



**PURCHASING ITEM  
FOR  
COUNCIL AGENDA  
Memo No. MUA15-075**

**1. Agenda Item Number:**

23

**2. Council Meeting Date:**  
June 11, 2015

**TO: MAYOR & COUNCIL**

**3. Date Prepared:** June 2, 2015

**THROUGH: CITY MANAGER**

**4. Requesting Department:**  
Municipal Utilities/Community & Neighborhood Services

**5. SUBJECT:** Amendments to Contract No. MU4-885-3350 for the Purchase of Water Treatment, Wastewater Treatment, and Swimming Pool Chemicals

**6. RECOMMENDATION:** Staff recommends City Council approve Amendments to Contract No. MU4-885-3350, with Hill Brothers Chemical, Brenntag Pacific, Inc., Univar USA, Inc., Charlie Pepper, Inc., Polydyne, Inc., Kemira Water Solutions, Inc., Waternuts Aquatic Ent, Inc., dba Commercial Pool Repair, Chemtrade Chemicals US, LLC, and BASF Corporation, for the purchase of water treatment, wastewater treatment, and swimming pool chemicals, for a one-year term, in a total amount not to exceed \$8,080,000.

**7. HISTORICAL BACKGROUND/DISCUSSION:** This Contract will be used to purchase water treatment, wastewater treatment, and swimming pool chemicals by the City. The Municipal Utilities Department will use this Contract for water, wastewater, reverse osmosis, and well systems treatment. The Community & Neighborhood Services Department will use this Contract for swimming pool chemicals.

Contract No. MU5-885-3526, with Chemrite, Inc., Evoqua Water Technologies, LLC, Polydyne, Inc., Hill Brothers Chemical Co., and Thatcher Chemical Company of Arizona to supplement this Agreement, is also scheduled for this Council meeting.

**8. EVALUATION PROCESS:** On June 26, 2014, City Council awarded Contract No. MU4-885-3350 for the purchase of water treatment, wastewater treatment, and swimming pool chemicals to Hill Brothers Chemical, Brenntag Pacific, Inc., Univar USA, Inc., Charlie Pepper, Inc., Polydyne, Inc., Kemira Water Solutions, Inc., Waternuts Aquatic Ent, Inc. dba Commercial Pool Repair, Chemtrade Chemicals US, LLC, and BASF Corporation, for the term of July 1, 2014, through June 30, 2015, with the option to extend for up to four (4) one-year terms. With the exception of two line items, Magnaflock Polymer purchased through BASF and Sodium Chlorite purchased through Charlie Pepper, all of the contractors have agreed to extend at the same pricing. The increases for these two items are based on lower than projected volume being used and raw material price increases. The overall effect of the price increase is 1.093%. The term of these amendments is from July 1, 2015, through June 30, 2016. This is the first extension of the original agreement.

**9. FINANCIAL IMPLICATIONS:**

Costs: \$8,080,000  
Savings: N/A  
Long Term Costs: N/A

**Fund Source:**

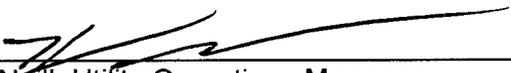
<u>Acct. No.:</u>	<u>Fund Name:</u>	<u>Program Name:</u>	<u>CIP Funded:</u>	<u>Amount:</u>
101.4520.0000.5318	General, Aquatics	Chemicals	No	\$ 280,000
605.3830.0000.5318	Water Operating, Water Treatment	Chemicals	No	\$2,100,000
605.3860.0000.5318	Water Operating, Water Production	Chemicals	No	\$ 300,000
615.3940.0000.5318	WW Operating, WW Treatment	Chemicals	No	\$ 600,000
615.3960.0000.5318	WW Operating, Airport WRF	Chemicals	No	\$1,000,000
615.3970.0000.5318	WW Operating, Ocotillo WRF	Chemicals	No	\$ 800,000
616.3930.0000.5318	WW Ind. Treatment, Reverse Osmosis	Chemicals	No	\$3,000,000
<b>Total:</b>				<b>\$8,080,000</b>

**10. PROPOSED MOTION:** Move City Council approve Amendments to Contract No. MU4-885-3350, with Hill Brothers Chemical, Brenntag Pacific, Inc., Univar USA, Inc., Charlie Pepper, Inc., Polydyne, Inc., Kemira Water Solutions, Inc., Waternuts Aquatic Ent, Inc., dba Commercial Pool Repair, Chemtrade Chemicals US, LLC, and BASF Corporation, for the purchase of water treatment, wastewater treatment, and swimming pool chemicals, for a one-year term, in a total amount not to exceed \$8,080,000

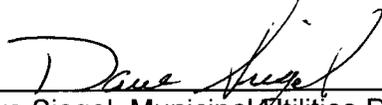
**ATTACHMENT: Amendments**

**APPROVALS**

**11. Requesting Department**

  
\_\_\_\_\_  
Kim Neill, Utility Operations Manager

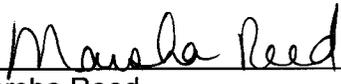
**13. Department Head**

  
\_\_\_\_\_  
Dave Siegel, Municipal Utilities Director

**12. Procurement Officer**

  
\_\_\_\_\_  
Mike Mandt, CPPB

**14. Acting City Manager**

  
\_\_\_\_\_  
Marsha Reed

AMENDMENT NUMBER ONE  
TO CONTRACT BETWEEN THE CITY OF CHANDLER  
AND  
HILL BROTHERS CHEMICAL  
FOR WATER TREATMENT AND POOL CHEMICALS  
CONTRACT NO. MU4-885-3350

This Amendment No. One to that certain Contract between the City of Chandler (City) and Hill Brothers Chemical (Contractor) for Water Treatment and Pool Chemicals dated, September 26, 2014 is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

WHEREAS, the parties entered into contract for one year with provisions to extend up to four additional periods of one year,

WHEREAS, the parties have agreed to extend the contract for the first year;

NOW THEREFORE, the parties agree as follows:

1. This Contract is extended for a one-year period, July 1, 2015 through, June 30 2016.
2. All other terms and conditions of the above referenced Contract shall remain unchanged and in full force and effect. All terms and conditions in the original Contract not specifically amended herein shall be incorporated by reference in its entirety and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF CHANDLER:

By: \_\_\_\_\_  
Mayor

CONTRACTOR:

By: \_\_\_\_\_  
Title: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *CH*

ATTEST: (If corporation)

\_\_\_\_\_  
Secretary

ATTEST:

\_\_\_\_\_  
City Clerk

WITNESS: (If individual or Partnership)  
\_\_\_\_\_

[SEAL]

AMENDMENT NUMBER ONE  
TO CONTRACT BETWEEN THE CITY OF CHANDLER  
AND  
BRENTAG PACIFIC, INC.  
FOR WATER TREATMENT AND POOL CHEMICALS  
CONTRACT NO. MU4-885-3350

This Amendment No. One to that certain Contract between the City of Chandler (City) and Brentag Pacific, Inc. (Contractor) for Water Treatment and Pool Chemicals dated, September 26, 2014 is entered into this \_\_\_\_ day of \_\_\_\_\_, 2015.

WHEREAS, the parties entered into contract for one year with provisions to extend up to four additional periods of one year,

WHEREAS, the parties have agreed to extend the contract for the first year;

NOW THEREFORE, the parties agree as follows:

1. This Contract is extended for a one-year period, July 1, 2015 through, June 30 2016.
2. All other terms and conditions of the above referenced Contract shall remain unchanged and in full force and effect. All terms and conditions in the original Contract not specifically amended herein shall be incorporated by reference in its entirety and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF CHANDLER:

By: \_\_\_\_\_  
Mayor

CONTRACTOR:

By: Kyle A. H.  
Title: Vice President

APPROVED AS TO FORM:

City Attorney pk

ATTEST:  
\_\_\_\_\_  
City Clerk

ATTEST: (If corporation)

Colleen Harts  
Secretary / VP Business Development



WITNESS: (If individual or Partnership)  
\_\_\_\_\_

[SEAL]

AMENDMENT NUMBER TWO  
TO CONTRACT BETWEEN THE CITY OF CHANDLER  
AND  
UNIVAR USA, INC.  
FOR WATER TREATMENT AND POOL CHEMICALS  
CONTRACT NO. MU4-885-3350

This Amendment No. Two to that certain Contract between the City of Chandler (City) and Univar USA, Inc. (Contractor) for Water Treatment and Pool Chemicals dated, September 26, 2014 and amended February 19, 2015 is entered into this \_\_\_\_ day of \_\_\_\_\_, 2015.

WHEREAS, the parties entered into contract for one year with provisions to extend up to four additional periods of one year,

WHEREAS, the parties have agreed to extend the contract for the first year;

NOW THEREFORE, the parties agree as follows:

1. This Contract is extended for a one-year period, July 1, 2015 through, June 30 2016.
2. All other terms and conditions of the above referenced Contract shall remain unchanged and in full force and effect. All terms and conditions in the Contract not specifically amended herein shall be incorporated by reference in its entirety and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF CHANDLER:

By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney (or)

ATTEST:  
\_\_\_\_\_  
City Clerk

CONTRACTOR:

By: Shelly Altay  
Title: Municipal Business Manager

ATTEST: (If corporation)  
[Signature]  
Secretary

WITNESS: (If individual or Partnership)  
\_\_\_\_\_

[SEAL]

AMENDMENT NUMBER ONE  
TO CONTRACT BETWEEN THE CITY OF CHANDLER  
AND  
CHARLIE PEPPER, INC.  
FOR WATER TREATMENT AND POOL CHEMICALS  
CONTRACT NO. MU4-885-3350

This Amendment No. One to that certain Contract between the City of Chandler (City) and Charlie Pepper, Inc. (Contractor) for Water Treatment and Pool Chemicals dated, September 26, 2014 is entered into this \_\_\_\_ day of \_\_\_\_\_, 2015.

WHEREAS, the parties entered into contract for one year with provisions to extend up to four additional periods of one year,

WHEREAS, the parties have agreed to extend the contract for the first year;

NOW THEREFORE, the parties agree as follows:

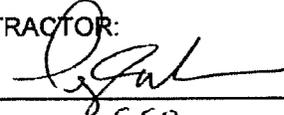
1. This Contract is extended for a one-year period, July 1, 2015 through, June 30 2016.
2. Exhibit B is replaced with the attached Revised Exhibit B.
3. All other terms and conditions of the above referenced Contract shall remain unchanged and in full force and effect. All terms and conditions in the original Contract not specifically amended herein shall be incorporated by reference in its entirety and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names this \_\_\_\_ day of \_\_\_\_\_, 2015.

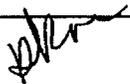
CITY OF CHANDLER:

By: \_\_\_\_\_  
Mayor

CONTRACTOR:

By:   
Title: CEO

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney 

ATTEST:

\_\_\_\_\_  
City Clerk

ATTEST: (If corporation)

\_\_\_\_\_  
Secretary

WITNESS: (If individual or Partnership)

\_\_\_\_\_

[SEAL]

**REVISED EXHIBIT B  
PRICING**

<b>ITEM</b>	<b>CHEMICAL</b>	<b>UOM</b>	<b>UNIT PRICE</b>
<b>13</b>	<b>Sodium Chloride (Coarse salt)</b>	<b>Ton</b>	<b>\$125.00</b>
	Manufacturer: Morton Salt		
	Product #: Coarse Salt NSF		
	Packaging as delivered: Bulk		

AMENDMENT NUMBER TWO  
TO CONTRACT BETWEEN THE CITY OF CHANDLER  
AND  
POLYDYNE, INC.  
FOR WATER TREATMENT AND POOL CHEMICALS  
CONTRACT NO. MU4-885-3350

This Amendment No. Two to that certain Contract between the City of Chandler (City) and Polydyne Inc. (Contractor) for Water Treatment and Pool Chemicals dated, September 26, 2014 and amended February 19, 2015 is entered into this \_\_\_\_ day of \_\_\_\_\_, 2015.

WHEREAS, the parties entered into contract for one year with provisions to extend up to four additional periods of one year,

WHEREAS, the parties have agreed to extend the contract for the first year;

NOW THEREFORE, the parties agree as follows:

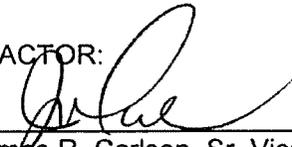
1. This Contract is extended for a one-year period, July 1, 2015 through, June 30 2016.
2. All other terms and conditions of the above referenced Contract shall remain unchanged and in full force and effect. All terms and conditions in the Contract not specifically amended herein shall be incorporated by reference in its entirety and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF CHANDLER:

By: \_\_\_\_\_  
Mayor

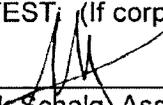
CONTRACTOR:

By:   
Title: James R. Carlson, Sr. Vice-President

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney (kb)

ATTEST: (If corporation)

  
\_\_\_\_\_  
Mark Schalg, Assistant-Secretary

ATTEST:

\_\_\_\_\_  
City Clerk

WITNESS: (If individual or Partnership)  
\_\_\_\_\_

[SEAL]

AMENDMENT NUMBER ONE  
TO CONTRACT BETWEEN THE CITY OF CHANDLER  
AND  
KEMIRA WATER SOLUTIONS, INC.  
FOR WATER TREATMENT AND POOL CHEMICALS  
CONTRACT NO. MU4-885-3350

This Amendment No. One to that certain Contract between the City of Chandler (City) and Kemira Water Solutions, Inc. (Contractor) for Water Treatment and Pool Chemicals dated, September 26, 2014 is entered into this \_\_\_\_ day of \_\_\_\_\_, 2015.

WHEREAS, the parties entered into contract for one year with provisions to extend up to four additional periods of one year,

WHEREAS, the parties have agreed to extend the contract for the first year;

NOW THEREFORE, the parties agree as follows:

1. This Contract is extended for a one-year period, July 1, 2015 through, June 30 2016.
2. All other terms and conditions of the above referenced Contract shall remain unchanged and in full force and effect. All terms and conditions in the original Contract not specifically amended herein shall be incorporated by reference in its entirety and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF CHANDLER:

By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *CA*

ATTEST:

\_\_\_\_\_  
City Clerk

CONTRACTOR:

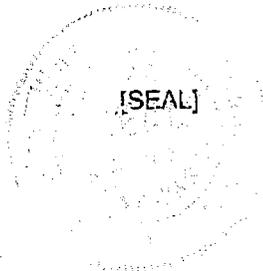
By: *Clerde De*  
Title: *Customer Service Manager*

ATTEST: (If corporation)

*[Signature]*  
Secretary *Manager, CS + Bid mgmt*

WITNESS: (If individual or Partnership)

\_\_\_\_\_



**KEMIRA WATER SOLUTIONS, INC.**

**UNANIMOUS WRITTEN CONSENT  
OF THE BOARD OF DIRECTORS**

February 5, 2014

Pursuant to Section 141(f) of the General Corporation Law of the State of Delaware, the undersigned, being all of the members of the Board of Directors (the "**Board**") of **Kemira Water Solutions, Inc.**, a Delaware corporation (the "**Corporation**"), waiving all required notice and right to receive material otherwise required to be furnished in connection herewith, do hereby unanimously consent to and adopt the following resolutions as the actions of the Board in lieu of a special meeting and hereby direct that this written consent to such actions be filed with the minutes of the proceedings of the Board:

**WHEREAS**, the Corporation desires to set forth signature authority on behalf of the Corporation related to customs and transportation matters.

**NOW THEREFORE, BE IT RESOLVED**, that, Christina Addington, Manuel Moreau and Tammy Yergey, (each an "**Authorized Person**"), are hereby authorized, empowered and directed, by and on behalf of the Corporation to execute and deliver in the name and on behalf of the Corporation product bids and product contracts as directed by the business or as the business shall require from time to time; and

**FURTHER RESOLVED**, that an Authorized Person be and hereby is authorized and directed to prepare, execute, deliver and file any and all agreements, amendments, certificates, and instruments related to the Bids and to take all such actions and to do all such things, as he, in his sole discretion, deems to be necessary or desirable to effect the transactions contemplated by and to carry into effect the intent and purpose of the foregoing resolutions.

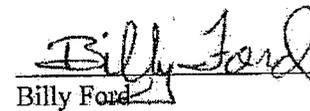
*[Remainder of page intentionally left blank.]*  
*[Signature page follows.]*

IN WITNESS WHEREOF, the foregoing resolutions shall be effective as of date first written above. .

**BOARD OF DIRECTORS:**



Carolina Den Brok-Perez



Billy Ford

Manuel Moreau



Suzanne G. Smith

IN WITNESS WHEREOF, the foregoing resolutions shall be effective as of date first written above. .

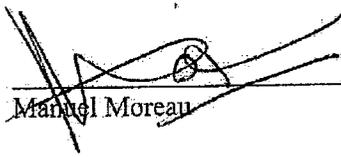
**BOARD OF DIRECTORS:**

---

Carolina Den Brok-Pérez

---

Billy Ford



---

Mandel Moreau

---

Suzanne G. Smith

AMENDMENT NUMBER ONE  
TO CONTRACT BETWEEN THE CITY OF CHANDLER  
AND  
WATERNUTS AQUATIC ENT, INC. DBA COMMERCIAL POOL REPAIR  
FOR WATER TREATMENT AND POOL CHEMICALS  
CONTRACT NO. MU4-885-3350

This Amendment No. One to that certain Contract between the City of Chandler (City) and Waternuts Aquatic Ent, Inc. dba Commercial Pool Repair (Contractor) for Water Treatment and Pool Chemicals dated, September 26, 2014 is entered into this \_\_\_\_ day of \_\_\_\_\_, 2015.

WHEREAS, the parties entered into contract for one year with provisions to extend up to four additional periods of one year,

WHEREAS, the parties have agreed to extend the contract for the first year;

NOW THEREFORE, the parties agree as follows:

1. This Contract is extended for a one-year period, July 1, 2015 through, June 30 2016.
2. All other terms and conditions of the above referenced Contract shall remain unchanged and in full force and effect. All terms and conditions in the original Contract not specifically amended herein shall be incorporated by reference in its entirety and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF CHANDLER:

By: \_\_\_\_\_  
Mayor

CONTRACTOR:

By:  Stockley  
Title: VP Finance

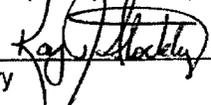
APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *OH*

ATTEST:  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

ATTEST: (If corporation)

  
Secretary

WITNESS: (If individual or Partnership)  
\_\_\_\_\_

[SEAL]

AMENDMENT NUMBER ONE  
TO CONTRACT BETWEEN THE CITY OF CHANDLER  
AND  
CHEMTRADE CHEMICALS US, LLC  
FOR WATER TREATMENT AND POOL CHEMICALS  
CONTRACT NO. MU4-885-3350

This Amendment No. One to that certain Contract between the City of Chandler (City) and Chemtrade Chemicals US, LLC (Contractor) for Water Treatment and Pool Chemicals dated, September 26, 2014 is entered into this \_\_\_\_ day of \_\_\_\_\_, 2015.

WHEREAS, the parties entered into contract for one year with provisions to extend up to four additional periods of one year,

WHEREAS, the parties have agreed to extend the contract for the first year;

NOW THEREFORE, the parties agree as follows:

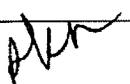
1. This Contract is extended for a one-year period, July 1, 2015 through, June 30 2016.
2. All other terms and conditions of the above referenced Contract shall remain unchanged and in full force and effect. All terms and conditions in the original Contract not specifically amended herein shall be incorporated by reference in its entirety and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF CHANDLER:

By: \_\_\_\_\_  
Mayor

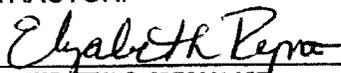
APPROVED AS TO FORM:

City Attorney 

ATTEST:

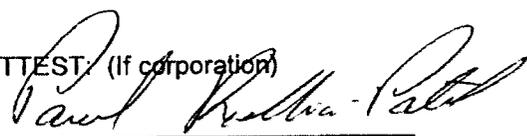
\_\_\_\_\_  
City Clerk

CONTRACTOR:

By:   
Title: MARKETING SPECIALIST

ELIZABETH RYNO

ATTEST: (If corporation)

  
~~Secretary~~ PARUL KACHHIA-PATEL  
MARKETING SPECIALIST

WITNESS: (If individual or Partnership)

\_\_\_\_\_

SEAL

AMENDMENT NUMBER ONE  
TO CONTRACT BETWEEN THE CITY OF CHANDLER  
AND  
BASF CORPORATION  
FOR WATER TREATMENT AND POOL CHEMICALS  
CONTRACT NO. MU4-885-3350

This Amendment No. One to that certain Contract Between the City of Chandler (City) and BASF Corporation (Contractor) for Water Treatment and Pool Chemicals dated, September 26, 2014 is entered into this 22 day of April, 2015.

WHEREAS, the parties entered into contract for one year with provisions to extend up to four additional periods of one year,

WHEREAS, the parties have agreed to extend the contract for the first year,

NOW THEREFORE, the parties agree as follows:

1. This Contract is extended for a one-year period, July 1, 2015 through, June 30 2016.
2. Item 7 of Exhibit B is deleted as shown on the REVISED EXHIBIT B which replaces EXHIBIT B of the Contract.
3. All other terms and conditions of the above referenced Contract shall remain unchanged and in full force and effect. All terms and conditions in the original Contract not specifically amended herein shall be incorporated by reference in its entirety and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF CHANDLER:

By: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

City Attorney SKM

ATTEST:  
\_\_\_\_\_  
City Clerk

CONTRACTOR:

By: Joanne Kuchinski  
Title: Market Development Mgr

ATTEST: (If corporation)

\_\_\_\_\_  
Secretary

WITNESS: (If individual or Partnership)  
\_\_\_\_\_

[SEAL]

**REVISED EXHIBIT B  
PRICING**

<b>ITEM</b>	<b>CHEMICAL</b>	<b>UOM</b>	<b>ESTIMATED QTY.</b>	<b>UNIT PRICE</b>
<b>6</b>	<b>Clarifloc C-358 Polymer</b>	<b>Gal</b>	<b>300,000</b>	<b>\$3.47</b>
	Manufacturer: BASF			
	Product #: Magnafloc LT7996			
	Packaging as delivered: Bulk			