



# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

June 9, 2023

To: Terrence D. McCracken, Secretary to the Authority

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

Subject: Furnish and Deliver Fluorosilicic Acid  
to the Erie County Water Authority for Use in the Treatment of Water  
ECWA Project No. 202200237

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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.
- Letter dated June 8, 2023, from PVS Nolwood Chemicals, Inc. requesting the contract extension.
- Three (3) originals of Amendment No. 1 request for 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 these treatment chemicals is fluorosilicic acid (a.k.a. fluoride), which is required by the Department of Health. Accordingly, fluorosilicic acid is a product utilized at both of our water treatment plants.

The current contract for furnishing and delivering fluorosilicic acid expires July 31, 2023. PVS Nolwood Chemicals, Inc. has agreed to a one-year extension of the contract at the terms and conditions of the original agreement.

Amendment No. 1 will extend the contract completion date to July 31, 2024.

**Budget Information:**

O&M Line-Item No. 13, Chemicals  
Unit 1010 Sturgeon Point: 1010 401000 640113  
1015 Van de Water: 1015 401000 640213

MWW:jmf  
Attachments  
cc: R.Stoll  
L.Kowalski  
D.Patton  
CHEM-712-2201-X-20

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

**Contract:** 22-47-12 **Project No.:** 202200237

**Project Description:** Furnish and Deliver Fluorosilicic Acid  
to the Erie County Water Authority for Use in the Treatment of Water

**Item Description:**

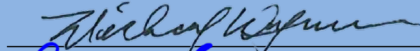






- |  |  |   |                                       |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement   | <input type="checkbox"/> Professional Service Contract | <input checked="" type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input 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>6/9/2023</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>6/12/2023</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>06/12/2023</u>
<input checked="" type="checkbox"/> Director of Administration		Date: <u>06/12/2023</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>06/12/2023</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>06/09/2023</u>
<input checked="" type="checkbox"/> Legal		Date: <u>6/9/2023</u>

**APPROVED FOR BOARD RESOLUTION:**

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>6/12/2023</u>
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**Remarks:** Amendment No. 1

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

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



PVS Chemicals Inc.

June 8, 2023

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**CUSTOMER NAME:** Erie County Water Authority (ECWA)

**PAGE(S):** 1 of 1

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**Project No. 202200327 – Fluorosilicic Acid Supply**

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**To Whom it May Concern.**

This letter serves as PVS Chemicals Inc., to extend the above noted project for the first renewal term, from July 31, 2023, to July 30, 2024. All Terms and Conditions remain as is, pricing to be rolled over for this renewal term.

*Garrett Speck*

Garrett Speck  
Director Sales and Marketing  
PVS Benson

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**AMENDMENT NO. 1 TO  
THE FLUOROSILICIC ACID CONTRACT**

AMENDMENT, effective June 22, 2023, to the Contract for Furnishing and Delivering of Fluorosilicic Acid to the Erie County Water Authority for Use in the Treatment of Water (Contract No. 22-47-12) (the “Contract”), entered on December 15, 2022, by and between

**ERIE COUNTY WATER AUTHORITY**

295 Main Street, Room 350  
Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

**PVS NOLWOOD CHEMICALS, INC.**

10900 Harper Avenue  
Detroit, Michigan 48213

hereinafter referred to as “Supplier.”

**WHEREAS**, on December 15, 2022, the Authority awarded the Supplier the Contract; and

**WHEREAS**, the Contract, effective on December 15, 2022, provides for fluorosilicic acid to be supplied to the Authority, as ordered, from December 15, 2022 until July 31, 2023; and

**WHEREAS**, in accordance with article 5, paragraph 5.02 of the Contract, no modification or variation from the terms of the Contract shall be effective unless it is in writing and 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 Contract for an additional one-year period from August 1, 2023 until July 31, 2024, pursuant to article 1, paragraph 1.05 of the Contract, and based on the same terms and conditions, including pricing of \$990.00 per liquid ton of fluorosilicic acid;

**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 Contract shall continue in effect until July 31, 2024; and
- (2) The parties agree all other terms and conditions of the Contract shall remain without change or amendment; 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. 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

**PVS NOLWOOD CHEMICALS, INC.**

By \_\_\_\_\_

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

On the \_\_\_\_ day of June, 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 \_\_\_\_\_ )**  
**COUNTY OF \_\_\_\_\_ ) ss:**

On the \_\_\_\_ day of \_\_\_\_\_, in the year 2023, 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