



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

January 8, 2024

To: Terrence D. McCracken, Secretary to the Authority

From: David Patton, Senior Production Engineer *DMP*

Subject: Furnish and Deliver Caustic Soda (50% Solution of Sodium Hydroxide) Membrane Grade to the Erie County Water Authority for Use in the Treatment of Water
ECWA Project No. 202300175

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.
- 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 sodium hydroxide (a.k.a. caustic soda), which is required by the Department of Health. Accordingly, sodium hydroxide is a product utilized at both of our water treatment plants for pH adjustment of our delivered water as part of our corrosion control program.

The Authority entered into a contract with Alexander Chemical, the sole bidder, to supply sodium hydroxide on October 19, 2023, at a unit price of \$1,436.00 per liquid ton. Following Authority receipt of the first invoice, Alexander Chemical notified the Authority that their intended unit price was \$1,436.00 per dry ton. As the chemical is a 50% solution of sodium hydroxide, Alexander Chemical's intended unit price is in effect half of the value awarded.

The attached amendment corrects the unit price by changing the unit price to a dry ton basis.

Budget Information:

O&M Line-Item No. 13, Chemicals

Unit 1010 Sturgeon Point: 1010 401000 640113

1015 Van de Water: 1015 401000 640213

DMP:jmf

Attachments

cc: L.Kowalski

M.Wymer

CHEM-158-2301-X-20

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

Contract: 23-27-10

Project No.: 202300175

Project Description: Furnish and Deliver Caustic Soda (50% Solution of Sodium Hydroxide)
Membrane Grade to the ECWA for Use in the Treatment of Water.

Item Description:



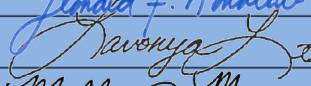




- Agreement Professional Service Contract Amendment Change Order
 BCD NYSDOT Agreement Contract Documents Addendum
 Recommendation for Award of Contract Recommendation to Reject Bids
 Request for Proposals
 Other _____

Action Requested:

- Board Authorization to Execute Legal Approval
 Board Authorization to Award Execution by the Chairman
 Board Authorization to Advertise for Bids Execution by the Secretary to the Authority
 Board Authorization to Solicit Request for Proposals
 Other _____

Approvals Needed:

APPROVED AS TO CONTENT:

- | | | | |
|-------------------------------------|----------------------------|--|------------------|
| <input checked="" type="checkbox"/> | Sr. Production Engineer |  | Date: 1/8/2024 |
| <input checked="" type="checkbox"/> | Chief Operating Officer |  | Date: 01/09/2024 |
| <input checked="" type="checkbox"/> | Executive Engineer |  | Date: 1/8/2024 |
| <input checked="" type="checkbox"/> | Director of Administration |  | Date: 01/08/2024 |
| <input checked="" type="checkbox"/> | Risk Manager |  | Date: 1/8/2024 |
| <input checked="" type="checkbox"/> | Chief Financial Officer |  | Date: 01/08/2024 |
| <input checked="" type="checkbox"/> | Legal |  | Date: 1/8/2024 |

APPROVED FOR BOARD RESOLUTION:

- Secretary to the Authority  Date: 1-9-2024

Remarks: Amendment No. 1 for Alexander Chemical Corporation.

Resolution Date: _____

Item No: _____

**AMENDMENT NO. 1 TO THE CONTRACT TO FURNISH AND DELIVER
CAUSTIC SODA (50% SOLUTION OF SODIUM HYDROXIDE) MEMBRANE GRADE**

AMENDMENT, effective January 18, 2024, to the Contract for Furnishing and Delivering Caustic Soda (50% Solution of Sodium Hydroxide) Membrane Grade, effective on October 19, 2023, by and between:

ERIE COUNTY WATER AUTHORITY
295 Main Street, Room 350
Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

ALEXANDER CHEMICAL CORPORATION
7593 S. First Road
LaPorte, Indiana 46350

hereinafter referred to as “Supplier.”

WHEREAS, on October 19, 2023, the Authority awarded the Supplier a contract to furnish and deliver caustic soda (50% Solution of Sodium Hydroxide) Membrane Grade (the “Contract”) for a nine month term, beginning November 1, 2023; and

WHEREAS, the Authority and the Supplier wish to clarify the terms of pricing to distinguish between liquid and dry tons; and

WHEREAS, in accordance with Article 5, Paragraph 5.02 of the Contract, any modification or variation from the terms of the Contract must be in writing, authorized by a resolution of the Board of Commissioners of the Authority (the “Board”) and signed by all parties;

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

- (1) The parties agree that Article 4, § 4.01 in the Contract is deleted in its entirety and replaced with the following:

4.01 The Supplier agrees to accept the unit price of **\$1,436** for furnishing, delivering, and unloading each dry ton (2,000 pounds) of Caustic Soda to the Sturgeon Point Water Treatment Plant.

- (2) The parties agree that Article 4, § 4.02 in the Contract is deleted in its entirety and replaced with the following:

4.03 The Supplier agrees to accept the unit price of **\$1,436** for furnishing, delivering, and unloading each dry ton (2,000 pounds) of Caustic Soda to the Jerome D. Vand de Water - Water Treatment Plant.

- (3) The terms and conditions of the Contract shall continue in effect until July 31, 2024; and
- (4) The parties agree all other terms and conditions of the Contract shall remain unchanged and in effect; and
- (5) 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

ALEXANDER CHEMICAL CORPORATION

By _____
Robert Davidson, Chief Executive Officer

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the ____ day of January, 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 INDIANA)
COUNTY OF LAPORTE) ss:

On the ____ day of _____, in the year 2024, before me personally came Robert Davidson to me known, who, being by me duly sworn, did depose and say that he resides in Crown Point, Indiana, that he is the Chief Executive Officer 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