



STATE OF MISSISSIPPI

**FUEL ACCESS CARD SERVICES
CONTRACT NO. 8200070285**

**DEPARTMENT OF FINANCE AND ADMINISTRATION
OFFICE OF PURCHASING, TRAVEL AND FLEET MANAGEMENT
701 WOOLFOLK BUILDING, SUITE A
501 NORTH WEST STREET
JACKSON, MISSISSIPPI 39201**

Fuel Access Card Services Contract Document
Fleetcor Technologies Operating Company, LLC dba Fuelman
Supplier No: 310002477
Contract No: 8200070285
Effective Dates: September 1, 2023 through August 31, 2024

1. AUTHORITY

This certifies that a contract has been executed between the Office of Purchasing, Travel and Fleet Management, an Office of the Department of Finance and Administration for the State of Mississippi and the herein designated contractor pursuant to Section 31-7-7, Mississippi Code of 1972, Annotated, for the service specified herein.

2. APPLICATION

All services rendered to state agencies under the provisions of this contract shall be provided by the contractor receiving the award unless the state agency determines that utilization of this contract is not in the best interest of the state agency and approval is provided by the DFA Bureau of Fleet Management.

Under the provisions of Section 31-7-7 Mississippi Code of 1972, Annotated, the service offered herein may be extended to the governing authorities. However, the governing authorities, by provisions of Section 31-7-12, may use the state contract or follow the provisions set forth in 31-7-13(s) Mississippi Code of 1972, Annotated.

Fuel Access Card Services provided under this contract from the awarded contractor shall be exempt from competitive bid requirements otherwise applying to purchases by state agencies and governing authorities. Applicable purchase orders issued by state agencies, regardless of the total amount, do not require further approval by this office.

The term, *governing authorities*, shall be defined as to mean, boards of supervisors, governing boards of all school districts, all boards of directors of public water supply district, boards of directors of master public water supply districts, municipal public utility commissions, governing authorities of all municipalities, port authorities, commissioners and boards of trustees of any public hospitals and any political subdivision of the state supported wholly or in part by public funds of the state or political subdivisions thereof.

3. RESTRICTION

During the term of this contract, no designated services from the designated contractor shall be made at a fee in excess of that established by the price set out in this contract.

4. OTHER INFORMATION

4.1 Purpose: The purpose of this catalog is to establish a contract with the contractor who shall provide fuel access cards and applicable services.

4.2 Participating Agencies and Personnel: Participating agencies will designate an agency liaison officer to communicate with the Office of Purchasing, Travel and Fleet Management and the contractor. The agencies will designate approving officials who will be responsible for review and verification of cardholder statement. The liaison officer will identify cardholders authorized to purchase fuel on behalf of the State.

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The appropriate number of cards shall be delivered to the agency liaison officer within four (4) weeks after submittal of the application.

4.3 Card Acceptance: The intent of this program is to allow government entities to make fuel purchases easier and more economical; therefore, the availability of acceptance is of utmost importance. It is required that the fuel access card provided by the contractor must be accepted at various locations within a minimum of eighty-one (81) counties, and within five (5) miles of all Department of Transportation county headquarters, with locations offering both gasoline and diesel fuel. A list of viable business establishments in Mississippi which accept the card being offered shall be available from the contractor.

4.4 Training: Training meetings will be conducted by the contractor that will cover use of cards, use of reports, contact names, account changes, report and invoice questions, help desk procedures and any other questions that may arise. The contractor will provide training sessions as often as state agencies need this service. The contractor will assist agencies in understanding billing procedures and management information reports.

4.5 Distribution of Information: The agency liaison officer will be responsible for distributing applications and information to agency staff. It will be the responsibility of each state agency and governmental entity to furnish the contractor a listing of their vehicles which will be authorized to obtain fuel under the terms of the contract, and, also, to designate an agency contact person. It will be the responsibility of each individual state agency and governmental entity to furnish the contractor a listing of any additional information which will be needed to meet the needs of the agency's system.

4.6 Setting up Accounts: The agency liaison officer will be required to collect and approve the applications for processing. The agency liaison officer will forward all acceptable applications to the contractor. The contractor will then establish the individual accounts as well as a master account file containing the accounts of all cardholders in each agency, including all expenditure limits, transaction limits, purchase restrictions, and management information report requirements. The contractor will send all cards to the agency liaison officer who will be responsible for distribution at the agency level. All cards must be approved by the Bureau of Fleet Management prior to being newly issued or renewed to any State Agency.

4.7 Cards: The contractor will provide cards to all cardholders at no charge to the State of Mississippi. The card prohibits the purchase of soft drinks, cigarettes, food, and other non-vehicle related items.

4.8 Lost and Stolen Cards: Each cardholder or agency liaison officer will be required to agree to report lost or stolen cards as soon as the loss or theft is discovered. The contractor must maintain a 24-hour toll-free number for reporting lost or stolen cards. The contractor will be required to send written notification to the cardholder's agency within forty-eight (48) hours after receiving the report of a lost or stolen card. The written notification shall indicate the individual cardholder's name, agency, and date of loss. Total time of receiving replacement card(s) shall not exceed five (5) working days from original request.

4.9 Changes in Agency Accounts: The contractor must make all requested changes to accounts when requested in writing by the agency liaison officer. These requests may be faxed or e-mailed. The changes

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by the contractor must be made within six (6) business hours after receipt of written request and written confirmation shall be returned to the agency. The individual cardholder will not be permitted to request changes without the written consent of the agency liaison officer.

4.10 Authorizations: The contractor shall provide authorization support twenty-four (24) hours a day, every day of the year. For merchant having point of sale terminals, the contractor shall authorize all State of Mississippi fuel service purchases pursuant to the limitations set up in the cardholder's account. At the end of each billing cycle, the contractor shall send an electronic statement to each approving official including statements of the individual cardholders and, also, shall submit a consolidated report to the agency's accounting office. Billing shall be departmentalized for agency, if requested.

For MDOT, the contractor shall send an electronic statement according to the procedure outlined in the RFP Article 2.17

4.11 Interest: If payment for undisputed amounts is not mailed or otherwise delivered within forty-five (45) days after receipt of a correct electronic invoice, the public body shall be liable to the contractor, in addition to the amount of the undisputed amounts shown on the correct electronic invoice, for interest at a rate of one and one-half percent (1/2 %) per month or portion thereof until such time as the payment is mailed or otherwise delivered to the contractor.

4.12 Liability: The State of Mississippi will not accept any liability or financial responsibility for state employee's charges that have been incorrectly authorized and:

- A. Exceed any of the limits specified to the contractor by a cardholder's agency.
- B. Violate any of the restrictions specified to the contractor by a cardholder's agency.

4.13 Questioned items and chargebacks: The contractor shall have in place a method for handling cardholder, agency liaison officer, or accounting office questions concerning items on a cardholder's statement. Procedures for handling questioned items shall include but not be limited to:

- A. Procedures and instructions for questioning or disputing items appearing on a cardholder's statement.
- B. Provisions for crediting the agency's account, pending the resolution of the questioned or disputed item. The State of Mississippi will not accept any liability or financial responsibility for "fraudulent" charges that have not been authorized pursuant to current card association rules and regulations.
- C. Provisions for processing "chargebacks" for items resolved in the agency's favor.
- D. The contractor shall provide access to management reports to the agencies on a weekly basis in a web-based system. The following is a list of the weekly reports provided:

1. Weekly Fleet Management Report

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2. Invoice
 3. Monthly Feet Summary Report
- E. The following is a list of the weekly maintenance reports provided:
1. Weekly Preventative Maintenance Report
 2. Weekly Fleet Analysis Report
 3. Year to Date Maintenance Analysis
- F. The contractor shall provide the following information for all entities using the Fuel Access Services Card on an annual basis:
1. Number of current vehicle cards for each entity
 2. Number of vehicles for each entity
 3. Dollar volume of transactions for each entity
- G. In addition to those reports, on a quarterly basis or as requested by the Office of Purchasing Travel and Fleet Management, the contractor shall provide to the OPTFM the following information for all entities using the fuel access services using the parameters set by this office:
- A. Number of current vehicle cards for each entity.
 - B. Number of vehicles for each entity.
 - C. Dollar volume of transactions for each entity.
 - D. Total gallons purchased by fuel type.
 - E. Dollar volume by fuel type.
 - F. Gallons purchased by fuel type for each entity.
 - G. Dollar volume by fuel type for each entity.

4.14 Pricing: Pricing for fuel purchased by the State of Mississippi will be equal to the sum of the following:

- A. **OPIS Pricing:** At stations where the OPIS based cost-plus pricing shall apply, the price for fuel products purchased by the State will be equal to the sum of the following.
 1. Applicable average terminal/rack prices for the Vicksburg, MS Terminal as reported by OPIS each Thursday for fuel purchased that calendar week ending Sunday midnight. OPIS, (Oil Price Information Service), is an independent company providing terminal/rack prices by area. Fuel costs will be based on the average rack OPIS pricing **EXCEPT** at locations where retail-based pricing with discounts shall apply (excluding certain fuel products alternative or evolving fuels and conventional no ethanol gasoline).

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Example for 4.14 A-

OPIS Rack Rate for average rack price, Vicksburg, MS

Week of July 10, 2023

Unleaded Regular	\$2.5747
Reg/Med	\$2.8018
Premium/Unleaded	\$3.1866
Diesel (ULS No2)	\$2.6750

Applicable Taxes:

State tax for gasoline	\$0.1260
State tax for diesel	\$0.1325
Federal Superfund Tax	\$0.0039
Federal LUST/Oil Spill	\$0.0031
MS Env. Protection Fee	\$0.0040
Seawall Tax	\$0.0300

(for Hancock, Harrison and Jackson Counties only)

Freight Charges	\$0.0600 (Off site Retail)
	\$0.110 (On-site Consigned)

Service Fee:

Unleaded Regular	\$0.089
Unleaded Regular Onsite-Consigned	\$0.059
Reg/Med	\$0.109
Premium Unleaded	\$0.109
Diesel (ULS NO2) Onsite Consigned	\$0.109
Diesel (ULS No2) Off-site/Retail	\$0.189

For Unleaded Regular the calculation would be:

Rack Rate of \$2.5747 + State Tax of \$0.1260 + Federal Superfund Tax of \$0.0039 + Federal LUST tax of \$0.0031 + MS Env. Protection Fee of \$0.0040 + Freight Charges of \$0.060 + Service Fee for Regular Unleaded of \$0.0890 = \$2.8607/gallon

The costs would be as follows for (all prices per gallon)

Unleaded Regular	\$2.8607
Regular/Med	\$3.1078
Premium Unleaded	\$3.4866
Seawall-Unleaded Regular	\$2.8907
Seawall-Reg/Med	\$3.1378
Seawall-Premium	\$3.5166
Diesel	\$2.9875

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B. Retail Based Pricing: Pricing of fuel purchased at certain locations shall NOT be based on cost-plus but shall always be priced based on the station's retail price, less applicable exempt tax rates, less the discounts offered through contractor. See table below for product, location, and discount amount to expect.

4.14 B

Product	Discounts at Pilot/Flying J and Loves	Chevron/Texaco Exxon/Mobil Murphy USA
Unleaded Regular	\$0.050	\$0.050
Mid-Grade Unleaded	\$0.050	\$0.050
Premium Unleaded	\$0.050	\$0.050
Diesel Fuel	\$0.150	\$0.08
DEF Dispensed	\$0.02	\$0.02

C. Taxes & Services Fees: All applicable taxes will be applied. The contractor will exempt all state and governmental entities from federal excise taxes on gasoline and diesel at the time of purchase as allowed by current federal regulations. The contractor service fee, which includes applicable freight charges will be applied.

4.15 Pricing for marine fuel purchased at marinas, i.e., watercraft fueling on the water, will be based on the retail price, minus the discount of \$0.03 per gallon for gasoline.

4.16 Pricing of certain alternative fuels where there is typically no OPIS wholesale posting for Vicksburg rack, such as high blends of Ethanol (E85, E15, or E30), high blends of Bio-diesel (B5, B10, B20), Compressed Natural Gas (CNG), Liquefied Natural Gas (LNG/Propane), or Diesel Exhaust Fluid (DEF) Dispensed, shall always be priced based on the Station's Retail Price, less applicable exempt tax rates, less the following discounts:

High Ethanol Blends (E85, E15, E30)	\$0.05	CNG or LNG (Propane):	\$0.00
High Biodiesel Blends (B5, B10, B15, B20, or Renewable Diesel)	\$0.08	Diesel Exhaust Fluid (DEF) Dispensed:	\$0.02

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4.17 Maintenance Plan/Disaster Plan: The contract includes certain maintenance to be performed as needed. The prices for maintenance shall be at or below the standard price which the location offers to the public. These allowed services are listed below:

1. Oil Change and lube
2. Vehicle Wash
3. Tire Repair (flat)
4. Belt Replacement
5. Hose Replacement
6. Wiper Blade Replacement
7. Oils (motor & hydraulic)
8. Tire Mounting, Rotation, Balance
9. Light Bulb, Seal Beam, or Related Repair
10. Radiator Repair
11. Air Conditioning Repair
12. Alternator Replacement or Repair
13. Minor Body and Other Repair to Allow Vehicle to Return to Base
14. EMERGENCY ONLY: New Tires and Batteries. (These services could be used in an emergency and properly approved by supervisor).
15. Glass Repair

The intent is to automate shop oils such as motor oil and hydraulic oil in a system similar to the fuel system. A contingency plan should be submitted which indicates the fuel supplier's procedure for providing the needed service. Please refer to our website for a complete list of Fuelman Sites.

4.18 Posted Prices: The Office of Purchasing, Travel and Fleet Management, Bureau of Fleet Management will have the contract fuel costs posted on its website whereby all interested parties can view the applicable cost of fuel for each week during the term. The Office will take the Vicksburg Terminal OPIS rack rate for each applicable fuel type and will add applicable taxes, freight charges and service fee to arrive at an actual cost. The link to current fuel pricing is as follows:

<https://www.dfa.ms.gov/bureau-fleet-management>

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CONTRACT ADMINISTRATION

Questions or problems arising from this contract or subsequent order and delivery procedures should be directed to the Office of Purchasing, Travel and Fleet Management, 701 Woolfolk Building, Suite A, 501 North West Street, Jackson, MS 39201; Phone: 601-359-3409.

CONTRACTOR IDENTIFICATION

The Fuel Access Card Service contract has been awarded to one contractor, **Fleetcor Technologies Operating Company LLC, dba Fuelman.**

Fleetcor Technologies Operating Company, LLC dba Fuelman
Vendor #: 310002477

Payments should be made to:

Fuelman
P O Box 70887
Charlotte, NC 28272-0887

Terms:

Billing will be weekly and due date on invoices will be Net 30 days. Contractor agrees that timely payment and interest is governed by Section 31-7-305 of the MS Code Ann. as amended.

Contract Administrator:

Mr. Mark Roberts
704-853-2662

Fax: 678-350-9409

Government Relationships Manager

Andrea Mercer
706-715-5551

Strategic Account Manager:

Michelle DeLeon
512-521-9518

Fuelman Customer Service Call Center 1-800-877-0800

24 Hour Help Desk Number (Voice Authorizations) 1-800-877-9013

Website: www.fleetcor.com

Website for Site Listing: www.fuelman.com (Site Locator)

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ENTIRE AGREEMENT

This contract represents the entire agreement between the parties and may be modified, altered or changed only by written agreement signed by the parties hereto.

The term of the Fuel Access Card Contract shall be effective **September 1, 2023 through August 31, 2024** with an option to renew for up to four (4) additional twelve (12) month periods provided. Any contract extension shall be at no increase in service fee unless agreed in writing, by the State and the Contractor. Either party may choose not to renew the agreement with no penalty being applied.

The following documents are included by reference and shall govern the contract:


1. Invitation to Bid (RFX No. 3160005909 dated 06/12/2023
2. Bid Response of FleetCor Technologies Operating Company, LLC dba Fuelman dated 07/10/2023.
3. State of Mississippi Terms and Conditions
4. FleetCor's General Terms and Conditions for Use of Fleet Cards


The parties understand and agree that conflicts between the contractor's documents as described above and the terms, conditions, and laws of the State of Mississippi must be resolved in favor of the State and its agencies and governing authorities.

Witness our signatures, on the date first written.

FleetCor Technologies
Operating Company, LLC
Dbá Fuelman

Department of Finance and Administration
Office of Purchasing, Travel and Fleet
Management

By: 
Title: President - Fuelman
Date: 8/29/23

By: 
Director: OPTFM
Date: 8/31/23