



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

May 22, 2018

To: Jerome D. Schad, Chairman and Mark S. Carney, Vice Chairman

From: Terrence McCracken, Secretary to the Authority

Subject: Award of Control for Hydrofluorosilicic Acid to ControlChems

Attached please find a memo from John Mogavero, Chemist/Chief WPTO regarding hydrofluorosilicic acid, used to add fluoride to the water system. As you may recall, this matter went out to bid in February of 2018. Five companies responded to the bids with products meeting the minimum requirements as set forth by the AWWA. ControlChem, one of the five bidders, provided a superior product and consequently, submitted the highest bid.

Based on Mr. Mogavero's recommendation, the Board set aside these bids and directed, by resolution on April 5, 2018, a new bid solicitation be posted based on the superior, more expensive product. The February 2018 bidders have expressed their dissatisfaction with the Board's action. Attached is a letter received from one of these bidders. Another bidder has requested and has been provided with copies of the bids submitted during the February 2018 bid opening.

On May 8, 2018, seven companies submitted materials in response to the new bid solicitation. ControlChem was the only responsible, responsive bidder. The other bids were submitted either in protest or did not meet the bid specifications.

Russ Stoll advises that all forms of hydrofluorosilicic acid introduce certain impurities into the water system. These impurities cannot be removed because fluoridation occurs at the end of the treatment process. ControlChem's product is superior because it contains fewer or less potent impurities. However, the February 2018 bidders all submitted products meeting AWWA requirements and their products have been approved for use by the Erie County Department of Health.

The Board must decide whether to approve both the use and cost of this alternative product, weighing its costs against its benefits.



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

May 18, 2018

To: Terrence D. McCracken, Secretary to the Authority

From: John J. Mogavero, Chemist/Chief WTPO

Subject: Furnishing and Delivering of Hydrofluorosilicic Acid
to the ECWA for Use in the Treatment of Water
for Two Years from March 15, 2018 through March 14, 2020
ECWA Project No. 201800015
Re-bid of Contract

Control Chem Canada LTD fluorosilicic acid product was pilot tested during the past months at Sturgeon Point and Van de Water. Control Chem Canada LTD has a minimal concentration or non detectable of heavy metals (lead, arsenic, copper etc.). The plants' fluoride chemical feed systems were able to maintain a consistent fluoride concentration 0.65 to 0.70 mg/L as regulated by the NYSDOH for the potable water supply. Maintaining a consistent fluoride dosage allows for a steady caustic soda feed rate and maintain a potable water pH 8.0 for corrosion control. Control Chem Canada LTD in past years have entered into the northeast areas with a manufactured fluorosilicic acid product having minimized heavy metals contaminants such as lead, copper, and arsenic. This additional benefit shall assist the Authority in meeting drinking water regulations for lead and copper control.

The other suppliers Mosaic, Solvay, Thatcher, and Univar provide fluorosilicic acid which contains a byproduct from the production of soil fertilizers. In the past years, these suppliers were the only providers to supply the byproduct fluoride to the market.

The Authority solicited bids in January, 2018. My recommendation, based on water quality parameters, was to award the fluorosilicic acid contract (ECWA Project Number 201800015) to Control Chem Canada LTD.

In order to do this, the current bids (February, 2018 bid opening) were rejected, and we changed the parameters of our spec to require a higher grade purity product.

The bid opening for this new bid with the revised specs was advertised and opened on May 8, 2018. A review of the bid submittal documentation and tabulation shows that the hydrofluosilicic acid product offered only by Control Chem Canada Ltd. meets the Technical Specifications (Section 5 of the Project Manual). Other bidders: Thatcher, Mays, Shannon, Univar, and DuBois offer hydrofluorosilicic acid which is a byproduct from production of soil

fertilizers

On page PS3-14, Information Required from Bidders – Experience, Shannon Chemical Corporation noted “too many to list” and offered no further information. Also, they did not submit a certificate of analysis of their product, which is not manufactured as calcium fluoride but as a fertilizer by-product.

Univar USA, Inc./Mays Chemical Co., Inc. suppliers: Mays bid and certificate analysis shows Univar as the supplier to Mays Chemical. The determination is same, these suppliers do not meet the specifications as manufacture product of calcium fluoride.

It should be noted that Univar’s rejected bid cost was \$345 per ton and their bid submittal on May 8, 2018 shows a cost of \$510 per ton, increase of \$165 per ton. Their bid documentation lacks noting if the grade of hydrofluorosilicic acid differs to product bid on April 6, 2018.

Thatcher product is not a manufactured as calcium fluoride product. Thatcher’s hydrofluorosilicic product is a fertilizer by-product. Thatcher’s certificate of analysis states that their hydrofluosilicic acid is a Pencco product. Thatcher previous bid on April 6, 2018 and past contracts had Mosaic as a supplier of hydrofluorosilicic acid to Thatcher.

Based on water quality parameters and meeting the technical specifications I recommend to award the hydrofluorosilicic acid contract (ECWA Project Number 201800015) to Control Chem Canada Ltd in the amount of \$527,680.00. Control Chem provides a manufactured product of calcium fluoride, has the least percent of containments, and lowest concentrations of lead and arsenic.

One last note, three of the seven current bidders reside on the AWWA Fluoride Committee. This committee sets the standards of what byproducts are acceptable. The Authority is seeking a product that is of higher quality than the current standards of AWWA.

Bidder (Bids opened on 05/08/2018)	Unit Price	Total Cost	Bid Bond Check	C of A*	Manufacture d as Fertilizer By-Product	Manufacture Product as Calcium Fluoride	Approved to Specifications
Thatcher	\$329.00	\$319,130.00	No check	Yes	Yes	No	No
DuBois	\$407.77	\$395,536.90	No check	No	Yes	No	No
Mays (Supply by Univar)	\$495.00	\$480,150.00	yes	Yes	Yes	No	No
Univar	\$510.00	\$494,700.00	No check	Yes	Yes	No	No
Control Chem	\$544.00	\$527,680.00	Yes	Yes	No	Yes	Yes
Shannon ship cost to SP	\$787.87						
Shannon ship cost to VW	\$814.14	\$770,801.40	No Check	No	Yes	No	No
Solvay	No Bid Submitted						

*C of A – Certificate of Analysis

Bidder	% Fluoride	% Phosphorous	P ₂ O ₅ (Phosphate)	Arsenic	Lead	% Containment
Thatcher	24.1	1.72	3.62	1.2	0.11	No Results
DuBois	No Certificate of Analysis					
Mays (supply by Univar)	25.4	2.04	No Results	1.05	0.09	2
Univar	25.4	2.04	No Results	1.05	0.09	2
Control Chem	25.0	Not Detected		< 3	< 1	< 0.001%
Shannon	No Certificate of Analysis					
Solvay	No Bid Submitted					

Cost Comparison of Bid of April 6, 2018 (rejected) to Bid Opening May 8, 2018

Per Ton

Previous Bid 4/6/18	Unit Price	Increase Cost	Decrease Cost	Resubmitted Bid Opening May 6, 2018
Mosaic	\$278.00			No Bid
Solvay	\$317.00			No Bid
Thatcher	\$333.00		\$4.00	Yes
Univar	\$345.00	\$165.00		Yes
Control Chem	\$549.00		\$5.00	Yes

ERIE COUNTY WATER AUTHORITY
RECOMMENDATION FOR AWARD OF CONTRACT

Contract:	Project No.: 201800015
Project Description:	Furnishing & Delivering of Hydrofluorosilicic Acid to the ECWA for Use in the Treatment of Water for Two Years from 03/15/2018 through 03/14/2020

CONTRACT AWARD	
Contractor/Supplier:	Control Chem Canada Ltd.
Award Amount:	\$527,680.00

BID SUMMARY			
Date advertised for Bids	04/11/2018	Date of Bid Opening	05/08/2018
Bidder		Total Bid Amount	
Thatcher Company of New York, Inc.		\$319,130.00	
DuBois Chemicals, Inc.		\$395,536.90	
Mays Chemical Co., Inc.		\$480,150.00	
Univar USA, Inc.		\$494,700.00	
Control Chem Canada Ltd.		\$527,680.00	
Shannon Chemical Corporation		\$770,801.40	
Solvay Fluorides, LLC		"No bid under protest"	
Attachments:		<input type="checkbox"/> Bid Tabulation	<input checked="" type="checkbox"/> Consultant's Recommendation

BUDGET:			
<input type="checkbox"/> Capital	<input checked="" type="checkbox"/> O & M	Unit No.: 1010	Budget Item No.: 640113
<input type="checkbox"/> Capital	<input checked="" type="checkbox"/> O & M	Unit No.: 1015	Budget Item No.: 640213
<input type="checkbox"/> Capital	<input type="checkbox"/> O & M	Unit No.:	Budget Item No.:
<input type="checkbox"/> Capital	<input type="checkbox"/> O & M	Unit No.:	Budget Item No.:

WMBE APPROVAL (If Applicable):	
<input checked="" type="checkbox"/> Affirmative Action Officer	<i>Laverne Zester</i> Date: 5/22/18

Remarks:	<i>Full MWBE waiver. No vendors able currently to provide trucking. Thanks L. Zester</i>
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**ERIE COUNTY WATER AUTHORITY
MINORITY BUSINESS ENTERPRISE
UTILIZATION REPORT - PART A**

This information must be submitted by the successful bidder within one week of bid opening.

COMPANY ControlChem Canada Ltd.

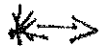
AUTHORIZED REPRESENTATIVE Douglas Fast

ADDRESS 4460 Harvester Road, Burlington, ON L7L 4X2

TELEPHONE NUMBER (905) 319 2234

PROJECT NAME Furnishing and Delivering of Hydrofluorosilicic Acid

PROJECT NUMBER 201800015

I.  List actions taken to identify, solicit, and contact Minority Business Enterprises (MBE) to bid on subcontracts on this project.
Tanker trucking, a small portion of this bid, is the only portion that can be sub-contracted. ControlChem is not aware of any MBE that provides dangerous goods tanker delivery of this type of product.
ControlChem contacted Wilcol Transport which is a truck brokerage company owned by a woman. Wilcol Transport informed us they did not handle tanker freight, or are not aware of any MBE that can sub-contract

II. List all bona fide Minority Business Enterprise, subcontractors, professional personnel, solicited, contracted, or presently negotiating a contract in accordance with the minority business utilization goal set forth by the Erie County Water Authority. (Attach additional sheets if necessary.)

MINORITY OWNED FIRM	SUPPLY/SERVICE	AMOUNT OF PROPOSAL	PRIOR CERTIFICATION	CONTRACT EXECUTED	REASON NOT AWARDED
NAME: <u>Wilcol Transport</u> ADDRESS: <u>35 Rock Lake Crt.</u> <u>RR #1 Bancroft ON</u> TELE NO. <u>KOL 4CO</u> IRS NO. <u>613-332-6021</u>	<u>Trucking</u>			YES _____ NO <u>X</u>	<u>Does not handle tanker freight.</u>
NAME: _____ ADDRESS: _____ TELE NO. _____ IRS NO. _____				YES _____ NO _____	
NAME: _____ ADDRESS: _____ TELE NO. _____ IRS NO. _____				YES _____ NO _____	
NAME: _____ ADDRESS: _____ TELE NO. _____ IRS NO. _____				YES _____ NO _____	

PART A CONTINUED

III. Assistance offered by CONTRACTOR to MBE's as to bonding, union requirements, obtaining work capital etc...

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

IV. Total Dollar Amount to be subcontracted to Minority Business Enterprise(s): \$ 0

V. Total Amount of Bid: \$ \$527,680.00

VI. MBE Percent (%) of project bid: 0%

VII. YOU MUST ATTACH COPIES OF RELEVANT CORRESPONDENCE AND DOCUMENTS INCLUDING RETURN RECEIPTS.

May 22, 2018

DATE



SIGNATURE OF AUTHORIZED REPRESENTATIVE

Note: Within one week of the bid opening, this original form, together with a letter of intent to enter into a subcontract or purchase agreement, contingent upon the contract award, indicating the agreed upon price and scope of work, signed by both the CONTRACTOR and the Minority Business Enterprise, must be submitted to:

Lavonya Lester, Director of Equal Employment Opportunity (ECWA)
Erie County Water Authority
3030 Union Road
Buffalo, New York 14227

WAIVER

COMPANY Contol Chem Canada Ltd.

ADDRESS 4460 Harvester Road, Burlington Ontario Canada L7L 4X2

TELEPHONE NUMBER 1 - 905 319 2234
(AREA CODE) (NUMBER)

1. CONTRACTOR has made a good faith effort to adopt subcontracting on this project to those trades, professions, supplies, etc. for which minority business enterprises bids could be solicited; and
2. The total percentage of the bids which could be Subcontracted in trades, professions, supplies, etc. for which minority business enterprises bids could be solicited is less than 10%.

A waiver, as provided for by the Erie County Water Authority is hereby requested on the grounds that there are no/insufficient (circle the appropriate term) minority business enterprise in the market area of this project which do subcontracting in the following fields (list all trades, professions, supplies, etc. which could be subcontracted on this project):

- | | |
|------------------------------|-----------|
| 1. <u>Trucking - Laidlaw</u> | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

(use additional sheets if necessary)

If a partial waiver is granted the CONTRACTOR will make a good faith effort to meet the reduced goal.

May 18 2018
DATE

Douglas Fast
SIGNATURE OF AUTHORIZED REPRESENTATIVE OF COMPANY

Granted in whole Yes, Approved in full

Granted in part _____

Comments _____

<u>Laromyn Lesten</u>	<u>Director of EEO</u>	<u>5/22/18</u>
EQUAL OPPORTUNITY OFFICIAL	TITLE	DATE

_____	_____	_____
LETTING DEPARTMENT REPRESENTATIVE	TITLE	DATE



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**American Water Works
Association**

ANSI/AWWA B703-11
(Revision of ANSI/AWWA B703-06)

The Authoritative Resource on Safe Water®

AWWA Standard

Fluorosilicic Acid



Effective date: Nov. 1, 2011.
First edition approved by AWWA Board of Directors July 30, 1954.
This edition approved June 12, 2011.
Approved by American National Standards Institute Aug. 17, 2011.

6666 West Quincy Avenue
Denver, CO 80235-3098
T 800.926.7337
www.awwa.org

*Advocacy
Communications
Conferences
Education and Training
Science and Technology
Sections*

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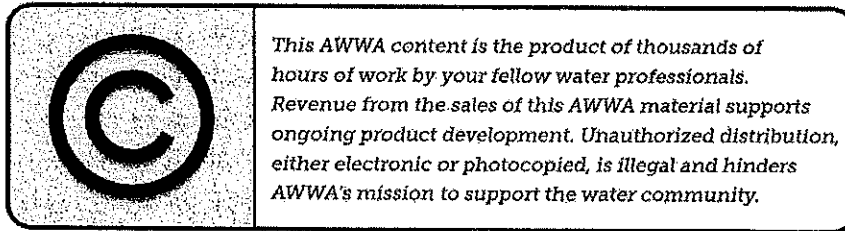
AWWA Standard

This document is an American Water Works Association (AWWA) standard. It is not a specification. AWWA standards describe minimum requirements and do not contain all of the engineering and administrative information normally contained in specifications. The AWWA standards usually contain options that must be evaluated by the user of the standard. Until each optional feature is specified by the user, the product or service is not fully defined. AWWA publication of a standard does not constitute endorsement of any product or product type, nor does AWWA test, certify, or approve any product. The use of AWWA standards is entirely voluntary. This standard does not supersede or take precedence over or displace any applicable law, regulation, or codes of any governmental authority. AWWA standards are intended to represent a consensus of the water supply industry that the product described will provide satisfactory service. When AWWA revises or withdraws this standard, an official notice of action will be placed on the first page of the Official Notice section of *Journal AWWA*. The action becomes effective on the first day of the month following the month of *Journal AWWA* publication of the official notice.

American National Standard

An American National Standard implies a consensus of those substantially concerned with its scope and provisions. An American National Standard is intended as a guide to aid the manufacturer, the consumer, and the general public. The existence of an American National Standard does not in any respect preclude anyone, whether that person has approved the standard or not, from manufacturing, marketing, purchasing, or using products, processes, or procedures not conforming to the standard. American National Standards are subject to periodic review, and users are cautioned to obtain the latest editions. Producers of goods made in conformity with an American National Standard are encouraged to state on their own responsibility in advertising and promotional materials or on tags or labels that the goods are produced in conformity with particular American National Standards.

CAUTION NOTICE: The American National Standards Institute (ANSI) approval date on the front cover of this standard indicates completion of the ANSI approval process. This American National Standard may be revised or withdrawn at any time. ANSI procedures require that action be taken to reaffirm, revise, or withdraw this standard no later than five years from the date of publication. Purchasers of American National Standards may receive current information on all standards by calling or writing the American National Standards Institute, 25 West 43rd Street, Fourth Floor, New York, NY 10036; (212) 642-4900, or e-mailing info@ansi.org.



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Committee Personnel

The AWWA Standards Committee on Fluorides, which reviewed and approved this standard, had the following personnel at the time of approval:

David W. Heumann, *Chair*

Gus Navar, *Secretary*

General Interest Members

F. Barker, Department of Public Health—Radiation Control Program, Dorchester, Mass. (NEWWA)	
K. Duchon, Centers for Disease Control and Prevention, Atlanta, Ga.	(USCDC)
H.C. Liang, Tetra Tech, Denver, Colo.	(AWWA)
M.L. Magnant, Department of Public Health, Des Moines, Iowa	(AWWA)
C. Marcos, Northeast Pump & Instrument, Lunenburg, Mass.	(AWWA)
S.J. Posavec,* Standards Group Liaison, AWWA, Denver, Colo.	(AWWA)
L.F. Vaughn,* Linda Vaughn Inc., Chapel Hill, N.C.	(AWWA)
M.L. Wentink, Nebraska Health and Human Services Drinking Water Program, North Platte, Neb.	(AWWA)

Producer Members

R.L. Horne, Pennco Inc., Sealy, Texas	(AWWA)
M.E. Looney, Solvay Fluorides, Houston, Texas	(AWWA)
P.B. Maasen, KC Industries, Chesterfield, Mo.	(AWWA)
M.T. Merlo, BHS Marketing, Nampa, Idaho	(AWWA)
G. Navar, LCI Ltd., Jacksonville Beach, Fla.	(AWWA)

User Members

J.E. Fields, Metropolitan Water District of Southern California, Whittier, Calif.	(AWWA)
M.B. Gilton, South San Joaquin Irrigation District, Ripon, Calif.	(AWWA)
D.W. Heumann, Los Angeles Department of Water & Power, San Gabriel, Calif.	(AWWA)
G. Pihera, Clayton County Water Authority, Jonesboro, Ga.	(AWWA)
S. Rezanian, City of Minneapolis, Minneapolis, Minn.	(AWWA)
C.E. Stringer, Dallas Water Utilities, Dallas, Texas	(AWWA)
C.R. Thomerson, City of Columbus, Columbus, Neb.	(AWWA)
J.S. Trotter, City of Bloomington Utilities, Bloomington, Ind.	(AWWA)

* Liaison, nonvoting



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
5/18/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Canada Limited 120 South Town Centre Blvd. Markham ON L6G 1C3	CONTACT NAME: Catherine Hsiung	
	PHONE (A/C No. Ext):	FAX (A/C No.):
E-MAIL ADDRESS: catherine_hsiung@ajg.com		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A : Chubb Insurance Company of Canada		
INSURER B : Certain Underwriters at Lloyds of London		
INSURER C :		
INSURER D :		
INSURER E :		
INSURER F :		

COVERAGES CERTIFICATE NUMBER: 1807089617 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> CROSS LIABILITY <input checked="" type="checkbox"/> CONTRACTUAL LIAB GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		Y	36027804 A.M. Best #085725 AIIN #AA1560196 A++ XV	8/17/2017	8/17/2018	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$2,000,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$10,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 NON-OWNED AUTO \$2,000,000
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			3379943 A.M. Best #085725 AIIN #AA1560196 A++ XV	8/17/2017	8/17/2018	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			B1182P017352017 A.M. Best #085725	8/17/2017	8/17/2018	EACH OCCURRENCE \$10,000,000 AGGREGATE \$10,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N <input type="checkbox"/> N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	CONTRACTORS POLLUTION LIABILITY			37333628 A.M. Best #085725 AIIN #AA1560196 A++ XV	8/17/2017	8/17/2020	LIMIT \$5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Waiver of Subrogation

Erie County Water Authority is added as an additional insureds to the Commercial General Liability Coverage Policy, but only with respect to liability arising out of operations carried out by or on behalf of the Named Insured, excluding any automobile liability.

APPROVED
06/04/2018 - TA

CERTIFICATE HOLDER	CANCELLATION 30 DAYS
Erie County Water Authority 295 Main Street, Suite 350 Buffalo NY 14203	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE

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Chubb Insurance Company of Canada

A.M. Best #: 085725

AIIN #: AA1560196

Mailing Address

P.O. Box 139 Commerce Court

Postal Station

Toronto, ON M5L 1E2

Canada

View Additional Address

Information

Web: www.chubb.com**Phone:** 416-863-0550**Fax:** 416-863-3144

Assigned to insurance companies that have, in our opinion, a superior ability to meet their ongoing insurance obligations.

View additional news, reports and products for this company.

Based on A.M. Best's analysis, 058303 - Chubb Limited is the **AMB Ultimate Parent** and identifies the topmost entity of the corporate structure. View a list of operating insurance entities in this structure.

Best's Credit Ratings

Financial Strength Rating View Definition

Rating:	A++ (Superior)
Affiliation Code:	g (Group)
Financial Size Category:	XV (\$2 Billion or greater)
Outlook:	Stable
Action:	Affirmed
Effective Date:	October 05, 2017
Initial Rating Date:	June 30, 1989

Long-Term Issuer Credit Rating View Definition

Long-Term:	aa+
Outlook:	Stable
Action:	Affirmed
Effective Date:	October 05, 2017
Initial Rating Date:	March 02, 2006



**Certificate of Attestation of Exemption
from New York State Workers' Compensation and/or
Disability and Paid Family Leave Benefits Insurance Coverage**

****This form cannot be used to waive the workers' compensation rights or obligations of any party.****

The applicant may use this Certificate of Attestation of Exemption **ONLY** to show a government entity that New York State specific workers' compensation and/or disability and paid family leave benefits insurance is not required. The applicant may **NOT** use this form to show another business or that business's insurance carrier that such insurance is not required. **Please provide this form to the government entity from which you are requesting a permit, license or contract. This Certificate will not be accepted by government officials one year after the date printed on the form.**

<p align="center">In the Application of (Legal Entity Name and Address):</p> <p>Control Chem Canada Ltd. 4460 Harvester Rd Burlington, ON L7L 4-X2 PHONE: 905-319-2234 FEIN: XXXXX7180</p>	<p align="center">Business Applying For: Contract with Government Agency</p> <p>From: Erie County Water Authority</p>
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Workers' Compensation Exemption Statement:

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE SPECIFIC WORKERS' COMPENSATION INSURANCE COVERAGE** for the following reason:
The out-of-state entity has no NYS employees and/or NYS subcontractors AND ALL work related to the permit, license or contract is done outside of NYS; OR ALL employees are direct employees of a government entity outside of New York.

Disability and Paid Family Leave Benefits Exemption Statement:

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE STATUTORY DISABILITY AND PAID FAMILY LEAVE BENEFITS INSURANCE COVERAGE** for the following reason:
The business **MUST** be either: 1) owned by one individual; OR 2) is a partnership (including LLC, LLP, PLLP, RLLP, or LP) under the laws of New York State and is not a corporation; OR 3) is a one or two person owned corporation, with those individuals owning all of the stock and holding all offices of the corporation (in a two person owned corporation each individual must be an officer and own at least one share of stock); OR 4) is a business with no NYS location. In addition, the business does not require disability and paid family leave benefits coverage at this time since it has not employed one or more individuals on at least 30 days in any calendar year in New York State. (Independent contractors are not considered to be employees under the Disability and Paid Family Leave Benefits Law.)

I, Lindsey Fast, am the Ms with the above-named legal entity. I affirm that due to my position with the above-named business I have the knowledge, information and authority to make this Certificate of Attestation of Exemption. I hereby affirm that the statements made herein are true, that I have not made any materially false statements and I make this Certificate of Attestation of Exemption under the penalties of perjury. I further affirm that I understand that any false statement, representation or concealment will subject me to felony criminal prosecution, including jail and civil liability in accordance with the Workers' Compensation Law and all other New York State laws. By submitting this Certificate of Attestation of Exemption to the government entity listed above I also hereby affirm that if circumstances change so that workers' compensation insurance and/or disability and paid family leave benefits coverage is required, the above-named legal entity will immediately acquire appropriate New York State specific workers' compensation insurance and/or disability and paid family leave benefits coverage and also immediately furnish proof of that coverage on forms approved by the Chair of the Workers' Compensation Board to the government entity listed above.

SIGN HERE	Signature:	Date: May 22 2018
Exemption Certificate Number 2018-036728		 Received May 22, 2018 NYS Workers' Compensation Board

Erie County Water Authority Insurance Requirements for Vendors

Project Number: 201800015

Description: Furnish and Deliver Fluorosilicic Acid to ECWA for the use in the treatment of water for two (2) years from 03/15/2017 Through 03/14/2020.

The following minimum insurance requirements shall apply to vendors supplying products or goods to the Erie County Water Authority (ECWA). If a product or good, in the opinion of ECWA, represents an unusual or exceptional risk, ECWA may establish additional insurance requirements for that product or service. All insurance required herein shall be obtained at the sole cost and expense of the vendor, including deductibles and self-insured retentions. These requirements include but are not limited to the minimum insurance requirements.

An X indicates insurance coverage is required.

X **Commercial General Liability Insurance** (including, but not limited to, Bodily (Personal) Injury, Premises Operations, Property Damage Liability (broad form), Contractual Liability, Advertising Injury, Independent Contractors, Product Liability, Completed Operations Liability and Explosion, Collapse and Underground Coverage in an amount not less than \$1,000,000 combined single limit and \$2,000,000 in the aggregate:

 Per Policy

 X **Per Project or Job**

 Per Location

There should be no exclusions for any claims filed, actual or alleged, for violation of any applicable statute including, but not limited to, the New York State or federal labor laws, ordinances, administrative orders, executive orders, rules, regulations, or decrees of any court of competent jurisdiction.

X **Comprehensive Business Automobile Insurance** in an amount of not less than \$1,000,000 each accident and shall cover liability arising out of any automobile owned, leased, hired, borrowed and non-owned automobiles. Additionally, if vehicles are used for transporting hazardous materials, the contractor shall obtain and maintain the "broadened" coverage (endorsement CA 99 48), as well as proof of MCS 90 04 00.

X Excess Umbrella Liability Insurance in an amount of not less than:

\$1,000,000 in the aggregate

\$2,000,000 in the aggregate

\$3,000,000 in the aggregate

\$4,000,000 in the aggregate

\$5,000,000 in the aggregate

Per Policy

Per Project or Job

Per Location

X Pollution Legal Liability Insurance in an amount of not less than:

\$1,000,000 in the aggregate

\$2,000,000 in the aggregate

\$3,000,000 in the aggregate

\$4,000,000 in the aggregate

\$5,000,000 in the aggregate

Per Policy

Per Project or Job

Per Location

And, if disposal of materials is involved, the disposal site operator must carry Pollution Legal Liability Insurance in an amount of not less than

\$1,000,000 in the aggregate

\$2,000,000 in the aggregate

\$3,000,000 in the aggregate

\$4,000,000 in the aggregate

\$5,000,000 in the aggregate

Per Policy

Per Project or Job

Per Location

X Workers' Compensation and Employers' Liability and New York State Disability Benefits Insurances, as required by New York State statute.

Certificates of Insurance and renewals, on forms approved by the New York State Department of Insurance, must be submitted to ECWA prior to the award of contract or purchase. Each insurance carrier issuing a Certificate of Insurance shall be rated by A. M. Best no lower than "A-" with a Financial Strength Code (FSC) of at least VII. The professional service provider shall name ECWA, as additional insured on a Primary and Non-Contributory Basis, including a Waiver of Subrogation endorsement CG 20 26 or equivalent, on its liability policies. Any liability coverage on a "claims made" basis should be designated as such on the Certificate of Insurance.

To avoid confusion with similar insurance company names and to properly identify the insurance company, please make sure that the insurer's National Association of Insurance Commissioners (N.A.I.C.) identifying number or A. M. Best identifying number appears on the Certificate of Insurance.

Acceptance of a Certificate of Insurance and/or approval by ECWA shall not be construed to relieve the vendor of any obligations, responsibilities or liabilities.

Certificates of Insurance should be e-mailed to AALESSI@ECWA.ORG or mailed to Mr. Anthony Alessi, ECWA Claims Representative/Risk Manager, Erie County Water Authority, 295 Main Street – Room 350, Buffalo, New York 14203-2494, or if you have any questions you can contact Mr. Alessi by e-mail or phone (716) 849-8477.

Please refer to the bid and the contract document(s) for additional information regarding insurance requirements.