




# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

October 10, 2022

To: Terrence D. McCracken, Secretary to the Authority

From: Michael J. Quinn, Senior Distribution Engineer 

Subject: Contract 22-20-05 Amendment #1  
Furnish and Deliver Large Diameter Hymax Couplings  
ECWA Project No. 202200084

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Attached are the following documents:

1. ECWA Authorization Form for processing Professional Service Contract Amendment #1 with K&S Contractors Supply Inc.
2. Three original copies of Materials and Supplies Contract Amendment #1 for the above referenced contract.

The Amendment is to extend the Contract duration until January 31, 2023.

On May 19, 2022, the Authority and the Supplier entered into a materials and supplies contract (the "Contract") for the Authority's purchase of certain large diameter Hymax couplings. The original contract was to remain in effect until all materials or supplies are delivered or until August 30, 2022, whichever was sooner. However, supply chain issues relative to the Covid-19 pandemic have caused delays and the Supplier has requested additional time to deliver the Hymax couplings to the Authority. Based on the latest materials delivery schedule the vendor has indicated that all previously ordered materials will be delivered prior to January 31, 2023 and as such the Engineering and Line Maintenance Departments request that the Board approve an extension to the existing contract.

### **Budget Information (Budget Year: 2022):**

Account 150000 – Materials and Supplies

It is anticipated that all funds required for this contract will be expended in 2022 however the proposed 2023 budget also includes fund for materials and supplies that can be used if necessary.

MJQ:jmf

Attachments

cc: R.Stoll

L.Kowalski

M.Wymer

L.Lester

PUWA-420-2201-X-16

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

<b>Contract:</b> <u>22-20-05</u>	<b>Project No.:</b> <u>202200084</u>
<b>Project Description:</b> <u>Furnish and Deliver Large Diameter Hymax Couplings</u>	

**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. Distribution Engineer		Date: <u>10/10/2022</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>10/10/2022</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>10/10/2022</u>
<input checked="" type="checkbox"/> Director of Administration		Date: <u>10/10/2022</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>10/10/2022</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>10/10/2022</u>
<input checked="" type="checkbox"/> Legal		Date: <u>10/10/2022</u>

**APPROVED FOR BOARD RESOLUTION:**

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>10/11/22</u>
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**Remarks:** Unit price contract.

<b>Resolution Date:</b> _____	<b>Item No:</b> _____
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**AMENDMENT NO. 1 TO THE CONTRACT TO FURNISH AND  
DELIVER LARGE DIAMETER HYMAX COUPLINGS**

AMENDMENT, effective October 20, 2022, to the Materials and Supplies Contract entered into on May 19, 2022, by and between

**ERIE COUNTY WATER AUTHORITY**

295 Main Street, Room 350

Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

**K&S CONTRACTORS SUPPLY, INC.**

1971 Gunnville Road

Lancaster, New York 14086

hereinafter referred to as “Supplier.”

**WHEREAS**, on May 19, 2022, the Authority and the Supplier entered into a materials and supplies contract (the “Contract”) for the Authority’s purchase of certain large diameter Hymax couplings; 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 Hymax couplings 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 January 31, 2023;

(2) § 1.02, paragraph A of the Agreement is amended to state: “All Couplings shall be delivered to the Authority’s Service Center located at 3030 Union Road, Buffalo, New York prior to **January 31, 2023**”; 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 January 31, 2023, whichever is sooner”; and

(4) § 3.02 of the Agreement is amended to state: “The Supplier shall deliver all materials and supplies as ordered by Authority personnel no later than January 31, 2023. 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 attorney’s 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 Hymax Couplings 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

**K&S CONTRACTORS SUPPLY, INC.**

By \_\_\_\_\_

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

On the \_\_\_ day of October, 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.

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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.

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Notary Public