



# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

September 28, 2023

To: Terrence D. McCracken, Secretary to the Authority

From: Lavonya C. Lester, Director of Administration

A handwritten signature in blue ink, appearing to read "LC", is written to the right of the "From:" line.

Subject: Various Wood Products

ECWA Project No. 202100197 Contract No. 21-31-12

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On December 21, 2021, the Authority awarded the furnishing and delivery of various wood products contract to Southtown Supply Inc. This contract has allowed the Authority to purchase various wood products for a one-year period beginning January 1, 2022, and continued through December 31, 2022. This contract included two additional one-year terms.

In October 2022, the Authority opted to extend this contract for one additional year with the same terms and conditions of the original contract.

The Authority is looking to extend this contract for a second one-year term with the same terms and conditions. Southtown Supply expressed interest in extending the contract for a second term and has supplied us with a letter expressing such a request.

Southtown Supply has proven to be a highly capable and reliable vendor and we would like to continue our business relationship with the supplier.

The administration department is requesting approval to extend the contract through December 2024 and execution of Amendment #2.

### Budget Information

Unit: 2010 Line Maintenance –Account 662110: Materials & Supplies

Annual Average Cost ~ \$16,000 - per unit price contract.

The following documents are attached to process the extension of the above referenced contract:

- Blue Authorization Form.
- Three originals of “Erie County Water Authority Contract Extension Form”.
- Letter from Southtown Supply Inc. dated September 19, 2023
- Copy of ITB-3 of the current contract with Section 20 “Extension of Price Protection”.

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

**Contract:** 21-31-12 **Project No.:** 202100197  
**Project Description:** Various Wood Products – Contract Amendment # 2

**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 Supply & Material Contract Amendment #2

**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:**

Other (if Applicable) \_\_\_\_\_ Date: \_\_\_\_\_  
 Chief Operating Officer [Signature] \_\_\_\_\_ Date: 10/03/2023  
 Executive Engineer [Signature] \_\_\_\_\_ Date: 10/10/2023  
 Director of Administration [Signature] \_\_\_\_\_ Date: 09/28/2023  
 Risk Manager [Signature] \_\_\_\_\_ Date: 10/9/2023  
 Chief Financial Officer [Signature] \_\_\_\_\_ Date: 10/10/2023  
 Legal [Signature] \_\_\_\_\_ Date: 10/4/2023

**APPROVED FOR BOARD RESOLUTION:**

Secretary to the Authority [Signature] \_\_\_\_\_ Date: 10/10/2023

**Remarks:** Southtown provided a letter requesting a second contract extension at the same terms and conditions. No price changes . per unit price contract

**Resolution Date:** \_\_\_\_\_ **Item No:** \_\_\_\_\_

**Southtowns Supply Inc.**  
**190 Lake Avenue**  
**Blasdell, NY 14219**  
**716-822-3150**  
**Fax: 716-822-5113**

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September 19, 2023

Erie County Water Authority  
295 Main Street, Room 350  
Buffalo, NY 14203

Re: 2022-WOOD Contract

To Whom It May Concern:

Please accept this letter as a request to extend the 2022-Wood contract dated 1/20/22 for the 2024 year as per the contract.

All terms and pricing as the 2022-Wood contract would remain the same.

Thank you for your consideration in this matter and please feel free to contact us if you have any questions at 716-822-3150.

We look forward to hearing from you regarding the extension.

Sincerely,

*Jonathan Palmer*

Jonathan Palmer  
President

**AMENDMENT NO. 2 TO  
MATERIAL AND SUPPLIES CONTRACT**

AMENDMENT, effective October 19, 2023, to the Materials and Supplies Contract for Furnishing and Delivering Various Wood Products, entered on the December 22, 2021, by and between:

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

hereinafter referred to as the “Authority,” and

**SOUTHTOWN SUPPLY, INC.**  
190 Lake Avenue  
Blasdell, New York 14219

hereinafter referred to as “Supplier.”

**WHEREAS**, on December 22, 2021, the Authority awarded the Supplier a materials and supplies contract to furnish and deliver wood products (the “Contract”) for a one-year term, beginning January 1, 2022; and

**WHEREAS**, the Contract provides for various wood products to be delivered to the Authority, as ordered, from January 1, 2022 through December 31, 2022; and

**WHEREAS**, on October 20, 2022, the Authority authorized Amendment No. 1 to the Contract extending the term through December 31, 2023; and

**WHEREAS**, in accordance with Article 1, Paragraph 1.04 of the Contract, the parties may agree in writing to extend the term of the contract for two additional one (1) year terms, under the same terms and conditions or under terms and conditions acceptable to the Authority; and

**WHEREAS**, in accordance with Article 5, Paragraph 5.02 of the Contract, any modification or variation from the terms of the Contract must be in writing, authorized by a resolution of the Board of Commissioners of the Authority (the “Board”) and signed by all parties; and

**WHEREAS**, the Supplier has agreed to extend the Contract until December 31, 2024, based on the same terms and conditions, including pricing as set forth in Article 4, Paragraph 4.01 of the Contract;

**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 December 31, 2024; and
- (2) The parties agree all other terms and conditions of the Contract shall remain unchanged and in effect; 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

**SOUTHTOWN SUPPLY, INC.**

By \_\_\_\_\_  
Jonathan G. Palmer, President

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

On the \_\_\_\_ day of October, 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 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 ERIE ) ss:**

On the \_\_\_\_ day of \_\_\_\_\_, in the year 2023, before me personally came Jonathan G. Palmer to me known, who, being by me duly sworn, did depose and say that he resides in Hamburg, 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.

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Notary Public