



# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

March 8, 2024

To: Terrence D. McCracken, Secretary to the Authority

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

Subject: Furnish and Deliver Potassium Permanganate to the Erie County Water Authority for Use in the Treatment of Water for One Year From April 7, 2022 through April 6, 2023  
ECWA Project No. 202200016

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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. 2 requesting Board action and execution by the Authority.

Erie County Water Authority uses various water treatment chemicals to provide safe, clean, and dependable drinking water to the residents of Erie County. One of the necessary treatment chemicals used at both of our water treatment plants is potassium permanganate (KMnO<sub>4</sub>). This chemical is fed directly at ECWA's raw water intake at both plants for taste and odor control along with control of zebra mussel colonization.

The current contract for furnishing and delivering potassium permanganate, extended by Amendment 1, expires April 6, 2024. Carus Chemical has agreed to a one-year extension of the contract at the same terms and conditions.

Amendment No. 2 will extend the contract completion date to April 6, 2025.

### **Budget Information:**

O&M Line-Item No. 13, Chemicals

Unit 1010 Sturgeon Point: 1010 401000 602113

1015 Van de Water: 1015 401000 602213

MWW:mww

Attachments

cc: L.Kowalski

D. Patton

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

**Contract:** 22-13-14

**Project No.:** 202200016

**Project Description:** Furnish and Deliver Potassium Permanganate to the Erie County Water Authority for Use in the Treatment of Water for One Year From April 7, 2022 through April 6, 2023

**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 checked="" type="checkbox"/> Other <u>One Year Contract Extension</u> |  |   |                                       |

**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: <u>3/8/2024</u>   |
| <input checked="" type="checkbox"/> Chief Operating Officer    |   | Date: <u>03/11/2024</u> |
| <input checked="" type="checkbox"/> Executive Engineer         |   | Date: <u>3/11/2024</u>  |
| <input checked="" type="checkbox"/> Director of Administration |   | Date: <u>03/11/2024</u> |
| <input checked="" type="checkbox"/> Risk Manager               |  | Date: <u>3/8/2024</u>   |
| <input checked="" type="checkbox"/> Chief Financial Officer    |   | Date: <u>03/11/2024</u> |
| <input checked="" type="checkbox"/> Legal                      |   | Date: <u>3/11/2024</u>  |

**APPROVED FOR BOARD RESOLUTION:**

- |  |  |                         |
|--|--|-------------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority |  | Date: <u>03/11/2024</u> |
|--|--|-------------------------|

**Remarks:** Amendment No. 2

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

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



Carus LLC  
315 5th Street  
Peru, IL 61354

February 27, 2024

Michael W. Wymer, PE  
Senior Production Engineer  
Erie County Water Authority  
3030 Union Road  
Cheektowaga, New York 14227-1097

RE: CAIROX® potassium permanganate Contract Extension

Carus is interested in extending the current contract for CAIROX® potassium permanganate for an additional one-year period at the current price of \$2.62/lb or \$5,240.00/ton. Please let me know if you need anything further.

We appreciate the opportunity to continue working with Erie County.

Sincerely,

A handwritten signature in blue ink that reads 'Kelly Frasco'.

Kelly Frasco  
Product Management Director

**AMENDMENT NO. 2 TO THE  
AGREEMENT TO FURNISH AND DELIVER  
POTASSIUM PERMANGANATE**

AMENDMENT, effective March 21, 2024, to the Agreement to Furnish and Deliver Potassium Permanganate effective on April 7, 2022, by and between

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

hereinafter referred to as the “Authority,” and

**CARUS, LLC**  
315 Fifth Street  
Peru, Illinois 61354

hereinafter referred to as the “Supplier.”

**WHEREAS**, on April 7, 2022, the Authority executed an agreement with the Supplier to furnish and deliver potassium permanganate to the Authority for a one-year term, beginning April 7, 2022 (the “Agreement”); and

**WHEREAS**, the Agreement provides for potassium permanganate to be delivered to the Authority, as ordered, from April 7, 2022 through April 6, 2023; and

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

**WHEREAS**, on February 16, 2023, the Authority approved Amendment No. 1 to the Agreement which extended the term of the Agreement until April 6, 2024; and

**WHEREAS**, in accordance with Article 5, Paragraph 5.02 of the Agreement, any modification or variation from the terms of the Agreement 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 term of the Agreement until April 6, 2025, based on the same terms and conditions, including pricing of \$5,240.00/ton, as set forth in Article 4 of the Agreement;

**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 April 6, 2025; and

(2) The parties agree all other terms and conditions of the Agreement 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

**CARUS, LLC**

By \_\_\_\_\_  
Kelly Frasco, Product Management Director

STATE OF NEW YORK )  
COUNTY OF ERIE ) ss:

On the \_\_\_\_\_ day of March, in the year 2024, 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 )  
COUNTY OF ) ss:

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 2024, before me personally came Kelly Frasco, to me known, who, being by me duly sworn, did depose and say that she resides in Peru, Illinois, that she is the Product Management Director of the Corporation described in the above instrument; and that she signed her name thereto by order of the Board of Directors of said Corporation.

\_\_\_\_\_  
Notary Public