



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

July 10, 2023

To: Terrence D. McCracken, Secretary to the Authority

From: Clayton J. Johnson, Production Engineer *CJJ*

Subject: One Year Contract Extension – Amendment No. 2
Furnishing of Sodium Hypochlorite to the ECWA
For Use in the Booster Stations
ECWA Project No. 202200139

Liquid sodium hypochlorite is injected at various pump stations within ECWA's distribution system to boost chlorine residuals and maintain proper water quality.

The above referenced contract to furnish sodium hypochlorite related to the above described work was awarded to Bison Laboratories, Inc. in July 2022. This contract was bid for one year with the provision for a one-year extension. The Authority and the supplier, Bison Laboratories, Inc. agree that a one-year extension of the current contract to July 31, 2024 at the same terms and conditions would be mutually beneficial for both parties. The Supplier's interest in extending the current contract is expressed in the attached email dated June 29, 2023.

Amendment No. 1 was executed in December 2022 and increased the unit cost for sodium hypochlorite (per 5-gallon carboy) from \$13.75 to \$15.00.

Bison Laboratories has proven to be a dependable supplier of sodium hypochlorite to ECWA. Based on this information it is recommended that the Authority exercises the one-year extension.

The following documents are attached:

1. Blue Authorization Form - this form provides the project name and project number, the action that is being requested of the Board, and it provides a list of approvals that are required prior to being acted on by the Board.
2. Three (3) originals of Amendment No. 2 request for Board action and execution by the Authority.
3. Bison Laboratories letter and email agreeing to a one-year extension

Budget Information (Budget Year: 2023):

Department No.: 100 Production Department

Unit No.: 1020 Control Operations

Item No.: O&M Item No. 13 – Chemicals

CJJ:jmf

Attachments

cc: L.Kowalski

M.Wymer

L.Lester

CHEM-834-2001-X-12



Bison Laboratories, Inc.

100 Leslie St.

Buffalo, NY 14211-1621

716/895-2707 • FAX: 716/895-1408

July 10, 2023

Mr. Clayton Johnson
Erie County Water Authority
3030 Union Road
Cheektowaga, NY 14227

RE: Sodium Hypochlorite Contract (PN 202200139)

Dear Clay,

Bison Laboratories agrees to extend the Sodium Hypochlorite Contract for an additional one year period from August 1, 2023 until July 31, 2024, based on the same terms and conditions, including pricing of \$15.00 for each five (5) gallon carboy of sodium hypochlorite.

We thank you for your continued business. If you have any questions, please feel free to give us a call.

Sincerely,

Steven P. Morber
President
Bison Laboratories, Inc.

SPM/jg

From: [Julie Golba](#)
To: [Clayton J. Johnson](#)
Cc: [Bob Morber](#); [Steven Morber](#)
Subject: [EXTERNAL] RE: ECWA PN 202200139 Sodium Hypochlorite for Booster Stations: Contract Extension
Date: Thursday, June 29, 2023 9:21:04 AM

This message was sent from outside the organization. Do not open links or attachments unless you recognize the source of this email and know the content is safe.

Yes, we would very much like to do that.

Thank you,
Julie

From: Clayton J. Johnson <cjohnson@ecwa.org>
Sent: Thursday, June 29, 2023 8:56 AM
To: Julie Golba <Julie@bisonlabs.com>
Cc: Bob Morber <Morbs@bisonlabs.com>; Steven Morber <Smorber@bisonlabs.com>
Subject: ECWA PN 202200139 Sodium Hypochlorite for Booster Stations: Contract Extension

Julie,

Is Bison Labs agreeable to extending Contract 202200139 Sodium Hypochlorite for Booster Stations for one additional year, from August 1, 2023 – July 31, 2024, keeping the cost per 5-gallon carboy at \$15.00?

Clayton J. Johnson, PE

Production Engineer

Erie County Water Authority

3030 Union Road | Cheektowaga, New York 14227-1097

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ERIE COUNTY WATER AUTHORITY
 AUTHORIZATION FORM
 For Approval/Execution of Documents
 (check which apply)

Contract: 22-25-07 **Project No.:** 202200139
Project Description: Furnishing of Sodium Hypochlorite to the ECWA for Use in the Booster Stations

Item Description:

Agreement Professional Service Contract Amendment Change Order
 BCD NYSDOT Agreement Contract Documents Addendum
 Recommendation for Award of Contract Recommendation to Reject Bids
 Request for Proposals
 Other _____

Action Requested:

Board Authorization to Execute Legal Approval
 Board Authorization to Award Execution by the Chairman
 Board Authorization to Advertise for Bids Execution by the Secretary to the Authority
 Board Authorization to Solicit Request for Proposals
 Other _____

Approvals Needed:

APPROVED AS TO CONTENT:

<input checked="" type="checkbox"/> Sr. Production Engineer	<u><i>Richard W. [Signature]</i></u>	Date: <u>7/10/2023</u>
<input type="checkbox"/> Chief Operating Officer	_____	Date: _____
<input checked="" type="checkbox"/> Executive Engineer	<u><i>Gerard F. Koralik</i></u>	Date: <u>07/10/2023</u>
<input checked="" type="checkbox"/> Director of Administration	<u><i>Kevin [Signature]</i></u>	Date: <u>07/10/2023</u>
<input checked="" type="checkbox"/> Risk Manager	<u><i>Molly [Signature]</i></u>	Date: <u>7/10/2023</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u><i>Oppe [Signature]</i></u>	Date: <u>07/10/2023</u>
<input checked="" type="checkbox"/> Legal	<u><i>[Signature]</i></u>	Date: <u>7/10/2023</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority	<u><i>[Signature]</i></u>	Date: <u>7/10/2023</u>
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Remarks: Amendment No. 2 for Bison Laboratories, Inc.

Resolution Date: _____ **Item No:** _____

**AMENDMENT NO. 2 TO THE
AGREEMENT TO FURNISH AND DELIVER
SODIUM HYPOCHLORITE**

AMENDMENT, effective July 20, 2023, to the Agreement to Furnish and Deliver Sodium Hypochlorite effective on July 21, 2022, by and between

ERIE COUNTY WATER AUTHORITY
295 Main Street, Room 350
Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

BISON LABORATORIES, INC.
100 Leslie Street
Buffalo, New York 14211

hereinafter referred to as the “Supplier.”

WHEREAS, on July 21, 2022, the Authority executed an agreement with the Supplier to furnish sodium hypochlorite to the Authority for thirteen (13) months from July 1, 2022 through July 31, 2023 (the “Agreement”); and

WHEREAS, on December 15, 2022, the Authority’s Board of Commissioners approved Amendment No. 1 increasing the unit price to \$15.00 for furnishing each five (5) gallon carboy of sodium hypochlorite; and

WHEREAS, in accordance with paragraph 1.04 of the Agreement, the parties may agree to extend the Agreement under the same terms and conditions, or upon such terms and conditions acceptable to the Authority, for two (2) additional one (1) year terms; and

WHEREAS, in accordance with paragraph 5.02 of the Agreement, the parties may amend the Agreement by written amendment authorized by resolution of the Authority’s Board of Commissioners; and

WHEREAS, the Supplier has agreed to extend the term of this Agreement for an additional one year period from August 1, 2023 until July 31, 2024, based on the same terms and conditions, including pricing of \$15.00 for each five (5) gallon carboy of sodium hypochlorite;

NOW, THEREFORE, in consideration of mutual promises herein set forth, the parties agree to the following:

(1) The parties agree that the terms and conditions of the Agreement shall continue in effect until July 31, 2024; and

(2) The parties agree all other terms and conditions of the Agreement shall remain without change or amendment; and

(3) This Amendment may be executed in counterparts, each of which is deemed an original, but all of which together are deemed to be one and the same agreement.

IN WITNESS WHERETO, the parties hereto have caused this Amendment No. 2 to be signed by their respective duly constituted officers, attested and sealed pursuant to proper authority.

ERIE COUNTY WATER AUTHORITY

By _____
Jerome D. Schad, Chair

BISON LABORATORIES, INC.

By _____
Stephen P. Morber, President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of July, in the year 2023, before me personally came Jerome D. Schad, to me known, who, being by me duly sworn, did depose and say that he resides in Amherst, New York, that he is the Chair of the Board of Commissioners for the Erie County Water Authority described in the above instrument; and that he signed his name thereto by order of the Board of Commissioners.

Notary Public

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, in the year 2023, before me personally came Stephen P. Morber, to me known, who, being by me duly sworn, did depose and say that he resides in Clarence, New York, that he is the President of the Corporation described in the above instrument; and that he signed his name thereto by order of the Board of Directors of said Corporation.

Notary Public