

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

Contract: 19-10-06 **Project No.:** 201900031
Project Description: Amendment No.1 - Furnishing and Delivering of Polyaluminum Chloride Coagulant to the ECWA for the Treatment of Water

Item Description:







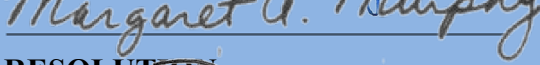
Agreement Professional Service Contract Amendment Change Order
 BCD NYSDOT Agreement Contract Documents Addendum
 Recommendation for Award of Contract Recommendation to Reject Bids
 Request for Proposals
 Other One Year Contract Extension

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></u>	Date: <u>4/29/2021</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u></u>	Date: <u>4/29/2021</u>
<input checked="" type="checkbox"/> Executive Engineer	<u></u>	Date: <u>04/29/2021</u>
<input checked="" type="checkbox"/> Director of Administration	<u></u>	Date: <u>05/04/2021</u>
<input checked="" type="checkbox"/> Risk Manager	<u></u>	Date: <u>05/04/2021</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u></u>	Date: <u>04/29/2021</u>
<input checked="" type="checkbox"/> Legal	<u></u>	Date: <u>04/29/2021</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority	<u></u>	Date: <u>05/04/2021</u>
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Remarks: Unit price contract.

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



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

April 28, 2021

To: Terrence D. McCracken, Secretary to the Authority

From: Michael W. Wymer, Senior Production Engineer *MWW*

Subject: Contract Extension (Contract No. 19-10-06)
Furnishing and Delivery of Polyaluminum Chloride Coagulant to the Erie County
Water Authority for the Treatment of Water, from June 1, 2019 Through June 30, 2021
ECWA Project No. 201900031

The Erie County Water Authority utilizes polyaluminum chloride coagulant chemical to treat the water produced at the Sturgeon Point and Van de Water Treatment Plants. The use of polyaluminum chlorine is a critical component of the pretreatment process and aids in the removal of turbidity and organic material from the raw water.

The above referenced contract to furnish and deliver polyaluminum chloride will expire on June 30, 2021. This unit price contract was initially bid for two years with the provision for a one-year extension.

The Authority and the Supplier, Kemira Water Solutions, Inc., agree that a one-year extension of the current contract 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 letter dated April 22, 2021. Adequate budget exists to fund the extension.

Kemira Water Solutions, Inc. has proven to be a highly capable and reliable vendor, which has been, and continues to be especially valuable throughout the Covid-19 crisis.

Based on this information it is recommended that the Authority exercise the one-year extension.

Budget Information:

- Unit 1010 Sturgeon Point Plant, O&M Item 13 Chemicals
- Unit 1015 Van de Water Plant, O&M Item 13 Chemicals

MWW:jmf

Attachments

cc: R.Stoll

L.Kowalski

D.Patton

L.Lester

CHEM-712-1901-I-186



Where water
meets chemistry™

April 22, 2021 (by email)

David M. Patton, PE
Sr. Production Engineer
Erie County Water Authority
722 Sturgeon Point Road
Derby, New York 14047
P: (716) 685-8229
E: dpatton@ecwa.org

Reference: Contract optional additional year for Project No. 201900031
Furnishing and Delivering of Polyaluminum Chloride Coagulant to the Erie County Water Authority for the Treatment of Water For the Period of Two Years July 1, 2019 through June 30, 2021

Dear David,

Kemira accepts to extend the current abovementioned contract for the additional option year, from July 1, 2021 to June 30, 2022.

We value your business and will work closely with you to answer any questions. For additional information, please contact our Commercial Support team at kwsna.bids@kemira.com or contact me directly at 514-601-5785.

Sincerely,

Catherine Brosseau
Account Manager | Industry & Water
Kemira Water Solutions Canada, Inc
catherine.brosseau@kemira.com

12. **CUSTOM, USAGE AND MODIFICATION**

This agreement constitutes the entire agreement between the parties and supersedes all prior or other agreements and representations, oral or in writing, regardless of custom and usage in the trade, industry, etc. in this locality or elsewhere. Neither this agreement nor any term, covenant, provision or condition may be changed, waived, discharged or terminated orally or in any manner other than an instrument in writing executed and acknowledged by the party against whom the enforcement of the change, waiver, discharge or termination is sought.

It is understood and agreed by the parties hereto that no single person can act on behalf of the Erie County Water Authority as the Authority can only act pursuant to resolution properly adopted.

13. **BONDS AND INSURANCE**

The SUPPLIER agrees to obtain and keep in force and effect the insurance required by Appendix B and all bonds required by Appendix C.

14. **EXECUTION OF CONTRACT**

IN WITNESS WHEREOF, the said parties hereto have caused this instrument to be signed by their respective duly constituted officers, attested and sealed pursuant to proper resolutions.

15. **GROUNDS FOR RENEWAL OF CONTRACT**

If the Erie County Water Authority and SUPPLIER mutually agree to continue this Contract after the 30th day of June 2021, it shall be extended for the term of one (1) year on the same terms and conditions provided for herein. Supplier shall provide written notification to the Erie County Water Authority of the contract extension prior to the expiration of the initial term of this Contract.

**AMENDMENT NO. 1 TO
THE POLYALUMINUM CHLORIDE CONTRACT**

AMENDMENT, effective May 13, 2021, to the Contract for Furnishing and Delivering of Polyaluminum Chloride Coagulant to the Erie County Water Authority for the Treatment of Water (Contract No. 19-10-06) (the “Contract”), entered on June 27, 2019, by and between

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

hereinafter referred to as the “Authority,” and

KEMIRA WATER SOLUTIONS, INC.
4321 W. 6th Street
Lawrence, Kansas 66049

hereinafter referred to as “Supplier.”

WHEREAS, on June 13, 2019, the Authority awarded the Supplier the Contract; and

WHEREAS, the Contract, executed on June 27, 2019, provides for liquid polyaluminum chloride coagulant (PACl) to be supplied to the Authority, as ordered, from July 1, 2019 until June 30, 2021; and

WHEREAS, in accordance with paragraph 15 of the Contract, the parties may agree to extend the Contract on the same terms and conditions for one year; and

WHEREAS, the Supplier has agreed to extend this Contract until June 30, 2022 based on the same terms and conditions, including the unit price of \$0.132 per liquid pound of PACl; and

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

- (1) The terms and conditions of the Contract shall continue in effect until June 30, 2022;
and
- (2) 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. 1 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

KEMIRA WATER SOLUTIONS, INC.

By _____

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the ___ day of May, in the year 2021, before me personally came Jerome D. Schad, to me known, who, being by me duly sworn, did depose and say that he resides in the 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 he signed his name thereto by the authorization of the Board of Commissioners for the Erie County Water Authority.

Notary Public

STATE OF NEW YORK)
COUNTY OF _____) ss:

On the ___ day of _____, in the year 2021, before me personally came _____, to me known, who, being by me duly sworn, did depose and say that he/she resides in _____ that he/she is the _____ of the Corporation described in the above instrument; and that he/she signed his/her name thereto by order of the Board of Directors of said Corporation.

Notary Public