAS MID OPRG (E)	80,000	93	\$2.9475	
94	GAS PREM OPRG (E)	109,500	94	\$2.9691	
<u>Queens Lot I</u>					
95	GAS REG OPRG (E)	181,000	95	\$2.9005	Sprague Operating
96	GAS MID OPRG (E)	28,500	96	\$2.9272	
<u>Rensselaer Lot I</u>					
97	GAS REG	218,500	97	\$2.9743	Main Brothers Oil Co., Inc.
98	GAS MID	29,000	98	\$3.0538	
99	GAS PREM	45,000	99	\$3.1225	
<u>Rensselaer Lot II</u>					
100	FLEX FUEL (E-85)	9,000	100	NO AWARD– REJECTED	
<u>Richmond Lot I</u>					
101	GAS REG OPRG (E)	36,000	101	\$2.9915	Sprague Operating
<u>Richmond Lot II</u>					
102	FLEX FUEL (E-85)	16,000	102	\$2.9875	United Metro Energy Corp.

(continued)

Line Item	Gasoline Grade	Annual Quantity Based On Filed Requirements (Gallons)	Line Item	Price Per Gallon	Contractor
<u>Rockland Lot I</u>					
103	GAS REG OPRG (E)	820,943	103	\$2.9118	Sprague
104	GAS MID OPRG (E)	333,500	104	\$2.9385	Operating
105	GAS PREM OPRG (E)	534,835	105	\$2.9601	
<u>Rockland Lot II</u>					
106	FLEX FUEL (E-85)	12,000	106	\$3.0747	Sprague Operating
<u>St Lawrence Lot I</u>					
107	GAS REG	346,200	107	\$2.9998	MX Petroleum
108	GAS MID	24,500	108	\$3.0600	Corp.
109	GAS PREM	11,000	109	\$3.1050	
<u>St Lawrence Lot II</u>					
110	FLEX FUEL (E-85)	29,000	110	NO AWARD-NO BIDS REC'D	
<u>Saratoga Lot I</u>					
111	GAS REG	732,219	111	\$2.9453	G. A. Bove & Sons Inc.
112	GAS MID	145,174	112	\$2.9979	
113	GAS PREM	21,000	113	\$3.0716	
<u>Schenectady Lot I</u>					
114	GAS REG	251,589	114	\$2.9743	Main Brothers
115	GAS MID	212,000	115	\$3.0538	Oil Co., Inc.
<u>Schoharie Lot I</u>					
116	GAS REG	230,000	116	\$3.0844	Main Brothers Oil Co., Inc.
<u>Schuyler Lot I</u>					
117	GAS REG	127,000	117	\$3.1262	Superior Plus Energy Services Inc.
<u>Seneca Lot I</u>					
118	GAS REG	75,620	118	\$3.0112	Superior Plus
119	GAS MID	125,000	119	\$3.0538	Energy Services
120	GAS PREM	1,600	120	\$3.1175	Inc.
<u>Steuben Lot I</u>					
121	GAS REG	255,100	121	\$3.0112	Superior Plus
122	GAS MID	313,561	122	\$3.0538	Energy Services
123	GAS PREM	7,000	123	\$3.1175	Inc.
<u>Steuben Lot II</u>					
124	FLEX FUEL (E-85)	2,600	124	NO AWARD-NO BIDS REC'D	

(continued)

Line Item	Gasoline Grade	Annual Quantity Based On Filed Requirements (Gallons)	Line Item	Price Per Gallon	Contractor
<u>Suffolk Lot I</u>					
125	GAS REG OPRG (E)	5,162,200	125	\$2.8692	Sprague Operating
126	GAS MID OPRG (E)	224,500	126	\$2.9069	
127	GAS PREM OPRG (E)	1,219,666	127	\$2.9306	
<u>Sullivan Lot I</u>					
128	GAS REG	292,614	128	\$2.9943	Global Montello Group Corp.
<u>Tioga Lot I</u>					
129	GAS REG	30,500	129	\$3.0862	Superior Plus Energy Services Inc.
130	GAS MID	3,000	130	\$3.1288	
<u>Tompkins Lot I</u>					
131	GAS REG	559,070	131	\$3.0314	Superior Plus Energy Services Inc.
132	GAS MID	22,800	132	\$3.0783	
<u>Ulster Lot I</u>					
133	GAS REG	299,857	133	\$3.0119	Main Brothers Oil Co. Inc.
134	GAS MID	80,850	134	\$3.0713	
135	GAS PREM	221,000	135	\$3.1561	
<u>Warren Lot I</u>					
136	GAS REG	109,000	136	\$3.0153	G.A. Bove and Sons., Inc.
137	GAS MID	21,000	137	\$3.0679	
138	GAS PREM	40,000	138	\$3.1416	
<u>Washington Lot I</u>					
139	GAS REG	405,500	139	\$3.0153	G. A. Bove and Sons, Inc.
140	GAS MID	16,000	140	\$3.0679	
<u>Wayne Lot I</u>					
141	GAS REG	337,700	141	\$2.9536	Superior Plus Energy Services Inc.
142	GAS MID	54,000	142	\$3.0228	
<u>Wayne Lot II</u>					
143	FLEX FUEL (E-85)	2,500	143	NO AWARD-NO BIDS REC'D	
<u>Westchester Lot I</u>					
144	GAS REG OPRG (E)	2,385,218	144	\$2.8972	Sprague Operating
145	GAS MID OPRG (E)	359,800	145	\$2.9239	
146	GAS PREM OPRG (E)	1,179,500	146	\$2.9472	

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<u>Line Item</u>	<u>Gasoline Grade</u>	<u>Annual Quantity Based On Filed Requirements (Gallons)</u>	<u>Line Item</u>	<u>Price Per Gallon</u>	<u>Contractor</u>
<u>Westchester Lot II</u>					
147	FLEX FUEL (E-85)	9,700	147	\$2.9705	United Metro Energy Corp.
<u>Wyoming Lot I</u>					
148	GAS REG	189,000	148	\$2.8818	NOCO Energy Corp.
<u>Yates Lot I</u>					
149	GAS REG	120,500	149	\$3.0262	Superior Plus Energy Services Inc.
150	GAS MID	4,500	150	\$3.0688	

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TRADE NAME OF GASOLINE AND E-85

<u>Contractor</u>	<u>Trade Name</u>
G. A. Bove & Sons, Inc.	Citgo Petroleum
Global Montello Group Corp.	Global – R/M/P
Main Brothers Oil Co., Inc. (d/b/a Main Care Energy)	Sprague, Hess
United Metro Energy Corp.	Conoco/Morgan Stanley
Mirabito Holdings, Inc. (d/b/a Mirabito Energy Products)	Citgo, Petroleum
MX Petroleum Corp.	REG, MID, PRE-VALERO
NOCO Energy Corp.	NOCO
Sprague Operating Resources LLC	Sprague – O/M/P
Superior Plus Energy Services Inc. (d/b/a Griffith Energy)	Griffith, Sunoco, Costal
Valley Oil Corp. Inc.	Hess, Global and Apex

GUARANTEED DELIVERY

<u>Contractor</u>	<u>Guaranteed Delivery (Days A/R/O)</u>
G. A. Bove & Sons, Inc.	2
Global Montello Group Corp.	2
Main Brothers Oil Co., Inc. (d/b/a Main Care Energy)	2
United Metro Energy Corp.	2
Mirabito Holdings, Inc. (d/b/a Mirabito Energy Products)	2
MX Petroleum Corp.	2
NOCO Energy Corp.	2
Sprague Operating Resources LLC	2
Superior Plus Energy Services Inc. (d/b/a Griffith Energy)	2
Valley Oil Corp. Inc.	2

(continued)

EMERGENCY DELIVERY PROVISIONS

In the event of, and for the duration of, any state of emergency or disaster declared by the Governor, the contractor for any county in which the emergency or disaster is officially declared shall be prepared to provide continuous twenty-four hour service as directed by the State. For the purpose of maintaining necessary communications and services, the contractor has designated a primary and, if available, a secondary contact person or title. The contractor guarantees that the persons so designated will be available throughout the emergency.

G. A. BOVE & SONS, INC.

<u>County</u>	<u>Terminal Address</u>	<u>Contact Person(s)</u>	<u>Title</u>	<u>Phone Number(s)</u>
Hamilton	Wells, NY	Mike Shepard	CFO	518-924-2052
Saratoga	Mechanicville, NY	Frank Bove	Pres.	518-857-9279
Warren	Hudson Falls, NY	Larry Taplin	G.M.	518-337-0878
Washington	Hudson Falls, NY	Larry Taplin	G.M.	518-337-0878

GLOBAL MONTELLO GROUP CORP.

<u>County</u>	<u>Terminal Address</u>	<u>Contact Person(s)</u>	<u>Title</u>	<u>Phone Number(s)</u>
Dutchess	1281 River Rd. Newburgh, NY	Craig Hess.	Dispatch Mgr.	617-660-1100
Orange	1281 River Rd. Newburgh, NY	Craig Hess	Dispatch Mgr.	617-660-1100
Sullivan	1281 River Rd. Newburgh, NY	Craig Hess	Dispatch Mgr.	617-660-1100

MAIN BROTHERS OIL CO., INC.

<u>County</u>	<u>Terminal Address</u>	<u>Contact Person(s)</u>	<u>Title</u>	<u>Phone Number(s)</u>
Albany	Albany, NY	David Borger	Mgr.	518-376-1782
Columbia	Chatham, NY	Marica Booth	Mgr.	518-438-7856
Green	Catskill, NY	Bill Orvasky	Mgr.	518-943-4190
Rensselaer	Albany, NY	David Borger	Mgr.	518-376-1782
Schenectady	Albany, NY	David Borger	Mgr.	518-376-1782
Schoharie	Albany, NY	David Borger	Mgr.	518-376-1782
Ulster	Albany, NY	David Borger	Mgr.	518-376-1782

UNITED METRO ENERGY CORP.

<u>County</u>	<u>Terminal Address</u>	<u>Contact Person(s)</u>	<u>Title</u>	<u>Phone Number(s)</u>
Richmond	Brooklyn, NY	Scott Alnwick	Supervisor	718-383-1400
Westchester	Brooklyn, NY	Scott Alnwick	Supervisor	718-383-1400

(continued)

EMERGENCY DELIVERY PROVISIONS

(Cont'd)

MIRABITO HOLDINGS INC., D/B/A MIRABITO ENERGY PRODUCTS

<u>County</u>	<u>Terminal Address</u>	<u>Contact Person(s)</u>	<u>Title</u>	<u>Phone Number(s)</u>
Broome	Vestal, NY	Vince Rafferty	Mgr.	607-237-5409
Cayuga	Syracuse, NY	Bob Brower	Mgr.	315-466-2514
Chenango	Norwich, NY	Earl Renwick	Mgr.	607-334-3810
Cortland	Syracuse, NY	Bob Brower	Mgr.	315-466-2514
Delaware	Sidney, NY	Bob O'Malley	Mgr.	607-561-2656
Otsego	Oneonta, NY	Carl Utter	Mgr.	607-432-5660

MX PETROLEUM CORP.

<u>County</u>	<u>Terminal Address</u>	<u>Contact Person(s)</u>	<u>Title</u>	<u>Phone Number(s)</u>
Clinton	Moore's, NY	Pete Unwin	Mgr.	518-358-0132
Franklin	Malone, NY (rt 37)	Pete Unwin	Mgr.	518-358-0132
St. Lawrence	Washington, NY Rt 37	Mickey Miller	Mgr.	315-250-4614

NOCO ENERGY CORP.

<u>County</u>	<u>Terminal Address</u>	<u>Contact Person(s)</u>	<u>Title</u>	<u>Phone Number(s)</u>
Allegany, Cattaraugus Chautauqua Erie, Genesee Niagara, Orleans Wyoming	Tonawanda, NY 700 Grand Island Blvd.	Kevin Galas Marianne McPherson	Mgr. Dispatcher	716-435-7309 716-695-5599

SPRAGUE OPERATING RESOURCES LLC

<u>County</u>	<u>Terminal Address</u>	<u>Contact Person(s)</u>	<u>Title</u>	<u>Phone Number(s)</u>
Albany, Bronx, Kings, Nassau, New York, Orange Putnam, Queens Richmond, Rockland, Suffolk, Westchester	Lawrence/ Brooklyn, NY	Burr Mosher Barry Panicola	Director Director	914-328-6726 516-622-7091

(continued)

EMERGENCY DELIVERY PROVISIONS

(Cont'd)

SUPERIOR PLUS ENERGY SERVICES INC.

<u>County</u>	<u>Terminal Address</u>	<u>Contact Person(s)</u>	<u>Title</u>	<u>Phone Number(s)</u>
Chemung, Essex, Fulton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Oneida, Onondaga, Ontario, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Yates	Rochester, NY	24-Hour Emergency	Service Personnel	1-800-955-5992

VALLEY OIL CO. INC.

<u>County</u>	<u>Terminal Address</u>	<u>Contact Person(s)</u>	<u>Title</u>	<u>Phone Number(s)</u>
Columbia	5848 Rte. 9H	Russ Beck Jr.	V.P.	518-851-3921
Rensselaer	Claverack, NY	Russ Beck Jr.	V.P.	518-851-3921

REQUEST FOR CHANGE:

Any request by the agency or contractor regarding changes in any part of the contract must be made in writing to the Office of General Services, New York State Procurement, prior to effectuation.

CONTRACT PAYMENTS:

Payments cannot be processed by State facilities until the contract products have been delivered in satisfactory condition or services have been satisfactorily performed. Payment will be based on any invoice used in the supplier's normal course of business. However, such invoice must contain sufficient data including but not limited to contract number, description of product or service, quantity, unit and price per unit as well as federal identification number.

State facilities are required to forward properly completed vouchers to the Office of the State Comptroller for audit and payment. All facilities are urged to process every completed voucher expeditiously giving particular attention to those involving cash discounts for prompt payment.

If the contract terms indicate political subdivisions and others authorized by law are allowed to participate, those entities are required to make payments directly to the contractor. Prior to processing such payment, the contractor may be required to complete the ordering non-State agency's own voucher form.

See "Contract Billings" in Appendix B, OGS General Specifications.

NOTE TO CONTRACTOR:

This Contract Award Notification is not an order. Do not take any action under this contract except on the basis of purchase order(s) from the agency or agencies.

(continued)

NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE FOR-PROFIT BUSINESS ENTITY:

Contractor is encouraged to maintain up-to-date Questionnaire during the life of the contract and is also required to ensure this Questionnaire reflects any substantive issues that may have occurred from the time the Contract was initially awarded.

DEBRIEFING:

Contractors and bidders are accorded fair and equal treatment with respect to the opportunity for debriefing. OGS shall, upon request, provide a debriefing to any bidder or awarded contractor that responded to the IFB or RFP regarding the reason that the proposal or bid submitted by the unsuccessful bidder was not selected for a contract award. The post award debriefing should be requested by the bidder or awarded contractor within thirty days of posting of the contract award on the OGS website.

ELECTRONIC PAYMENTS:

The Office of the State Comptroller (OSC) offers an "electronic payment" option in lieu of issuing checks. To obtain an electronic payment authorization form visit the OSC website at www.osc.state.ny.us or contact them by e-mail at epunit@osc.state.ny.us or by phone at 518-486-1255.

NYSPRO'S DISPUTE RESOLUTION POLICY:

It is the policy of the Office of General Services' New York State Procurement (NYSPRO) to provide vendors with an opportunity to administratively resolve disputes, complaints or inquiries related to NYSPRO bid solicitations or contract awards. NYSPRO encourages vendors to seek resolution of disputes through consultation with NYSPRO staff. All such matters will be accorded impartial and timely consideration. Interested parties may also file formal written disputes. A copy of NYSPRO's Dispute Resolution Procedures for Vendors may be obtained by contacting the person shown on the front of this document or through the OGS website (www.ogs.ny.gov).

(continued)

PRICE:

Any special allowances are not included in the price. However, if the contractor extends such allowances during the term of the contract to Federal, State, Local Governments or to commercial users in the normal course of doing business, New York State requires that such allowances will also be available to the State in the maximum amount extended to others who contract to purchase gasoline under similar contractual terms and conditions.

Bid prices are firm except that price revisions shall be permitted in accordance with the PRICE REVISIONS Clause set forth herein and with respect to certain taxes and duties as follows:

“After-imposed tax” means any new or increased Federal, State and Local excise tax or duty, except social security or other employment taxes, on gasoline purchased under any contract awarded hereunder which the contractor is required to pay or bear the burden of as the result of legislative, judicial, or administrative action taking effect after the date of contract award.

“After-relieved tax” means any amount of Federal, State and Local excise tax or duty, except social security or other employment taxes, that would otherwise have been payable on gasoline purchased under any contract awarded hereunder which the contractor is not required to pay or bear the burden of, or for which the contractor obtains a refund or drawback, as the result of legislative, judicial or administrative action taking effect after the date of contract award.

Prices include all applicable Federal, State and local taxes and duties as stated in Appendix B under section 18. NOTE: The State of New York and its political subdivisions are exempt from New York State and local sales taxes and federal excise taxes.

The price for gasoline under any contract awarded hereunder shall be increased by the amount of any after-imposed tax, unless the legislative, judicial or administrative act says otherwise, if the contractor states in writing that such contract price does not include any contingency for such after-imposed tax. Such increase shall be prospective only and becomes effective upon such written notice and on the effective date of the next scheduled price revision.

The price for gasoline under any contract awarded hereunder shall be decreased by the amount of any after-relieved tax. Such decrease shall be effective when realized or by no later than the next scheduled price revision.

The contract price shall also be decreased by the amount of any excise tax or duty, except social security or other employment taxes that the contractor is required to pay or bear the burden of or does not obtain a refund of through the contractor's fault or negligence.

The contractor shall promptly notify the NYSPRO Purchasing Officer of all matters relating to any excise tax or duty that reasonably may be expected to result in either an increase or decrease in the contract price for gasoline.

NON-STATE AGENCIES PARTICIPATION IN CENTRALIZED CONTRACTS:

New York State political subdivisions and others authorized by New York State law may participate in contracts. These include, but are not limited to local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic/nonprofit organizations. See "Participation in Centralized Contracts" in Appendix B, OGS General Specifications. For purchase orders issued by the Port Authority of New York and New Jersey (or any other authorized entity that may have delivery locations adjacent to New York State), the terms of the "Price" clause shall be modified to include delivery to locations adjacent to New York State.

Upon request, all eligible non-State agencies must furnish contractors with the proper tax exemption certificates and documentation certifying eligibility to use State contracts. A list of categories of eligible entities is available on the OGS web site (<http://www.ogs.ny.gov/purchase/snt/othersuse.asp>). Questions regarding an organization's eligibility to purchase from New York State Contracts may also be directed to OGS New York State Procurement's Customer Services at 518-474-6717.

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NOTE: RE: NONGOVERNMENTAL EXEMPT ORGANIZATIONS -

The State of New York, its agencies, instrumentalities and, political subdivisions are exempt from sales tax, excise taxes, and pass-through of the petroleum business tax. The same is not true of the nongovernmental participants.

Certain nongovernmental participants are exempt from sales tax when purchasing most commodities available under the OGS contracts. To obtain exempt status the organization must apply to the Tax Department and must receive an Exempt Organization Certificate and exemption number. When claiming exemption on purchases, the exempt organization must provide a properly completed Exempt Organization Certification to its suppliers.

However, the tax exempt status of these organizations does not extend to purchases of petroleum products. Nongovernmental exempt organizations, other than hospitals, must, when purchasing gasoline and diesel motor fuel, pay the sales and excise taxes to their suppliers and apply to the Tax Department for refund.

Suppliers selling petroleum products to nongovernmental exempt organizations must include such sales in computing their petroleum business tax liability. There is no exemption provided in the petroleum business tax for sales to nongovernmental organizations. Additionally, the law does not provide a refund to these organizations for any petroleum business tax passed through to them.

DELIVERY:

Delivery is expressed in number of calendar days required to make delivery after receipt of a purchase order.

Product is required as soon as possible and guaranteed delivery may be considered in making award.

Delivery shall be made in accordance with instructions on Purchase Order from each agency. If there is a discrepancy between the purchase order and what is listed on the contract, it is the contractor's obligation to seek clarification from the ordering agency and, if applicable, from the Office of General Services, New York State Procurement.

ESTIMATED QUANTITIES:

The quantities or dollar values listed are estimated only. See "Estimated/Specific Quantity Contracts" and "Participation in Centralized Contracts" in Appendix B, OGS General Specifications.

DELIVERY SCHEDULES:

In accordance with the "NON-STATE AGENCIES PARTICIPATION IN CENTRALIZED CONTRACTS" AND "EXTENSION OF USE" clauses herein, these contracts are extended to Political Subdivisions and others authorized by law as well as State agencies. The delivery schedules are a part of this specification and are provided as a guide to indicate proposed delivery points and estimated annual requirements. **Contractors are advised that these delivery schedules were revised up to the date of the bid opening to accommodate the addition of delivery points and quantities.** This information is included to clarify delivery conditions, where possible. Any specific questions regarding the site conditions should be directed to the end-user at the telephone number shown on the delivery schedule. **The Delivery Schedules are available upon direct request to this office. Please provide your request on company letterhead with a valid e-mail address and we will send electronically the delivery schedule to the party indicated.** Contractors shall be obligated to deliver under the contract to any State agency which places a purchase order under said contract, whether or not such delivery location is identified in the delivery schedules.

Any Political Subdivision or other non-State entity which has not filed a requirement with New York State Procurement as of the date of the bid opening shall be eligible to receive deliveries at Contractor's option only, upon placement of a valid purchase order to the Contractor's address as indicated herein.

At Contractors request, Contractors will be advised in writing regarding Political Subdivisions or other non-State entities which have filed on a timely basis but do not appear on the delivery schedule.

(continued)

CONTRACT PERIOD AND RENEWALS:

If mutually agreed between the New York State Procurement and the contractor, the contract may be renewed under the same terms and conditions for an additional period not to exceed twenty-four (24) months.

SHORT TERM EXTENSION:

In the event the replacement contract has not been issued, any contract let and awarded hereunder by the State, may be extended unilaterally by the State for an additional period of up to one month upon notice to the contractor with the same terms and conditions as the original contract including, but not limited to, quantities (prorated for such one month extension), prices, and delivery requirements. With the concurrence of the contractor, the extension may be for a period of up to three months in lieu of one month. However, this extension terminates should the replacement contract be issued in the interim.

WARRANTIES AND GUARANTEES:

See "Warranties and Guarantees" in appendix B, OGS General Specifications.

PRICE REVISIONS:

Bid prices are firm except that price revisions will be permitted in accordance with the following procedure:

Revisions to the original contract price shall be based on prices published in the OIL PRICE INFORMATION SERVICE (OPIS) under the heading "N.Y. Harbor Spot Barge Daily Diary" and Ethanol Spot Market Prices (New York).

The weekly average of the daily high and low prices shown in the publication for each of the three conventional unleaded gasoline fuel types, RB Unl, RB Prem and Ethanol will be used to compute price revisions during the contract period. New York State Procurement will compute any price revisions by determining the difference between the weekly average of the daily high and low prices (base prices) published on March 7, 2011 and the weekly average of the daily high and low prices published on Monday every week during the contract period beginning with the publication of September 26, 2011. This differential (adjustment) + or - will be added to the base bid prices. Applicable price changes will be effective as of the start of business on the Friday immediately preceding the day of publication. Generally, the weekly average published in OPIS represents a 5-day average of high and low prices; however, as holidays occur which would eliminate a given daily range of prices, the weekly average may represent less than a 5-day average. Regardless of the number of days represented in the weekly average, the published weekly average will be utilized as the basis for price revisions. Final price shall be calculated by applying the above stated price revision to the base bid price.

The State reserves the right to change to a daily, bi-weekly or monthly schedule in price revisions if the market conditions so warrant.

Should postings differ from current description and/or format, a posting determined by the Commissioner of the Office of General Services in his sole discretion, to be most reflective of market conditions, will be used.

Corrections to posted prices previously published will be considered when caused by a typographical or clerical error on the part of said publisher.

The following clauses shall apply to all price adjustments under any contract awarded:

- (1) Price increases are limited to changes in pre-selected postings as noted above. Increases in contract costs or prices to compensate for other increases in the cost of doing business, regardless of where such cost increases are attributable, will not be allowed during the contract period.
- (2) Should the price structure utilized by the parties become unworkable, detrimental or injurious to the State or result in prices which are not truly reflective of current market conditions and are deemed unreasonable or excessive by the Commissioner and no adjustment in price is mutually agreeable, the Commissioner reserves the sole right upon 10 days written notice mailed to the contractor to terminate this contract. If the contractor is unable or unwilling to meet contractual requirements in whole or in part it shall immediately notify the State of such in order that the State may take appropriate action. Such notification shall be in writing and shall be addressed to the Office of General Services, New York State Procurement.

(continued)

PRICE REVISIONS: (Cont'd)

- (3) The federal government has determined that gasoline sold in certain counties: Bronx, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Westchester [in the New York City Consolidated Metropolitan Statistical Area (CMSA)], and Dutchess County as an "opt-in," are subject to regulations mandating the use of OPRG(E) gasoline year round. Recognizing that pricing differentials occur on a regular basis, the State will incorporate the following methodology in the determination of the weekly price revision.

EXAMPLE: METHODOLOGY FOR RBOB AND ETHANOL ADJUSTMENTS
(OPRG(E) UNLEADED FUEL TYPES)

Posted Date: March 7, 2011

$$\begin{aligned} \text{RBOB Unleaded} \times .90 + \text{Ethanol} \times .10 &= \text{Blended Average} \\ (2.7944 \times .90) + (2.6500 \times .10) &= \text{Blended Average} \\ 2.515 + .2650 &= 2.7800 \end{aligned}$$

Posted Date: (Hypothetical) September 26, 2011

$$\begin{aligned} \text{RBOB Unleaded} \times .90 + \text{Ethanol} \times .10 &= \text{Blended Average} \\ (3.2944 \times .90) + (2.9063 \times .10) &= \text{Blended Average} \\ 2.9650 + .2906 &= 3.2556 \end{aligned}$$

ADJUSTMENT CALCULATION

$$\begin{aligned} \text{September 26, 2011 Blended Average} \pm \text{March 7, 2011 Base Blended Average} &= \text{Adjustment} \\ 3.2556 - 2.7800 &= +.4756* \end{aligned}$$

*This figure being a positive number will be added to the base bid price. If the figure is a negative number it would be subtracted from the base bid price. For the OGS web based posted pricing this adjustment will be added or subtracted to the base bid price.

NOTE: All figures are rounded to four (4) places.

EXAMPLE: METHODOLOGY FOR E-85 ADJUSTMENTS

Posted Date: March 07, 2011

$$\begin{aligned} \text{RBOB Unleaded} \times .15 + \text{Ethanol} \times .85 &= \text{Blended Average} \\ (2.7944 \times .15) + (2.6500 \times .85) &= \text{Blended Average} \\ .4192 + 2.2525 &= 2.6717 \end{aligned}$$

Posted Date: (Hypothetical) September 26, 2011

$$\begin{aligned} \text{RBOB Unleaded} \times .15 + \text{Ethanol} \times .85 &= \text{Blended Average} \\ (3.2944 \times .15) + (2.9063 \times .85) &= \text{Blended Average} \\ .4942 + 2.4704 &= 2.9646 \end{aligned}$$

ADJUSTMENT CALCULATION

$$\begin{aligned} \text{September 26, 2011 Blended Average} \pm \text{March 07, 2011 Base Blended Average} &= \text{Adjustment} \\ 2.9646 - 2.6717 &= +.2929* \end{aligned}$$

*This figure being a positive number will be added to the base bid price. If the figure is a negative number it would be subtracted from the base bid price. For the OGS web based posted pricing this adjustment will be added or subtracted to the base bid price.

NOTE: All figures are rounded to four (4) places.

(continued)

EMERGENCY PURCHASING:

In the event that a disaster emergency is declared by Executive Order under Section 28 of Article 2-B of the Executive Law, or that the Commissioner determines pursuant to his/her authority under Section 163(10)(b) of the State Finance Law that an emergency exists requiring the prompt and immediate delivery of products or services, the Commissioner reserves the right to obtain such products or services from any source, including but not limited to this contract, as the Commissioner in his/her sole discretion determines will meet the needs of such emergency. Contractor shall not be entitled to any claim or lost profits for products or services procured from other sources pursuant to this paragraph.

TRADE NAMES:

For convenience of ordering, delivering and servicing gasoline and E-85 under this contract, contractor shall state the trade name for the gasoline and E-85 offered under each type. Such trade name, however, shall not in any way set aside the requirement of compliance with specifications.

SERVICE:

Contractor must be prepared at all times to furnish engineering service, when so requested and to investigate and report to the using agency and this Division on any complaint that might arise in connection with the use of contractor's gasoline in State equipment.

NOTE:

Contractor's delivery trucks WILL BE EQUIPPED WITH CALIBRATED METERS to accurately measure quantities delivered. All deliveries must be accompanied by a Delivery Ticket showing Brand or Grade and Number of Gallons Delivered. Agencies may examine, upon request, a copy of the metered ticket showing gallons loaded into the vehicle making delivery.

Supplementing Articles 45 and 46, of Appendix B, General Specifications for Procurement Contracts, orders will call for delivery within a specified number of days after date of order. As much time as possible will be allowed the contractor (with consideration for the stipulated guaranteed delivery) for making deliveries; however, the contractor shall be in a position to make bulk deliveries within 24 hours after receipt of order, especially in emergency situations.

Normal deliveries are considered to be Monday thru Friday. Saturday/Sunday deliveries are to be made on an emergency basis (and not a regular basis) ONLY.

Contractor's fuel delivery trucks will be equipped with tight fill connections for those facilities with compatible appurtenances. On any tanks installed through the OGS Tank Modification Program, a 2 inch dry disconnect female fitting shall be required for the contractor to connect to the fill port.

Deliveries will be made in accordance with petroleum bulk storage regulations including but not limited to 6 NYCRR Part 613.3a or latest revisions thereof.

Agencies shall be responsible to insure that tanks are accessible by the contractor, and it is strongly advised that an agency representative be present during the delivery.

Failure of the agency to make appropriate arrangements, preventing delivery of product upon contractor's arrival at delivery site, may result in a charge to the agency for the contractor's transportation costs for that particular trip. Agencies should also make certain that receiving personnel are available at time of delivery.

Agencies are responsible for the implementation of monitoring programs to insure compliance by gasoline suppliers with the specification requirements as outlined herein and in CL-749 dated March 2, 2011.

(continued)

FILL AND VENT REQUIREMENTS/VAPOR RECOVERY SYSTEMS:

Agencies must ensure that fill and vent equipment adequately meet NYS Standards. Contractors have the responsibility of reporting faulty equipment to the end users and the appropriate NYS regulatory agencies.

The purchaser shall be responsible for having the proper fuel transfer vapor recovery system(s) operating on their storage tank in accordance with 6NYCRR Subpart 230. The transfers include delivery tank(er) to purchaser storage tank (Stage I) and purchaser storage tank to vehicle tank (Stage II) systems.

"The contractor shall properly use and operate fuel vapor recovery system and equipment whenever it is present on a purchaser's tank. The contractor must utilize the equipment if present regardless of whether regulations required it due to location and throughput thresholds."

NYS DOT supports the collection of vapors during transfer to prevent emissions and the use of controls whenever present. The Fire Code of New York State at Section 2205.1.3 requires that where tanks are equipped with any type of vapor recovery system, all connections required for the safe and proper functioning of the particular vapor recovery process shall be made.

Petroleum Transfer Requirements:

It is the responsibility of the contractor to conduct deliveries in accordance with petroleum bulk storage (PBS) regulations including but not limited to 6 NYCRR part 613.3 a. An additional clarification is needed to specifically note that this will require compliance with unloading/loading provisions of the U.S. Hazardous Material Transportation Standards at 49 CFR part 177.843 as well as the obligation to report spills to the NYSDEC spills hotline and other provisions of the PBS regulation. The requirements of 49 CFR Part 177.843 specify that the transporter must ensure that the cargo tank truck is attended at all times during unloading by a "qualified person." A person is "qualified" if he/she has been made aware of the nature of the hazardous material which is to be loaded or unloaded, he/she has been instructed on the procedures to be followed in emergencies, he/she is authorized to move the tank truck, and has the means to do so. The transporter qualified person is considered to be attending the unloading operations if, throughout the process, he/she is alert and is within 25 feet of the tank truck .and must have an unobstructed view of the tank truck and delivery hose to the maximum extent practicable during the unloading operation.

MINIMUM DELIVERY:

Minimum delivery shall be two hundred fifty (250) gallons into one (1) tank. Purchases of less than minimums qualify for contract pricing at vendor's discretion, including tank top-offs for tank testing. However, in no case shall pricing exceed contractor's normal retail pricing for purchase of less than 250 gallons, regardless of delivery circumstances.

AUTOMATIC REPLENISHMENT:

After having received a written request from the purchaser for "automatic replenishment," the contractor will comply at its option and shall notify agency accordingly.

RESERVATION:

The State reserves the right to negotiate lower pricing, or to advertise for bids, any unanticipated excessive purchase. An "unanticipated excessive purchase" is defined as an unexpected order for a contract product(s) totaling more than \$50,000.00.

TOPPING OFF TANKS:

Agency requests to top-off tanks for testing purposes shall be honored at contractor's option only.

CONVENTIONAL GASOLINE:

shall be any gasoline which has not been certified under 40\CFR, section 80.40.

NOTE: MAY CONTAIN UP TO 10% ETHANOL

E-85: A blend of 85% ethanol and 15% conventional regular unleaded gasoline by volume.

(continued)

OXYGENATED REFORMULATED GASOLINE OPRG(E):

shall be a blend consisting of : gasoline-alcohol, in a reformulated gasoline which is intended for use in an Oxygenated fuels Program Reformulated Gasoline control area during a program control period (i.e., 6NYCRR225.-3.4, Table 1 on page 140.2m CN 8-31-93, or latest revision thereof).

REQUIREMENTS - GASOLINE, UNLEADED FORMULA (CONVENTIONAL & OPRG(E) TYPES):

The gasoline/s provided shall be volatile hydrocarbon fuels, free from water, suspended matter, and shall conform to ASTM Standard D4814-09b and its annexes, appendixes, or latest revision/s thereof.

OCTANE REQUIREMENTS - UNLEADED FORMULA (CONVENTIONAL, OPRG(E) AND E-85 TYPES):

The Octanes specified herein shall be provided throughout the calendar year regardless of monthly climate changes and shall be determined by:

RON + MON :
2

<u>Engine grade/application requirement</u>	<u>MON (minimum)</u>	<u>(RON + MON)/2 (minimum)</u>
Regular grade unleaded gasoline: (REG)	82	87
Mid-range grade unleaded gasoline: (MID)	82	89
Premium grade unleaded gasoline: (PREM)	82	91
E-85		96

GASOLINE VOLATILITY CLASS (CONVENTIONAL & OPRG(E) TYPES):

All gasoline shall comply with Federal regulation, U.S. EPA, Clean Air Act (CAA) - 1990, Title 40 of Code of Federal Regulations (40CFR) and New York State regulations [6NYCRR, Subpart 225-3.3] for Reid Vapor Pressure and Volatility Class [as defined under ASTM D4814-09b, Tables 1 & 2 and Seasonal Volatility Classes, as per Table 4], or latest amendment thereof, at its seasonal time of delivery.

GENERAL REQUIREMENTS, UNLEADED FORMULA (CONVENTIONAL & OPRG(E) TYPES):

All fuel supplied under this contract shall be provided in full accordance with New York Code of Rules and Regulations (NYCRR), Title 6 Environmental Conservation Law, Chapter III Air Resources, Subchapter A, Part 225, (Statutory Authority: New York State Law, Article 19, Title 3, Section 19-0301, NYS Dept. of Environmental Conservation); Ag. & Mrkts., 1NYCRR, Part 224; and meet/exceed the requirements of Title 40 of the Code of Federal Regulations (40 CFR) sections 40CFR52 through 40CFR86. **This requirement includes the providing of appropriate records at the time of gasoline delivery.**

TANKS/S (STORAGE), GASOLINE-ALCOHOL BLEND:

The storage tank(s) for gasoline-alcohol blend fuel shall be clean the first time this blend of fuel is placed in the tank. The tank shall be new or cleaned [all water and precipitated-accumulated material (i.e., dyes, lacquers, varnishes, gums, etc.) shall be removed from the tank]. This tank cleaning shall be provided in full compliance with 1NYCRR, Subpart 224.8.

LABELS:

The contractor shall provide fuel content labels/signs for each pumping station.
These labels shall identify significant amounts of alcohols in the fuel and satisfy the requirements of 1NYCRR, Part 224 and 6NYCRR, Part 225. An environmental awareness decal/label shall be provided and displayed on each affected pump.

State of New York
Office of General Services
PROCUREMENT SERVICES GROUP
Contract Performance Report

Please take a moment to let us know how this contract award has measured up to your expectations. If reporting on more than one contractor or product, please make copies as needed. This office will use the information to improve our contract award, where appropriate. **Comments should include those of the product’s end user.**

Contract No.: _____ Contractor: _____

Describe Product* Provided (Include Item No., if available): _____

*Note: “Product” is defined as a deliverable under any Bid or Contract, which may include commodities (including printing), services and/or technology. The term “Product” includes Licensed Software.

	Excellent	Good	Acceptable	Unacceptable
• Product meets your needs				
• Product meets contract specifications				
• Pricing				

CONTRACTOR

	Excellent	Good	Acceptable	Unacceptable
• Timeliness of delivery				
• Completeness of order (fill rate)				
• Responsiveness to inquiries				
• Employee courtesy				
• Problem resolution				

Comments: _____

_____ (over)

Agency: _____ Prepared by: _____

Address: _____ Title: _____

_____ Date: _____

_____ Phone: _____

_____ E-mail: _____

Please detach or photocopy this form & return by FAX to 518/474-2437 or mail to:

OGS PROCUREMENT SERVICES GROUP
Customer Services, 37th Floor
Corning 2nd Tower - Empire State Plaza
Albany, New York 12242
* * * * *

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