

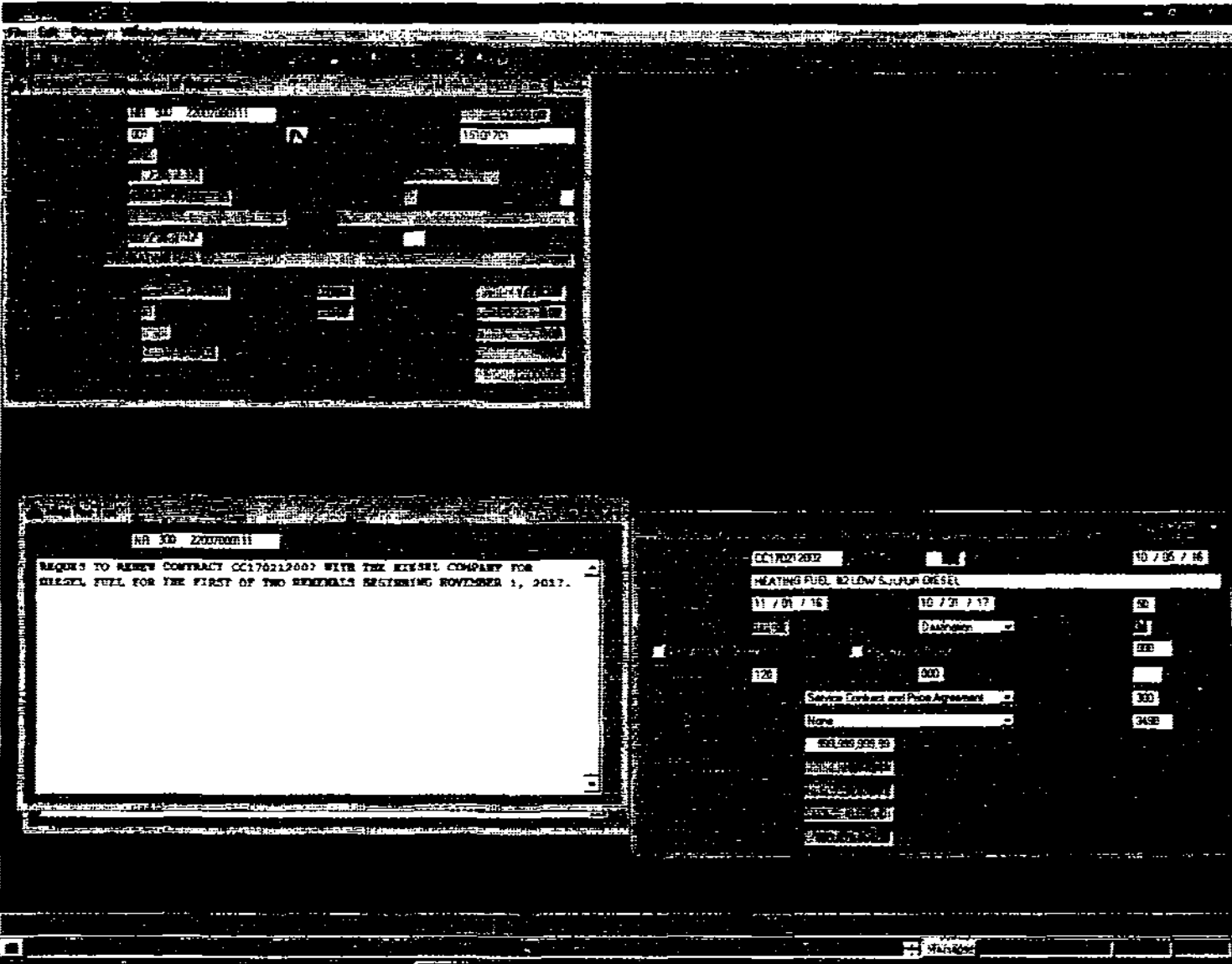


NOTICE OF CONTRACT RENEWAL

State Of Missouri
Office Of Administration
Division Of Purchasing
PO Box 809
Jefferson City, MO 65102-0809
<http://oa.mo.gov/purchasing>

bulks
RFP# 30034901700812

| | |
|---|---|
| CONTRACT NUMBER CC170212002 | CONTRACT TITLE Heating Fuel: #2 Low Sulfur Diesel |
| AMENDMENT NUMBER 001 | CONTRACT PERIOD November 1, 2017 through October 31, 2018 |
| REQUISITION/REQUEST NUMBER NR 300 22007000111 | SAM II VENDOR NUMBER/MissouriBUYS SYSTEM ID 4308346090 2 / MB00102151 |
| CONTRACTOR NAME AND ADDRESS The Kiesel Company 23729 Lock Box No 790100 St. Louis, MO 63179-0100 | STATE AGENCY'S NAME AND ADDRESS Office of Administration Division of Facilities Management, Design and Construction Various OA/FMDC Managed Facilities located throughout the State of Missouri |
| ACCEPTED BY THE STATE OF MISSOURI AS FOLLOWS: The State of Missouri hereby exercises its option to renew the contract. All other terms, conditions and provisions of the contract, including the quoted mark-up prices, shall remain the same throughout the above contract period and apply hereto. SIGNATURE OF CONTRACTOR IS NOT REQUIRED ON THIS DOCUMENT. | |
| BUYER Teri Schulte | BUYER CONTACT INFORMATION Email: teri.schulte@oa.mo.gov Phone: (573) 522-3296 Fax: (573) 526-9816 |
| SIGNATURE OF BUYER <i>Teri L. Schulte</i> | DATE 9-1-17 |
| DIRECTOR OF PURCHASING <i>Karen S. Boeger</i> Karen S. Boeger | |



| | |
|--|--|
| RENEWAL: _____ PERIOD OF <u>2</u> TOTAL _____ | Performance Security Deposit: \$ _____ |
| _____ Renewal - % Increase _____ Cost Savings | Surety Bond: \$ _____ |
| _____ Renewal - \$ Increase _____ Cost Savings | Annual Wage Order Number: _____ |
| <input checked="" type="checkbox"/> Renewal - W/O Increase | Annual Wage Order Date: _____ |
| _____ SFS Renewal - Prices In Original Contract | County(ies): _____ |
| _____ SFS Renewal - Prices Not in Original Contract | Other Instructions: _____ |
| EXTENSION PERIOD: _____ | |
| _____ Extension - 30-Day Termination | |
| _____ Extension - \$ Increase _____ Cost Savings | |
| _____ Extension - W/O Increase | |
| _____ Assignment | |
| _____ Cancellation/Termination | |
| _____ Other Amendment | |

| | | | |
|---|-----------------------|-------------------|----------------------------|
| A. Section 34.040.6, RSMo | Buyer/Section Support | TJS TJS TJS | 9-1-17 9-1-17 9-1-17 |
| B. DPMM Suspension List | Buyer/Section Support | | |
| C. Federal Suspension - SAM.GOV | Buyer/Section Support | | |
| D. Labor Stds - OA/FMDC Contractor Debarment Lists | Buyer/Section Support | | |
| E. Review of Participation Commitment Attainment - If app, Verify Receipt of 1 st Renewal - Blind/Sheel Wkshp Affdvt | Buyer | | |
| F. SFS Review/Justification - Insert Advertising Date, if applicable | Buyer | | |
| | Buyer/Section Support | | |
| | Buyer | | |

| | |
|--------------------------------------|---------------------------|
| Buyer/Section Support | |
| Contractor E-Mail Address/Fax Number | <u>pattie.kies@co.com</u> |
| State Agency Contact E-Mail Address | <u>Becky Brinkley</u> |
| Section 34.040.6, RSMo, Letter | Follow-Up Notes: |

| | | | |
|--|-----------------------|------------|------------------|
| A. Renewal/Extension Pricing | Buyer/Section Support | | |
| B. Section 34.040.6, RSMo | Buyer/Section Support | | |
| C. Performance Security Deposit/Surety Bond | Buyer/Section Support | | |
| D. Renewal/Extension with Cost Savings Language | Buyer | | |
| E. Statewide Notice | Buyer | | |
| F. SFS Authorized Limit \$ | Buyer | | |
| G. | | | |
| 1. E-Verify Exhibit/Affidavit/Documentation | Buyer/Section Support | | |
| 2. Assignment and Consent Form | Buyer/Section Support | | |
| 3. DPMM Suspension List | Buyer/Section Support | | |
| 4. Federal Suspension - SAM.GOV | Buyer/Section Support | | |
| 5. Labor Stds - OA/FMDC Contractor Debarment Lists | Buyer/Section Support | | |
| | Buyer/Section Support | | |
| | Buyer | TJS TJS | 9-1-17 9-1-17 |

| | | | |
|--|-------------------------------|----|-----|
| AM 300 PMM <u>10076480</u> | Buyer/Section Support | JW | 9/6 |
| Distribute E-Verify & SDV Documents | Buyer/Section Support | JW | 9/6 |
| E-Mail/Fax NOA to Contractor/Assignee & Agency Contact | Buyer/Section Support | JW | 9/6 |
| Copy/Save As Statewide Notice to Internet Folder | Buyer/Section Support | | |
| | Central Support-Participation | | |
| | Central Support-Imaging | | |


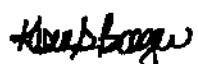
Missouri BLS

JW 9/8



NOTICE OF AWARD

State of Missouri
Office of Administration
Division of Purchasing
P.O. Box 809
Jefferson City, MO 65102-0809
<http://www.aa.mo.gov/purch>

| | |
|---|--|
| SOLICITATION NUMBER RFPC30034901700212 | CONTRACT TITLE Heating Fuel: #2 Low Sulfur Diesel |
| CONTRACT NUMBER CC170212002 | CONTRACT PERIOD November 1, 2016 through October 31, 2017 |
| REQUISITION NUMBER NR 300 22006000099 | SAM II VENDOR NUMBER/MissouriBUYS SYSTEM ID 4308346090 2 / MB00102151 |
| CONTRACTOR NAME AND ADDRESS The Kiesel Company 23729 Lock Box No 790100 St. Louis, MO 63179-0100 | STATE AGENCY'S NAME AND ADDRESS Office of Administration Division of Facilities Management, Design and Construction Various OA/FMDC Managed Facilities located throughout the State of Missouri |
| ACCEPTED BY THE STATE OF MISSOURI AS FOLLOWS: The proposal submitted by The Kiesel Company in response to Solicitation/Opportunity (Opp) No.: RFPC30034901700212 is accepted as to the Greater St. Louis Region only. | |
| BUYER Laurie Borchelt | BUYER CONTACT INFORMATION Email: laurie.borchelt@aa.mo.gov Phone: (573) 751-1702 Fax: (573) 526-9816 |
| SIGNATURE OF BUYER  | DATE 10/3/16 |
| DIRECTOR OF PURCHASING AND MATERIALS MANAGEMENT  | |

Borchelt, Laurie

From: Patti Sutherlin <patti@kieselco.com>
Sent: Friday, September 23, 2016 10:45 AM
To: Borchelt, Laurie
Cc: Matt Beaty
Subject: RE: RFPC30034901700212 - #2 Low Sulfur Diesel
Attachments: Kiesel_ExhibitA_ExhibitE.pdf

Hi Laurie,

Thank you for letting me know about the omission. Attached are the executed Exhibit A and Exhibit E.

Please let me know if you need anything additional.

Have a great day~

Patti

Patricia Kiesel Sutherlin
4801 Fyler Avenue, St. Louis, MO 63116
Phone: 314.351.5500 Fax: 314.351.0894
www.kieselco.com



From: Borchelt, Laurie [<mailto:Laurie.Borchelt@oa.mo.gov>]
Sent: Friday, September 23, 2016 9:28 AM
To: Patti Sutherlin <patti@kieselco.com>
Subject: RFPC30034901700212 - #2 Low Sulfur Diesel

Patti: Thank you for your response to the above-referenced RFP for #2 Low Sulfur Diesel for various OA/FMDC-managed facilities across the state of Missouri. Your response did not include a completed **Exhibit A** (Domestic Products Procurement Act – Buy American Preference) or a completed **Exhibit E** (Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusions). Please complete these forms as applicable and return to me at your earliest convenience. I've attached the RFP again for your convenience | copying and completing these exhibits. It is not necessary for you to complete the entire document. You can just return the 2 completed and signed forms. If you have any questions, please don't hesitate to contact me. Thanks...Laurie

EXHIBIT A

DOMESTIC PRODUCTS PROCUREMENT ACT (BUY AMERICAN) PREFERENCE

In accordance with sections 34.350-34.359 RSMo, the vendor is instructed to provide information regarding the point of manufacture for each of the products being proposed so that the product's eligibility for the Domestic Products Procurement Act (Buy American) Preference can be determined. This information is requested for the finished product only, not for components of the finished product. The vendor may be required to provide supporting documentation indicating proof of compliance.

Qualifying for the Domestic Products Preference:

A product qualifies for the preference if one of the following circumstances exist:

- if manufactured or produced in the U.S.; or
- if the product is imported into the U.S. but is covered by an existing international trade treaty, law, agreement, or regulation that affords the specific product the same status as a product manufactured or produced in the U.S.; or
- if only one line of products is manufactured or produced in the U.S.

Non-Domestic Product:

If the product is not manufactured or produced in the U.S. and does not otherwise qualify as domestic, then it will be considered non-domestic and not eligible for the preference.

THE VENDOR MUST COMPLETE THE FOLLOWING APPLICABLE TABLES TO CERTIFY WHETHER:

- (Table 1) ALL products proposed are manufactured or produced in the U.S. and qualify for the Domestic Products Procurement Act Preference; OR
- (Table 2) ALL products proposed are manufactured or produced outside the U.S. and do not otherwise qualify for the Domestic Products Procurement Act Preference; OR
- (Tables 3-6) Not all products proposed fall into the prior two categories so an item-by-item certification is necessary.

The vendor is responsible for certifying the information provided on the exhibit is accurate by signing where indicated at the end of the exhibit.

TABLE 1 – ALL PRODUCTS MANUFACTURED OR PRODUCED IN U.S. (eligible for preference)

Check the box to the right if ALL products proposed are MANUFACTURED OR PRODUCED IN THE U.S.:

TABLE 2 – ALL PRODUCTS MANUFACTURED OR PRODUCED OUTSIDE U.S. AND DON'T QUALIFY FOR PREFERENCE (ineligible for preference)

Check the box to the right if ALL products proposed are MANUFACTURED OR PRODUCED OUTSIDE THE U.S. and DO NOT OTHERWISE QUALIFY for the Domestic Products Procurement Act Preference:

TABLES 3 THROUGH 6 – ITEM BY ITEM CERTIFICATION (NOT ALL PRODUCTS PROPOSED FALL INTO PRIOR TWO TABLES)

- For those line items for which a U.S.-manufactured or produced product is proposed, complete Table 3.
- For those line items which are manufactured or produced outside the U.S. that do not qualify for the Domestic Products Procurement Act Preference, complete Table 4.
- For those line items which are not manufactured or produced in the U.S., but for which there is a U.S. trade treaty, law, agreement, or regulation in compliance with section 34.359 RSMo, complete Table 5.
- For those line items which are not manufactured or produced in the U.S., but for which there is only one U.S. Manufacturer of that product or line of products, complete Table 6.

TABLE 3 – U.S. MANUFACTURED OR PRODUCED PRODUCTS (Eligible for Preference)

- List item numbers of products proposed that are U.S.-manufactured or produced and therefore qualify for the Domestic Products Procurement Act Preference.
- List U.S. city and state where products proposed are manufactured or produced.

| Item # | U.S. City/State Where Manufactured/Produced | Item # | U.S. City/State Where Manufactured/Produced |
|--------|---|--------|---|
| | | | |

TABLE 4 – FOREIGN-MANUFACTURED OR PRODUCED PRODUCTS (Not Eligible for Preference)

- List item numbers of products proposed that are foreign manufactured or produced and do not otherwise qualify for the Domestic Products Procurement Act Preference.
- List country where product proposed is manufactured or produced.

| Item # | Country Where Manufactured/Produced | Item # | Country Where Manufactured/Produced |
|--------|-------------------------------------|--------|-------------------------------------|
| | | | |

EXHIBIT A, continued: DOMESTIC PRODUCTS PROCUREMENT ACT (BUY AMERICAN) PREFERENCE

TABLE 5 -- FOREIGN-MANUFACTURED OR PRODUCED PRODUCTS BUT U.S. TRADE TREATY, LAW, AGREEMENT, OR REGULATION APPLIES (Eligible for Preference)

- List item numbers of products proposed that are foreign manufactured or produced but qualify for the Domestic Products Procurement Act Preference because a U.S. Trade Treaty, Law, Agreement, or Regulation applies.
- Identify country where proposed foreign-made product is manufactured or produced.
- Identify name of applicable U.S. Trade Treaty, Law, Agreement, or Regulation that allows product to be brought into the U.S. duty/tariff-free.
- Identify website URL for the U.S. Trade Treaty, Law, Agreement, or Regulation.
- NOTE: As an imported product, if an import tariff is applied to the item, it does not qualify for the preference. In addition, "Most Favored Nation" status does not allow application of the preference unless the product enters the U.S. duty/tariff-free.

| Item # | Country Where Proposed Foreign-Made Product is Manufactured/Produced | Name of Applicable U.S. Trade Treaty, Law, Agreement, or Regulation | Official Website URL for the U.S. Treaty, Law, Agreement, or Regulation |
|--------|--|---|---|
| | | | |
| | | | |
| | | | |

TABLE 6 -- FOREIGN-MANUFACTURED OR PRODUCED PRODUCTS BUT ONLY ONE US MANUFACTURER PRODUCES PRODUCT OR LINE OF PARTICULAR GOOD (Eligible for Preference)

- List item numbers of products proposed that are foreign manufactured or produced but qualify for the Domestic Products Procurement Act Preference because only one US Manufacturer produces the product or line of a particular good.
- Identify country where proposed foreign-made product is manufactured or produced.
- Identify sole US manufacturer name.
- Identify name of sole US manufactured product/line of particular good.

| Item # | Country Where Proposed Foreign-Made Product is Manufactured/Produced | Sole US Manufacturer Name | Name of Sole US Manufactured Product or Line of Particular Good |
|--------|--|---------------------------|---|
| | | | |
| | | | |
| | | | |

The vendor is responsible for certifying the information provided on this exhibit is accurate by signing below:

I hereby certify that the information provided herein is true and correct, and complies with all provisions of sections 34.350 to 34.359, RSMo. I understand that any misrepresentation herein constitutes the commission of a class A misdemeanor.

Patricia Kiesel Sutherland
 SIGNATURE (if submitting proposal electronically, scanned or typed signature is acceptable)
 PATRICIA KIESEL SUTHERLIN
 COMPANY NAME
 THE KIESEL COMPANY

EXHIBIT E**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98 Section 98.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988, Federal Register (pages 19160-19211).

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS FOR CERTIFICATION)

- (1) The prospective recipient of Federal assistance funds certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective recipient of Federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

THE KESSEL COMPANY
Company Name

041301086
DUNS #

PATRICIA KESSEL SMYTHORN
Authorized Representative's Printed Name

VICE PRESIDENT
Authorized Representative's Title

Patricia Kessel Smythorn
Authorized Representative's Signature

9/20/16
Date

Instructions for Certification

1. By signing and submitting this proposal, the prospective recipient of Federal assistance funds is providing the certification as set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of Federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Department of Labor (DOL) may pursue available remedies, including suspension and/or debarment.
3. The prospective recipient of Federal assistance funds shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective recipient of Federal assistance funds learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective recipient of Federal assistance funds agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the DOL.
6. The prospective recipient of Federal assistance funds further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to check the List of Parties Excluded from Procurement or Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the DOL may pursue available remedies, including suspension and/or debarment.

| Supplier Name | Intrnl No Bid | Prod No. | Unit Price | Qty | U/M | Total Price | Additional Item Information | Add'l Item Field 1 |
|--------------------|------------------|-------------|------------|-----|-----|----------------|---------------------------------------|---|
| The Kiesel Company | N | | \$0.45 | 1 | gal | \$0.45 | This is the Firm, Fixed Mark-Up Price | Regions served: Greater St. Louis |
| MFA Oil | N | | \$0.4559 | 1 | gal | \$0.4559 | | Regions served: Northwest, Northeast, Greater Kansas City, Central, Greater St. Louis, Southwest, Southeast |
| MFA Oil | N | | \$0.5059 | 1 | gal | \$0.5059 | | Regions served: Northwest, Northeast, Greater Kansas City, Central, Greater St. Louis, Southwest, Southeast |
| The Kiesel Company | N | | \$0.55 | 1 | gal | \$0.55 | This is the Firm, Fixed Mark-Up Price | Regions served: Greater St. Louis |
| The Kiesel Company | N | | 0.095 | 1 | gal | \$0.095 | This is the Firm, Fixed Mark-Up Price | Regions served: Greater St. Louis |
| MFA Oil | N | | \$0.2744 | 1 | gal | \$0.2744 | | Regions served: Northwest, Northeast, Greater Kansas City, Central, Greater St. Louis, Southwest, Southeast |
| The Kiesel Company | N | | 0.115 | 1 | gal | \$0.115 | This is the Firm, Fixed Mark-Up Price | Regions served: Greater St. Louis |
| MFA Oil | N | | \$0.30 | 1 | gal | \$0.30 | | Regions served: Northwest, Northeast, Greater Kansas City, Central, Greater St. Louis, Southwest, Southeast |

Add'l Item Field 2

**Racks/Cities served: OPIS Rack Average - Ultra Low
Red Dye for St. Louis**

**Racks/Cities served: Kansas City, Columbia, Kansas
City, Columbia, St. Louis, Springfield, St. Louis**

**Cities served: Kansas City, Columbia, Kansas City,
Columbia, St. Louis, Springfield, St. Louis**

**Racks/Cities served: OPIS Rack Average - Ultra Low
Red Dye for St. Louis**

**Racks/Cities served: OPIS Rack Average - Ultra Low
Red Dye for St. Louis**

**Cities served: Kansas City, Columbia, Kansas City,
Columbia, St. Louis, Springfield, St. Louis**

**Racks/Cities served: OPIS Rack Average - Ultra Low
Red Dye for St. Louis**

**Cities served: Kansas City, Columbia, Kansas City,
Columbia, St. Louis, Springfield, St. Louis**