



**PETROLEUM TRADERS
CORPORATION**

7120 Point Inverness Way
Fort Wayne, IN 46804-7928

December 11, 2018

City of Brecksville
Attn: Rebecca Riser, Director of Purchasing
9069 Brecksville Road
Brecksville, OH 44141

RE: Purchasing Consortium Agreement—Petroleum Traders Supplier of Gasoline & Diesel Fuel to City of Brecksville Signed by Petroleum Traders 10/17/17. Extension of Agreement No. 17-5117-01, signed by PTC and City of Brecksville on 11/6/2018, renewing Contract for second year, 1/1/19-12/31/19.

Dear Ms. Riser,

While your business is appreciated, Petroleum Traders Corporation ("PTC") has elected to exercise its option to terminate the above written agreement with The City of Brecksville ("The City"). Please allow this letter to serve as notice of termination to The City. Our election to terminate this agreement is based on the current economics as stated in the Agreement. PTC values your business and would be open to continuing servicing your account under a different pricing model. Please let us know if you would like to discuss this option. As required by the Agreement, under the Instructions to Bidder, PTC is required to provide (30) thirty days written notice. The date of this correspondence shall serve as the effective date of notice and the termination shall be final on January 10, 2019. Please note, that all orders and deliveries should be completed prior to the January 10, 2019 termination date.

PTC wishes The City well with its future endeavors. If you should have any questions, or wish discussing an extension of our services under different pricing, please do not hesitate to contact me.

Sincerely,

Gayle Newton,

Bids Dpt.—Contracts Sales Manger
Direct Line: 260-207-6347

Laura Haller

From: Robert Stefanik
Sent: Wednesday, December 26, 2018 2:08 PM
To: Laura Haller
Subject: FW: Fuel Contract for Consortium - Acceptance of Pricing Amendment
Attachments: Modified Extension.pdf

From: Riser, Rebecca [mailto:rriser@brecksville.oh.us]
Sent: Wednesday, December 26, 2018 1:35 PM
To: Robert Stefanik <mayorstefanik@northroyalton.org>; Nick Cinquepalmi <servicedir@northroyalton.org>
Cc: Amanda Andrasak <aandrasak@northroyalton.org>
Subject: FW: Fuel Contract for Consortium - Acceptance of Pricing Amendment

Mayor Stefanik & Nick:

I am replying to both of your voicemails from today with this email as it relates to the pricing amendment from Petroleum Traders for 2019.

As you will see in the email exchange below with Mariah Moonen of Petroleum Traders, once the consortium members responded that they were in agreement with accepting the amendment and continuing service with Petroleum Traders in 2019, I notified Mariah of this acceptance. The attachment is what the City of Brecksville uses for Agreement Extensions which we executed back in November, and that Petroleum Traders edited and initialed for the pricing amendment with our City.

We will present this to our City Council at their next regular meeting on January 15 for official approval by Motion. I had previously requested our acceptance of the 2nd year pricing for the Agreement Extension at the first meeting of Brecksville City Council in November.

I'm not sure what your City's procedures and requirements are for legislation, approvals, documentation, etc. But at this time, our consortium's previous acceptance of the 2nd year agreement with our fuel supplier(s) has simply been modified with this price amendment from Petroleum Traders that results in minimal increases to the overall invoices. As I mentioned in a previous email, for example, if you order a quantity of 7,000 gallons for either gasoline or diesel, it would equate to \$1.12 more on the total order cost. If this amendment requires Council action on your end, then you are correct in presenting that at your next Council meeting with whatever process and/or documentation that you require.

If you don't currently use an Agreement Extension document like Brecksville's (attached), please feel free to copy ours if you would like...and simply change out the agreement number and City references.

Please let me know if you have any additional questions.

Thank you!

Becki Riser, Director of Purchasing
City of Brecksville
(440) 526-2622

From: Mariah Moonen [<mailto:mmoonen@PetroleumTraders.com>]
Sent: Friday, December 21, 2018 1:26 PM
To: Riser, Rebecca <rriser@brecksville.oh.us>
Subject: RE: Fuel Contract for Consortium - Acceptance of Pricing Amendment

Please initial and date the changes made to the extension on the corresponding lines and return at your earliest convenience. Once this has been completed, our letter of termination will officially be considered rescinded due to the mutual agreement between Petroleum Traders Corporation and the City of Brecksville to modify the pricing. Please let me know if you have any questions or concerns. Thank you.

From: Riser, Rebecca
Sent: Monday, December 17, 2018 1:46 PM
To: 'Mariah Moonen' <mmoonen@PetroleumTraders.com>
Subject: Fuel Contract for Consortium - Acceptance of Pricing Amendment

Hi, Mariah-

The consortium members have all agreed to the pricing amendment for 2019, as outlined below in your email from 12/11/18.

Could you please provide a new letter that negates the contract termination, and lists the amended pricing?

Thank you!

Becki Riser, Director of Purchasing
City of Brecksville
(440) 526-2622

From: Riser, Rebecca
Sent: Tuesday, December 11, 2018 4:01 PM
To: Mariah Moonen <mmoonen@PetroleumTraders.com>
Subject: RE: Fuel Contract Letter of Termination

Mariah-

I'm going to present this pricing amendment to the consortium members for approval.
I'll be back in touch with you as soon as I have that confirmed.

Thank you,

Becki

From: Mariah Moonen [<mailto:mmoonen@PetroleumTraders.com>]
Sent: Tuesday, December 11, 2018 3:03 PM
To: Riser, Rebecca <rriser@brecksville.oh.us>
Subject: RE: Fuel Contract Letter of Termination

In order to continue service through this contract we would need the following pricing model:

-0.0057 over the Cleveland, OH OPIS daily contract average for gasoline

+0.0088 over the Cleveland, OH OPIS daily contract average for diesel

From: Riser, Rebecca [<mailto:rriser@brecksville.oh.us>]
Sent: Tuesday, December 11, 2018 2:51 PM
To: Mariah Moonen <mmoonen@PetroleumTraders.com>
Subject: RE: Fuel Contract Letter of Termination
Importance: High

Mariah-

Can you please share at your earliest convenience the pricing model that Petroleum Traders is willing to offer in order to continue service through this contract term ending 12/31/19?

Thank you,

Becki Riser, Director of Purchasing
City of Brecksville
(440) 526-2622

From: Mariah Moonen [<mailto:mmoonen@PetroleumTraders.com>]
Sent: Tuesday, December 11, 2018 1:28 PM
To: Riser, Rebecca <rriser@brecksville.oh.us>
Subject: Fuel Contract Letter of Termination
Importance: High

Good afternoon,

After further review of our contract with the city, Petroleum Traders Corporation will be unable to continue providing services under the terms of this contract. Please see the attached letter of termination for a more complete explanation. Please let Gayle or myself know if there are any questions. I sincerely apologize for any inconvenience this causes.

Mariah Moonen
Petroleum Traders Corporation
Bids Specialist
Ph: (260)207-6396
Fx: (260)498-2835

EXHIBIT 1

Purchasing Consortium
 Supplying Gasoline & Diesel Fuel - Specifications
 2017/2018

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BID FORM - CONTRACT YEAR ONE (12/9/17 - 12/31/18)

Note: Price Differentials for current contract are: Unleaded 87 = (.0311) ULS #2 Diesel = (.0311)

	Price Differential	OPIS Average	Taxes & Fees (does not include Activity Tax)	Total Cost per Gallon (less Activity Tax)
	<i>Bidder's Adder - Used to determine best bid</i>	<i>Sample OPIS Average Pricing</i>	<i>\$.001 Fed LUST \$.28 OH Tax \$.0019 Oil Spill Tax</i>	<i>OPIS Avg + Price Differential + Taxes & Fees</i>
NO LEAD PREMIUM GASOLINE, 93 OCTANE, w/ 10% Ethanol Blend				
Transport	\$.0217	\$2.6800	\$0.2829	\$ 2.9412
Tankwagon	\$NO BID	\$2.6800	\$0.2829	\$ NO BID
Product Bid	Various to include: Marathon, Musket, Global, Husky, & etc.			
Name & Location of Refiner	Marathon, Cleveland, OH			
NO LEAD MID-GRADE GASOLINE, 89 OCTANE, w/ 10% Ethanol Blend				
Transport	\$.0217	\$2.3200	\$0.2829	\$ 2.5812
Tankwagon	\$NO BID	\$2.3200	\$0.2829	\$ NO BID
Product Bid	Various to include: Marathon, Musket, Global, Husky, & etc.			
Name & Location of Refiner	Marathon, Cleveland, OH			
NO LEAD REGULAR GRADE GASOLINE, 87 OCTANE, w/ 10% Ethanol Blend				
Transport	\$.0217	\$2.1100	\$0.2829	\$ 2.3712
Tankwagon	\$NO BID	\$2.1100	\$0.2829	\$ NO BID
Product Bid	Various to include: Marathon, Musket, Global, Husky, & etc.			
Name & Location of Refiner	Marathon, Cleveland, OH			
ULTRA LOW SULFUR #2 DIESEL				
Transport	\$.0072	\$1.6835	\$0.2829	\$ 1.9592
Tankwagon	\$NO BID	\$1.6835	\$0.2829	\$ NO BID
Product Bid	Various to include: Marathon, Musket, Global, Husky, & etc.			
Name & Location of Refiner	Marathon, Cleveland, OH			

NAME OF BIDDER Petroleum Traders Corporation

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 Supplying Gasoline & Diesel Fuel - Specifications
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BID FORM - CONTRACT YEAR TWO (OPTION TO RENEW, 1/1/19 -- 12/31/19)

	Price Differential	OPIS Average	Taxes & Fees (does not include Activity Tax)	Total Cost per Gallon (less Activity Tax)	
	Bidder's Adder - Used to determine best bid	Sample OPIS Average Pricing	\$.001 Fed LUST \$.28 OH Tax \$.0019 Oil Spill Tax	OPIS Avg + Price Differential + Taxes & Fees	
NO LEAD PREMIUM GASOLINE, 93 OCTANE, w/ 10% Ethanol Blend	-0.0057	\$2.6960		2.9572	6w
Transport	\$ -.0217	-\$2.6800	\$0.2829	\$ -2.0412	
Tankwagon	\$ NO BID	\$2.6800	\$0.2829	\$ NO BID	12/21
Product Bid	Various to include: Marathon, Musket, Global, Husky, & etc.				
Name & Location of Refiner	Marathon, Cleveland, OH				
NO LEAD MID-GRADE GASOLINE, 89 OCTANE, w/ 10% Ethanol Blend	-0.0057	\$2.3360		2.5972	6w
Transport	\$ -.0217	-\$2.3200	\$0.2829	\$ -2.5812	
Tankwagon	\$ NO BID	\$2.3200	\$0.2829	\$ NO BID	12/21
Product Bid	Various to include: Marathon, Musket, Global, Husky, & etc.				
Name & Location of Refiner	Marathon, Cleveland, OH				
NO LEAD REGULAR GRADE GASOLINE, 87 OCTANE, w/ 10% Ethanol Blend	-0.0057	\$2.1260		2.3872	6w
Transport	\$ -.0217	-\$2.1100	\$0.2829	\$ -2.3712	
Tankwagon	\$ NO BID	\$2.1100	\$0.2829	\$ NO BID	12/21
Product Bid	Various to include: Marathon, Musket, Global, Husky, & etc.				
Name & Location of Refiner	Marathon, Cleveland, OH				
ULTRA LOW SULFUR #2 DIESEL	+0.0088	\$1.6995		1.9752	6w
Transport	\$.0072	-\$1.6835	\$0.2829	\$ -1.9592	
Tankwagon	\$ NO BID	\$1.6835	\$0.2829	\$ NO BID	12/21
Product Bid	Various to include: Marathon, Musket, Global, Husky, & etc.				
Name & Location of Refiner	Marathon, Cleveland, OH				

NAME OF BIDDER Petroleum Traders Corporation

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TRANSPORT DELIVERY: 8500 (gasoline)
7500 (diesel) GALLONS OR MORE

TANKWAGON DELIVERY: No Bid GALLONS MINIMUM

BID FORM SIGNATURE PAGE

NAME & ADDRESS OF BIDDER

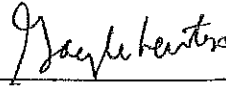
Petroleum Traders Corporation

7120 Pointe Inverness Way

Fort Wayne, IN 46804

E-Mail: gnewton@petroleumtraders.com

AUTHORIZED SIGNATURE & TITLE



Gayle Newton, Contract Sales Manager
(Please type or print name)

Phone: 800-348-3705 x4

Fax: 260-203-2824

NAME & ADDRESS OF DELIVERY AGENT, IF DIFFERENT FROM BIDDER:

Phone: _____

Fax: _____

E-Mail: _____

ENCLOSED: 10% BID BOND, OR \$ _____ BID CHECK

DATE OF BID 10/17/17

EXHIBIT 1

*Purchasing Consortium
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EXCEPTION SHEET

List here any and all exceptions to specifications upon which your bid is based. If there are no exceptions listed here, your bid will be considered to be in complete accordance with specifications.

NAME OF BIDDER Petroleum Traders Corporation

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REFERENCES

List references for similar contract work completed during the last three years. Include name and phone number of a contact person for each reference listed.

Name: Greater Cleveland Regional Transit Authority
Address: 1240 West 6th Street; Cleveland, OH 44113
Phone: 216-421-2808
Contact Name: Joe Horowski

Name: City of Lima
Address: 240 North Central Avenue; Lima, OH 45801
Phone: 419-221-5165
Contact Name: Saul Allen

Name: City of North Olmsted
Address: 5200 Dover Center Road; North Olmsted, OH
Phone: 440-716-4137
Contact Name: Renee Overstreet

NAME OF BIDDER Petroleum Traders Corporation

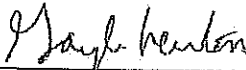
CERTIFICATE OF COMPLIANCE

By signing this certificate, I certify that I/my company is in full compliance with the political contributions limitations established in Ohio Revised Code 3517.13, and is therefore eligible to receive a contract from the City of Brecksville.

Ohio Revised Code 3517.13 states in part that no political subdivision shall award any contract for the purchase of goods or services with a cost aggregating more than ten thousand dollars in a calendar year, to any individual, partnership or other unincorporated business, if any member of the firm, their spouse and/or certain other individuals has made within the previous twenty-four months, one or more contributions totaling in excess of one thousand dollars to the holder of the public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee, or one or more contributions totaling in excess of two thousand dollars for the business. Bidders are responsible for understanding the code, how it pertains to their business and whether they comply. The complete Code can be found at <http://codes.ohio.gov/orc/3517.13>.

Brecksville's elected officials are: Mayor Jerry N. Hruby, Gerald F. Broski, Louis N. Carouse Jr., Michael Harwood, Nora Murphy, Laura Redinger, Gregory Skaljac, Kimberly Veras.

COMPANY NAME Petroleum Traders Corporation
ADDRESS 7120 Pointe Inverness Way; Fort Wayne, IN 46804


AUTHORIZED SIGNATURE _____

Gayle Newton, Contract Sales Manager
PRINTED NAME _____

gnewton@petroleumtraders.com
EMAIL ADDRESS _____

10/17/17
DATE SIGNED _____

DESCRIPTION OF WORK TO BE PERFORMED
Supplying Gasoline & Diesel Fuel

NON-COLLUSION AFFIDAVIT OF
PRIME BIDDER

State of ~~Ohio~~ Indiana)
)ss
County of Allen)

Gayle Newton, being first duly sworn, deposes and
says that:

He/She is Contract Sales Manager of Petroleum Traders Corporation, the bidder
that has submitted the attached bid;

He is fully informed respecting the preparation and contents of the attached bid and all
pertinent circumstances respecting such bid;

Such bid is genuine and is not a collusive or sham bid; either the said bidder nor any of its officers,
partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has
in any way colluded, conspired, connived, or agreed directly or indirectly with any other bidder, firm, or
person to submit a collusive or sham bid in connection with the contract for which the attached bid has
been submitted, or to refrain from bidding in connection with such contract, or has in any manner
directly or indirectly sought by agreement, collusion, communication, or conference with any other
bidder, firm, or person to fix the price or
prices in the attached bid or of any other bidder, or to fix any overhead, profit, or cost element of bid
price or the bid price of any other bidder, or to secure through any collusion, conspiracy, connivance, or
unlawful agreement any advantage against the City of Brecksville, Ohio, or any person interested in the
proposed contract; and the price or prices quoted in the attached bid are fair, proper, and not tainted by
any
collusion, conspiracy, connivance, or unlawful agreement on the part of the bidder or any of its agent's
representatives, owners, employees, or parties in interest, including this affiant.

Signed: *Gayle Newton*

Title: Contract Sales Manager

Subscribed and sworn to before me this 17th day of October, 2017.

Michelle Renee Beard
Notary Public Signature Michelle Beard



My Commission expires June 10, 2018

FINDINGS FOR RECOVERY CERTIFICATION

I am aware that Ohio law, under certain circumstances, prohibits a political subdivision from awarding a contract for goods, services or construction to any person against whom a finding of recovery has been issued by the Auditor of State, if that finding is unresolved.

I hereby certify that an unresolved finding for recovery has not been issued against:

Petroleum Traders Corporation

(Company Name)

Signature: Gayle Newton

Printed Name: Gayle Newton

Title: Contract Sales Manager

Date: 10/17/17