



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

December 5, 2022

To: Terrence D. McCracken, Secretary to the Authority

From: Clayton J. Johnson, Production Engineer

A handwritten signature in blue ink, appearing to be "CJJ", is written over the name Clayton J. Johnson.

Subject: Increase in Unit Price of Sodium Hypochlorite
Furnishing of Sodium Hypochlorite to the ECWA
For Use in the Booster Stations
ECWA Project No. 202200139

Liquid sodium hypochlorite is injected at various pump stations within ECWA's distribution system to boost chlorine residuals and maintain proper water quality.

The above referenced contract to furnish sodium hypochlorite related to the above described work was awarded to Bison Laboratories, Inc. in July 2022. This contract was bid for one year with the provision for a one-year extension. The original unit price per 5-gallon carboy of sodium hypochlorite (as bid in July 2022) was \$13.75. Bison Laboratories sent ECWA a letter requesting a price increase due to sodium hypochlorite price increases on a national level. ECWA agrees that due to the current market conditions a price increase to \$15.00 per 5-gallon carboy, equating to an increase of \$1.25 per 5-gallon carboy, is acceptable.

The balance of the Sodium Hypochlorite for Booster Stations Contract is \$11,562.00. Of the original \$20,625 contract amount, \$9,063 has been spent. Sodium hypochlorite is used heavily during the summer months and minimally during the colder winter and spring months.

Bison Laboratories has proven to be a dependable supplier of sodium hypochlorite to ECWA. Based on this information it is recommended that the Authority accepts the price increase.

The following documents are attached:

1. 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.
2. Three (3) originals of Amendment No. 2 request for Board action and execution by the Authority.
3. Bison Laboratories Unit Price Increase Letter

Budget Information (Budget Year: 2022):

Department No.: 100 Production Department

Unit No.: 1020 Control Operations

Item No.: O&M Item No. 13 – Chemicals

MWW:jmf

Attachment

cc: R.Stoll

L.Kowalski

C.Johnson

L.Lester

CHEM-834-2201-X-20

P:\CHEM\P202200139\20 Cont Amendments\2022-12-05 Memo Cont Amendment01.docx



Bison Laboratories, Inc.

100 Leslie St.

Buffalo, NY 14211-1621

716/895-2707 • FAX: 716/895-1408

November 8, 2022

Mr. Clay Johnson
Erie County Water Authority
3030 Union Road
Cheektowaga, NY 14227

RE: Project #202200139

Dear Clay,

Due to increases on a national level, we are forced to increase pricing on the above project effective immediately. Following is your pricing:

Sodium Hypochlorite	5 gallon carboys	\$ 15.00/carboy (\$3.00/gallon)
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The above pricing is firm until July 31, 2023, the duration of the bid. We thank you for your continued business. If you have any questions, please feel free to give us a call.

Sincerely,

Robert G. Morber
Director
Bison Laboratories, Inc.

RGM/jg

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

Contract: 22-25-07

Project No.: 202200139

Project Description: Furnishing of Sodium Hypochlorite to the ECWA for Use in the Booster Stations

Item Description:

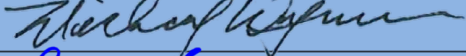
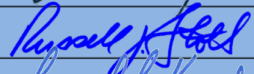

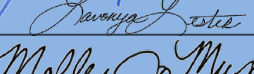



- | | | | |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Professional Service Contract | <input checked="" type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD | <input type="checkbox"/> 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>Increase in unit price item</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>12-05-2022</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>12/5/2022</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>12/05/2022</u>
<input checked="" type="checkbox"/> Director of Administration		Date: <u>12/05/2022</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>12/05/2022</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>12/05/2022</u>
<input checked="" type="checkbox"/> Legal		Date: <u>12/5/2022</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>12/5/2022</u>
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Remarks: Amendment No. 1 for Bison Laboratories, Inc.

Resolution Date: _____

Item No: _____

**AMENDMENT NO. 1 TO THE
AGREEMENT TO FURNISH AND DELIVER
SODIUM HYPOCHLORITE**

AMENDMENT, effective December 15, 2022, to the Agreement to Furnish and Deliver Sodium Hypochlorite effective on July 21, 2022, by and between

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

hereinafter referred to as the “Authority,” and

BISON LABORATORIES, INC.
100 Leslie Street
Buffalo, New York 14211

hereinafter referred to as the “Supplier.”

WHEREAS, on July 21, 2022, the Authority executed an agreement with the Supplier to furnish and deliver sodium hypochlorite to the Authority for one-year (the “Agreement”); and

WHEREAS, in accordance with paragraph 5.02 of the Contract, the parties may amend the Agreement by written amendment authorized by resolution of the Authority’s Board of Commissioners; and

WHEREAS, the Supplier has requested an increase in the unit prices set forth in the Agreement as a result of national increases in pricing of sodium hypochlorite;

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

(1) The parties agree that, effective November 8, 2022, § 4.01 of the Agreement is deleted in its entirety and replaced with the following:

4.01 The Supplier agrees to accept the unit price of **\$15.00** for furnishing each five (5) gallon carboy of Sodium Hypochlorite;

(2) The parties agree all other terms and conditions of the Agreement shall continue in effect until July 31, 2023; 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. 3 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

BISON LABORATORIES, INC.

By _____
Stephen P. Morber, President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, 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 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 NEW YORK)
COUNTY OF ALBANY) ss:

On the _____ day of _____, in the year 2022, before me personally came Stephen P. Morber, to me known, who, being by me duly sworn, did depose and say that he resides in Clarence, 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.

Notary Public