

**AN ORDINANCE TO AUTHORIZE AND APPROVE A ONE-YEAR EXTENSION OF CONTRACT 20014PW BETWEEN THE CITY OF WILMINGTON AND KEMIRA WATER SOLUTIONS, INC. FOR THE PROVISION OF FERRIC CHLORIDE**

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#4803

Sponsor:

Council  
Member  
Oliver

Co-Sponsor:

Council  
President  
Shabazz

WHEREAS, pursuant to Section 2-308 and Section 8-200 of the City Charter, the City of Wilmington is authorized to enter into contracts for the supply of personal property or the rendering of services for a period of more than one year if approved by City Council by ordinance; and

WHEREAS, the City publicly advertised the specifications for Contract 20014PW – Ferric Chloride (the “Contract”) – in accordance with the requirements of Section 8-200 of the City Charter, and subsequently awarded the Contract to Kemira Water Solutions, Inc. (the “Contractor”), the lowest responsible bidder, a copy of which is available for review in the Department of Public Works; and

WHEREAS, the Contract’s term is from July 1, 2019 to June 30, 2020, at an estimated price of four hundred thirty-two thousand six hundred dollars (\$432,600.00); and

WHEREAS, the product provided by the Contractor is necessary to the City’s provision of drinking water to the public; and

WHEREAS, in early 2020, the Centers for Disease Control designated the Coronavirus Disease (“COVID-19”) as a serious public health threat, and, therefore, social distancing is required to help mitigate exposure to (and community spread of) the COVID-19 virus; and

WHEREAS, the Governor of the State of Delaware, John C. Carney, declared a State of Emergency for the State of Delaware on Friday, March 13, 2020 that has

subsequently been modified and extended until June 7, 2020 due to the ongoing serious public health threat that COVID-19 poses to Delawareans throughout the State; and

**WHEREAS**, the Mayor of the City of Wilmington declared a State of Emergency for the City of Wilmington on Friday, March 13, 2020 in connection with COVID-19 and its anticipated effects that has been extended to July 13, 2020; and

**WHEREAS**, given the restrictions in place to stop the spread of COVID-19, and the public interaction associated with the competitive bidding process, it is not practical to competitively bid the Contract for Fiscal Year 2021; and

**WHEREAS**, in order to provide for the continuity of an essential service and to minimize disruption, the City would like to enter into an amendment to the Contract (the “Amendment”), which would provide a one year extension of the Contract on the same terms and at the same price; and

**WHEREAS**, the cost to the City of the Amendment would be four hundred thirty-two thousand six hundred dollars (\$432,600.00) for Fiscal Year 2021; and

**WHEREAS**, it is the recommendation of the Department of Public Works and the Department of Finance, Division of Procurement and Records, that the City enter into the Amendment.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:**

**SECTION 1.** The Amendment to the Contract between the City and Kemira Water Solutions, Inc., a copy of which is attached hereto as Exhibit “A”, for a one-year extension of the Contract at the same cost of four hundred thirty-two thousand six hundred dollars (\$432,600.00) and on the same terms is approved, and the City is

hereby authorized and directed to execute as many copies of said Amendment, as well as all additional undertakings related thereto, as may be necessary.

**SECTION 2. Effective Date.** This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading..... May 28, 2020  
Second Reading..... May 28, 2020  
Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance authorizes the City to enter into an amendment to Contract 20014PW – Ferric Chloride (the “Contract”) -- between the City and Kemira Water Solutions, Inc. which provides for a one-year extension of the Contract from July 1, 2020 to June 30, 2021 on the same terms and at the same cost.

**FISCAL IMPACT:** The cost to the City of the Amendment in Fiscal Year 2021 will be four hundred thirty-two thousand six hundred dollars (\$432,600.00).

W110427

# **EXHIBIT A**

**AMENDMENT TO CONTRACT 20014PW  
(FERRIC CHLORIDE)  
BETWEEN THE CITY OF WILMINGTON AND KEMIRA WATER SOLUTIONS INC.**

This amendment (this "Amendment") is entered into this \_\_\_\_ day of \_\_\_\_\_ 2020, by and between the City of Wilmington, a municipal corporation of the State of Delaware, (the "City") and Kemira Water Solutions Inc. (the "Contractor").

WHEREAS, the City and the Contractor wish to amend City Contract 20014PW (Ferric Chloride) (the "Contract") between the parties dated May 9, 2019, to extend the expiration date of the Contract for one year to allow the Contractor to continue to provide ferric chloride to the City in accordance with the terms of this Amendment and the Contract.

NOW, THEREFORE, WITNESSETH the City and the Contractor hereby agree as follows:

1. The Contractor shall continue to provide ferric chloride to the City in accordance with the Contract's specifications and other requirements.
2. The amount of this Amendment shall not exceed four hundred thirty-two thousand six hundred dollars (\$432,600.00).
3. The term of this Amendment shall not exceed twelve (12) months and shall become effective on July 1, 2020 and expire on June 30, 2021.
4. All other terms and conditions of the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties, through their duly authorized representatives, have executed this Amendment to the Contract on the date first written above.

THE CITY OF WILMINGTON

WITNESS: \_\_\_\_\_

\_\_\_\_\_

By:  
Title:

WITNESS: *Ilysa Walker*

KEMIRA WATER SOLUTIONS LLC.

*Christina Lombardo*  
By: *Christina Lombardo*  
Title: *Commercial Support Manager*