



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

June 10, 2024

To: Terrence D. McCracken, Secretary to the Authority

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

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

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 May 31, 2024, from PVS Nolwood Chemicals, Inc. requesting the contract extension.
- Three (3) originals of Amendment No. 2 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, which was extended by Amendment 1, expires July 31, 2024. 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. 2 will extend the contract completion date to July 31, 2025.

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: L.Kowalski
D.Patton
CHEM-712-2201-X-20



PVS Chemicals Inc.

May 31, 2024

CUSTOMER NAME: Erie County Water Authority (ECWA)

PAGE(S): 1 of 1

Project No. 202200327 – Fluorosilicic Acid Supply

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, 2024, to July 30, 2025. 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

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 | <u></u> | Date: <u>6/10/2024</u> |
| <input checked="" type="checkbox"/> Chief Operating Officer | <u></u> | Date: <u>06/10/2024</u> |
| <input checked="" type="checkbox"/> Executive Engineer | <u></u> | Date: <u>6/10/2024</u> |
| <input checked="" type="checkbox"/> Director of Administration | <u></u> | Date: <u>06/10/2024</u> |
| <input checked="" type="checkbox"/> Risk Manager | <u></u> | Date: <u>6/10/2024</u> |
| <input checked="" type="checkbox"/> Chief Financial Officer | <u></u> | Date: <u>06/10/2024</u> |
| <input checked="" type="checkbox"/> Legal | <u></u> | Date: <u>6/10/2024</u> |

APPROVED FOR BOARD RESOLUTION:

- | | | |
|--|---|------------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority | <u></u> | Date: <u>6/10/2024</u> |
|--|---|------------------------|

Remarks: Amendment No. 2
Pending receipt of updated certificate of insurance. MJM

Resolution Date: _____

Item No: _____

**AMENDMENT NO. 2 TO
THE FLUOROSILICIC ACID CONTRACT**

AMENDMENT, effective June 20, 2024, 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, on June 22, 2023, the parties entered into Amendment No. 1, extending the term of the Contract until July 31, 2024; 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, 2024 until July 31, 2025, 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, 2025; 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. 2 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 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 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 2024, 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