



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

August 25, 2021

To: Terrence D. McCracken, Secretary to the Authority

From: David M. Patton, Sr. Production Engineer *DMP*

Subject: Furnish and Deliver Fluorosilicic Acid to ECWA
Water Treatment Plant Maintenance and Operations
November 1, 2021, through October 31, 2022
ECWA Project No. 202100108
Rejection of Bids and Authorization to Readvertise

On Tuesday, August 3, 2021, the Authority received bids for the above referenced contract. Prior to the bid opening, the Bid Notice was publicly advertised for 32 calendar days.

As noted in the attached memorandum dated June 16, 2021, the bid documents were prepared for the use of a purer fluorosilicic product that is manufactured specifically for water treatment application and from "virgin" raw materials. Two bids were received as follows:

- Brenntage Northeast, LLC. - \$528,068.00
- NYC Water Safety Specialist, LLC. - \$6,790,000.00

Neither of the two bids received met the technical requirements for the purer fluorosilicic product as stated in the bid documents and therefore the bids are to be considered not responsive.

The Authority also received a letter of no-bid from PVS Benson who produces a product compliant with the technical requirements of the bid documents. PVS Benson cited shipping issues and the resulting shortages in the raw materials used to manufacture their fluorosilicic acid product as the reason for not providing a bid.

Pursuant to Public Authorities Law § 1069, ECWA has the authority to reject all bids if it is in the Authority's best interests. Article 5 of the Instructions to Bidders also states the Authority has the right to reject any or all bids, if the Authority deems such action to be in the public interest with the right to re-bid. The power to reject all bids, as set forth in Public Authorities Law § 1069, is like the power given municipal corporations pursuant to General Municipal Law § 103.

Due to receiving two unresponsive bids, the Engineering Department recommends the Board reject both bids and authorize re-advertisement at the September 2, 2021, Board Meeting. The technical requirements for the fluorosilicic acid product will be modified from the purer product to the

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product currently used to increase the number of potential bidders. The term of the contract will be one year with two possible one-year extensions.

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.
- One (1) set of Contract Documents.
- Memorandum dated June 6, 2021 (for reference)

The Project Manual needs to be reviewed by the Risk Manager and the Legal Department before the Board can provide the Authorization to Advertise.

The Budget for the Fluorosilicic Acid supply is as follows:

- Sturgeon: 1010-401000-640113
- Van de Water: 1015-401000-640213

DMP:jmf
Attachment
cc: R.Stoll
L.Kowalski
M.Wymer
B.Stoll
CHEM-298-2101-X-12