



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 be "CJJ", is written next to the name Clayton J. Johnson.

Subject: Furnish Booster Pumps and Motors for Pump Stations
(Hamburg Pump Station and Lakeview Pump Station)
ECWA Project No. 202000154

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 April 29, 2021, the Authority and Fluid Kinetics, Inc. entered into a materials and supplies contract for the Authority's purchase of booster pumps and motors for the Hamburg and Lakeview Pump Stations. Supply chain issues relative to the Covid-19 pandemic have caused delays and Fluid Kinetics has requested additional time to deliver the booster pumps and motors 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
- A new Capital budget item will be created through a Budget Transfer. Monies (\$127,098) will be transferred from Capital Budget Item No. 101665-Pump Station Chlorine Boosting into the newly created Capital Budget Item.

CJJ:jmf

Attachments

cc: R.Stoll

L.Kowalski

M.Wymer

ECWA-223-2001-X-16

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

Contract: 21-18-04

Project No.: 202000154

Project Description: Furnish Booster Pumps and Motors for Pump Stations (Hamburg PS and Lakeview PS)

Item Description:



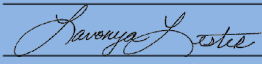



- | | | | |
|---|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Professional Service Contract | <input checked="" type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD | <input type="checkbox"/> NYSDOT Agreement | <input type="checkbox"/> Contract Documents | <input type="checkbox"/> Addendum |
| <input type="checkbox"/> Recommendation for Award of Contract | <input type="checkbox"/> Recommendation to Reject Bids | | |
| <input type="checkbox"/> Request for Proposals | | | |
| <input type="checkbox"/> Other _____ | | | |

Action Requested:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Board Authorization to Execute | <input checked="" type="checkbox"/> Legal Approval |
| <input type="checkbox"/> Board Authorization to Award | <input checked="" type="checkbox"/> Execution by the Chairman |
| <input type="checkbox"/> Board Authorization to Advertise for Bids | <input type="checkbox"/> Execution by the Secretary to the Authority |
| <input type="checkbox"/> Board Authorization to Solicit Request for Proposals | |
| <input type="checkbox"/> Other _____ | |

Approvals Needed:

APPROVED AS TO CONTENT:

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

APPROVED FOR BOARD RESOLUTION:

- | | | |
|--|--|---------------|
| <input checked="" type="checkbox"/> Secretary to the Authority |  | Date: 1/12/22 |
|--|--|---------------|

Remarks: Amendment No. 1 for Fluid Kinetics, Inc.

Resolution Date: _____

Item No: _____

**AMENDMENT NO. 1 TO THE MATERIALS AND
SUPPLIES CONTRACT FOR FURNISHING BOOSTER PUMPS
AND MOTORS FOR PUMP STATIONS (HAMBURG PUMP
STATION AND LAKEVIEW PUMP STATION)**

AMENDMENT, effective January 20, 2022, to the Materials and Supplies Contract entered into on April 29, 2021, by and between

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

hereinafter referred to as the “Authority,” and

FLUID KINETICS, INC.
PO Box 655
Orchard Park, New York 14127

hereinafter referred to as “Supplier.”

WHEREAS, on April 29, 2021, the Authority and the Supplier entered into a materials and supplies contract (the “Contract”) for the Authority’s purchase of certain booster pumps and motors; 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 booster pumps and motors 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 C of the Agreement is amended to state: “All Pump Motor Assemblies 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 booster pumps and motors 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

FLUID KINETICS, 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