



# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

July 1, 2024

To: Terrence D. McCracken, Secretary to the Authority

From: Michael W. Wymer, Sr. Production Engineer

Subject: One Year Contract Extension – Amendment No. 3  
Furnishing of Sodium Hypochlorite to the ECWA  
For Use in the Booster Stations  
ECWA Project No. 202200139

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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 two (2) one-year extensions, the first of which extended the current contract end date to July 31, 2024.

The Authority and the supplier, Bison Laboratories, Inc. agree that a second one-year extension of the current contract to July 31, 2025 at the same terms and conditions would be mutually beneficial for both parties. The Supplier's interest in extending the current contract, holding the \$5.00/gallon unit price, is expressed in the attached letter.

Bison Laboratories has proven to be a dependable supplier of sodium hypochlorite to ECWA. Based on this information it is recommended that the Authority exercise the second one-year extension.

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. 3 request for Board action and execution by the Authority.
3. Bison Laboratories letter agreeing to a one-year extension

**Budget Information (Budget Year: 2023):**

Department No.: 100 Production Department

Unit No.: 1020 Control Operations

Item No.: O&M Item No. 13 – Chemicals

MWW:jmf

Attachments

cc: L.Kowalski

W. Wheeler

L.Lester

CHEM-834-2001-X-12



**Bison Laboratories, Inc.**

100 Leslie St.

Buffalo, NY 14211-1621

716/895-2707 • FAX: 716/895-1408

June 25, 2024

Mr. Michael Wymer, PE  
Erie County Water Authority  
3030 Union Road  
Cheektowaga, NY 14227

**RE: Sodium Hypochlorite Contract (PN202200139)**

Dear Michael,

Bison Laboratories, Inc. agrees to extend the Sodium Hypochlorite contract for an additional one year period from August 1, 2024 through July 31, 2025, based on the same terms and conditions.

These terms and conditions include pricing of \$15.00 for each five (5) gallon carboy of sodium hypochlorite, and also includes the filling of your 300 gallon carboys at the price of \$3.00/gallon.

We thank you for your continued business. If you have any questions, please feel free to give us a call.

Sincerely,

Steven P. Morber  
President  
Bison Laboratories, Inc.

SPM/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 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. Production Engineer	<u><i>Michael J. Zymun</i></u>	Date: <u>7/3/2024</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u><i>John J. ...</i></u>	Date: <u>07/03/2024</u>
<input checked="" type="checkbox"/> Executive Engineer	<u><i>Jeanard F. Koualike</i></u>	Date: <u>7/3/2024</u>
<input checked="" type="checkbox"/> Director of Administration	<u><i>Raymond J. ...</i></u>	Date: <u>07/03/2024</u>
<input checked="" type="checkbox"/> Risk Manager	<u><i>Molly Jo Masarra</i></u>	Date: <u>7/3/2024</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u><i>Oppe ...</i></u>	Date: <u>07/03/2024</u>
<input checked="" type="checkbox"/> Legal	<u><i>Mark Carney</i></u>	Date: <u>7/3/2024</u>

**APPROVED FOR BOARD RESOLUTION:**

<input checked="" type="checkbox"/> Secretary to the Authority	<u><i>[Signature]</i></u>	Date: <u>7/8/2024</u>
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**Remarks:** Amendment No. 3 for Bison Laboratories, Inc.

**Resolution Date:** \_\_\_\_\_ **Item No:** \_\_\_\_\_

**AMENDMENT NO. 3 TO THE  
AGREEMENT TO FURNISH AND DELIVER  
SODIUM HYPOCHLORITE**

AMENDMENT, effective July 18, 2024, 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 sodium hypochlorite to the Authority for thirteen (13) months from July 1, 2022 through July 31, 2023 (the “Agreement”); and

**WHEREAS**, on December 15, 2022, the Authority’s Board of Commissioners approved Amendment No. 1 increasing the unit price to \$15.00 for furnishing each five (5) gallon carboy of sodium hypochlorite; and

**WHEREAS**, on July 20, 2023, the Authority approved Amendment No. 2 extending the term of the Agreement through July 31, 2024; and

**WHEREAS**, in accordance with paragraph 1.04 of the Agreement, the parties may agree to extend the Agreement under the same terms and conditions, or upon such terms and conditions acceptable to the Authority, for two (2) additional one (1) year terms; and

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

**WHEREAS**, the Supplier has agreed to extend the term of this Agreement for an additional one year period from August 1, 2024 until July 31, 2025, based on the same terms and conditions, including pricing of \$15.00 for each five (5) gallon carboy of sodium hypochlorite; and

**WHEREAS**, the Supplier has also agreed to fill the Authority's 300-gallon carboys with Sodium Hypochlorite at a cost of \$3.00 per gallon;

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

(1) The parties agree that paragraph 4.01 of the Agreement shall be deleted in its entirety and replaced with the following paragraph:

- 4.01** A. The Supplier agrees to accept the unit price of **\$15.00** for furnishing each five (5) gallon carboy of Sodium Hypochlorite.
- B. The Supplier agrees to accept the unit price of **\$3.00** for furnishing each gallon of Sodium Hypochlorite to fill the Authority's 300-gallon carboys.

(2) The parties agree that the terms and conditions of the Agreement shall continue in effect until July 31, 2025; and

(3) The parties agree all other terms and conditions of the Agreement shall remain without change or amendment; and

(4) 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 July, 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 NEW YORK        )**  
**COUNTY OF ERIE         ) ss:**

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 2024, 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