



# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

January 12, 2022

To: Terrence D. McCracken, Secretary to the Authority

From: Clayton J. Johnson PE, Production Engineer

A handwritten signature in blue ink, appearing to read "CJJ", is written over the "From:" line.

Subject: Furnish Butterfly Valves for ECWA Pump Stations  
(T. Mina Supply East, Inc.)  
ECWA Project No. 202000153

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The following documents are attached:

- 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.
- Three (3) originals of Amendment No. 1 request for Board action and execution by the Authority.

On January 21, 2021, the Authority and T. Mina Supply East, Inc. entered into a materials and supplies contract for the Authority's purchase of butterfly valves. Most of the butterfly valves (4", 12", and 16") were delivered to the Authority in 2021, but the 8" valves have not yet been delivered. Supply chain issues relative to the Covid-19 pandemic have caused delays and T. Mina Supply East, Inc. has requested additional time to deliver the butterfly valves to the Authority;

Attached is Amendment No. 1, a request to extend the contract to April 1, 2022.

### **Budget Information:**

- Department No.: 100 Production Department
- Unit: 1020 Control Operations
- Capital Budget Item No.: 101669 Pump Station Valve Replacement

CJJ:jmf

Attachments

cc: R.Stoll

L.Kowalski

M.Wymer

ECWA-722-2003-X-16

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

**Contract:** 21-03-01 **Project No.:** 202000153  
**Project Description:** Furnish and Deliver Butterfly Valves for ECWA Pump Stations

**Item Description:**




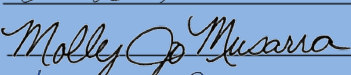


☐ Agreement ☐ Professional Service Contract ☒ Amendment ☐ Change Order  
☐ BCD ☐ NYSDOT Agreement ☐ Contract Documents ☐ Addendum  
☐ Recommendation for Award of Contract ☐ Recommendation to Reject Bids  
☐ Request for Proposals  
☐ Other \_\_\_\_\_

**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		Date: <u>1/12/2022</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>1/12/2022</u>
<input checked="" type="checkbox"/> Executive Engineer	_____	Date: _____
<input checked="" type="checkbox"/> Director of Administration		Date: <u>01/12/2022</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>01/12/2022</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>01/12/2022</u>
<input checked="" type="checkbox"/> Legal		Date: <u>1-12-2022</u>

**APPROVED FOR BOARD RESOLUTION:**

☒ Secretary to the Authority  Date: 1/12/22

**Remarks:** Amendment No. 1 T. Mina Supply East, Inc..

**Resolution Date:** \_\_\_\_\_

**Item No:** \_\_\_\_\_

**AMENDMENT NO. 1 TO THE MATERIALS AND  
SUPPLIES CONTRACT FOR BUTTERFLY VALVES  
WITH T. MINA SUPPLY EAST, INC.**

AMENDMENT, effective January 20, 2022, to the Materials and Supplies Contract entered into on January 21, 2021, by and between

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

hereinafter referred to as the “Authority,” and

**T. MINA SUPPLY EAST, INC.**  
609 Buffalo Road  
Rochester, New York 14611

hereinafter referred to as “Supplier.”

**WHEREAS**, on January 21, 2021, the Authority and the Supplier entered into a materials and supplies contract (the “Contract”) for the Authority’s purchase of certain butterfly valves; and

**WHEREAS**, in accordance with Article 5, § 5.02 of the Contract, the parties may amend the Contract by written amendment; and

**WHEREAS**, supply chain issues relative to the Covid-19 pandemic have caused delays and the Supplier has requested additional time to deliver the butterfly valves to the Authority;

**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 April 1, 2022;

(2) § 1.02, paragraph A of the Agreement is amended to state: “All valves shall be delivered to the Authority’s Service Center located at 3030 Union Road, Buffalo, New York prior to **April 1, 2022**”; and

(3) § 1.03 of the Agreement is amended to state: “This Agreement shall remain in effect until all materials or supplies are delivered or until April 1, 2022, whichever is sooner”; and

(4) § 3.04 of the Agreement is amended to state: “The Supplier shall deliver such materials and supplies by April 1, 2022. The Supplier’s failure to timely deliver an order shall constitute a material breach of this Agreement for which the Authority may seek and recover damages, including attorneys fees and other expenses”; and

(5) The Authority has not waived any of its rights to seek and recover damages from the Supplier for failure to timely deliver the butterfly valves pursuant to the dates agreed upon under this Amendment; and

(6) 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

**T. MINA SUPPLY EAST, INC.**

By \_\_\_\_\_

**STATE OF NEW YORK    )**  
**COUNTY OF ERIE        ) ss:**

On the \_\_\_\_ day of January, in the year 2022, 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 2022, 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