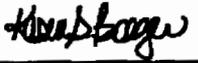




NOTICE OF AWARD

State of Missouri
Office of Administration
Division of Purchasing
P.O. Box 809
Jefferson City, MO 65102-0809
<http://www.oa.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@oa.mo.gov Phone: (573) 751-1702 Fax: (573) 526-9816
SIGNATURE OF BUYER 	DATE 10/31/16
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 Sutherland

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 KIESEL COMPANY
Company Name

041301086
DUNS #

PATRICIA KIESEL SUTHERLIN
Authorized Representative's Printed Name

VICE PRESIDENT
Authorized Representative's Title

Patricia Kiesel Sutherlin
Authorized Representative's Signature

9/30/16
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	Intnl 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

[REDACTED]
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

[REDACTED]
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

[REDACTED]
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

[REDACTED]
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